



# 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.

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

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- (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).

**Commencement Information**

- I1** S. 1 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I2** S. 1 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

**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 [\(b\)](#).

**Commencement Information**

- I3** S. 2 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I4** S. 2 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, Cross Heading: Offences.