



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 1

HUNTING A WILD MAMMAL USING A DOG

Offences

1 Offence of hunting a wild mammal using a dog

- (1) A person commits an offence if—
 - (a) the person hunts a wild mammal using a dog, and
 - (b) none of the exceptions in sections 3, 5, 6, 7, 8 or 9 apply.
- (2) A person who commits an offence under [subsection \(1\)](#) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (3) In this Act—

“hunting” includes, in particular, searching for and coursing (and related expressions are to be construed accordingly),

“wild mammal” means any mammal (other than a human)—

 - (a) which—
 - (i) is living in a wild state,
 - (ii) is of a species recognised as living in a wild state in the British Islands (as defined in schedule 1 of the Interpretation Act 1978),
or
 - (iii) has been deliberately released from temporary or permanent human control, and
 - (b) which is not—
 - (i) a rat,
 - (ii) a mouse, or
 - (iii) living under temporary or permanent human control.

- (4) In this Part, a person is “using a dog” when the hunting of a wild mammal by that person involves the use of a dog, even if the dog is not under that person’s control or direction (and related expressions are to be construed accordingly).

2 Offences of knowingly causing or permitting another person to hunt using a dog

- (1) A person commits an offence if—
- (a) the person—
 - (i) is an owner or occupier of land, and
 - (ii) knowingly causes or permits another person to hunt a wild mammal using a dog on that land, and
 - (b) none of the exceptions in sections 3, 5, 6, 7, 8 or 9 apply to the hunting.
- (2) A person commits an offence if—
- (a) the person—
 - (i) owns or is responsible for a dog, and
 - (ii) knowingly causes or permits another person to hunt a wild mammal using that dog, and
 - (b) none of the exceptions in sections 3, 5, 6, 7, 8 or 9 apply to the hunting.
- (3) A person who commits an offence under [subsection \(1\)](#) or [\(2\)](#) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both).
- (4) It is a defence for a person charged with an offence under [subsection \(1\)](#) or [\(2\)](#) to show that the person reasonably believed that any of the exceptions in sections 3, 5, 6, 7, 8 or 9 applied to the hunting.
- (5) In this Part, an “owner” of land includes a person who—
- (a) manages or controls that land, or
 - (b) is authorised to give permission for that land to be used for hunting.
- (6) In this Act, a person “is responsible for” a dog where the person—
- (a) is responsible for the dog on a temporary or permanent basis,
 - (b) is in charge of the dog, or
 - (c) has actual care and control of a person under the age of 16 years who is responsible for the dog under [paragraph \(a\)](#) or [\(b\)](#).