



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 1

HUNTING A WILD MAMMAL USING A DOG

Exceptions to the offences

9 Exception: environmental benefit

- (1) This section applies if—
- (a) the person is using a dog above ground to—
 - (i) search for, stalk or flush from cover a wild mammal, with the intention of killing, capturing or observing it as part of a scheme or plan for one or more of the purposes set out in [subsection \(2\)](#),
 - (ii) search for and retrieve a wild mammal which has been killed as a result of the activity referred to in [sub-paragraph \(i\)](#), and
 - (b) the conditions set out in [subsection \(3\)](#) are met.
- (2) The purposes referred to in [subsection \(1\)\(a\)\(i\)](#) are—
- (a) preserving, protecting or restoring a particular species (which may include controlling the number of a species for its welfare) for environmental benefit,
 - (b) preserving, protecting or restoring the diversity of animal or plant life,
 - (c) eradicating an invasive non-native species of wild mammal from an area.
- (3) The conditions referred to in [subsection \(1\)\(b\)](#) are that—
- (a) either—
 - (i) the activity mentioned in [subsection \(1\)\(a\)](#) does not involve the use of more than two dogs, or
 - (ii) the activity is carried out in accordance with a licence granted under [section 10](#),
 - (b) any dog used in the activity is under control,
 - (c) unless [paragraph \(a\)\(ii\)](#) applies, 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—

Changes to legislation: There are currently no known outstanding effects for the Hunting with Dogs (Scotland) Act 2023, Section 9. (See end of Document for details)

- (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 exercising a power of entry under section 14M or 14N of the Wildlife and Countryside Act 1981, or
- (iii) the person carrying out the activity is exercising a power of entry under section 15 of the Deer (Scotland) Act 1996,
- (e) the wild mammal which is being searched for, stalked or flushed is either—
 - (i) captured (whether or not with the intention of subsequently releasing or relocating it) as soon as reasonably possible,
 - (ii) shot dead, or killed by a bird of prey, as soon as reasonably possible, or
 - (iii) observed and allowed to escape without being pursued, injured or killed,
- (f) if an attempt to kill the wild mammal, as mentioned in [paragraph \(e\)\(ii\)](#), 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.

(4) In this section—

“invasive non-native species” means a species—

- (a) which is included on the Scottish list of species of special concern, or
- (b) which is—
 - (i) not native to the area in which the activity mentioned in [subsection \(1\)\(a\)](#) takes place, and
 - (ii) having or likely to have a significant adverse impact on biodiversity, the environment, social or economic interests or human or animal health,

“Scottish list of species of special concern” means the list of species in the Annex to [Commission Implementing Regulation \(EU\) 2016/1141](#) adopting a list of invasive alien species of Union concern pursuant to [Regulation \(EU\) No 1143/2014](#) of the European Parliament and of the Council, as amended from time to time.

Commencement Information

- I1** S. 9 not in force at Royal Assent, see [s. 31\(2\)](#)
- I2** S. 9 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 9.