



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 1

HUNTING A WILD MAMMAL USING A DOG

Exceptions to the offences

7 Exception: relieving the suffering of injured wild mammals

- (1) This section applies if—
- (a) a person is using a dog above ground to search for, stalk or flush from cover a wild mammal which the person has reasonable grounds for believing is injured, with the intention of treating, capturing or killing it for the purpose of relieving its suffering,
 - (b) the wild mammal was not deliberately injured for the purpose of allowing the activity mentioned in paragraph (a) to take place, and
 - (c) the conditions set out in subsection (2) are met.
- (2) The conditions referred to in subsection (1)(c) 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) either—
 - (i) permission for the activity has been given by the owner of the land on which the activity takes place,
 - (ii) the person carrying out the activity is a constable exercising a power of entry,
 - (iii) the person carrying out the activity is exercising a power of entry under section 14M or 14N of the Wildlife and Countryside Act 1981, or
 - (iv) the person carrying out the activity is exercising a power of entry under section 15 of the Deer (Scotland) Act 1996,

Status: Point in time view as at 03/10/2023.

Changes to legislation: There are currently no known outstanding effects for the Hunting with Dogs (Scotland) Act 2023, Section 7. (See end of Document for details)

- (e) the wild mammal which is being searched for, stalked or flushed is, as soon as reasonably possible, either—
 - (i) given treatment to reduce or alleviate its pain or discomfort before being allowed to escape without being pursued or killed,
 - (ii) captured for the purpose of being given treatment to reduce or alleviate its pain or discomfort (whether at that place or at another place),
 - (iii) shot dead, or
 - (iv) observed and allowed to escape without being pursued or killed,
- (f) if an attempt to kill the wild mammal, as mentioned in paragraph (e)(iii), 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.

Commencement Information

I1 S. 7 not in force at Royal Assent, see [s. 31\(2\)](#)

I2 S. 7 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

Status:

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