

Hunting with Dogs: Past, Present but No Future

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ABOUT THE LEAGUE AGAINST CRUEL SPORTS

The League Against Cruel Sports is a registered charity that brings together people who care about animals. Like the majority of the public, we believe that cruelty to animals in the name of sport has no place in modern society. We have no political bias. We were established in 1924 and are unique because we focus on cruelty to animals for sport.

Our aim:

We work to expose and bring to an end the cruelty inflicted on animals in the name of sport.

What we do:

- We expose the barbaric nature of cruel sports and the people involved, identifying what action should be taken.
- We raise awareness and campaign for change by lobbying government, politicians and businesses. This includes campaigning for new laws and helping to enforce existing laws by working with the police to bring to justice those who commit illegal acts of cruelty for sport.
- We also offer advice to people whose lives are being detrimentally affected by cruel sports.



Our approach:

- Through investigation and lawful campaigning, we encourage the public and law makers to recognise their responsibility to protect animals from suffering cruel acts in the name of sport.
- We raise awareness of the issues through the media and enlist public support to put pressure on law makers. We work to change people's behaviour, gain new legislation, and enforce existing laws that are in place to protect animals from cruel sports in the UK and across the globe.

Our Values:

- **Informative:** we expose the truth of cruelty to animals in sport.
- **Purposeful:** we are focused on ending cruelty to animals in sport.
- **Accountable:** we campaign based on the facts uncovered through continuous research and investigation.
- **Contemporary:** we believe cruel sports involving animals are barbaric and have no place in modern society.
- **Compassionate:** what we do is inspired by concern for the well-being of both animals and people; through our work we help to create a more caring society.

Our campaigns:

- Bullfighting
- Fighting Dogs
- Hunting
- Racing animals
- Shooting
- Snaring
- Trophy Hunting

We also have campaigns in Scotland, Wales and Northern Ireland.

The League Against Cruel Sports receives no Government or National Lottery funding and relies on the generosity of our supporters to help fund our campaigning and investigative work.

Our supporters come from all walks of life and we continue to attract new members, donors and campaigners worldwide.

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FOREWORD

There can be no 'Liberty' to be Cruel

Prof Geoffrey Scarre, Durham University

I personally think that hunting's disgusting. But I suppose that people ought to be allowed to do it if they want to. I mean, we can't just ban hunting because we don't like it. If we banned everything that someone objected to, hardly anything would be permitted!

Quote from a Durham University student

Liberals believe in 'live and let live'. But should they also believe in 'live and let die' when it comes to the controversial practice of hunting with dogs? As a teacher of moral and political philosophy, I've often heard people put the kind of argument that I've quoted above. It's a characteristically liberal argument - or purports to be - and it appears to undercut the question of whether hunting is moral or immoral, humane or barbaric, a fine old tradition or an extreme form of bullying. For shouldn't liberals, as my student suggested, put aside their own feelings about hunting and view the issue simply as one about the scope of civil liberties in a modern democratic state?

Yet we need to ask the question: What is the true scope of individual liberty in a modern democratic country like the UK, and does it entail a right to inflict gross suffering on animals in the name of 'sport'? Do people have as much right to hunt and kill foxes, deer and hares as they do to attend football matches, watch television or play the jazz trumpet?

It's worth asking here what the great Victorian apostle of liberalism, John Stuart Mill, would have made of this debate. Mill's *On Liberty* (1859)¹ is the most famous and influential defence of individual liberty in the English language, and most liberals and libertarians today still regard Mill as an inspirational figure. So it's an interesting question what views Mill took on the treatment of animals and whether he would have seen the current legal ban on hunting as

an affront to individual freedom. In fact, we don't need to remain in the realm of speculation here, since Mill made his views on field sports quite explicit: he thought they were '*wholly unjustified on a correct interpretation of liberal principles*'.

The key to Mill's position is the 'one very simple principle' that '*the only purpose for which power can be rightfully exercised over any other member of a civilised community, against his will, is to prevent harm to others*' (Mill, 1869 Ch.1). Mill's 'harm principle', as it has become known, rules out coercing people to act as other people think they should act, or would like them to act, except where their actions are liable to cause others harm. Much ink has been spilled on the extension of the term 'harm', but no one disputes that actions which kill, maim, damage the health of, impoverish or enslave others are patently harms. Admittedly, in the political tract *On Liberty*, Mill is concerned with the principle in relation to inter-human relationships and does not consider its bearing on animals. But elsewhere he does. In an early essay he termed it a 'superstition of selfishness' to suppose that the suffering of animals was of no ethical account. Because animals are sentient beings, they are capable of being harmed and therefore come within the protection zone of the harm principle. Consequently Mill thought that the state infringed no legitimate human liberty-rights when it forbade the mistreatment of animals. In a chapter on the 'Limits of the Province of Government' in the *Principles of Political Economy* of 1848, he put the case for animals robustly:

The reasons for legal intervention in favour of [mistreated] children, apply not less strongly to the case of these unfortunate slaves and victims of the most brutal part of mankind, the lower animals. It is by the grossest misunderstanding of the principles of liberty, that the infliction of exemplary punishment

¹ Mill, J. S. (1869) *On Liberty*. London: Longman, Roberts & Green

*on ruffianism practised towards these defenceless creatures has been treated as a meddling by government with things beyond its province.*²

This passage pulls no punches; for Mill a proper respect for liberty informed by the harm principle should lead us not to tolerate 'ruffianism' towards animals but to place it under the ban of law. While Mill thought that all forms of cruelty to animals should be made illegal, his attitude specifically to hunting for sport was made clear in a letter written to John Morley in 1869. Referring to an anti-field sports article published by the historian Edward Augustus Freeman, Mill wrote:

I cannot too much congratulate you on such a paper as that of Mr Freeman. I honour him for having broken ground against field sports, a thing I have often been tempted to do myself, but having so many unpopular causes already on my hands, thought it wiser not to provoke fresh hostility.

Killing or mistreating animals for sport, in Mill's view, is unambiguously ruled out by the harm principle, just as killing or mistreating human beings for the sadistic pleasure it gives one would be. Therefore claims that it is a legitimate liberty of Englishmen are spurious.

Supporters of hunting loudly complain that the banning of their 'sport' is a gross violation of their rightful liberty to amuse themselves in their own way, which they claim harms no one else. Because they ascribe negligible moral status to the animals they pursue and kill so cruelly, they see the harm they cause to *them* as counting for nothing. John Stuart Mill, our greatest guru of individual liberty, saw things very differently. Rejecting as absurd the claim that harm to animals was morally insignificant, Mill was clear that the 'one very simple principle' extended to them too.

In short, *there is no liberty-right to inflict harm on*

animals in the name of sport. To maintain the legal ban on hunting is therefore not an improper limitation of individual freedom by a state that sees itself in the role of Big Brother. It is, quite simply, the right thing to do.

Professor Geoffrey Scarre
Department of Philosophy, Durham University
August 2010

² Mill, J. S. (1848) Limits of the Province of Government In: Ashley W. J., ed. (1909) Principles of Political Economy with some of their Applications to Social Philosophy. 7th ed. London: Longmans, Green and Co.

INTRODUCTION

If a group of burglars were to march on parliament calling for repeal of the Theft Act for the restrictions that Act places on their nefarious activities, their calls would rightly be dismissed. If those who like to drive at racetrack speeds petitioned for a repeal of the Road Traffic Act, their campaign would be discounted as nonsense. And so it is puzzling why those with a desire to kill wildlife for 'sport' are given such a wide arena in which to campaign for repeal of the legislation which rightly places bloodsports on the wrong side of the law.

The proscription of hunting followed an extensive and often exhausting campaign spanning nine decades. The determination of the League Against Cruel Sports and its supporters meant that while there were numerous twists and turns on the road which led to the Hunting Act, there was never a moment at which the necessity of the campaign was questioned.

And so it should not be a surprise that the bloodsports lobby, led by the Countryside Alliance and its more honestly named predecessor the British Field Sports Society, showed utter determination to stop the passage of the law, and since they failed in that campaign, an utter determination to have the law overturned. Their difficulty, aside from the enormous public opinion firmly against them, is that every argument they put forward for repeal of the Hunting Act can be easily dismissed as spurious, nonsensical and, often, circuitious.

The League never imagined that the passage of the Hunting Act would mean that the hunters would stop hunting. To revisit the earlier analogy, the Theft Act didn't stop burglars burgling. But we did hope that they might at least respect the law, and we did hope that rather fewer of them would be out breaking the law; during the 2009-10 hunting season, the League's evidence suggests that two thirds of hunts were acting in a manner consistent with traditional hunting practice.

Footage from that hunting season taken by League observers and monitors has led to the successful

prosecution of a terrierman working for the Ullswater Foxhounds in Cumbria, and as I write, cases are progressing through the courts against members or supporters of the Quantock Staghounds, the Fernie and Sinnington Hunts, and other cases are with the police. Across the length and breadth of the country, our observers are working within the law to bring those who break the law to justice. They are, in many respects, a rural version of the neighbourhood watch, a role endorsed in guidance issued by the Association of Chief Police Officers.

Of course, not all of those involved in the passage of the Hunting Act remain supporters of it - not least Tony Blair who in his recent memoir³ comes close to an admission that he told a Home Office minister to tell the police not to enforce the law. Few people involved in the campaign in the late 1990s and early 2000s ever thought that Blair was a true supporter of the legislation, but the reignition of the debate caused by his memoirs reminds us that there is a constant job to do in reminding people why hunting was banned and why it must remain so.

The League Against Cruel Sports has led this campaign since its inception in 1924, and this report is the League's latest instalment of evidence for that campaign. The League's staff have revisited the science, the law, prosecutions and convictions, civil liberties, rural economics, the history of hunting and every other relevant aspect to bring this timely report, neatly and comprehensively felling each of the arguments put forward against the ban on hunting.

It is abundantly clear to me, and to my colleagues, that hunting live animals for 'sport' does not have a future. I am sure that after reading the evidence in this report, you will agree - if you did not already - that we must do all we can to protect our wildlife and Keep Cruelty History.

John Cooper QC
Chairman, League Against Cruel Sports
September 2010

3 Tony Blair (2010) A Journey London Random House

ENFORCING THE HUNTING ACT

Perhaps the most common criticism of the Hunting Act is the claim that the legislation is unenforceable or somehow difficult to enforce. Indeed as recently as June 2010 the Secretary of State for Environment, Food and Rural Affairs, Caroline Spelman MP observed;

*The Hunting Act was passed by Parliament in 2004. It has not been a demonstrable success and is difficult to enforce.*⁴

Arguably if a law was not a 'demonstrable success' or 'difficult to enforce' a key indicator of this would be low or non-existent conviction rates - notwithstanding the unlikely eventuality that the passing into law of legislation could lead to a complete cessation of a certain proscribed behaviour.

Unfortunately there has been no substantive evidential basis provided by the Secretary of State to enable a satisfactory analysis. However it is possible to contrast the claims made in her observation with the evidence

that is freely available through the auspices of the Ministry of Justice.

Despite the various misleading prosecution and conviction rates that have accompanied public statements critical of the legislation, there is no evidence to suggest that the Act has somehow underperformed. In fact the evidence categorically demonstrates the contrary.

To date the total number of convictions under the Hunting Act stands at 138, with several cases progressing through the courts at the time of writing. This is before official figures for 2009 - to be made available in Autumn 2010 - have been collated and equates to one conviction every two weeks since the Act came into force.

To illustrate how successful the Hunting Act has been, it is informative to compare the most recent figures (Table 1 below), made available from the Ministry of Justice for 2008 with the performance of other similar

STATUTE	OFFENCE DESCRIPTION	PROCEEDED AGAINST	FOUND GUILTY	CAUTIONED
Protection of Badgers Act 1992 - sections 1-5 & 10.	Offences of cruelty to badgers	23	11	-
Protection of Badgers Act 1992 - section 13.	Having custody, failing to undertake, destruction of a dog while disqualified	14	11	-
Deer Act 1991	Killing or injuring, deer by shooting, trap, snares etc	4	1	-
Wild Mammals (Protection) Act 1996	Offences under this Act	6	5	-
Hunting Act 2004	Offences under this Act	44	33	4

Table 1: The number of defendants proceeded against at magistrates' courts and found guilty at all courts of selected offences related to wild mammals, England and Wales, 2008.⁵

⁴ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100610/petntext/100610p0001.htm>

⁵ Ministry of Justice (2009) The number of defendants proceeded against at magistrates' courts and found guilty at all courts of selected offences related to wild mammals, England and Wales, 2008(1)(2)(3) Justice Statistics Analytical Services. [Ref. IOS 237-10] Freedom of Information Request.

ENFORCING THE HUNTING ACT *(Continued)*

wildlife legislation in the same period. Note that these figures do not include any convictions in 2009 or 2010.

The comparison in Table 1 clearly demonstrates that the Hunting Act is being enforced to great effect and that it out-performs similar wildlife legislation.

Furthermore in February 2009 no less a legal authority than the High Court stated, *'The Act should, within the limits of its subject matter and the content of Schedule 1, be reasonably workable.'*⁶

In addition to this endorsement, the current Association of Chief Police Officers (ACPO) guidance on Hunting Act enforcement reminds⁷ the reader that, *'This Act as it stands is the law of the land, and as such we in the police are under a duty to enforce it.'*⁸

Workable law

The discussion on enforcement inevitably goes to the heart of whether or not the law actually works. This in turn raises the question of what criteria need to be met to satisfactorily conclude that any legislation works or is a demonstrable success.

As has been shown above, in terms of convictions, the legislation has been a marked success and this

conviction rate has proven that the Act is perfectly enforceable. Both of these points, it seems reasonable to conclude, contribute to an overall picture of legislation that is not only workable but also demonstrably successful.

However opponents of the Hunting Act still insist that the Act does not work and is therefore unenforceable by pointing to the post ban behaviour of the hunting community. In this argument it is claimed that if people continue to hunt wild mammals with dogs in England and Wales then the law has failed.

This is a curious argument made redundant by its flawed logic: If the Hunting Act does not work because people continue to hunt with dogs in England and Wales then, according to this logic, the Theft Act has also failed due to the incidents of burglary recorded but not prosecuted since its introduction in 1968.

The Hunting Act has made it illegal to hunt a wild mammal with dogs unless that hunting is exempt. It follows that the moment the Act was introduced it succeeded.

The fact that individuals continue to hunt in contravention of the Act does not undermine the legislation it simply places those who choose to hunt illegally on the wrong side of the law.

⁶ Director of Public Prosecutions v Wright & R (on application of) Summersgill v Taunton Dean Magistrates' Court [2009] EWHC 105 (Admin), Para 89.

⁷ Brunstrom, C. C. (2009) Association of Chief Police Officer of England, Wales & Northern Ireland: Guidance on Hunting Act Enforcement. London: ACPO

⁸ Brunstrom, C. C. (2009) Association of Chief Police Officer of England, Wales & Northern Ireland: Guidance on Hunting Act Enforcement. London: ACPO

⁹ Ronald David Laing (1927 – 1989) was one of the most controversial and remarkable figures in psychiatry who redefined the family and made breakthroughs in the treatment of schizophrenia

¹⁰ Cruel Treatment of Cattle Act 1822, Cruelty to Animals Act 1835, Cruelty to Animals Act 1849, Cruelty to Animals Act 1876.

¹¹ Linzey, A. (2009) Does Animal Abuse Really Benefit Us? In Linzey, A. ed. The Link Between Animal Abuse and Human Violence. Eastbourne: Sussex Academic Press..

¹² Linzey, A. (2009) Does Animal Abuse Really Benefit Us? In Linzey, A. ed. The Link Between Animal Abuse and Human Violence. Eastbourne: Sussex Academic Press.

ANIMAL WELFARE AND HUNTING WITH DOGS

*It is quite clear that in abusing animals we abuse our relationship with animals and that we abuse ourselves. We become less human to the extent that we treat any living beings as things.*⁹

R. D. Laing

During the nineteenth century a range of animal protection measures were passed by parliament¹⁰ not merely to protect animals from suffering at the hands of humans but also to prevent cruelty to humans, following the accepted notion that 'vice harms the doer' and those who are cruel to animals will also be cruel to people.¹¹

There are those who have a concern for the welfare of animals who believe that this link between the suffering caused to the animals and the effect on the humanity of the perpetrator obscures the case for animals. Some argue that abuse to animals should be regarded as a wrong in itself without any consideration for the adverse effect on humans. However, upon reviewing the many documented accounts of those who have committed acts of violence against humans and/or animals it is clear that there is a pattern of abuse. Those who abuse have often themselves been abused. It would therefore seem wrong to dismiss the relationship between the cruelties inflicted upon the animal in question with the abuse which befalls the perpetrator.¹²

There are various ways in which the act of inflicting suffering upon animals can have a knock on negative effect on the human; de-sensitisation, loss of empathy, habituation and denial. The resulting condition for the perpetrator is thus one of a lack of feeling, empathy and remorse towards the victim. The violence then becomes routine and normal and the function of denial allows the person to ignore the reality of the situation.¹³

It does not, of course always follow that those who are cruel to animals are then cruel to humans however

it would seem reasonable to look closely at the effect that causing animals to suffer can have on an individual.

We cannot only look at the effect on the person inflicting (or being the cause of) the suffering, we must also look at the suffering being inflicted and how this affects the subject animals.

The Humane Society of the United States defined animal cruelty as 'a set of behaviours that are harmful to animals, from unintentional neglect to intentional killing'.¹⁴

Animals are not only reactive to their environments but also sensitive to them. It is from this point that the concern for an animal's welfare begins.¹⁵ It is now widely accepted that animals are sentient organisms,^{16,17} as illustrated by the acknowledgement of their sentience in the Amsterdam Treaty (1997) and then by the following Article included in the consolidated Treaty of Lisbon (2010).¹⁸

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

Article 13: C83/54 30.03.2010

While the overall sentience of animals is rarely disputed, less clear is the level and range of feelings experienced by different animals.¹⁹ It is widely believed that many do have emotional capacities²⁰ and so will seek to minimise negative emotions and maximise positive ones.²¹ Alongside this understanding of the feelings of animals comes a realisation of our moral responsibility for their welfare.²²

¹³ Linzey, A. (2009) Does Animal Abuse Really Benefit Us? In Linzey, A. ed. The Link Between Animal Abuse and Human Violence. Eastbourne: Sussex Academic Press.

¹⁴ Baldry, A. C. (2004) The Development of the P.E.T. Scale for the Measurement of Physical and Emotional Tormenting Against Animals in Adolescents. Society and Animals. 12(1): 1-17.

¹⁵ Boissy, A., Amoult, C., Chaillou, E., Désiré, L., Duvaux-Ponter, C., Greiveldinger, L., Leterrier, C., Richard, S., Roussel, S., Saint-Dizier, H., Meunier-Salaün, M. c., Valance, D., and Veissier, I. (2007) Emotions and cognition: a new approach to animal welfare. Animal Welfare 16(s): 37-43.

¹⁶ Steadman, T. (2006) Stedman's Medical Dictionary. Philadelphia, Lippincott : Williams & Wilkins.

¹⁷ Miller, B. F., and Keane, C. B. (1992) Encyclopaedia and Dictionary of Medicine, Nursing and Applied health. Philadelphia: W. B. Saunders Company.

¹⁸ Compassion In World Farming (2009) The Lisbon treaty: Recognising Animal Sentience. [online] http://www.ciwf.org.uk/news/compassion_news/the_lisbon_treaty_recognising_animal_sentience.aspx

¹⁹ Kirkwood, J. K. (2007) Quality of Life: the heart of the matter. Animal Welfare. 16(s): 3-7.

²⁰ Kirkwood, J. K. (2007) Quality of Life: the heart of the matter. Animal Welfare. 16(s): 3-7.

ANIMAL WELFARE AND HUNTING WITH DOGS (Continued)

Where humans interact with animals to cause either positive or negative emotions they then owe that animal a duty of care. In the case of wild animals whose habitat we closely manage, they are no longer completely independent but are dependent on our actions and therefore we have a responsibility to ensure the quality of life of those animals.²³

The assessment of an animal's welfare involves firstly assessing the factors which could impact on the ability of the animal to exhibit normal behaviours. An assessment should then be made on how these factors make the animal feel. The welfare of the animal is then compromised if that animal is experiencing unpleasant feelings for a long time and is unable through its situation to limit or escape them.²⁴

Many people consider that sentience is a criterion for deciding which animals should be legally protected by laws, making animal sentience an important topic on which to have a clear distinction on. Broom (2010) defines a sentient being as being one

*that has some ability: to evaluate the actions of others in relation to itself and third parties, to remember some of its own actions and their consequences, to assess risk, to have some feelings and to have some degree of awareness.*²⁵

Suffering is at the centre of the concern for the welfare of animals. There is a consensus that it should be assumed that all vertebrate species can subjectively experience pleasant and unpleasant feelings, and this is reflected in the wealth of legal welfare protection given to vertebrates.²⁶

It has been argued that the hunted animal does not suffer during the hunt but is simply experiencing the kind of stresses which are natural to wild animals.²⁷ This however does not take into account the fact that animals suffer when they fail to cope with the stresses of life because they are too severe, too complex and/or prolonged.²⁸

It can be argued that species with more sophisticated brain processes are able to cope with certain problems

with more success than others. Progressing from this, degrees of pain can therefore be more detrimental to welfare in species with lower cognitive abilities. An action can therefore inflict more suffering and be considered more cruel if inflicted upon a simpler creature. High cognitive abilities however also have their drawbacks. The expectation of pain and the dread of future events can possibly be experienced by animals other than humans. These factors should always be considered when deciding what is acceptable treatment of animals.²⁹

By analysing the behaviour of hunted animals during the pursuit, it is possible to observe the animal performing behaviours outside their usual pattern, so the activity of being hunted is affecting the normal behaviour of the animal. Some of these behaviours indicate a level of short range planning which would signify a higher level of cognitive ability in which the animal is able to choose from a range of actions in order to produce the desired outcome.³⁰

It is clear that animals experience pain, fear and suffering. Those who would seek to repeal the Hunting Act give a variety of reasons for wishing to do so, one of which being that traditional hunting practices benefit animal welfare. They argue that hunting is conducted for the greater good of the quarry species, and that the consequences of minimal management would be a range of threats to wildlife.³¹

While it is often true that human intervention is necessary for the successful continuation of a particular population - for example during the outbreak of a disease a cull may be necessary to protect the healthy animals from becoming infected - what is clearly unacceptable is to ignore the welfare of the individual animals you are intending to cull. Animal welfare should always be the primary focus when deciding on a management strategy.

In order to effectively address the issue of whether hunting is beneficial or detrimental to welfare it is necessary to analyse the effects of hunting with hounds on each quarry species.

21 Boissy, A., Arnould, C., Chaillou, E., Désiré, L., Duvaux-Ponter, C., Greiveldinger, L., Leterrier, C., Richard, S., Roussel, S., Saint-Dizier, H., Meunier-Salaün, M. c., Valance, D., and Veissier, I. (2007) Emotions and cognition: a new approach to animal welfare. *Animal Welfare* 16(s): 37-43.

22 Kirkwood, J. K. (2007) Quality of Life: the heart of the matter. *Animal Welfare*. 16(s): 3-7.

23 Kirkwood, J. K. (2007) Quality of Life: the heart of the matter. *Animal Welfare*. 16(s): 3-7.

24 Boissy, A., Arnould, C., Chaillou, E., Désiré, L., Duvaux-Ponter, C., Greiveldinger, L., Leterrier, C., Richard, S., Roussel, S., Saint-Dizier, H., Meunier-Salaün, M. c., Valance, D., and Veissier, I. (2007) Emotions and cognition: a new approach to animal welfare. *Animal Welfare* 16(s): 37-43.

25 Broom, D. M. (2010) Cognitive ability and awareness in domestic animals and decisions about obligations to animals. *Applied Animal Behaviour Science*. 126: 1-11.

26 Kirkwood, J. K. (2007) Quality of life: the heart of the matter. *Animal Welfare*. 16(s): 3 - 7.

27 All Party Parliamentary Middle Way Group and Veterinary Association for Wildlife Management (2009) Hunting, Wildlife Management and the Moral Issue. [Unspecified publication details]

Deer hunting

The welfare of hunted deer has been the subject of numerous research papers.^{32, 33, 34} The conclusions of examinations of the physiological evidence collected were that red deer are not well adapted either by their evolutionary or individual history to cope with the level of activity imposed on them when hunted with hounds.³⁵ Bateson and Bradshaw (1997) reported to the National Trust that based on their results, red deer are likely to suffer extreme stress due to the hunts forcing them to experience conditions which are far outside the normal limits for the species.³⁶

The release of the hormone cortisol,³⁷ changes in the configuration of the blood and physiological changes such as muscle damage have all been used as indicators of stress in wild ungulates.³⁸

The Bateson report³⁹ (1997) observed changes in a variety of stress related indicators such as levels of cortisol, concentrations of which were found in such high levels in the blood of hunted red deer as to indicate great physiological and psychological stress. There were also other indicators such as muscle damage, damage to red blood cells and depletion of carbohydrate resources for powering muscles.⁴⁰

Bradshaw and Bateson (2000) concluded that the welfare implications of hunting were more severe than those associated with stalking, and that it would be much more difficult to reduce the welfare implications of hunting with dogs.

Some people were critical of the research on the effects of hunting on red deer, and the Countryside Alliance and Devon & Somerset Staghounds commissioned further research by Professor Roger Harris which replicated the efforts of Bateson and Bradshaw but concluded that deer only suffered for approximately the last twenty minutes of the hunt. Bateson and Harris then worked together in reviewing the existing research and presented their findings⁴¹ to the Burns Inquiry. Their joint conclusions were that

the amount of activity during the hunt did indeed fall outside their natural experience and that it did not simulate natural predation by wolves in other countries.

There was some disagreement as to whether the high levels of cortisol observed in the hunted deer could be attributed to psychological stress or if the mere act of exertion could be responsible.⁴² However, the blood results from the hunted deer contained levels of cortisol which had never before been observed in deer after only exercise. Such levels are extremely rare without the addition of psychological stress.⁴³

There was also some argument over whether or not escaped deer suffer, or that capture myopathy⁴⁴ was likely to occur.⁴⁵ In their review of earlier research, Rochlitz & Broom (2008) explain that the increased levels of hormones (indicative of muscle damage) in comparison to the post-mortem evidence of muscle damage from hunted and shot deer strongly indicate that myopathy in escaped deer is extremely likely.⁴⁶

Despite these disagreements, there is a general consensus among scientists⁴⁷ that deer are likely to suffer during the final stages of the hunt as muscle carbohydrate stores approach depletion and the deer are repeatedly subjected to periods of extreme physical effort. In addition, the high body temperature of the deer is consistent with high levels of stress as deer physiology is not well adapted to long periods of exertion, but rather to short bursts of running. The raised temperature indicates that the animal is unable to cope and that it is suffering.⁴⁸

What was still unclear at the time of the Bateson and Harris report⁴⁹ was at what point the challenge faced by the deer resulted in it being unable to cope. However the veterinarian, founder member of the Farm Animal Welfare Council (FAWC) and stress physiology expert John Webster writes that as the strategies used by the deer begin to fail, its fear is compounded by an increasing state of exhaustion as it is no longer physically able to escape.⁵⁰

At the time of the Burns Inquiry there was also some

28 Webster, J. (2000) Submission by John Webster, M.A., Vet M.B. (Cantab) 1963 PhD (Glasgow) 1996 Currently Professor of Animal Husbandry, University of Bristol School of Veterinary Science to the Committee of Enquiry into Hunting with Dogs. [online] Available at: <http://www.huntinginquiry.gov.uk/evidence/webster.htm>

29 Broom, D. M. (2010) Cognitive ability and awareness in domestic animals and decisions about obligations to animals. *Applied Animal Behaviour Science*. 126: 1-11.

30 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

31 All Party Parliamentary Middle Way Group and Veterinary Association for Wildlife Management (2009) *Hunting, Wildlife Management and the Moral Issue*. [Unspecified publication details]

32 Bateson, P. and Bradshaw, E. L. (1997) Physiological effects of hunting red deer (*Cervus elaphus*). *Proceedings of the Royal Society of London B*. 264: 1707-1714.

33 Bateson, P. and Bradshaw, E. L. (2000) The effects of wound site and blood collection methods on biochemical measures obtained from wild, free-ranging red deer (*Cervus elaphus*) shot by rifle. *Journal of Zoology London* 252(3): 285-292.

ANIMAL WELFARE AND HUNTING WITH DOGS *(Continued)*

argument over whether suffering could be assumed based on the abnormal behaviour exhibited by the hunted deer. Deer movements become frantic and do not return to normal. These observations provide evidence against the argument that deer are merely experiencing increased levels of exertion and not stress. During the hunt the deer have no choice whether or not to continue: it is forced to run beyond its normal experience until it can no longer do so. The deer is driven to continue by the fear of being caught. The argument that because suffering cannot be conclusively demonstrated no suffering must occur dismisses the substantial evidence for similar evidence of poor welfare during transport and handling.⁵¹

Fox hunting

The hunting of foxes involves similar elements of cruelty to that of deer hunting. As the fox is genetically similar to the dog this would lead to the assumption that both species have a similar ability to experience pain and suffering.⁵²

When being chased by the hounds, a fox will often attempt to escape underground. At this point a terrier is often sent down the hole to hold the fox at bay while the terriermen dig out the fox.⁵³ As the fox is unable to escape it will then experience high levels of fear which, without being able to escape, will increase over time.⁵⁴

During the holding in of the fox below ground by a terrier, fights between the two animals will often break out. This activity has in fact become a sport in its own right and is little different to dog fighting.

A three year investigation by the League collected evidence from various terrierwork websites (including 'The Hunting Life' and 'Moochers Hunting') in which graphic photographs of wildlife abuse are posted online by those involved. The activities depicted included fox and badger baiting and the digging out of foxes.⁵⁵ While the law on using dogs below ground is clear and the codes of practice very strict, it is clear

from the images that the motivation was not a desire to carry out pest control in the most efficient and humane way⁵⁶ but rather out of a desire to kill for fun.

It is also important to remember that it is not only the fox that suffers during this process. The dogs used can also suffer horrific injuries if a fight breaks out. The League found many images of wounded dogs which were displayed alongside information on where to buy do-it-yourself medical kits to enable the owners to treat their animals without having to seek professional help.

This kind of terrierwork is carried out solely for the purpose of entertainment and it is done by those who enjoy inflicting suffering. Although this has continued since the passing of the Hunting Act, repeal of that legislation would see their activities legitimatised once more.

The Burns Inquiry stated that:

...the activity of digging out a fox in order to shoot it involves a serious compromise of its welfare, bearing in mind the often protracted nature of the process and the fact the fox is prevented from escaping

It is the assertion of the pro-hunt lobby that this statement is not meant to mean that the activity can be considered cruel and that any attempt to infer that the hunted fox is likely to experience fear and distress is equivalent to anthropomorphism.⁵⁷ However the development of our scientific understanding of animal sentience and of the suffering of animals is such that the considerable fear and distress experienced by hunted species including the fox, hare and mink can no longer be dismissed.⁵⁸

Although there has been no physiological research conducted on foxes during the digging out process, it is possible to compare the experience of a fox being kept at bay by a dog below ground to that of being trapped in a box trap. Both are placed in a position where they are unable to escape from the situation which can then result in suffering⁵⁹ as it experiences increasing levels of fear and is unable

34 Bradshaw, E. L., and Bateson, P. (2000) Welfare implications of culling red deer (*Cervus elaphus*). *Animal Welfare*. 9(1): 3-24.

35 Bateson & Bradshaw (1997) Physiological effects of hunting red deer (*Cervus elaphus*). *Proceedings of the Royal Society of London B*. 264: 1707-1714.

36 Bateson & Bradshaw (1997) Physiological effects of hunting red deer (*Cervus elaphus*). *Proceedings of the Royal Society of London B*. 264: 1707-1714.

37 Cortisol is commonly referred to as the stress hormone as its secretion is linked to physical and emotional challenges, social isolation, loss of social status and hypoglycaemia.

38 Mentaberre, G., López-Olvera, J. R., Casas-Díaz, E., Bach-Raich, E., Marco, I., & Lavín, S. (2010) Use of haloperidol and azaperone for stress control in roe deer (*Capreolus capreolus*) captured by means of drive-nets. *Research in Veterinary Science*. 88(3): 531 - 535.

39 Bateson, P. and Bradshaw, E. L. (1997) Physiological effects of hunting red deer (*Cervus elaphus*). *Proceedings of the Royal Society of London B*. 264: 1707-1714.

40 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

to alleviate its condition.⁶⁰ Research on trapped foxes showed pronounced physiological stress responses which would have been increased by the close proximity of humans.⁶¹

Many pro-hunt groups have cited one of the reasons for the need to re-establish the use of hounds to dispatch the fox is that wounding rates in foxes is high during shooting and that this would result in suffering far worse than that caused by hunting.

*A direct hit will cause near instantaneous death, but shooting is intrinsically fallible, even if undertaken properly. Inexpert or opportunistic shots may cause protracted suffering by wounding. No amount of training can totally eliminate mistakes by the beginner, the reckless, the downright unlucky or even the expert.*⁶²

There has been limited research into wounding rates (none which have used live foxes as the study group) however one study⁶³ which is often cited by pro-hunt lobby groups concludes that no shooting regime has a zero wounding rate on the first shot fired.

This research was criticised by other leading scientists⁶⁴ for inferring that it is the wounding of foxes after the initial shot which is of the most significant concern rather than the number of foxes who escape wounded. They claim that after the initial shot using a shotgun, the animal is bowled over and the marksman then has the opportunity to ensure the fox has been dispatched when the animal is not moving. The study did not take this into account and implied that all animals not shot dead with the first shot would have the ability to escape and would then die a long and lingering death. This conclusion cannot of course be backed up by any evidence as the study was not based on observations of shooting live targets. The study also used shooting regimes which are not used in practice in Britain, with incorrectly sized weapons and not in line with codes of practice. As there is no reason to believe these practices occur in the real world, the results would be biased towards higher wounding rates. The research was also criticised due to the

statistical methods used to analyse the results.⁶⁵

It has been stated by the pro-shooting lobby that it is possible to humanely dispatch a fox using a gun:

*One of the most effective methods of controlling foxes is by shooting at night (lamping) with a rifle... It is a skilled job, requiring intimate knowledge of the landscape and the quarry to be able to judge where a fox is likely to be, to positively identify it, to judge whether a shot is safe and to ensure a clean kill. Small calibre rifles and shotguns with large shot can be effective at short ranges, but shots must be taken within the ability of the firearm and its user.*⁶⁶

The Countryside Alliance, in its best practice guide, states that *guns must be competent at estimating range and shoot within the limitations of their equipment to kill cleanly and consistently. It goes on to state that when shooting foxes suitable rifles, shotguns and ammunition should be used and only at ranges that ensure rapid dispatch.*⁶⁷ These would both seem to indicate that shooting live targets is considered by both the hunting and shooting lobby to be an effective means of dispatching an animal.

As the debate over repeal of the Hunting Act has intensified, the All Party Parliamentary Middle Way Group has produced several documents which state that wounding rates are as high as 48% when using a rifle and 60% when using a shotgun and that the wounding rates did not decrease with the increasing skill of the marksman.⁶⁸

In an interview before the 2010 general election, David Cameron said that:

*The point is the fox population has to be controlled. Every farmer will tell you that and tell you the methods being used in more cases gassing and shooting and trapping and snaring are very cruel.*⁶⁹

Despite these evident inconsistencies in whether or not shooting is cruel, the League believes that because shooting is - and has always been - the most commonly used method of killing foxes⁷⁰ steps should be taken to reduce wounding rates as has been

⁴¹ Bateson, P. and Harris, R (2000) Contract 7: The Effects of Hunting with Dogs in England and Wales on the Welfare of Deer, Foxes, Mink and Hare. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: HMSO

⁴² Bateson, P. and Harris, R (2000) Contract 7: The Effects of Hunting with Dogs in England and Wales on the Welfare of Deer, Foxes, Mink and Hare. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: HMSO

⁴³ Bateson & Bradshaw (1997) Physiological effects of hunting red deer (*Cervus elaphus*). Proceedings of the Royal Society of London B. 264: 1707-1714.

⁴⁴ Capture myopathy is a pathological condition in which extreme exertion and stress cause damage to muscle tissue. Symptoms include; depression, stiffness, lack of coordination, paralysis, and death. Death can occur up to two weeks after the initial exertion.

⁴⁵ Bateson, P. and Harris, R (2000) Contract 7: The Effects of Hunting with Dogs in England and Wales on the Welfare of Deer, Foxes, Mink and Hare. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: HMSO

⁴⁶ Bradshaw, E. L., and Bateson, P. (2000) Welfare implications of culling red deer (*Cervus elaphus*). *Animal Welfare*. 9(1): 3-24.

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successfully achieved in other European countries.

Efforts to reduce wounding rates had considerable success in Denmark, where a national action plan reduced the number of foxes carrying shot from 25% to 10%. In addition to the plan they also put in place a written code of conduct on which prospective hunters must demonstrate a knowledge before being issued with a hunting licence.⁷¹ There are also similar regulations in place in other European countries in which proficiency and regular testing are in place to ensure shooting accuracy and competence.

Hare Hunting & Coursing

The coursing and hunting of hares in the UK is not carried out because the hare is considered a major agricultural pest, but largely for entertainment and occasionally because the existence of hares encourages poachers onto farmers' land. It is not a question of over-population or massive cost to the landowner but for entertainment and the prevention of trespass and damage caused by humans.

The intention of hare coursing is not to kill the hare. Instead, it is a contest of speed and agility between two dogs, where each is awarded points depending on its ability to divert or 'turn' the hare from a direct escape route along the coursing field.⁷²

There are two types of hare coursing, informal or 'walk up' coursing, and formal or organised coursing. In walk up coursing dogs are set on whatever hare gets up in front of them, whereas in organised coursing hares are driven into the coursing arena. Poachers obviously favour walk up coursing. Coursing uses long dogs bred for speed, they hunt by sight and the course is over relatively quickly.

There are around 80 packs of beagles, basset hounds and harriers bred to hunt hares in England and Wales. These three breeds hunt by scent and the hunting of an individual hare can last up to about 45 minutes.

Despite death or injury of the hare not being an aim of coursing, this did regularly occur and coursing clubs would have a person - the 'picker up' - ready to dispatch injured hares and a vet would sometimes be present to assess the health of the hare. This means that the hare will have to endure human interaction both during initial capture *and* during subsequent evaluations and possible release, causing high levels of fear and distress.

Twelve autopsy results of hares killed at a coursing meet in March 2000 were presented to the Burns Inquiry and demonstrated extensive and traumatic injuries to all the hares. Of the hares killed, 11 of the 12 were in fair, moderate or good condition prior to the event. Two-thirds of the hares were females and 63% were pregnant. The injuries sustained included broken ribs and limbs, perforated abdomens, and internal haemorrhaging of various organs. It was determined that just under half (43%) most certainly did not die until the picker up dislocated or fractured the hare's neck, and 50% of the hares possibly died as a result of injuries sustained during the event or after being picked up. Only one hare was definitely killed by the dogs.⁷³

Prior to the implementation of the Hunting Act approximately 13% of hares died during the coursing event or as a result of their injuries.⁷⁴ In 1993, the Republic of Ireland introduced muzzles to limit the suffering caused to hares and the possibility of death, however their effectiveness remains contentious. There have been various figures for hare deaths during coursing, and one report states that deaths can be as high as 48%, even where the dogs are muzzled.⁷⁵ In other observations⁷⁶ muzzles reduced mortality from 15.8% to 4.1% but this did not take account of any deaths which occurred prior to or after the coursing event. It also revealed that there was more contact with the muzzled dogs and that although hares could not be bitten by the dogs they would be pawed and battered, which could cause suffering and injuries which may later cause a prolonged and painful death.

⁴⁷ Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

⁴⁸ Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

⁴⁹ Bateson, P. and Harris, R (2000) Contract 7: The Effects of Hunting with Dogs in England and Wales on the Welfare of Deer, Foxes, Mink and Hare. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: HMSO

⁵⁰ Webster, J. (2000) Submission by John Webster, M.A., Vet M.B. (Cantab) 1963 PhD (Glasgow) 1996 Currently Professor of Animal Husbandry, University of Bristol School of Veterinary Science to the Committee of Enquiry into Hunting with Dogs. [online] Available at: <http://www.huntinginquiry.gov.uk/evidence/webster.htm>

⁵¹ Webster, J. (2000) Submission by John Webster, M.A., Vet M.B. (Cantab) 1963 PhD (Glasgow) 1996 Currently Professor of Animal Husbandry, University of Bristol School of Veterinary Science to the Committee of Enquiry into Hunting with Dogs. [online] Available at: <http://www.huntinginquiry.gov.uk/evidence/webster.htm>

Video evidence in a 2007 study suggested that hare mortality was underestimated not only by death occurring after the coursing event but also in captivity beforehand, due to stress or disease resulting from capture or confinement.⁷⁷

There is limited scientific research to identify the full effect of removing hares from their natural environment, keeping them in captivity, subjecting them to the coursing event and returning them to the wild. However there are several studies which suggest that this will have a substantial negative impact on their welfare.

Work by the Irish Hare Initiative⁷⁸ studied the impact of capture myopathy - a usually fatal condition in which hares can suffer from heart failure, restriction of blood flow to parts of the body, liver failure to name but a few of the physiological symptoms - in hares following coursing events and explains that the condition arises as a result of severe stress and fear from being chased, handled, transported or captured, all of which are extremely stressful experiences for a wild hare.

Like deer, hares are evolutionarily adapted to sprint at high speeds for short periods of time to escape predators.⁷⁹ Some coursing advocates have argued that the coursing event simulates this short natural chase. However, if the hares natural behaviour is analysed it is clear this is not the case. Predators will use the element of surprise to catch the much faster and agile hare, but if the predator is spotted, the hare will sit bolt upright to signal that the predator has been sensed. During a coursing event immediately after release the hare will pause, not because the hare is 'waiting for the dogs' as suggested by coursers, but because it is not expecting to be pursued. From the time the hare is captured to its release, its normal escape routes are not available to it and so to argue that this is a natural situation for a hare to be in is a complete misnomer.⁸⁰

In response to the evidence of population declines for Irish hare (which is also locally extinct in some areas) and the realisation that coursing has no positive impact on the Irish hare,⁸¹ the Northern Ireland Assembly in June 2010 voted to completely ban hare coursing under the Wildlife and Natural Environment Bill.

It would be a nonsense to return to a time where

activities such as hare coursing and hunting are again legal when both activities have been shown to have no positive impacts on hare welfare and as neither serves any practical purpose in terms of protecting agricultural interests. The sole motivation for this sport is entertainment and at a time when other countries are imposing a ban on abuse of animals in this way it is baffling that politicians in England and Wales are contemplating making it legal.

Mink hunting

Only one study ... has addressed the effectiveness of hunting with dogs as a means of controlling mink. In an analysis of hunting records of the Cornwall and Devon Minkhounds (south-west England) from 1976 to 1980, the pack hunted on 156 days during which 84 mink were caught. Two-thirds of the mink located by the hounds successfully evaded capture. On one occasion, the minkhounds hunted through Birk's study area, at which time five or six resident mink were known to be present. Three of these residents were found by the hounds, two of which escaped into secure rocky dens, only one was killed. Although this seems a remarkably inefficient means of control, the extent of persecution may be more subtle. The recently born litter of the female were left to perish. In another case, a presumably pregnant female hunted in March failed to produce a litter that year. On mink farms interference causing stress at such an early stage in pregnancy is likely to lead to abortion.⁸²

Hunting mink with hounds offers no assistance in controlling the mink population and in fact is highly damaging to the surrounding environment, and existing species. Although no studies have been conducted to assess the welfare of mink during hunting with hounds, research⁸³ has shown that a biologically similar species - the North American river otter - does suffer from capture myopathy and can die up to four days following capture.

It is therefore a likely conclusion that extreme muscle exertion and stress caused by hunting with hounds could also cause myopathy, making the activity not only inefficient and damaging to the habitat but can also cause unnecessary suffering.

52 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

53 See 'Terrierwork', page 42.

54 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

55 League Against Cruel Sports (2010) Facebook among websites targeted by animal abusers. [online] Available at: http://www.league.org.uk/news_detail.aspx?ID=896&q=terrierwork&RegionID=&ResultList=1

56 National Working Terrier Federation (N.W.T.F.) (2008) So What Is Terrierwork? An Essential Form of Pest Control. [online] Available at: <http://www.terrierwork.com/terrierwork.htm>

57 The Final Report of the Committee of Inquiry into Hunting with Dogs in England and Wales (2000), Norwich, TSO. Hereafter referred to as 'The Burns Report'.

WHY HUNTING IS NOT A 'NATURAL CHASE'

A report published by the All Party Parliamentary Middle Way Group and the Veterinary Association for Wildlife Management argues that hunting with hounds is a natural method of predator control because it uses animal to animal interaction which makes it unique above all other methods of control.⁸⁴

The report explains the role that predators play in the regulation of its prey population size, health and behaviour and that hunting with hounds is not dissimilar to the way in which a pack of wolves would hunt. While it is true that the relationship between predators and prey is complex, this transfer of a natural biological process onto hunting deer and foxes with hounds is over-simplified and illogical.⁸⁵

The behaviour of foxes and deer is not likely to be affected by the presence of hunting, as hunting accounts for only a very small percentage of mortality. In addition, neither species has a natural predator in the UK. It is claimed that hunting with hounds has a positive impact on the health and fitness of the quarry population through dispersal, as;

*It disperses high concentrations of quarry species thus reducing the impact of local damage.*⁸⁶

This dispersal effect applies to both deer and foxes by apparently preventing concentrations of foxes in areas where there are vulnerable livestock.⁸⁷ This effect is however temporary and there is no scientific evidence that this affects the behaviour of the species.⁸⁸

Rochlitz and Broom (2008) say that hunting in the UK does not and cannot take place without human intervention and that as humans are considered predators of many UK species and as such we cannot remove ourselves from the obligations we have to them. The way animals behave in the wild is not acceptable behaviour for humans, who are very much a part of the

hunting process. Humans have a moral responsibility to ensure that their necessary actions cause as little suffering as possible and that any form of population management is conducted as humanely as possible.

The 'natural chase' argument does not take into account the unnatural advantage the pack of hounds has over its prey species. They are trained, fed, treated for illness and disease and are then accompanied, instructed and encouraged at every level of the hunt. The lone prey has no such advantage. This is in no way a natural predator - prey dynamic.⁸⁹

The act of hunting does not take place solely by the pack of hounds. The humans on horseback, terriermen, foot-followers and supporters are all very much part of the predator group. The hunting process is facilitated, planned and carried out by humans and assisted by the hounds. Deer are selected prior to the commencement of the hunt. Hounds will be directed to an area where the quarry has been seen. Followers of deer hunts will prevent a deer from progressing to an area difficult for the hunters to access. The exhausted deer standing at bay may then be physically restrained by hunt staff or supporters, and death is in fact dealt by a hunter with a firearm.

The hounds involved in hunting follow orders from the huntsman. Artificial earths have been used to encourage foxes into an area and routes are blocked to interfere with the fox's natural escape. These physical barriers force the fox to go into unknown territories and prevent the fox from exhibiting its natural behaviour. If a fox goes to ground, digging out often occurs. The process of digging out involves many stresses including proximity to humans, the presence of a pack of hounds, a terrier, noise and the inability to escape from the situation.

58 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

59 Broom (1991) Animal Welfare: concepts and measurement. *Journal of Animal Science*. 69: 4167-4175

60 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

61 White, P. J., Kreeger, T. J., Seal, U. S., Tester, J. R. (1991) Pathological responses of red foxes to capture in box traps. *Journal of Wildlife Management*. 55(1): 75-80.

62 All Party Parliamentary Middle Way Group and Veterinary Association for Wildlife Management (2009) Hunting, Wildlife Management and the Moral Issue. [Unspecified publication details]

63 Fox, N.C., Blay, N., Greenwood, A.G., Wise, D. and Potapov, E. (2005) Wounding rates in shooting foxes (*Vulpes vulpes*). *Animal Welfare* 14(2): 93-102.

64 Baker, P. J., and Harris, S. (2006) Still shooting in the Dark. *Animal Welfare*. 15: 89-91.

It has also been claimed that the quarry species have a set of coping mechanisms to deal with being hunted and that they will not become bewildered or panicked and that their behaviour will immediately return to normal if the animal escapes.⁶⁰ Rochlitz and Broom (2008) have disputed this assumption claiming that:

*The fact that fear is biologically adaptive does not mean that it is not associated with poor welfare... The quarry's fear will augment as its coping methods prove to be unsuccessful, and will be compounded by increasing exhaustion as the hunt progresses.*⁶¹

All of the factors described above are likely to cause high levels of fear and distress to the captured animal prior to its death. Even if the death of the hunted animal is a quick shot from a gun or even the fabled 'nip to the back of the neck', the unnatural conditions of being hunted by people and a pack of hounds and all the preceding events leading up to the point of death are of a level of cruelty which cannot be allowed to become legal again.

⁶⁵ Baker, P. J., and Harris, S. (2006) Still shooting in the Dark. *Animal Welfare*. 15: 89-91.

⁶⁶ The British Association for Shooting and Conservation (BASC) (2008) *Shooting: The Facts for Journalists*. Wrexham: BASC.

⁶⁷ Countryside Alliance (2008) *The Code of Good Shooting Practice 2008*. London: Countryside Alliance.

⁶⁸ Veterinary Association for Wildlife Management (2010) *Management of the Rural and Urban Fox*. [online] Available at: http://www.vet-wildlifemanagement.org.uk/index.php?option=com_content&task=view&id=15&Itemid=29

⁶⁹ Chapman, J. (2010) Unashamed 'country boy' David Cameron makes passionate defence of fox hunting. [online] Available at: <http://www.daily-mail.co.uk/news/article-1262884/David-Cameron-makes-passionate-defence-fox-hunting.html>

⁷⁰ The Burns Report (2000)

⁷¹ Rochlitz, I. and Broom, D. M. (2008) *An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'*. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

THE CASE AGAINST REPEAL

Why self regulation of hunts would not have worked

Before the Hunting Act came into force in February 2005, there was no specific legislation concerning hunting in England and Wales. Instead, hunts operated a form of self-regulation through their membership of hunting associations such as the Master of Foxhounds Association (MFHA). With current proposals from the Conservative and Liberal Democrat Coalition Government to provide a free vote to look at repealing the Hunting Act 2004 there is the possibility that England and Wales could go back to having no controls over hunting, or a form of self-regulation.

Stephen Lambert, Chairman of the MFHA, has stated that their proposal of an independent regulatory body to oversee hunting is "to satisfy the public, the media and parliamentarians that by repealing the Act they're not just turning the clock back. Hunting will then have a proper independent system for complaints and for ensuring that proper disciplines procedures are kept".

It is alarming that the main concern for the MFHA is to 'satisfy the public, media and parliamentarians' and not to ensure the highest standards of animal welfare.

What the arguments for forms of self or independent regulation miss out is the fact that the Hunting Act, which was carefully considered during more than seven hundred hours of parliamentary time, specifically included several exemptions to ensure that legitimate pest control could still be carried out. It remains the case that pest control can be carried out in a number of ways. There is nothing that a regulatory body could achieve that the Hunting Act cannot.

There are further concerns about the registration of hunts themselves. The MFHA talk about the penalties that they could impose on hunts if they were found to have broken any regulations - whatever they may be - but the fact is that almost half of hunts in England and

Wales are not even listed with them; 176 hunts are listed by the MFHA, whereas Baily's Hunting Directory lists 318. Those hunts not registered with the MFHA would not be bound by the regulations, making the regulations entirely toothless, unless their representative organisations, such as the Masters of Basset Hounds Association and the Central Committee of Fell Packs also signed up to the proposed regulation.

It is claimed that a new independent regulatory body could ensure that entire hunts could be banned, packs of hounds de-registered and hunts barred from holding point to points.⁷² It has been claimed that, although extremely unlikely, it is possible for a hunt to be banned as a result of breaking codes under the new Hunting Regulatory Authority (HRA). A supporter of the HRA plans said:

They'd be barred from the Association. A foxhunt would be barred from registering their hounds, from using other people's hounds. They wouldn't be able to have a point to point. And there would be quite a bit of social stigma.⁷³

This is all a complete watering down of the current legislation which can prosecute all those who participate in illegal activities under the Hunting Act. It also once again misses the point that deregistering hunts does not prevent them engaging in behaviour deemed inappropriate, but rather creates a situation whereby they continue the activity but no authority has any powers over them.

Mr Lambert of the MFHA has stated that there would be six key rules to govern hunting under a new regulatory body:

1. All hunting activity should avoid "unnecessary suffering";
2. Anybody engaged in hunting activity must act in accordance with the law;
3. Hunting must respect wild, farm, domestic

⁷² Reid, N., McDonald, R. A., and Montgomery, W. I (2007) Factors Associated with Hare Mortality During Coursing. *Animal Welfare*. 16: 427-434

⁷³ University of Cambridge Department of Clinical Veterinary Medicine (2000) Postmortem Reports on 12 Hares Killed at Coursing Meetings in March 2000 Research submission to the Committee of Inquiry into Hunting with Dogs in England and Wales.

⁷⁴ The Burns Report (2000)

⁷⁵ Rendle, M. (2006) The Impact of Enclosed Hare Coursing on Irish Hares. [online] Available at: <http://www.irishhare.org/>

⁷⁶ Reid, N., McDonald, R. A., and Montgomery, W. I (2007) Factors Associated with Hare Mortality During Coursing. *Animal Welfare*. 16: 427-434

⁷⁷ Reid, N., McDonald, R. A., and Montgomery, W. I (2007) Factors Associated with Hare Mortality During Coursing. *Animal Welfare*. 16: 427-434.

⁷⁸ Rendle, M. (2006) Stress and Capture Myopathy in Hares. [online] Available at: <http://www.irishhare.org/>

⁷⁹ Reid, N., McDonald, R. A., and Montgomery, W. I (2007) Factors Associated with Hare Mortality During Coursing. *Animal Welfare*. 16: 427-434.

⁸⁰ Rendle, M. (2006) The Impact of Enclosed Hare Coursing on Irish Hares. [online] Available at: <http://www.irishhare.org/>

⁸¹ Rendle, M. (2006) The Impact of Enclosed Hare Coursing on Irish Hares. [online] Available at: <http://www.irishhare.org/>

animals, as well as property;

4. All "reasonable steps must be taken to ensure that hunting is carried out on land with the permission of the owner, tenant or occupier";
5. Hunting is carried out "in a manner that respects any other lawful activity being undertaken by any other person on the land";
6. Nobody may carry out any hunting "likely to bring hunting into disrepute".

It is easy to quickly rebut each of these points:

1. Hunting was banned under the Hunting Act 2004 as it was deemed to cause unnecessary suffering and only legitimate pest control was exempt to ensure that where absolutely necessary it could be carried out in the most humane way possible;
2. This is already the case under the Hunting Act 2004;
3. The Hunting Act 2004 was created and framed specifically with this in mind;
4. This is already the case otherwise it would be trespass. In order for legitimate pest control to be undertaken, permission must be sought by the landowner;
5. This is consistent with the current legislation;
6. The Hunting Act 2004 has already stipulated those forms of hunting which are legitimate pest control and everything else has been made illegal and therefore that activity would 'bring hunting into disrepute'.

Mr Lambert adds that there is a serious problem under the Act in terms of who can be convicted of an offence as it "can convict a huntsman and not the master. It's grossly unfair on the staff".⁸⁴ Given recent examples where hunts have attempted to disassociate themselves from terriermen charged with Hunting Act offences, it is abundantly clear that hunts will do all they can to avoid their masters being charged.

Stephen Lambert describes an example of where the

new Hunting Regulatory Authority would take action;

If there was some ghastly drama - the hounds accidentally catching a fox in some inappropriate place - it's not against the law but it most definitely brings hunting into disrepute and the HRA would act.

He fails, however, to elaborate on how the HRA would act and what sort of action it would take. He also fails to explain how the HRA would act in the case of almost half the number of hunts who are not registered to the MFHA and so would seemingly not be bound to its rules. Even beyond this, Mr Lambert ignores the obvious question of why the MFHA cannot do this as it currently stands.

The new HRA is supposed to have independent legal experts in order to ensure it is not deemed to be too close to the hunting community; however this again is simply a watered-down version of what we have with the current legislation. It is completely illogical to repeal a law and then pretend to replace it with something that is simply a less effective version, which is exactly what this would be. The law already enables independent legal professionals to review cases, as the result of over 130 convictions under the Act since 2005 has demonstrated.

The point that comes back to haunt the proposers of any scheme of self-regulation, or indeed independent regulation of hunting with hounds is the fact that there are two choices. Either one ignores the fact that almost half the number of hunts are not registered by the MFHA and so would not be subject to their codes and regulations, therefore rendering the whole system pointless; or else recognise that the only way to ensure that hunts abide by these regulations is to introduce legislation forcing hunts to register. Legislation controlling hunting with hounds already exists and so to repeal this to bring in more legislation that would not even attempt to control hunts, would be nothing short of farcical.

⁸² Dunstone, N (1993) *The Mink*; London, T & A D Poyser.

⁸³ Hartup, B. K, Koliass, G. V., Jacobsen, M. C., Valentine, B. A., and Kimber, K. R. (1999) Exertional Myopathy in Translocated River Otters in New York. *Journal of Wildlife Diseases* 35: 542-547.

⁸⁴ Colvile, K. (2008) *The Natural Chase*. All Party Parliamentary Middle Way Group and Veterinary Association for Wildlife Management

⁸⁵ Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

⁸⁶ All Party Parliamentary Middle Way Group and Veterinary Association for Wildlife Management (2009) *Hunting, Wildlife Management and the Moral Issue*. [Unspecified publication details]

⁸⁷ Veterinary Association for Wildlife Management (2010) *Management of the Rural and Urban Fox* [online] Available at: http://www.vet-wildlifemanagement.org.uk/index.php?option=com_content&task=view&id=15&Itemid=29

⁸⁸ Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

CONSERVATION OF HABITATS AND WIDER WILDLIFE

Hunting exerts much less influence than agricultural market and policy trends, the management of game for shooting or incentives under agri-environment schemes.⁹⁵

People who have an interest or participate in hunting, such as farmers and landowners, have claimed to have played a significant role in shaping and managing the landscape of the countryside. Land owned by hunters is said to be specifically managed to encourage fox and hare populations in order to have ample populations to hunt. Pro-hunting arguments prior to the passing of the Hunting Act included the notion that if landowners could no longer hunt then they would have no reason to conserve habitats for any other reason.

Cobham Resource Consultants (1997)⁹⁶ reported that fox hunts were involved regularly in conservation activity, however their study has been questioned by other scientists as no comparison was made between the activity of hunting and non-hunting farmers so it is impossible to assume the correlation between conservation and sporting interest.⁹⁷

A survey by the British Field Sports Society (predecessor of the Countryside Alliance) which aimed to evaluate the significance of the direct role played by the hunts in relation to wildlife management concluded that 62% of lowland hunts participated in covert laying and 6% planted new coverts.⁹⁸ The area of woodland managed in this way was 5,700 hectares. As the area of woodland managed by those involved in agriculture is 255,000 hectares, hunts actually manage a very small percentage (2.2%) of the country's woodland. More recent figures from the Game Conservancy Trust put the area managed by hunts as 15,723 hectares.⁹⁹

It is clear that parts of the current landscape have historically been managed by hunters to encourage

foxes, particularly in the Midlands where it was claimed that the planting and maintenance of hedgerows, woodlands and cover was often undertaken for the purpose of ensuring a good hunt.¹⁰⁰ What is also clear however is that sporting interest is no longer a motivating factor in the creation or maintenance of conservation areas.

The argument that hunting is a necessary way of ensuring the biodiversity of a habitat is not supported by a study by Macdonald and Johnson,¹⁰¹ which concluded that there was only weak evidence to support the claim that any sporting interest affected the farmers' willingness to create wildlife refuges. The influence of markets and policy trends and the incentives created by agri-environment schemes are a much greater factor.¹⁰²

Agricultural Intensification

Following the Second World War large quantities of scrub land were improved for agriculture and approximately half of Britain's hedgerows were removed to create larger areas to plant arable crops and to accommodate the larger machinery being employed on farms. This led to a massive loss of biodiversity and of important habitats for fauna and flora. Farming methods also changed between the 70s and 80s, with an increase in the number of large specialised farms rather than smaller mixed enterprises. Other agricultural advances such as the growing of winter cereals instead of winter stubble, the shift from hay to silage production on grasslands and an increased use of fertilisers and pesticides also had an adverse effect on the surrounding wildlife.

89 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

90 Colvile, K. (2008) The Natural Chase. All Party Parliamentary Middle Way Group and Veterinary Association for Wildlife Management.

91 Rochlitz, I. and Broom, D. M. (2008) An update of 'The review on the welfare of deer, foxes, mink and hares subjected to hunting by humans'. London: International Fund for Animal Welfare. [online] Available at: http://www.ifaw.org/assets/General/NoReturnToCruelty/asset_upload_file667_61080.pdf

92 Mole, G. (2009) How the Tories will bring back hunting. The Independent. [online] Available at: <http://www.independent.co.uk/news/uk/politics/how-the-tories-will-bring-back-hunting-1776160.html>

93 Mole, G. (2009) How the Tories will bring back hunting. The Independent. [online] Available at: <http://www.independent.co.uk/news/uk/politics/how-the-tories-will-bring-back-hunting-1776160.html>

94 Mole, G. (2009) How the Tories will bring back hunting. The Independent. [online] Available at: <http://www.independent.co.uk/news/uk/politics/how-the-tories-will-bring-back-hunting-1776160.html>

95 The Burns Report (2000)

Hedgerows

Hedgerows are important to wildlife for a wide number of reasons; as a food resource for many plants and animals, reptiles and amphibians, and as an important habitat providing a corridor across the landscape facilitating movement for fauna.¹⁰³ Now that the wildlife value of the hedgerow is better understood more is being planted than is lost.

The evidence for a current link between hedgerow maintenance and hunting is very weak. While historically farmers who had an interest in hunting did remove the least amount of hedgerows, the difference between hunting and non-hunting farmers was not significantly different during the 1990s.

Macdonald and Johnson's 1970 survey revealed that while farmers wanted to manage the landscape for the benefit of wildlife, their actions did not demonstrate that they were actually doing so. This conflict between intention and behaviour illustrates that economic constraints are more significant than the wildlife value of the land. It was hypothesised in the later survey in the 1990s that the introduction of agri-environment schemes and farm subsidies would result in farmers being able to maintain habitats for the sake of biodiversity. However in practice the number of farmers who expressed an interest in wildlife and who removed less hedgerows was not significantly higher than those who had no interest in wildlife. It is more likely therefore that the combination of subsidies and the introduction of the Hedgerows Regulations (1997)¹⁰⁴ had a more significant impact on the lower incidence of hedgerow removal.

Woodland

It is claimed by some that landowners in the UK who allow shooting and hunting on their land apportion larger areas to woodland.¹⁰⁵ This is confirmed by an earlier study based on a much larger sample size¹⁰⁶ showing that woodland creation on shooting farms

was significantly higher than on non-shooting farms. The influence of hunting on woodland creation was much less important (39.7% to 34.8%) indicating that woodland creation is not associated with hunting interests.

Brown hare conservation

As the brown hare is a UK Biodiversity Action Plan species, its position as a quarry species appears to be in considerable conflict. The Game Conservancy Trust claims that land use for coursing and hare hunting is actually beneficial to the conservation of the species and of the wider biodiversity of the area, through increasing areas of grassland instead of cereals and root crops, taking steps against predation and poaching, collecting population numbers of hares and planting of game cover crops.

The supposed positive conservation effects must be taken into context with the negative results for the welfare of hares during coursing. The cruelty and suffering inflicted upon hares is undeniable and since the Hunting Act has been in place farmers have been supporting the police in catching those people who break the law.^{107,108,109,110}

The Burns Report concluded that while hunting has played a role in the creation and management of areas of nature conservation it is now only a minor factor in determining farmers' and land owners management practices.¹¹¹ This conclusion is mirrored in other research which states that a great deal more conservation work and land management is carried out by other landholders and dedicated conservation bodies.¹¹²

While there is some evidence that hunting has had an effect on management practices in the past, there is no evidence that the Hunting Act has had a detrimental effect on the wider environment in fact, there are many aspects of hunting activity which have a negative impact on the surrounding environment.

⁹⁶ Cobham Resource Consultants (1997) Countryside sports, their economic, social and conservation significance. Standing conference on countryside sports. Reading: The Standing Conference on Countryside Sports.

⁹⁷ MacDonald, D. W., Tattersall, F. H., Johnson, P.J., Carbone, C., Reynolds, J. C., Langbein, J., Rushton, S. P., and Shirley, M. D. F. (2000) Management and Control of Populations of Foxes, Deer, Hares, and Mink in England and Wales, and the Impact of Hunting with Dogs. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: TSO

⁹⁸ The Burns Report (2000)

⁹⁹ The Burns Report (2000)

¹⁰⁰ The Burns Report (2000)

¹⁰¹ MacDonald, D. W., and Johnson, P. J. (2000) Farmers and the custody of the countryside: trends in loss and conservation of non-productive habitats 1981-1998. *Biological Conservation*. 94: 221-234.

¹⁰² MacDonald, D. W., Tattersall, F. H., Johnson, P.J., Carbone, C., Reynolds, J. C., Langbein, J., Rushton, S. P., and Shirley, M. D. F. (2000) Management and Control of Populations of Foxes, Deer, Hares, and Mink in England and Wales, and the Impact of Hunting with Dogs. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: TSO

CONSERVATION OF HABITATS AND WIDER WILDLIFE (Continued)

Disturbance to otters and wildfowl, and damage to riverbank habitats through mink hunting is evident¹¹³ and many other wildlife species are also disturbed by hunting.¹¹⁴ Despite the blocking up of badger setts being illegal, some disturbance is still occurring whether by accident or from deliberate actions.

Between 1986 and 1997 the RSPCA obtained 271 convictions for Badger Act offences. The League also recorded eighteen members of terrier clubs and eleven officials or employees of registered fox hunts who were convicted of committing badger offences between 1986 and 1994.¹¹⁵

The claim from the pro-hunt lobby that farmers would no longer have the incentive to manage land for the purposes of hunting does not mean that landowners would change the pattern of their management, particularly in light of the many environmental regulations currently in place.

When the Farming and Wildlife Advisory Group was asked what incentives are most significant to the conservation actions of farmers hunting was ranked amongst the lowest priorities for farmers except in the case of woodland management.¹¹⁶ It is important to note that game management was considered to be of far greater importance in woodland management than hunting with dogs.

Population management

The subject of population management is complex and not well understood by the majority of people. Populations are naturally limited by the availability of resources including habitat, food, breeding sites and other factors such as predators and weather. When a population reaches the carrying capacity (the number of individuals the above factors can sustain) of the habitat, self regulation will set in. Forms of self regulation include reduced litter sizes or a delay in sexual maturity. Populations can also be reduced by the lack of adequate food resources and the abundance of disease caused

by increased interaction. It is important to note that species do not respond in the same way to changing resources and environmental pressures so it is impossible to assume that because one species is limited by habitat availability for example, that another species will be similarly limited.

The individual species' population dynamics need to be carefully considered before any attempt to cull takes place. It can often be the case that the effect of a cull is an increase in number due to the sudden increase in available resources, less competition for mates, and greater habitat sizes. In the case of fox culling, research in the commercial forests of Wales has shown that even where large number of foxes are killed this results in no or only a temporary reduction in fox numbers.¹¹⁷

It is clear from all the scientific evidence with regards to population management that no form of hunting with dogs is the major factor in the management of the species. It would seem to be perverse that hunting with dogs is brought back on the grounds of control or management when no evidence can be produced to support this.

What does seem to be a recurring theme in the argument for continued hunting is the intolerance of the species in the absence of recreational activity through hunting and coursing.

The Countryside Alliance in answer to the question "what evidence is there about the consequences for agriculture and pest control if hunting with dogs was banned completely" provided no evidence to the Burns Inquiry that there is a genuine need to control the abundance of foxes for reasons of wildlife management or pest control. Indeed their only argument was that if the resource value of the quarry species is lost, farmers will be less willing to tolerate these species,¹¹⁸ indicating that the desire to hunt stems from a mere enjoyment of the sport which in turn motivates land managers to maintain the population to enable them to continue in that activity.

A study into what land owners and managers

¹⁰³ Barr, C. J. and Gillespie, M. K. (2000) Estimating hedgerow length and pattern characteristics in Great Britain using Countryside Survey data. *Journal of Environmental Management*. 60: 23-32.

¹⁰⁴ The Hedgerows Regulations (1997) Statutory Instrument 1997 No. 1160.

¹⁰⁵ Oldfield, T. E. E., Smith, R. J., Harrop, S. R. and Leader-Williams, N. (2003) Field sports and conservation in the United Kingdom. *Nature*. 423(6939): 531-3.

¹⁰⁶ The study conducted in 2000, questioned 2,288 landowners while the later study in 2003 only spoke to 65.

¹⁰⁷ Sleaford Standard (2009) Police swoop on hare coursing gang. [online] Available at: www.sleafordstandard.co.uk/news/Police-swoop-on-hare-coursing,5816579.jp

¹⁰⁸ Herald Series (2009) Ten arrested in police crackdown on hare coursing. [online] Available at: www.heraldseries.co.uk/news/hswantage_news/4820710.Ten_arrested_in_police_crackdown_on_hare_coursing/

¹⁰⁹ Ashford, V. (2009) Police arrest hare hunters in Dilton Marsh. *Wiltshire Times*. [online] Available at: www.wiltshiretimes.co.uk/news/latestheadlines/4724415.Police_arrest_hare_hunters_in_Dilton_Marsh/

¹¹⁰ Todd, S. (2009) Yorkshire police tackle poaching lampers and hare coursers. *Telegraph.co.uk* [online] Available at: www.telegraph.co.uk/earth/wildlife/4307737/Yorkshire-police-tackle-poaching-lampers-and-hare-coursers.html

¹¹¹ The Burns Report (2000)

perceived as pests and the control methods used was conducted by White *et al.* (2003)¹¹⁹ who found that there was no simple relationship between the species which were considered to be pests and culling pressure. For foxes and hares for example, more people routinely culled these species than thought they were a pest. Burns commented on this by stating that a reduction in population does not necessarily translate into a pro rata reduction in a perceived problem.¹²⁰

Foxes

In 2006 the estimated fox population was 250,000 before the breeding season.¹²¹ Foxes live in pairs or small groups of up to five. Cubs are born between March and May and litter sizes are typically between four and five cubs. There is no reliable evidence to explain the cause of all fox deaths. It is estimated that 400,000 foxes die each year. The following table summarises the results from a questionnaire based research project¹²² in which landowners and farmers were asked to report how many foxes were killed on their land as a result of hunting with dogs and other culling methods. The results clearly illustrate the difference in culling methods undertaken in various parts of the country.

Foxes, while being widely perceived as a pest, are not considered to be as much of a problem as rabbits.¹²³ The reasons given by farmers for the need to cull foxes vary across the country. The most common reason given was to reduce fox abundance in order to reduce fox predation on livestock and game. In the uplands of Wales, predation on lambs was the most common reason given to cull foxes, whilst in the Midlands - where there are more large commercial shooting enterprises - predation on game was cited as a more significant factor. The sport of hunting was also cited as a major reason in the Midlands. The Burns report found that an individual farmer's recent experiences of fox predation were surprisingly unrelated to their control measures, and there was evidence that farmers saw control as a preventative measure. This assertion is mirrored in research indicating that;

there was no straightforward relationship between culling pressure and perceived pest status of the different species from the questionnaire data. For foxes and brown hares, the proportion of land managers (practitioners) carrying out lethal control was higher than that considering these species to be pests. However, the reverse was the case for mink.¹²⁴

	Wales	East Midlands	West Norfolk
Foxhounds	35%	15%	3%
Dug out using terriers	10%	3%	7%
Shot (including lamping)	21%	53%	64%
Shotguns	25%	9%	4%
Snares	3%	13%	9%
Other culling methods	6%	7%	13%
Total number of foxes culled	1309	1358	3060

¹¹² MacDonald, D. W., Tattersall, F. H., Johnson, P.J., Carbone, C., Reynolds, J. C., Langbein, J., Rushton, S. P., and Shirley, M. D. F. (2000) Management and Control of Populations of Foxes, Deer, Hares, and Mink in England and Wales, and the Impact of Hunting with Dogs. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: TSO

¹¹³ The Burns Report (2000)

¹¹⁴ The Burns Report (2000)

¹¹⁵ The Burns Report (2000)

¹¹⁶ The Burns Report (2000)

¹¹⁷ Baker, P. J., and Harris, S. (2006) Does culling reduce fox density in commercial forests in Wales, UK. *European Journal of Wildlife Research*. 52: 99-108

¹¹⁸ Countryside Alliance (2000) Submission to the Committee of Inquiry into Hunting with Dogs in England and Wales: First stage evidence. Chairman Lord Burns, London: TSO

¹¹⁹ White, P. C. L., Newton-Cross, G. A., Moberly, R. L., Smart, J. C. R., Baker, P. J., and Harris, S. (2003) The current and future management of wild mammals hunted with dogs in England and Wales. *Journal of Environmental Management*. 67: 187-197.

¹²⁰ The Burns Report (2000)

CONSERVATION OF HABITATS AND WIDER WILDLIFE (Continued)

There are some difficulties in accurately establishing whether fox predation poses any significant problem as most supposed fox kills are generally not witnessed and it is impossible to establish whether the lamb loss was as a result of fox attack, or if the carcass was merely scavenged afterwards. Studies however have shown that lamb mortality due to foxes is so low as to be considered insignificant¹²⁵ and in one particular study, lamb losses due to fox predation accounted for less than 1% of total losses and even if fox predation was attributed to all missing lambs the maximum overall rate would still be only 1.7%.¹²⁶

The study examined lamb mortality on two hill farms which had relatively low levels of fox control. Of the two surveyed farms one had a higher fox predation rate (0.6%) than the other (0.2%). It is suggested that this difference may be due to differences in husbandry techniques for multiple births. The farm with the lower levels of predation housed ewes with multiple births indoors to give birth and only turned them out 1-2 days later. It is clear therefore that changes in husbandry practice can reduce the limited amount of predation by foxes.¹²⁷

It is clear that there can be no benefit to farmers to cull foxes as the effort and cost of culling would not be reflected in any significant change to lamb survival.¹²⁸ It would be much more beneficial to look at the other causes of lamb mortality.

Predation by foxes on poultry is also given as a concern by some farmers. Predation risk is almost entirely confined to the free-range holdings, where allegedly losses in large commercial flocks have been estimated to be about 2% a year.¹²⁹ The perceived problem of foxes killing poultry is almost certainly due to the foxes behaviour of 'caching' or 'surplus killing' which involves killing all the prey available and then taking it away later to consume.

Predation by foxes on gamebirds is given as a major contributing factor for the perceived need for control measures. However it is a fiercely debated topic whether fox predation has a significant impact on

wild game populations¹³⁰ or if in fact wild populations of gamebirds are naturally resistant to high levels of predation.¹³¹

An RSPB report¹³² which looked at the evidence surrounding predation on birds concluded that there is evidence that populations of some ground-nesting birds (e.g. curlews, golden plovers, lapwings) and game birds (grey partridges, capercaillie, black grouse, red grouse) are likely to be limited by predation, including but not exclusively by fox predation. However there is little evidence that predation limits songbirds numbers. Some of the reports summarised in the RSPB report however have faced criticism due to the study being focused on a species or population already limited by predation which would make a positive result more likely.¹³³

Studies into fox predation on pheasants during their time in release pens concluded that fox predation is perceived as a minor problem and that the average percentage loss was between 1% - 3%.¹³⁴ However one study found that 16% of the fox diet was estimated to be derived from game birds.¹³⁵

The most in depth investigation into the diet of foxes revealed that medium sized mammals (primarily rabbits) were the most important prey group in arable and pastural landscapes making up between 50-75% of the mass of prey ingested. In upland landscapes 75% of prey ingested was made up of small mammal species (primarily field voles) with birds (primarily gamebirds) being the second and third most common diet component respectively. Despite the increase in the number of gamebirds being released in the past 50 years there has been a slight decline in the prevalence of birds in the diet of foxes.¹³⁶

It is clear that more work needs to be done to properly ascertain what the overall impact of fox predation on the gamebird populations. This would have to include information on fox diet, prey that had had been killed not scavenged, prey abundance and dynamics.¹³⁷

121 Webbon, C. C., Baker, P. J. and Harris, S. (2004). Faecal density counts for monitoring changes in red fox numbers in rural Britain. *Journal of Applied Ecology*. 41:768-779.

122 Heydon, M. and Reynolds, J. C. (2000) Fox (*Vulpes vulpes*) management in three contrasting regions of Britain, in relation to agriculture and sporting interests. *Journal of the Zoological Society of London*. 251: 237-252.

123 Baker, S. E., & Macdonald, D. W. (2000) Foxes and foxhunting on farms in Wiltshire: a case study. *Journal of Rural Studies* 16:185-201

124 White, P. C. L., Newton-Cross, G. A., Moberly, R. L., Smart, J. C. R., Baker, P. J., and Harris, S. (2003) The current and future management of wild mammals hunted with dogs in England and Wales. *Journal of Environmental Management*. 67: 187-197

125 White, P. C. L., Groves, H. L., Savery, J. R., Conington, J., and Hutchings, M. R. (2000) Fox predation as a cause of lamb mortality on hill farms. *The Veterinary Record*. 147: 33-37.

126 White, P. C. L., Groves, H. L., Savery, J. R., Conington, J., and Hutchings, M. R. (2000) Fox predation as a cause of lamb mortality on hill farms. *The Veterinary Record*. 147: 33-37.

127 White, P. C. L., Groves, H. L., Savery, J. R., Conington, J., and Hutchings, M. R. (2000) Fox predation as a cause of lamb mortality on hill farms. *The Veterinary Record*. 147: 33-37.

128 Baker, P., Harris, S. and White, P. (2006) *After the hunt: the future for foxes in Britain*. London: International Fund for Animal Welfare (IFAW).

It is clear that foxes do not pose a risk to conservation interests. As rabbits make up the majority of fox diets (in arable and pastoral landscapes) and are held responsible for £100 million of agricultural damage¹³⁸ in comparison to the £12 million foxes cause,¹³⁹ they are by no means a main culprit of damage.

Fox numbers are not regulated by culling pressure or food availability but are actually governed mostly by social factors. It has been shown that the winter culling of foxes has no impact on spring breeding numbers. In fact it has been suggested that fox culling can actually increase the number of immigrants into the area.¹⁴⁰

It has been clearly shown that there can be no reasonable cause to cull foxes for reasons of population control, health or fitness. The effect on the population simply is not a significant factor. To suggest that chasing and killing foxes is in some way for their own good or of any benefit to the overall fitness of the population is delusional in the extreme and insults the large amount of scientific work done in the area of fox habitats and populations.

Deer

The population of red deer in England and Wales was approximately 12,500¹⁴¹ at the beginning of the twenty-first century with the majority residing in the South West. Subsequent population estimates put the number of red deer between 16-20,000.¹⁴² These numbers across England are considered stable however they are increasing in the South West and East Anglia, despite the hunts claiming that without hunting, their populations would decline.¹⁴³ In order to maintain a healthy population it is claimed that 1,000 deer need to be culled annually.¹⁴⁴

The reason for culling the red deer population is due to the damage they can cause to agriculture, forestry and conservation areas by browsing on the buds and shoots of young trees, bark stripping and preventing

regeneration by browsing on the forest floor. Their population in the absence of management is also believed to continue to increase. It is however argued that there are effective alternative methods to protecting forestry such as using fences or protecting young trees using guards.

In the Quantocks three quarters of landowners allege that red deer cause significant damage on their land. This includes damage to cereal and arable crops, trampling on field crops and grassland and browsing on buds, foliage and shoots.¹⁴⁵

There was also a concern over the number of road traffic accidents involving deer. 40,000 accidents involving deer occur each year, however the majority of accidents in England involve roe and fallow deer¹⁴⁶ which are not the prime species hunted by the staghunts.

Prior to the passing of the Hunting Act, the stag hunts killed approximately 160 deer per year. This equates to 15% of the number needed to be culled to keep the population at the same population density. Typically a deer was killed on only half the hunting days.

Hunting with hounds is also not sufficiently biased towards killing hinds and calves to achieve the desired reduction in overall number. It is argued that stalking is not possible due to the terrain, however no evidence to support this has been offered.¹⁴⁷ In fact it has been stated by DEFRA that

*culling using a high powered rifle is generally accepted as the most effective and humane method of controlling deer populations. It is estimated that the annual deer cull in England kills between 70,000 to over 100,000. Virtually all of these are culled by rifle. Previous studies have estimated that up to about 5% of deer culled may require a second shot, although these include 'insurance' shots to ensure a quick kill, and about 2% of deer shot might escape alive but wounded.*¹⁴⁸

While red deer can cause damage to agriculture, particularly to forestry, the damage to pasture and

129 Moberly, R. L., White, P. C. L., Webbon, C. C., Baker, P. J., and Harris, S. (2004) Modelling the cost of predation and the preventative measures on sheep farms in Britain. *Journal of Environmental Management* .70; 129-143

130 MacDonald, D. W., Tattersall, F. H., Johnson, P.J., Carbone, C., Reynolds, J. C., Langbein, J., Rushton, S. P., and Shirley, M. D. F. (2000) Management and Control of Populations of Foxes, Deer, Hares, and Mink in England and Wales, and the Impact of Hunting with Dogs. Final Research Reports to the Committee of Inquiry into Hunting with Dogs in England and Wales. Chairman Lord Burns, London: TSO

131 McDonald, R., Baker, P. and Harris, S. (1997) *Is The Fox a Pest? The Ecological and Economic Impact of Foxes in Britain*. Electra Publishing.

132 Gibbons, D. W., Amar, A., Anderson, G. Q. A., Bolton, M., Bradbury, R. B., Eaton, M. A., Evans, A. D., Grant, M. C., Gregory, R. D., Hilton, G. M., Hirons, G. J. M., Hughes, J., Johnstone, I., Newbery, P., Peach, W. J., Ratcliffe, N., Smith, K. W., Summers, R. W., Walton, P., and Wilson, J. D. (2007) The predation of wild birds in the UK - a review of its conservation impact and management. RSPB Research report no 23. Sandy: RSPB

133 The Mammal Group: University of Bristol (2008) Foxes and Agriculture: Foxes and conservation. [online] Available at: www.thefoxwebsite.org/agriculture/agricconservation.html

CONSERVATION OF HABITATS AND WIDER WILDLIFE (Continued)

arable farm crops is not considered to be significant¹⁴⁹ when considered at a whole farm or regional level. It would seem that if deer do cause a significant problem to forestry and agriculture in the South West that alternative methods should continue to be employed such as protecting the young tree, erecting fences around sensitive areas and as a final resort shooting humanely. To argue that hunting with hounds is beneficial to the deer or to the environment in any way is absurd and is not supported by evidence.

Hares

Hunting and coursing of hares is entirely limited to the Brown hare, the mountain hare only being present in Scotland. The distribution of brown hares is declining in some areas but at sustainable levels in others.

Their numbers fluctuate yearly and they are a species with a UK Biodiversity Action Plan.¹⁵⁰ They have seen a substantial national decline since the 1960s with current estimates between 817,000 - 1,250,000.

Although anecdotal evidence from shooting estates implies that the species has remained stable for ten years there is little evidence to substantiate this claim.

Hares are considered to be an agricultural pest by farmers and foresters. They are considered to be a game species by some and a species of conservation concern to others. This conflict of perceptions creates difficulties in the management of the species. Hares are only considered to be an agricultural pest in arable areas, especially where high numbers of hares are present on winter corn.

Despite being considered a pest, hares are maintained at high population levels (particularly in East Anglia) in order to provide ample stock for shooting. Some landowners however will shoot hares to deter poachers and coursers. Illegal poaching and coursing is a significant problem in parts of Lincolnshire and East Anglia.

The shooting of hares can locally reduce the population by 50% however this is unlikely to have an ongoing effect on the population due to the species' rapid reproduction rate.

Contrary to shooting, coursing and hunting have a negligible effect on overall hare numbers. Hare numbers are in fact are maintained at artificially high levels for shooting and hunting purposes.¹⁵¹

Hare numbers are not affected by hunting and coursing and they are not considered an agricultural pest, they do however suffer during the process of coursing and hunting and evidence suggests the removal of individuals from their home range is a cause of hare mortality due to the disruption caused and the resulting social instability.¹⁵² To reintroduce an activity which is clearly shown to cause suffering and not have any positive effects would seem to be a nonsense.

Mink

Mink were introduced to the UK in the 1920s and kept in fur farms. They were then either released or escaped and the first recorded wild breeding of mink occurred in 1956 in Devon. Whilst initially their numbers increased dramatically, there is evidence that their numbers then declined in the last ten years of the twentieth century.¹⁵³

The reasons for control of the mink population are varied and include predation on poultry, game birds, fish, wild birds, rabbits and water voles. As a generalist feeder, mink predate on a wide variety of species.

Overall, mink predation does not significantly impact on poultry or on gamebirds, or on fish stocks, although the local effect can sometimes be high. Mink have however been linked to declining numbers of moorhens, coots, little grebes and have had a significant impact on the breeding success of terns and gulls in Scotland.

The already declining water voles suffered greatly in the latter years of the twentieth century as a result of

¹³⁴ Kenward, R. E., Hall, D. G., Walls, S. S., and Hodder, K. H. (2001) Factors affecting predation by buzzards (*Buteo buteo*) on released pheasants (*Phasianus colchicus*). *Journal of Applied Ecology*. 38(4): 813-822.

¹³⁵ Reynolds, J. C. and Tapper, S. C. (1995) The ecology of the red fox in relation to small game in rural southern England. *Wildlife Biology*. 1: 105-118.

¹³⁶ Webbon, C. C., Baker, P. J., Cole, N. C., and Harris, S. (2006) Macroscopic prey remains in winter diet of foxes *Vulpes vulpes* in rural Britain. *Mammal Review*. 36: 85-97.

¹³⁷ Webbon, C. C., Baker, P. J., Cole, N. C., and Harris, S. (2006) Macroscopic prey remains in winter diet of foxes *Vulpes vulpes* in rural Britain. *Mammal Review*. 36: 85-97.

¹³⁸ Natural England (2007) Rabbits management options for preventing damage. [online] Available at: <http://naturalengland.etraderstores.com/NaturalEnglandShop/TIN003>

¹³⁹ Baker, P., Harris, S. and White, P. (2006) *After the hunt: the future for foxes in Britain*. London: International Fund for Animal Welfare (IFAW).

¹⁴⁰ Baker, P., Harris, S. and White, P. (2006) *After the hunt: the future for foxes in Britain*. London: International Fund for Animal Welfare (IFAW).

¹⁴¹ Harris, S., Morris, P., Wray, S., and Yalden, D. (1995) *A Review of British Mammals: Population Estimates and Conservation Status of British Mammals Other than Cetaceans*. Peterborough: Joint Nature Conservation Committee.

mink predation and the vole is still at risk from local extinctions. The National Action Plan for water voles states that mink predation is a major threat to the species and advocates the need for widespread mink control to secure the now gradual increase in water vole numbers.¹⁵⁴

Despite the belief that mink introduction resulted in the decline of otters and despite the competition for food resources amongst the two species, the decline of otters was in fact due to the introduction of organochlorine insecticides, dieldrin and aldrin used in sheep dip which then subsequently found its way into the waterways. Mink then exploited the then available territories and increased food availability to expand their range and number. The recovery of the otter population illustrates that in the presence of otters, mink will switch food source to give way to otters.¹⁵⁵

Hunting with dogs has very little impact on the population. Less than one mink is killed per day's hunting and approximately 400-1400 mink are killed per year. Trapping on the other hand is extremely successful and as mink are not cage shy it is possible to locally remove the population of mink from an area.

However, the negative effects on otters, where present, is extensive and the disturbance caused by mink hunting can prevent otters from re-colonising in areas where their numbers are low. Mink hunting can also disturb birds and other wildlife and causes extensive damage to riverbanks and vegetation.

142 Ward (2007) Trends in deer distribution and abundance within the UK. Presentation to the Deer Initiative Conference "Deer, Habitats and Impacts," Buxton UK, 23 March 2007.

143 Ward (2005) Expanding ranges of wild and feral deer in Great Britain. *Mammal Review*. 35: 165–173.

144 The Burns Report (2000)

145 The Burns Report (2000)

146 Langbein, J. (2007) National deer-vehicle collisions project: England 2003-2005. Final Report to the Highways Agency. Wrexham: The Deer Initiative.

147 The Burns Report (2000)

148 Wilson, C. J. (2003) Current and Future Deer Management Options: Report on Behalf of Defra European Wildlife Division.

149 Rutter, S. M., and Langbein, J. (2005) Quantifying the damage wild deer cause to agricultural crops and pastures. Contract Report VC0327 to the Department of the Environment, Food and Agriculture (DEFRA).

150 UK Biodiversity Action Plans (2010) National Action Plan: *Lepus europaeus* (Brown Hare) [online] Available at: http://www.ukbap-reporting.org.uk/plans/national_plan.asp?SAP=%7BECB23B9B%2D986C%2D4F42%2D99F0%2D5C75C8CB3959%7D.

151 The Burns Report (2000)

THE ECONOMICS OF HUNTING

The hunting industry is small and has never had any economic bearing in terms of national aggregates. However, the industry provides important employment opportunities in some remote rural areas and there were concerns that a hunting ban could damage the rural economy and lead to job losses.

Public and Corporate Economic Consultants (PACEC) were commissioned as part of the Burns Inquiry to research the importance of the hunting industry to the rural economy, and to estimate the number of jobs which were dependent on hunting.

PACEC's investigations found that the total income brought in by hunts was £15.6 million per annum. Just over 50% of this was generated from membership rates, and 40% was generated from related social and sporting events. Hunts' expenditure was £14.1 million per annum, with 40% being paid to staff.

PACEC estimated that 710 full time equivalent jobs were dependent on the hunting industry, with 28% of these jobs being in the South West of England. PACEC also estimated that a further 1,497 people were employed directly by the followers, 1,992 were indirectly employed by providing services and goods, and 1,525 people were employed from the salaries spent by direct and indirect employees. The total number of full time equivalent jobs was therefore estimated at 5,724.

There were some concerns that the data was limited by the quality of the information collected and could be challenged due to the difficulties associated with collecting separate information from companies and individuals on the exact proportion of finance spent in relation to hunting. However, the Burns Inquiry was satisfied that despite the problems of a completely accurate assessment, the number of full time equivalent jobs dependant on hunting was fewer than 10,000 and more likely in the region of 6-8,000.

Despite the aforementioned fears that the Hunting Act could lead to loss of income and jobs, this did not prove to be the case. Many rural businesses have reported an increase in trade since the ban, and many hunts have increased their membership levels. Even the Countryside Alliance has admitted that the forecasted economic damage simply did not happen. The Alliance's eastern region director Alice Barnard has said that hunts have been "thriving"¹⁵⁶ in the years since the ban.

So why did these economic fears prove to be unfounded? In short, it was a question of adapt or die. Although some hunts continue to actively break the law,¹⁵⁷ others have successfully converted to drag or trail hunting. This relatively straightforward conversion has kept the economic infrastructure in place and secured the jobs which are dependent on the hunting industry.

With the cruelty taken out of the hunting process, drag and trail hunts have also managed to attract new members who would not previously have been interested. Furthermore, the conversion to drag and trail hunting has meant that dire predictions from the pro-hunt lobby that large numbers of hounds would need to be destroyed have not come to pass.

Impact on the British horse economy

The horse economy is extremely large and whilst there is some overlap with the hunting industry, including point-to-point racing, national hunt pony clubs and agricultural and country shows, less than ten per-cent of horses in Britain have any connection to the hunting industry.

¹⁵² Reid, N., McDonald, R. A., and Montgomery, W. I. (2007) Factors Associated with Hare Mortality during Coursing. *Animal Welfare*. 16: 427-434.

¹⁵³ The Burns Report (2000)

¹⁵⁴ UK Biodiversity Action Plans (2010) National Action Plan: *Arvicola terrestris* (Water Vole) [online] Available at: http://www.ukbap-reporting.org.uk/plans/national_plan.asp?S=water+vole&L=&O=&SAP=%7B426A6AE6-A969-4305-B859-DF92B02814B3%7D&HAP=&submitted=1&flipLang=&txtLogout=&radiobutton=radiobutton

¹⁵⁵ The Burns Report (2000)

¹⁵⁶ Kendall, B. (2009) Special Report: Has the fox hunting ban worked? *Norwich Evening News*. [online] Available at: www.eveningnews24.co.uk/content/eveningnews24/norwich-news/story.aspx?brand=ENOnline&category=News&tBrand=ENOnline&tCategory=news&itemid=NOED25%20Dec%202009%2020%3A39%3A31%3A700.

¹⁵⁷ The League Against Cruel Sports' Annual Hunting Report 2009/10 claims that 62% of the hunts for which it holds records continue to engage in suspicious activity consistent with traditional hunting practices.

During the Burns Inquiry, some key players in the equine industry expressed concerns that the horse economy could be affected by a hunting ban. The main concerns were as follows:

- The Association of British Riding Schools was concerned that a ban could lead to a dramatic fall in the number of people hiring horses.
- The British Equine Veterinary Association expressed concerns that a ban could have a significant impact on veterinary surgeons who regularly treat horses.
- The Farriers Registration Council estimated that in the worst case scenario they would suffer a drop in business of 32%.
- The British Horse Racing Board estimated that they would see a loss of at least 25% in the total number of people and horses attending and participating in point to point races.
- The British Equestrian Trade Association predicted that there would be a reduction in the number of young people involved in horse 'eventing' due to the close associations with hunting.

Despite these dire predictions, the Hunting Act has had no discernible impact on the horse industry as a whole. The conversion to drag and trail hunting has kept the size and infrastructure of British hunts much the same as it was prior to the ban, and pre-existing associations with the equine industry have remained much as they always were.

RURAL IMPORTANCE OF HUNTING

In its submission to the Burns Inquiry, the Countryside Alliance stated that “hunting provides the social glue in many communities because it provides a valid purpose for socialising.” Submissions from other hunt supporters confirmed this viewpoint, and the following are some of the reasons they gave for participating in hunts;

- Enjoyment of horse riding
- Watching the hounds work
- Social life and being out in the countryside
- Maintenance of a country tradition
- Enjoyment of using their dogs to kill animals.¹⁵⁸

Both of these reasons are coupled with a belief that the activity is maintaining the population of the hunted animal.

The social aspect of the hunt begins at the meet and continues throughout the day with riders able to converse while the hounds work and the followers interacting with one another whilst viewing the surrounding area and attempting to follow the course of the hunt. The hunt also provides some sense of social inclusion for people who normally live in relative isolation.

Away from the hunt itself, the number of social activities arranged are traditionally numerous and varying. They include dinners, dances, balls, point-to-point, coffee mornings, talks etc., and it was estimated that over 4,000 functions were organised per year prior to the ban.

Despite all this, research conducted by Milbourne (2003)¹⁵⁹ established that while people felt hunting plays a significant role in the local community, a much lower proportion of people felt that it played a significant role in their lives individually.

The contribution to the social life of a community made by the hunt was established not to be as significant as the local pub or the church, even in Devon and Somerset where the hunts’ importance

was at its highest. The Burns Inquiry concluded that:

Any claim, even in respect of strongly rural areas where support for hunting is high, that hunting is the main source of social activity is exaggerated. In other rural communities, particularly larger villages and market towns, it is likely to be even less significant.

The Burns Inquiry also failed to conclude that the ban on hunting would result in a complete end to sporting and social activities, although they did suppose that it would result in a temporary loss of volunteers.

Most importantly though, many groups and individuals have argued that, far from providing social cohesion, hunting is actually a very divisive activity which creates tensions within rural communities. Incidents of trespass, disruption and disturbance, and the unhelpful attitude with which hunt members responded to such complaints, have led to strong negative feelings towards many hunts. Some members of the rural community have been made to feel isolated and ostracised if they complain and feel that they cannot speak openly about their views.

Incidents of ‘hunt havoc’ continue to be common across the country. In the period 2009/10, 51 separate incidents of havoc (such as hounds straying onto roads and hounds attacking domestic animals) by a total of 37 hunts were recorded by the League Against Cruel Sports.

The social side of hunting undeniably brings a lot of pleasure to the hunting community. However it is clear that the activities of many hunts are continuing to cause problems for other members of their communities. Polling results indicate that the positive effect for a very small minority of the countryside population is outweighed by the negative effects of hunt havoc incidents.¹⁶⁰

¹⁵⁸ The Burns Report (2000)

¹⁵⁹ Milbourne, P. (2003) Hunting Ruralities: nature, society and culture in ‘hunt countries’ of England and Wales. *Journal of Rural Studies* 19: 157-171.

¹⁶⁰ Polling by Ipsos-MORI for the League Against Cruel Sports and the International Fund for Animal Welfare in September 2009 found that 71% of countryside residents support the ban on hunting.

Farming Industry

The support of the farming and landowning community is crucial to the continuation of hunting, as they provide the land on which hunting takes place. For some farmers, the local hunt will provide benefits such as mending broken fences and gates and picking up fallen stock. They also provide a service of so-called 'pest' control, which farmers believe limits the amount of predation on lambs, poultry, gamebirds and damage to crops.

The Countryside Alliance stated that in the event of a ban on hunting the service of picking up fallen stock would end completely. However, following new EU regulations in 2000 which introduced new standards for hygiene,¹⁶¹ demand for this service increased. Many hunts have therefore expanded their operations to provide this service, in a relationship which is beneficial for both farmers and many hunts have, in fact, signed up to the National Fallen Stock Collection Scheme.

¹⁶¹ Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the Incineration of Waste.

THE HUNTING ACT

Organisations such as the League Against Cruel Sports have been campaigning for an end to hunting with dogs for almost a hundred years, and there have been efforts within Parliament for a ban on these activities for just as long.

The first real discussion of a ban on hunting with hounds came in 1924 when George Spencer MP in discussing attempts to ban the hunting of rabbits declared:

*Cruelty is involved when dogs begin to chase a hare, or a fox or a stag... I would readily support a Bill which had for its object the stopping of the coursing of hares, of fox hunting or deer stalking.*¹⁶²

Spencer did not support the Protection of Animals Bill 1924, however, as it refused to consider other aspects of cruelty and there was not enough support in the chamber at that time to contemplate a full ban on fox hunting.

In March 1925 Herbert Williams MP proposed the Protection of Animals Bill; "to extend the operation of the Protection of Animals Act 1911, in respect of animals kept in captivity or confinement and released for the purpose of being hunted or coursed"¹⁶³ which got through its Committee stage but failed to secure a third reading due to lack of parliamentary time.

More than twenty years later, in January 1949, there was the first reading of Sir William Darling MP's proposed Baiting Of Animals Bill the effect of which would be:

*To make it unlawful to have possession of any animal trained or prepared for use in fighting or baiting or of any instrument or appliance designed or adapted for use in connection with the fighting or baiting of an animal.*¹⁶⁴

This was later withdrawn; however, as it was seen to unintentionally make illegal certain activities, including fox hunting. It was then seemingly introduced specifically

in terms of banning cock-fighting and in no way connected to hunting with dogs.

Only a month later, Frederick Cocks MP introduced the Protection of Animals (Hunting and Coursing Prohibition) Bill, 'to prohibit the hunting and coursing of certain animals for purposes of sport; and for purposes connected therewith'.¹⁶⁵ The Bill was defeated at the second reading by 214 votes to 101.

Later the same year, the Labour government under Prime Minister Clement Atlee appointed a committee to investigate all forms of hunting, which concluded that 'Fox hunting makes a very important contribution to the control of foxes, and involves less cruelty than most other methods of controlling them. It should therefore be allowed to continue.'

There were several subsequent Private Members Bills which aimed to ban hare coursing, most notably in January 1967 when Eric Heffer MP introduced the Live Hare Coursing (Abolition) Bill. Although this attempt did not manage to make its way into law, it did arouse significant parliamentary and public interest at the time.

In May 1970 The House of Commons voted to ban hare coursing by 203 votes to 70,¹⁶⁶ but the Bill did not make it through in time to become an Act of Parliament as a result of the General Election the following month.

It was not then until 1992 that serious attempts to ban hunting with dogs resurfaced with the introduction of Kevin McNamara MP's Wild Mammals (Protection) Bill. The bill stirred up controversial discussions during the debate stage but was narrowly lost at its second reading by 187 votes to 175.¹⁶⁷

A year later Tony Banks MP proposed the Fox Hunting (Abolition) Bill,¹⁶⁸ but it failed to get enough parliamentary support in order to even threaten to get to the statute book.

In 1995 John McFall MP introduced the Wild Mammals

¹⁶² House of Commons, Official Report 12 March 1924 vol 170 cc2336-41

¹⁶³ House of Commons, Official Report 27 March 1925 vol 182 c819

¹⁶⁴ House of Commons, Official Report 28 January 1949 vol 460 c1242

¹⁶⁵ House of Commons, Official Report 28 January 1949 vol 460 c1241

¹⁶⁶ House of Commons, Official Report 14 May 1970 vol 801 cc1524-603

¹⁶⁷ House of Commons, Official Report 14 February 1992 vol 203 cc1214-86

¹⁶⁸ House of Commons, Official Report 27 April 1993 vol 223 cc849-52

(Protection) Bill which intended to ban hunting with hounds. The Bill did end up eventually being passed as the Wild Mammals (Protection) Act 1996, but after severe amendments the banning of hunting was taken out in order to ensure its safe passage.

Passing of the Act - how it went through parliament

The Labour Party, in its 1997 General Election manifesto, declared:

We will ensure greater protection for wildlife. We have advocated new measures to promote animal welfare, including a free vote in Parliament on whether hunting with hounds should be banned by legislation.

Opponents of hunting who were hoping for a swift resolution to this issue were soon to be disappointed, as it quickly became one of the most contentious issues ever debated in the House of Commons.

The newly-elected Labour government remained neutral on the issue of banning hunting with hounds, despite a significant number of Labour MPs keen for the Party to use its strong majority in the House of Commons to effect a ban hunting, and quickly.

As a result of this apparent reluctance from the Party hierarchy to provide Government time to discuss the issue, private members bills became the avenue through which it seemed a bill was likely to originate. The first, put forward by Michael Foster MP, came in November 1997 but was not granted any government time.

Two years after winning the election, appearing on the BBC's Question Time programme in July 1999, Prime Minister Tony Blair promised to ban hunting

before the next election. Only a couple of months after this clear promise of a ban, Blair backed off his commitment by suggesting that the Queen's Speech that Autumn would not mention the issue.

In November 1999, the Home Secretary Jack Straw appointed a committee headed by Lord Burns (a former permanent secretary at the Treasury) to inquire into:

The practical aspects of different types of hunting with dogs and its impact on the rural economy, agriculture and pest control, the social and cultural life of the countryside, the management and conservation of wildlife, and animal welfare in particular areas of England and Wales; the consequences for these issues of any ban on hunting with dogs; and how any ban might be implemented.¹⁶⁹

The resulting report from the Burns Inquiry, published in June 2000 was used by both sides of the hunting argument to claim validity of their own views. In terms of animal welfare the Burns report concluded that hunting "seriously compromises the welfare of the fox".¹⁷⁰ Pro-hunting groups pointed out, however, that the Burns report also suggested that other methods such as using shotguns during the day or snaring could be considered equally cruel.¹⁷¹

The Burns Report, which also looked into the impact of hunting on the countryside, estimated that around 700 jobs were directly associated with hunting and somewhere in the region of 6,000 to 8,000 jobs were dependent upon it. The report also made clear that although some of the social activities organised by hunts are significant, they are "less so than those organised by other groups, in particular the pub and the church".¹⁷² Burns also clarified the impact of a ban on rural communities by stating "in terms of national resource use, the economic effects of a ban on hunting would be unlikely to be substantial".¹⁷³ It is worth noting that Burns did recognise the short and medium term

¹⁶⁹ The Burns Report (2000)

¹⁷⁰ The Burns Report (2000)

¹⁷¹ The Burns Report (2000)

¹⁷² The Burns Report (2000)

¹⁷³ The Burns Report (2000)

THE HUNTING ACT *(Continued)*

impact would be more serious, however, but the effects would most likely to have dissipated within a decade. Countryside Alliance figures from a survey of hunts that they carried out in 2009 found that 76% have the same number of employees as pre-Hunting Act and only 6% had fewer employees,¹⁷⁴ clearly demonstrating that the financial impact of the Hunting Act on hunts has been negligible.

Shortly after the publication of the Burns Report, Jack Straw proposed a Bill with five different options; a wide-ranging ban on hunting, maintaining the status quo, a more limited ban, creating a new licensing authority or allowing local referenda on the issue.

By the time the Bill came to a vote in January 2001, it contained just three options; to maintain hunting through self-supervision, maintain hunting through a licensing system or to ban it. MPs rejected the proposals of allowing hunting by supervision by 399 votes to 155, they further rejected the offer of allowing licensed hunting by 382 to 182, but most importantly, they backed the motion of a ban on hunting with dogs by 387 votes to 174, a clear majority of 213.¹⁷⁵

Ultimately the Bill was lost when Parliament was dissolved for the 2001 general election before the Bill had completed its parliamentary stages. It is believed that one of the main problems for getting the Bill through in time was the inability to deal with the irreconcilable differences between the positions of the House of Commons and the House of Lords on this issue.

In late February 2001 hunting with dogs was temporarily banned as a result of the catastrophic outbreak of foot and mouth disease in the UK. This also resulted in the newly formed Countryside Alliance calling off their planned demonstration against the attempts to ban hunting. Hunting did not resume until December of the same year.

The General Election of 2001 again saw the Labour Party promise a free vote on hunting, providing Parliament the time to 'reach a conclusion on hunting

in the next parliament', with the subsequent Queen's Speech declaring that the government would "enable a free vote to take place on the future of hunting with dogs".¹⁷⁶

In January 2002, Tony Blair was asked at Prime Minister's Questions whether he would honour his election manifesto commitment to reintroduce a bill to ban hunting with hounds. The response from the Prime Minister was deemed to be sidestepping the issue:

*The commitment in our manifesto does indeed stand. We promised a free vote in the Queen's Speech. There has been no decision yet on the timing of the vote, but the Government will make an announcement at the appropriate time.*¹⁷⁷

Despite the controversy and difficulty in effecting a ban on hunting in England and Wales, highlighted through the inability of Parliament to agree on how to legislate against hunting with dogs, the Scottish Parliament voted to ban hunting in February 2002. The pro-hunt lobby immediately threatened court action to overturn the new law. Days later, in Westminster, following calls from MPs including Ann Widdecombe and Tony Banks for the Government to introduce legislation banning hunting with hounds, the Secretary of State, Margaret Beckett, repeated the Government's promise to hold a free vote on hunting within the current Parliament. She did not, however, provide more detail on when exactly that would be. Later the same month Tony Blair once again confirmed at Prime Minister's Questions that there will be a vote in Parliament. The following day's newspapers suggested that the vote would be before the Easter recess.

In mid-March the Government made time for another Commons vote on a hunting bill. MPs were once again given the three options of; hunting under self-supervision, hunting under license, and a ban on hunting. In the vote for self-supervision there were 156 MPs supportive, with 401 against, under license there were 171 supportive MPs, with 373 against, and 388 MPs supported and 177 MPs voted against a ban

¹⁷⁴ Countryside Alliance. (2009) Last hunting season under the ban? [online] available at: <http://www.countryside-alliance.org.uk/hunting-campaigns/hunting-events/last-hunting-season-under-the-ban/>

¹⁷⁵ House of Commons Library. Commons Divisions on Hunting: Members' voting records', SN/SG/3188

¹⁷⁶ House of Lords Library, 'The Queen's Speech', 20/06/01

¹⁷⁷ House of Commons Library, Oral Answers to Questions [16/01/02], Prime Minister, Q4 [25660]

¹⁷⁹ BBC News (2002) Huge turnout for countryside march. [online] Available at: <http://news.bbc.co.uk/1/hi/uk/2274129.stm>

¹⁸⁰ Polling by Ipsos MORI on behalf of League Against Cruel Sports and International Fund for Animal Welfare. (2002) The Countryside March Survey.

¹⁸¹ The Guardian (2002) Call to push through hunting ban wins backing. [online] Available at: <http://www.guardian.co.uk/politics/2002/oct/03/labourconference.labour7>.

on hunting. Tony Blair voted for a full ban and abstained on the 'middle way' approach; the Government subsequently made it clear that a full ban is the preferred option for resolving the hunting debate.

The next day the vote moved to the House of Lords, where the outcome could not have been more different. There were only 74 peers supportive of a full ban on hunting, 97 favoured hunting under self-supervision, but 366 peers voted in favour of a licensing system.

Gerald Kaufman MP, a senior Labour Party backbencher threatened to withdraw the party whip if the will of the House of Commons was not upheld against the view of the unelected House of Lords and a full ban therefore not introduced. This would have been extremely damaging for the Government if an MP as highly respected as Kaufman had effectively resigned from the party, and following his comments, the Rural Affairs Minister, Alun Michael MP announced the intention of the Government to use the 1949 Parliament Act to overrule the Lords and bring the Hunting Bill into law. This response seemed to work for Kaufman, but in turn caused controversy amongst peers, unhappy that their views were being dismissed. There was also unhappiness within the Labour backbenches at the proposed plan for a six-month consultation period which was aimed at brokering a compromise between the position of the Commons and the Lords so that a ban could go through with the blessing of both sides.

On the last day of July 2002, Scottish pro-hunting groups lost their legal battle against the ban on hunting but Allan Murray, director of the Scottish Countryside Alliance vowed to fight the decision "in every court of the land". The failure of the appeal meant the introduction of the law could go ahead at the beginning of August the same year.

Back in England, early September 2002 saw a public consultation to provide a rational look at how to legislate on the issue. There were submissions from all sides, but there was not a promising conclusion with fears from the pro-hunting groups that the government had already made its mind up that there would be a full ban.

Later in September, around 400,000 demonstrators attended the 'Liberty and Livelihoods' protest around Westminster organised by the Countryside Alliance to protest against the government's plans to ban hunting with dogs. It was clear, however, that hunting was not the only issue being protested: it became a more general protest at the government's record on rural issues. Although set-up as a pro-hunting march, there was a plethora of alternative placards such as: "Buy British Food", "Save our farms" and "Town and country not town over country".¹⁷⁹ A poll conducted by Ipsos-MORI asked people attending the march what issues they thought the Countryside Alliance should focus on; the result was that only a quarter (27%) believed that fox hunting should be the priority.¹⁸⁰

In early October the Labour Party Conference backed a proposal from the Party's national policy forum to push through the ban on hunting despite the objections of the House of Lords. The proposal stated: "Should the House of Lords again frustrate the bill's passage through parliament, the commission believes the government should use the Parliament Act to ensure that this issue is dealt with once and for all".¹⁸¹

The next week however, at the Conservative Party Conference, the leader of the Party, Iain Duncan Smith, accused the Labour Party of hating the countryside and being obsessed with the issue of hunting. He also pledged: "If the government goes ahead in imposing this legislation to ban fox hunting I say, in decency, although this is a private members issue we'll make sure that in response government time is made available for those who wish to reverse it".¹⁸²

At the end of 2002, an Early Day Motion was put down by Tony Banks MP which stated, "only a total ban on hunting will be acceptable to this House and the public at large".¹⁸³ This motion received the support of 209 MPs, making it one of the most popular of that parliamentary session.

The Rural Affairs Minister, Alun Michael, introduced a new hunting bill in December 2002 which would have banned stag hunting and hare coursing, whilst

¹⁸² The Guardian (2002) Duncan Smith: Tories would reverse hunting ban. [online] Available at: <http://www.guardian.co.uk/politics/2002/oct/09/conservatives2002.conservatives3>

¹⁸³ www.parliament.uk (2002) Early Day Motion 273 Hunting With Dogs. [online] Available at: <http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=24090&SESSION=681>

¹⁸⁴ Her Majesty's Government (2002) The Hunting Bill. London: TSO

¹⁸⁵ The Public Whip. Hunting Bill. (2002) [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2002-12-16&number=27>

¹⁸⁶ Elliot, V., and Hurst, G. (2002) Hunters storm the gates of Parliament. Times Online. [online] Available at: <http://www.timesonline.co.uk/tol/news/uk/article802921.ece>

¹⁸⁷ Watt, N., and Allison, R. (2002) Hunting compromise woos Labour rebels. Times Online. [online] Available at: <http://www.guardian.co.uk/uk/2002/dec/27/hunting.immigrationpolicy>.

¹⁸⁸ Wintour, P. (2003) Bill would ban fox hunting for sport. Guardian Online [online] Available at: <http://www.guardian.co.uk/politics/2003/jan/17/hunting.immigrationpolicy>.

¹⁸⁹ Wintour, P. (2003) No.10 to allow vote on outright ban on hunting. Guardian Online [online] Available at: <http://www.guardian.co.uk/politics/2003/jun/19/houseofcommons.hunting>

THE HUNTING ACT *(Continued)*

introducing a system of licensing for fox hunting.¹⁸⁴ A Conservative Party bid to block the newly introduced Hunting Bill was defeated by 365 votes to 164; the Bill also passed its second reading by 368 votes to 155.¹⁸⁵ There were angry protests outside Parliament during the run up to the vote, with an estimated 3,000 pro-hunt protestors attempting to storm the main gates of Parliament. *The Times* reported that there were eight arrests after smoke bombs and fireworks were thrown at parliamentary property and mounted police had to hold back protestors from the main gates. The then Labour MP for Milton Keynes South, Phyllis Starkey, had a lighted flare thrown at her:

*She was walking towards the main gates of the Commons when the flare was thrown. "It missed me but it could easily have hit me and the person I was with, who is not an MP," she said. "These people are not democrats. They are deploying mob rule instead of argument."*¹⁸⁶

On Boxing Day, hunting's traditional day out, Tony Blair announced that he would look at accepting amendments to the Hunting Bill which would effectively turn the bill into a complete ban, as opposed to the compromise that it currently was. The press described the move as the Prime Minister trying to 'woo' backbench Labour MPs.¹⁸⁷

In January 2003, Labour MPs voted to ensure that hunts would only be allowed if they are needed to control pests. Later, at standing committee stage, the Bill was toughened when it was put that hunting would only be permitted if it could be shown that there is 'no less cruel form of pest control available'.¹⁸⁸ Downing Street decided in June that at the report stage MPs would be allowed to vote upon an amendment calling for a complete ban on hunting.¹⁸⁹

Later that month, Environment Secretary Margaret Beckett MP informed Labour MPs that if they supported an amendment calling for a total ban on hunting then in reality most hunts will not be completely outlawed. She stated her belief that the compromise proposal, which would allow a small number of hunts to continue

if they could show they were a legitimate means of pest control and not cruel, was the only realistic way of banning hunting.

*MPs, on a completely free vote, can choose between what is simple to explain and what is simple to enforce," Mrs Beckett said. "If cruelty is the main concern, I plead with colleagues neither to wreck the bill, nor delay its timing."*¹⁹⁰

By the time of the vote at the end of June 2003, MPs ignored the warnings of the Environment Secretary and voted overwhelmingly in favour of a total ban on hunting, by 362 votes to 154.¹⁹¹ The result was seen as an embarrassment to the Prime Minister as 62 of his ministers and whips backed the full ban on hunting, whereas only five of his ministers and whips supported his preferred option of the compromise Bill.¹⁹²

In September, Alun Michael reassured supporters of the Hunting Bill that, despite the likelihood of the House of Lords again rejecting the Bill, the legislation would probably be on the statute book by the time of the general election.

As predicted, in October the House of Lords rejected the proposed ban on hunting by including amendments allowing for the regulation of hunting which were passed by 261 votes to 49.¹⁹³ It became abundantly clear that despite the Lords rejecting the proposals, the government were set to overrule them by using the Parliament Act.

After more than a year since the Hunting Bill was passed through the House of Commons, it was reintroduced and passed all stages by the 15th September 2004. MPs voted, yet again, for a complete ban on hunting by 356 votes to 166.¹⁹⁴

Outside Parliament, a protest organised by the Countryside Alliance reportedly turned violent with five protestors managing to break into the Commons chamber,¹⁹⁵ including Otis Ferry (son of pop star Brian Ferry) and John Holliday who stated his reasons for the protest:

¹⁸⁰ Watt, N. (2003) MPs warned against 'wrecking' foxhunting bill. *Guardian Online*. [online] Available at: <http://www.guardian.co.uk/politics/2003/jun/30/hunting.immigrationpolicy>.

¹⁹¹ The Public Whip (2003) Hunting Bill – New Clause 11 – Registration in Respect of Hunting of Foxes. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2003-06-30&number=260>

¹⁹² Watt, N., and White, M. (2003) MPs back total ban on foxhunting. *Guardian Online*. [online] Available at: <http://www.guardian.co.uk/politics/2003/jul/01/hunting.immigrationpolicy>

¹⁹³ The Public Whip (2003) Hunting Bill – amendment – registered hunting. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2003-10-21&number=2&house=lords>

¹⁹⁴ The Public Whip (2004) Hunting Bill. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-09-15&number=250>

¹⁹⁵ Wintour, P., and Hetherington, P. (2004) Invasion of the Commons. *Guardian Online*. [online] Available at: <http://www.guardian.co.uk/politics/2004/sep/16/houseofcommons.hunting>

¹⁹⁶ Holliday, J. (2004) Pride not prejudice. *Guardian Online* [online] Available at: <http://www.guardian.co.uk/politics/2004/sep/28/houseofcommons.immigrationpolicy>

¹⁹⁷ The Public Whip (2004) Hunting Bill: amendment – registered hunting. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-10-26&number=1&house=lords>

*By forcing through this pernicious - and by its own admission - divisive legislation, the government is enacting a law that is not based on fact but on prejudice.*¹⁹⁶

The Hunting Bill passed from the Commons to the Lords the next day where it was debated in great detail for three days at committee stage and further at its report stage.

The Lords' Environment Minister told peers that they were in "the last chance saloon" with the Bill and had little option but to accept it. The issue of the Parliament Act was raised yet again six weeks later when the Lords voted by 322 votes to 72 for the compromise of registered hunting.¹⁹⁷

The Bill was changed into almost a completely different form when it was sent back to the Commons as essentially a regulation scheme. The re-formulated Bill from the Lords was rejected overwhelmingly by the Commons by 343 votes to 175.¹⁹⁸ Tony Blair's preferred compromise option was also defeated by 321 votes to 204.¹⁹⁹ The Countryside Alliance vowed to challenge the validity of the Parliament Act in the courts. The Lords considered the response from the Commons and again stuck with their initial conclusion, voting against a total ban, by 188 votes to 79²⁰⁰ and also voted by 175 votes to 85 that no change to the law should happen before December 2007.²⁰¹ The Countryside Alliance pledged to engage in "true civil disobedience"²⁰² with thousands of hunt supporters signing petitions in support.

The next day, the Commons met to consider the response from the House of Lords whereupon the Speaker informed the chamber that the Parliament Act would apply if there was not a complete agreement

on the Bill. As it stood at that moment, the Bill would come into force three months after receiving Royal Assent, as is typical. The Government, however, attempted to pass a motion delaying the ban coming into force until July 2007 in order to allow time for hunts and those affected to adjust to the new law. Another offering of a delay until the end of July 2006 was proposed and this was accepted by the Commons by a vote of 283 votes to 132.²⁰³

There was confusion amongst Commons members as to whether changing the Bill without the agreement of the Lords would mean that the Parliament Act could no longer be used, which the Speaker was unable to clarify. The offer of a delay was subsequently given to the House of Lords. Lord Whitty, the Government's spokesman, urged them to accept the delay or the law would be implemented in just three months time. Baroness Mallalieu, a staunch opponent of the Bill, passionately rejected this proposal which, it was argued, was created to avoid controversy in the summer of 2006 when it was expected there would be the next general election. The Lords swiftly rejected the offer by 155 votes to 119.²⁰⁴

The Commons reconvened that evening to hear that their offer had been rejected. The Speaker of the House of Commons, Michael Martin, was satisfied that all the provisions of the Parliament Act had been met and therefore granted his authorisation of the Bill and for it to be sent for the Royal Commission to prorogue Parliament and give Royal Assent to all of the bills that had completed their Parliamentary stages. The Hunting Bill received its Royal Assent on 18th November 2004 when the Speaker invoked the Parliament Acts 1911 and 1949 without the agreement of the Lords.

198 The Public Whip (2004) Hunting Bill – Clause 1 – Hunting wild mammals with dogs. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-11-16&number=327>

199 The Public Whip (2004) Hunting Bill – Clause 1 – Hunting wild animals with dogs. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-11-16&number=329>

200 The Public Whip (2004) Hunting Bill – Lords Amendment. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-11-17&number=3&house=lords>

201 The Public Whip (2004) Hunting Bill – Lords Amendment – commencement. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-11-17&number=4&house=lords>

202 Townsend, M. (2003) Hunts open new season with pledge to defy ban. Guardian Online [online] Available at: <http://www.guardian.co.uk/politics/2003/nov/02/hunting.immigrationpolicy>

HUMAN RIGHTS, CIVIL LIBERTIES AND CHALLENGES TO THE HUNTING ACT

It didn't take long for the hunters to take their case to court, and in January 2005 the Countryside Alliance questioned the legality of the Parliament Act 1949, but this failed in the Administrative Court. The challenge to the Act was over the legality of the use of the Parliament Acts 1911 and 1949 to overrule the will of the House of Lords and put the Hunting Bill onto the statute book. The Parliament Act 1911 abolished the power of the House of Lords to reject legislation from the Commons and instead simply gave it the power to delay legislation for two years over three parliamentary sessions. The 1949 Act reduced this power of delay to one year over two parliamentary sessions.

The Countryside Alliance claimed that the 1949 Act is invalid because the House of Commons used the 1911 Act in order to get the later Act through. Essentially the claim surrounded the fact that the 1911 Act was not created with the intention of amending its own terms, which it was used to do, therefore making it invalid.

By the 8th February 2005 the Court of Appeal also rejected the Countryside Alliance's claim. The Alliance's Chief Executive Simon Hart²⁰³ claimed:

"A mature democracy such as ours should safeguard the rights of minorities. It is a sad state of affairs when the Government allows discrimination, prejudice and political expediency to come before principle, evidence and decency, as it has done on forcing through the Hunting Act. It is now down to the

courts to protect the human rights of the hunting community and, by extension, those of other minorities".

The next step for the challenge to the Hunting Act came through the appeal at the highest possible level in the UK, before the Appellate Committee of the House of Lords (the Law Lords) in July 2005. The Committee rejected the appeal in October 2005.²⁰⁶

Countryside Alliance Chairman John Jackson stated "It is obviously disappointing that the law lords could not find in our favour, for technical legal reasons".²⁰⁷ He went on to state:

*This is just one strand of our fight to overturn the Hunting Act. Every hunt around the country is continuing to meet and use a variety of methods to hunt within the law in defiance of the ban. We will also continue to fight the Hunting Act in the courts and in the political arena.*²⁰⁸

On the 16th February 2005, the court of appeal confirmed the previous month's ruling meaning the ban on hunting was to come into force two days later.

The Countryside Alliance along with individual claimants also appealed against the Hunting Act on the grounds that it breached several articles of the European Convention on Human Rights, incorporated into UK law under the Human Rights Act 1998, including:

²⁰³ The Public Whip (2004) Hunting Bill. [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-11-18&number=340>

²⁰⁴ The Public Whip (2004) Hunting Bill – Commons proposals on commencement [online] Available at: <http://www.publicwhip.org.uk/division.php?date=2004-11-17&number=5&house=lords>

²⁰⁵ Mr Hart became Conservative Member of Parliament for Carmarthen West and South Pembroke in the 2010 General Election, whereupon he resigned from the Alliance.

²⁰⁶ Jackson and others v Her Majesty's Attorney General [2005] UKHL 56

²⁰⁷ Countryside Alliance (2005) Law Lords reject Parliament Act case, but hunts vow to fight on. [online] Available at: <http://www.countryside-alliance.org.uk/hunting-campaigns/hunting-views/law-lords-reject-parliament-act-case,-but-hunts-vow-to-fight-on/>

²⁰⁸ Countryside Alliance (2005) Law Lords reject Parliament Act case, but hunts vow to fight on. [online] Available at: <http://www.countryside-alliance.org.uk/hunting-campaigns/hunting-views/law-lords-reject-parliament-act-case,-but-hunts-vow-to-fight-on/>

Article 8

- right to respect for private life and home

Article 11

- freedom of association

Article 1 of the First Protocol (A1P1)

- right to possessions

Article 14

- prohibition on discrimination

In November 2007 the House of Lords dismissed the appeals of the Countryside Alliance which claimed that the hunting ban breached their human rights and European law. Lord Bingham, the senior Law Lord said:

Respect should be paid to the recent and closely-considered judgment of a democratic assembly, and no ground is shown for disturbing that judgment in this instance.²⁰⁹

Following the decision in the Law Lords, the Countryside Alliance declared that they would continue their fight against the Hunting Act by taking their complaints to the European Court of Human Rights (ECtHR). The Alliance's Chief Executive, Simon Hart declared:

We have always maintained that the legitimacy of the Hunting Act would eventually be decided in Europe.²¹⁰

On the 15th December 2009, the ECtHR finally ended challenges to the Hunting Act by rejecting complaints by Brian Friends and the Countryside Alliance which claimed that they had been affected negatively by a ban on hunting with hounds. The ECtHR ruled that:

- The Hunting Act did not negatively affect the applicants right to private and family life
- Hunting does not represent a particular lifestyle which is indispensable for a person's identity
- The hunting ban had not created serious difficulties for earning one's living
- The ban does not prevent or restrict the applicants right to assemble with fellow huntsmen as they could trail or drag hunt.²¹¹

Arguments against the Hunting Act on liberal grounds

Supporters of hunting, including the Countryside Alliance, often claim that banning hunting is a gross violation of their liberty and freedom. John Stuart Mill, perhaps the greatest thinker on individual liberty, rejected this idea as 'absurd' and clearly stated that freedoms and liberties were not only applicable to humans but to animals as well.

The clearest indication of Mill's views about legislation being necessary for the protection of animals is shown within his essay entitled 'Limits of the Province of Government'. Mill says that legislation for the protection of animals should be accepted as necessary through legislation for the same reasons as it is for the welfare of children:

It is by the grossest misunderstanding of the principles of liberty, that the infliction of exemplary punishment on ruffianism practised towards these defenceless creatures has been treated as a meddling by government with things beyond its province.²¹²

The complaints against the Hunting Act highlight the strength to which hunting supporters are unhappy with the banning of their 'sport', which they feel violates their right and liberty to hunt. They believe that their own personal freedoms and liberty comes ahead of that of the animals that they hunt. This argument is simply dismissed by the 'guru' of individual liberties, to which they ascribe through the simple argument that the principle of liberty which applies to humans is equally extended to protect animals.

To put simply, just as the Court of Appeal, the House of Lords and the European Court of Human Rights have accepted, there is no liberty or right to inflict harm on animals in the name of sport.

²⁰⁹ Countryside Alliance and others v Her Majesty's Attorney General and another [2007] UKHL 52

²¹⁰ Countryside Alliance (2007) Hunting Act challenge goes to Europe [online] Available at: <http://www.countryside-alliance.org.uk/political/general/hunting-act-challenge-goes-to-europe/>

²¹¹ ECtHR (2009) Friend v the United Kingdom (application no. 16072/06), and Countryside Alliance and Others v the United Kingdom (no. 27809/08) [online] Available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=859926&portal=hbkmsource=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

²¹² Mill, J. S. (1848) Limits of the Province of Government In: Ashley W. J., ed. (1909) Principles of Political Economy with some of their Applications to Social Philosophy. 7th ed. London: Longmans, Green and Co.

APPENDIX: WHAT IS HUNTING?

History of hunting

The history of hunting with dogs in Britain can be traced back to 1066 and the Norman invasion led by William the Conqueror. Although hunting indisputably existed prior to this date it was the French influence that shaped the activity and formed a basis for the sport as recognisable in the modern era.

The new style of hunting introduced by the Normans, termed *par force*, 'pitted a small band of hunters against a solitary animal'²¹³ and was initially the preserve of royalty, with the predominant quarry being deer or wild boar. As a consequence, hunting rights were restricted, with the medieval period seeing the formation of the first royal deer parks or forests. This exclusivity led to friction, especially with the Crown's most powerful subjects the Barons, and in 1217 Henry III signed the Forest Charter, thereby reducing the extent of the royal hunting grounds.

Following the enactment of the Forest Charter, restrictive game laws further exacerbated the societal divide in respect of hunting rights. The large tracts of estate required for deer hunting served to increase the perception of hunting as conspicuous consumption rather than a rational economic use of valuable land. As the historian Emma Griffin (2009) observes, "What is good for hunting has rarely also been good for social harmony".²¹⁴

The Civil Wars and Restoration of the seventeenth century permanently changed the face of hunting. The upheaval of this period saw the restrictions on hunting widely ignored and as a consequence deer stocks went into serious decline.²¹⁵ With the absence of deer as a quarry, the hunters turned to smaller

game such as the hare and partridge but this in turn proved to be unsustainable and the quarry population soon went into rapid decline. To address the imbalance, the hunters relied once more on punitive game laws and attempts to manage the preservation of quarry species. Although imperfect, this combination of measures achieved a degree of success which saw the population of small game stabilise.

However, new technology in the form of more efficient firearms instigated a revolution in British hunting. Old skills such as the ability to track prey were rendered obsolete as the marksman's capacity for game outstripped natural resources. This in turn led to an even tighter emphasis on game laws and preservation.

By the eighteenth century sportsman committed to *par force* hunting would seek a new quarry to replace the deer, one which could provide the chase and all the challenges of deer hunting.

From time immemorial the fox had been persecuted but the eighteenth century saw a transformation in the nature of foxhunting from pest control to making a sport of the activity. Following this transformation deer and fox hunts began to exhibit all of the trappings normally associated with high status hunting. Inevitably, however, the perennial problem of over-hunting saw a rapid decrease in fox numbers. This led to a series of ruses including the importation of foxes in the mid-nineteenth century from Holland, Germany, France and Scotland,²¹⁶ and the practice of hand rearing foxes to guarantee a steady supply of quarry.

Through this combination of ingenuity and resolve, fox hunting was able to secure the future for the quarry population and continue the tradition of *par force* hunting introduced by the Norman conquest a millennium earlier.

²¹³ Griffin, E. (2007) *Blood Sport: Hunting in Britain since 1066*. Bury St Edmunds: Yale University Press.

²¹⁴ Griffin, E. (2007) *Blood Sport: Hunting in Britain since 1066*. Bury St Edmunds: Yale University Press.

²¹⁵ In the forest of Windsor at the Restoration deer declined from 3,066 in 1607 to 461 in 1607, Thompson, *Whigs and Hunters*

²¹⁶ Griffin, E. (2007) *Blood Sport: Hunting in Britain since 1066*. Bury St Edmunds: Yale University Press.

Modern pre-ban hunting

Before the Hunting Act was passed in 2004 there were six distinct and separate activities which involved animals being pursued by dogs.

- Fox hunting
- Terrierwork
- Deer and stag hunting
- Mink hunting
- Hare hunting
- Hare coursing

There were approximately 200 registered packs of hounds in England and Wales at the beginning of the twenty first century and it was estimated that approximately 21-25,000 foxes were killed each year with 40% killed during the cub hunting season. A high proportion of the foxes killed in upland areas were dug out and shot.²¹⁷

There were three staghound packs in Devon and Somerset which killed approximately 160 red deer per year. This represented 15% of the total number of deer which are culled annually to supposedly maintain a healthy and stable population.²¹⁸ Similarly the number of mink killed by the twenty minkhound packs was a much smaller number (400-1,400) than those killed by trapping and shooting. Continuing this trend, the number of hares killed by the hundred packs of hounds was 1,650 per season which is far fewer than the number shot. While the aim of hare coursing was supposedly not to kill the hare inevitably this did routinely occur, with about 250 hares being killed per year. At informal coursing events, around 25% of hares die.

According to the Masters of Foxhounds Association²¹⁹ (MFHA) 176 foxhound packs in England and Wales are registered with them. Baily's Hunting Directory²²⁰ lists a total of 318 packs which are broken down in the table below.

	England	Wales
Bassets	7 packs	2 packs
Beagles	58 packs	5 packs
Bloodhounds	11 packs	1 pack
Draghounds	8 packs	2 packs
Foxhounds	150 packs	31 packs
Harriers	18 packs	
Minkhounds	17 packs	4 packs
Rabbit dogs	1 pack	
Staghounds	3 packs	
TOTAL²²¹	273	45

²¹⁷ The Burns Report (2000)

²¹⁸ The Burns Report (2000)

²¹⁹ The Masters of Foxhounds Association (MFHA) (2010) MFH Associations [online] Available at: <http://www.mfha.org.uk/>

²²⁰ Baily's (2010) Baily's Hunting Directory. [online] Available at: <http://www.bailys huntingdirectory.com/directory/>

²²¹ This total does not include the estimated 150 gun packs which operate in Wales and in parts of England. Gun packs are groups of people with sometimes one or two dogs coming together to form packs which then hunt foxes on foot.

APPENDIX: WHAT IS HUNTING? *(Continued)*

Fox Hunting

Hunting foxes with dogs can be broken down into five further categories:

- On horseback by registered packs of foxhounds and harriers.²²²
- On foot by foxhound packs in the Lake District and in Wales
- With gun packs in Wales in which hounds are used to flush out foxes to waiting guns.
- Using terriers below ground to locate or kill the fox and to dig out or bolt the fox to nets, guns, lurchers or other 'long dogs'.
- Using lurchers and other long dogs, often at night to kill foxes caught in the beam of a powerful torch.

The Chase

During a traditional fox hunt on horseback, foxhounds are guided by huntsmen, as they follow the scent left by the fox. A hunted fox will naturally run to the nearest holes familiar to it, but they were often blocked by hunt servants before the hunt. The fox is therefore forced to run as far and as fast as it can. However, as the fox is a predator and has not evolved for long, sustained chases, it can't compete with the superior stamina of the slower-running but persistent hounds. If a fox manages to find refuge in an open hole, the huntsman calls for the 'terriermen' to enter their dogs into the hole in an attempt to hold it in place until it can be dug out.

The Kill

Hunting enthusiasts claim that the first hound to reach the fox gives it a 'nip to the back of the neck' to kill it instantly. However, dogs which hunt in packs tend to bring down their prey by a series of bites and tears to the quarry's sides and hind quarters, as demonstrated

by post mortem examinations carried out for the Burns Inquiry. This claim of a humane, quick death also ignores the suffering brought about by the deliberately prolonged chase.

Cub hunting

Foxhounds do not hunt and kill foxes by natural instinct - they must be trained and encouraged to do so. For three months prior to the start of the official fox hunting season (November), 'cub hunting' took place, the purpose of which was to train young hounds and to identify those who would not hunt and kill.

The pack would include a number of new, young and inexperienced hounds. To teach them to chase and kill foxes, the pack was taken to a small wood or 'covert' where a family of foxes was known to reside. With riders and foot followers surrounding the 'covert' to drive back any foxes attempting to escape, the hounds were sent in to find, attack and kill the young foxes.

Before the enactment of the Hunting Act 2004 hunters were quite open in their descriptions of the savagery involved in cub hunting and the training of their dogs. In his 1979 book, 'Hounds in Old Days', Sir Walter Gilbey states that a method by which young hounds were introduced to killing foxes, without the possibility of being bitten, was to be given a live fox with its lower jaw sawn off.

Terrierwork

Before the introduction of the Hunting Act 2004 terrierwork was a particularly brutal feature of fox hunting in England and Wales.

When considering terrierwork the Government's Burns Committee of Inquiry into Hunting concluded:

²²² Registered means either registered or affiliated to one of the hunting associations. These are the various governing bodies of all hunts and clubs.

'...we are satisfied that the activity of digging out and shooting a fox involves a serious compromise of its welfare, bearing in mind the often protracted nature of the process and the fact that the fox is prevented from escaping.' ²²³

In terrierwork, a fox earth is located, either by the terriermen or the hunt, with the huntsman's horn signalling that a fox has gone to ground. Small terrier dogs are entered into the fox's refuge to locate the sheltering animal, and if the fox does not 'bolt' there can be an underground battle between the fox and terrier in which both may receive serious injuries. The terrier men may block up exits to the earth, to prevent the escape of the fox. The terrier men track the dog, either by radio collar or by listening for noises underground, and when the terrier has the fox where it can no longer move away, digging out takes place. This can take several hours. Once exposed, the terrified fox is either dragged out and shot, or shot in the earth.

Deer Hunting

There are six species of deer in England and Wales. Only two (roe and red) are indigenous. The remaining species, fallow, sika, muntjac and Chinese water deer, were deliberately introduced for hunting or as wildlife curiosities kept in deer parks from which they subsequently escaped.

Only the red deer was hunted with dogs by registered packs. There was limited hunting of roe deer by unregistered packs and fallow deer were hunted in the New Forest up to the 1990s.

Deer hunting took place in the South-West of England. The hunters pursued the deer using a pack of hounds, with the chase covering anything up to 30 miles. Within an hour, the deer suffered fatigue, but fear drove it on and it may run and collapse many times before total exhaustion slows it down and the hounds can catch up and hold the deer at

bay. The standing deer is finally shot, usually with a shotgun at close range.

Mink Hunting

During a mink hunt, the dogs are followed on foot as they walk or swim along riverbanks while the mink attempts to escape. Once scented, the mink is chased before being caught or escaping underground or up a tree. If caught, the mink may have to fight with a dog or be dismembered by the pack. Mink below ground might be dug out or bolted by a terrier. There has also been instances where the mink have been left injured, or pulled out and released to prolong the 'sport' of the hunt.

Hare Hunting

Hares are also hunted with packs of hounds which are followed on foot, as hares are reluctant to leave their territory so the chase normally takes place in a large circle. The chase can last up to 90 minutes before the hare is finally killed by the hounds.

Hare Coursing

The aim of hare coursing is for two dogs (usually greyhounds or lurchers) to compete against each other in pursuit of a live hare, and provide 'entertainment', to be gambled on or, in some cases, to be food.

Coursing enthusiasts claim that hares die instantaneously from the bite of one dog. However, the hare often screams in terror and pain as it is fought over by the two dogs. The hare can even end up as a living rope in a 'tug of war' between the jaws of the dogs - an horrific death. If the live hare is retrieved by coursing staff, its neck will be wrung to kill it.

²²³ The Burns Report (2000).

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Hunting with Dogs:

Past, Present but No Future

Supporters of hunting loudly complain that the banning of their 'sport' is a gross violation of their rightful liberty to amuse themselves in their own way, which they claim harms no one else. John Stuart Mill, our greatest guru of individual liberty, saw things very differently. Rejecting as absurd the claim that harm to animals was morally insignificant, Mill was clear that the 'one very simple principle' extended to them too.

From the foreword, *'There can be no 'liberty' to be cruel'*,
by Prof. Geoffrey Scarre, Durham University.

Every two weeks, someone somewhere is convicted of an offence under the Hunting Act. And yet more than five years since the introduction of that Act, the debate about hunting with dogs for sport continues; some argue it infringes civil liberties, that it is bad law, or that it has been bad for wildlife.

This comprehensive report - the first of its kind for many years - examines the current state of hunting with dogs and dispels the myths put forward by those who want to turn the clock back to the dark days of legal bloodsports.

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