



# Hunting with Dogs (Scotland) Act 2023

## 2023 asp 1

### PART 2

#### TRAIL HUNTING

##### *Offences*

#### **14 Offences relating to trail hunting**

- (1) A person commits an offence if—
  - (a) the person engages or participates in trail hunting, and
  - (b) the exception in [section 16](#) does not apply.
- (2) In this Part—

“trail hunting” is the activity in which a dog is directed to find and follow an animal-based scent which has been laid for that purpose,

“animal-based scent” means—

  - (a) a scent which is derived from a wild mammal, or
  - (b) a scent which mimics, replicates or resembles the scent of a wild mammal (or which is designed to do so), whether or not that scent is derived wholly or in part from artificial ingredients.
- (3) 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 engage or participate in trail hunting on that land, and
  - (b) the exception in [section 16](#) does not apply to the trail hunting.
- (4) 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 use the dog for trail hunting, and
  - (b) the exception in [section 16](#) does not apply to the trail hunting.

- (5) A person who commits an offence under [subsection \(1\), \(3\) or \(4\)](#) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both).
- (6) It is a defence for a person charged with an offence under [subsection \(3\) or \(4\)](#) to show that the person reasonably believed that the exception in [section 16](#) applied to the trail hunting.
- (7) In this Part, an “owner” of land includes, in particular, a person who—
  - (a) manages or controls that land, or
  - (b) is authorised to give permission for that land to be used for trail hunting.

## **15 Power to modify meaning of trail hunting**

- (1) The Scottish Ministers may by regulations modify section 14 so as to include in the definition of trail hunting a scent other than an animal-based scent.
- (2) The Scottish Ministers may make regulations under subsection (1) only if they consider that modifying the definition of trail hunting would contribute towards the protection of wild mammals from unlawful hunting using dogs.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.
- (5) Regulations under subsection (1) may—
  - (a) make different provision for different purposes,
  - (b) modify—
    - (i) this Part,
    - (ii) section 19(1), 21(10), 22(13) or paragraph 1 of the schedule where such modification is consequential to the modification of this Part,
  - (c) make incidental, supplementary, consequential, transitional, transitory or saving provision (including provision for exceptions to the offences in section 14).

### *Exception to the offences*

## **16 Exception: training dogs to follow an animal-based scent**

- (1) This section applies if—
  - (a) a person—
    - (i) directs a dog to find and follow an animal-based scent which has been laid for that purpose, or
    - (ii) lays an animal-based scent for a dog to find and follow, in order to train a dog for a lawful purpose, and
  - (b) all of the conditions set out in [subsection \(2\)](#) are met.
- (2) The conditions are that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the activity mentioned in [subsection \(1\)\(a\)](#) does not involve more than two dogs,
- (b) any dog involved in the activity is under control,
- (c) reasonable steps are taken to ensure that any dog involved 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) reasonable steps are taken to ensure that no wild mammal is pursued, injured or killed.