



# 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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- (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](#)

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### *Exceptions to the offences*

## **3 Exception: management of wild mammals above ground**

- (1) This section applies if—
- (a) a person is using a dog above ground to—
    - (i) search for, stalk or flush from cover a wild mammal, with the intention of killing it 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 mentioned 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) preventing serious damage to livestock, woodland or crops,
  - (b) preventing the spread of disease,
  - (c) protecting human health.
- (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 4](#),
  - (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) permission for the activity has been given by the owner of the land on which the activity takes place,
  - (e) the wild mammal which is being searched for, stalked or flushed is shot dead, or killed by a bird of prey, as soon as reasonably possible,
  - (f) if an attempt to kill the wild mammal, as mentioned in [paragraph \(e\)](#), 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**

**I5** S. 3 not in force at Royal Assent, see [s. 31\(2\)](#)

**I6** S. 3 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

## **4 Licence for use of more than two dogs in connection with [section 3](#)**

- (1) A person may apply for a licence permitting the use of more than two dogs for the activity mentioned in [section 3\(1\)\(a\)](#).
- (2) An application for a licence under [subsection \(1\)](#) must—
- (a) be made to the relevant authority,
  - (b) be in such form as the relevant authority may require,
  - (c) contain or be accompanied by such information as the relevant authority may require, which may in particular include—

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- (i) the number of dogs for which permission is being sought,
    - (ii) the number of guns intended to be deployed,
  - (d) be accompanied by payment of such reasonable fee as the relevant authority may require.
- (3) The relevant authority must publicise any requirements which are for the time being set under [subsection \(2\)\(b\), \(c\) or \(d\)](#).
- (4) A licence under [subsection \(1\)](#)—
  - (a) may be granted to a particular person or to a category of persons,
  - (b) must relate to a particular species of wild mammal,
  - (c) must not be granted unless the relevant authority is satisfied that there is no other solution which would be effective in achieving the purpose set out in [section 3\(2\)](#) in relation to which the application for a licence is being made,
  - (d) may only permit the use of the minimum number of dogs which the relevant authority is satisfied would be effective in achieving the purpose set out in [section 3\(2\)](#) in relation to which the application for a licence is being made,
  - (e) must require the deployment of the minimum number of guns which the relevant authority is satisfied would be effective for compliance with the conditions set out in [section 3\(3\)\(e\) and \(f\)](#) in relation to the activity for which the application for a licence is being made,
  - (f) may be subject to compliance with such conditions as the relevant authority considers appropriate, which may include, in particular, reporting requirements in relation to activities carried out under the licence,
  - (g) may be granted for a maximum period of 14 days, which must fall within a period of 6 consecutive months,
  - (h) may be modified or revoked by the relevant authority at any time.
- (5) A licence under [subsection \(1\)](#) must specify—
  - (a) the person or category of persons to whom it is granted,
  - (b) the species of wild mammal to which it relates,
  - (c) the area within which the searching for, stalking or flushing of that species of wild mammal may take place under the licence,
  - (d) the maximum number of dogs which are permitted to be used,
  - (e) the minimum number of guns (if any) which are required to be deployed,
  - (f) any conditions to which the licence is subject,
  - (g) the period of time for which the licence is valid.
- (6) In this section, “relevant authority” means—
  - (a) the Scottish Ministers, or
  - (b) where the Scottish Ministers have delegated their functions in relation to licences, Scottish Natural Heritage.

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**Commencement Information**

**I7** S. 4 not in force at Royal Assent, see [s. 31\(2\)](#)

**I8** S. 4 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

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## 5 Exception: management of foxes below ground

- (1) This section applies if—
- (a) a person is using a dog to—
    - (i) search for a fox below ground, or
    - (ii) flush a fox from below ground,with the intention of killing it for one or more of the purposes set out in [subsection \(2\)](#), and
  - (b) the conditions set out in [subsection \(3\)](#) are met.
- (2) The purposes referred to in [subsection \(1\)\(a\)](#) are—
- (a) preventing serious damage to livestock, woodland or crops,
  - (b) preventing the spread of disease,
  - (c) protecting human health,
  - (d) relieving the suffering of an injured or dependent fox.
- (3) The conditions referred to in [subsection \(1\)\(b\)](#) are that—
- (a) the activity mentioned in [subsection \(1\)\(a\)](#) does not involve the use of more than one dog,
  - (b) the dog used in the activity is—
    - (i) under control,
    - (ii) fitted with a device to allow tracking of the position of the dog below ground,
  - (c) reasonable steps are taken—
    - (i) to prevent the dog becoming trapped below ground, and
    - (ii) if the dog becomes trapped below ground, to ensure that it is rescued as soon as reasonably possible,
  - (d) permission for the activity has been given by the owner of the land on which the activity takes place,
  - (e) no steps are taken to prevent the fox from being flushed or emerging from below ground,
  - (f) if the fox which is being searched for or flushed is found or emerges from below ground, it is shot dead, or killed by a bird of prey, as soon as reasonably possible,
  - (g) if an attempt to kill the fox, as mentioned in [paragraph \(f\)](#), 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, “dependent” means that the mother of a fox is dead and it is too young to survive on its own.

### Commencement Information

**I9** S. 5 not in force at Royal Assent, see [s. 31\(2\)](#)

**I10** S. 5 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

## 6 Exception: falconry, game shooting and deer stalking

- (1) This section applies if—
- (a) a person is using a dog above ground to—

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- (i) search for, stalk or flush from cover a wild mammal, with the intention of providing quarry for falconry, game shooting or deer stalking,
  - (ii) search for and retrieve a wild mammal which has been killed as a result of the activity mentioned in [sub-paragraph \(i\)](#), and
  - (b) the conditions set out in [subsection \(2\)](#) are met.
- (2) The conditions referred to in [subsection \(1\)\(b\)](#) 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) permission for the activity has been given by the owner of the land on which the activity takes place,
  - (e) the wild mammal which is being searched for, stalked or flushed is shot dead, or killed by a bird of prey, as soon as reasonably possible,
  - (f) if an attempt to kill the wild mammal, as mentioned in [paragraph \(e\)](#), 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.
- (3) In this section—
- “deer stalking” means the stealthy approach of a deer in order to shoot it for sport,
  - “falconry” means the use of a bird of prey to hunt for sport,
  - “game shooting” means shooting wild mammals for sport,
  - “quarry” means the wild mammal intended to be killed by a bird of prey or shot.

#### Commencement Information

**I11** S. 6 not in force at Royal Assent, see [s. 31\(2\)](#)

**I12** S. 6 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

## 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—

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- (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,
- (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

**I13** S. 7 not in force at Royal Assent, see [s. 31\(2\)](#)

**I14** S. 7 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

## 8 Exception: searching for dead wild mammals

- (1) This section applies if—
- (a) a person is using a dog above ground to search for and retrieve a dead wild mammal, and
  - (b) the conditions set out in subsection (2) are met.
- (2) The conditions referred to in subsection (1)(b) 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

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- (iv) the person carrying out the activity is exercising a power of entry under section 15 of the Deer (Scotland) Act 1996,
- (e) reasonable steps are taken to ensure that no wild mammal is pursued, injured or killed.

#### Commencement Information

**I15** S. 8 not in force at Royal Assent, see **s. 31(2)**

**I16** S. 8 in force at 3.10.2023 by **S.S.I. 2023/262, reg. 2**

## 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—
    - (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



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- (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

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

**118** S. 9 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

## 10 Licence for use of more than two dogs in connection with [section 9](#)

- (1) A person may apply for a licence permitting the use of more than two dogs for the activity mentioned in [section 9\(1\)\(a\)](#).
- (2) An application for a licence under [subsection \(1\)](#) must—
  - (a) be made to the relevant authority,
  - (b) be in such form as the relevant authority may require,
  - (c) contain or be accompanied by such information as the relevant authority may require, which may in particular include—
    - (i) the number of dogs for which permission is being sought,
    - (ii) the number of guns intended to be deployed,
  - (d) be accompanied by payment of such reasonable fee as the relevant authority may require.
- (3) The relevant authority must publicise any requirements which are for the time being set under [subsection \(2\)\(b\)](#), [\(c\)](#) or [\(d\)](#).
- (4) A licence under [subsection \(1\)](#)—
  - (a) may be granted to a particular person or to a category of persons,
  - (b) must relate to a particular species of wild mammal,
  - (c) must not be granted unless the relevant authority is satisfied—
    - (i) that killing, capturing or observing the wild mammal will contribute towards a significant or long-term environmental benefit, and

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- (ii) that there is no other solution which would be effective in achieving the purpose set out in [section 9\(2\)](#) in relation to which the application for a licence is being made,
  - (d) may only permit the use of the minimum number of dogs which the relevant authority is satisfied would be effective in achieving the purpose set out in [section 9\(2\)](#) in relation to which the application for a licence is being made,
  - (e) must require the deployment of the minimum number of guns which the relevant authority is satisfied would be effective for compliance with the conditions set out in [section 9\(3\)\(e\)](#) and [\(f\)](#) in relation to the activity for which the application for a licence is being made,
  - (f) may be subject to compliance with such conditions as the relevant authority considers appropriate, which may include, in particular, reporting requirements in relation to activities carried out under the licence,
  - (g) may be granted for a maximum period of two years, which must fall within a period of two consecutive years,
  - (h) may be modified or revoked at any time by the relevant authority.
- (5) A licence under [subsection \(1\)](#) must specify—
- (a) the person or category of persons to whom it is granted,
  - (b) the species of wild mammal to which it relates,
  - (c) the area within which the searching for, stalking or flushing of that species of wild mammal may take place under the licence,
  - (d) the maximum number of dogs which are permitted to be used,
  - (e) the minimum number of guns (if any) which are required to be deployed,
  - (f) any conditions to which the licence is subject,
  - (g) the period of time for which the licence is valid.
- (6) In this section, “relevant authority” has the same meaning as in [section 4\(6\)](#).

#### **Commencement Information**

**I19** S. 10 not in force at Royal Assent, see [s. 31\(2\)](#)

**I20** S. 10 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

### *General provision on licences*

#### **11 Delegation of functions in relation to licences**

- (1) The Scottish Ministers may delegate their functions in relation to licences under [sections 4](#) and [10](#) to Scottish Natural Heritage.
- (2) Any delegation must be made by written direction.
- (3) A direction may include provision allowing Scottish Natural Heritage to modify or revoke licences that were granted before the direction.
- (4) The Scottish Ministers may modify or revoke a direction.
- (5) If a direction is revoked, any licence granted while the direction was in force continues to have effect unless the revocation provides otherwise.

*Changes to legislation: There are currently no known outstanding effects for the Hunting with Dogs (Scotland) Act 2023, Part 1. (See end of Document for details)*

#### Commencement Information

- I21** S. 11 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I22** S. 11 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

### 12 Offence of providing false information to obtain a licence

- (1) A person commits an offence if the person knowingly or recklessly makes a false or misleading statement for the purposes of obtaining (either personally or for another person) a licence under section 4 or 10.
- (2) A person who commits an offence under [subsection \(1\)](#) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

#### Commencement Information

- I23** S. 12 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I24** S. 12 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

### 13 Review of operation of sections 4 and 10

- (1) The Scottish Ministers must review the operation of sections 4 and 10.
- (2) The first review under subsection (1) must be carried out no later than 31 December 2028.
- (3) The second and each subsequent review must be carried out no later than the expiry of the period of 5 years beginning with the date on which the last report on a review was published under subsection (5).
- (4) In carrying out a review, the Scottish Ministers must consult—
  - (a) such persons as they consider have an interest in the operation of sections 4 and 10, and
  - (b) such other persons as they consider appropriate.
- (5) As soon as reasonably possible after carrying out a review, the Scottish Ministers must—
  - (a) lay a report on the review before the Scottish Parliament, and
  - (b) publish the report in such manner as they consider appropriate.
- (6) A report under subsection (5) must set out—
  - (a) the action (if any) that the Scottish Ministers intend to take as a result of the review (for example, proposing a change to the law), and
  - (b) where the Scottish Ministers do not intend to take any action, their reasons for this.

#### Commencement Information

- I25** S. 13 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I26** S. 13 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, Part 1.