



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 1

HUNTING A WILD MAMMAL USING A DOG

Exceptions to the offences

6 Exception: falconry, game shooting and deer stalking

- (1) This section applies if—
- (a) a person is using a dog above ground to—
 - (i) search for, stalk or flush from cover a wild mammal, with the intention of providing quarry for falconry, game shooting or deer stalking,
 - (ii) search for and retrieve a wild mammal which has been killed as a result of the activity mentioned in [sub-paragraph \(i\)](#), and
 - (b) the conditions set out in [subsection \(2\)](#) are met.
- (2) The conditions referred to in [subsection \(1\)\(b\)](#) are that—
- (a) the activity mentioned in [subsection \(1\)\(a\)](#) does not involve the use of more than two dogs,
 - (b) any dog used in the activity is under control,
 - (c) reasonable steps are taken to ensure that any dog used in the activity does not join with others to form a pack of more than two dogs,
 - (d) permission for the activity has been given by the owner of the land on which the activity takes place,
 - (e) the wild mammal which is being searched for, stalked or flushed is shot dead, or killed by a bird of prey, as soon as reasonably possible,
 - (f) if an attempt to kill the wild mammal, as mentioned in [paragraph \(e\)](#), results in it being injured but not killed, reasonable steps are taken to kill it in a way (other than by using a dog) that causes it the minimum possible suffering.
- (3) In this section—
- “deer stalking” means the stealthy approach of a deer in order to shoot it for sport,
 - “falconry” means the use of a bird of prey to hunt for sport,
 - “game shooting” means shooting wild mammals for sport,

Changes to legislation: There are currently no known outstanding effects for the
Hunting with Dogs (Scotland) Act 2023, Section 6. (See end of Document for details)

“quarry” means the wild mammal intended to be killed by a bird of prey or shot.

Commencement Information

- I1** S. 6 not in force at Royal Assent, see **s. 31(2)**
- I2** S. 6 in force at 3.10.2023 by S.S.I. 2023/262, **reg. 2**

Changes to legislation:

There are currently no known outstanding effects for the *Hunting with Dogs (Scotland) Act 2023*, Section 6.