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Dear Mr Blair,

**Public Consultation - Private Members Bill to Ban Hunting of Wild Mammals with Dogs**

I am writing to you regarding your proposal to introduce legislation to ban hunting with dogs, and to get some clarification as to what your intentions are in terms of legislation. The text of your online survey and the response that is being sent by you, and other MLAs, in response to Countryside Alliance Ireland members seem to contradict each other and there is a lack of clarity as to what you are proposing and what exactly is the scope of the intended legislation. There is also no attempt to consider the evidence around hunting and wildlife management, or assess the impact on the quarry species, wildlife in general, or the communities affected.

It appears that this is a 'consultation' in name only, where the outcome has been predetermined, and the evidence ignored where it is inconvenient. You reference the Bonomy Review as evidence in support of your proposals even though most of them are entirely at odds with Lord Bonomy's findings. You ask about whether I agree with "the ambitions of the Bill", but what are these ambitions? At no point is it clearly stated why this legislation is needed and what it seeks to achieve. Is your ambition better animal welfare, ensuring Northern Ireland is in conformity with the rest of the UK, a belief that what a majority want, based on questionable polling, must be delivered regardless of the evidence, some combination of these, or something else?

You state that: "The legislation will reflect on the Scottish...and Westminster Acts, whilst addressing weaknesses identified in these pieces of legislation...." but before considering any supposed weaknesses in legislation elsewhere, the first question is whether that legislation is justifiable, necessary, proportionate, and desirable in the first place. If it is not, then it would be perverse to seek to introduce similar legislation in Northern Ireland. Lord Bonomy, in discussing hunting as an activity and method of wildlife management reaches very similar conclusions to the earlier Burns Inquiry and his findings support the continued use of packs of hounds for pest control and confirm the view that the restrictions on hunting in Scotland are not supported by the evidence. His findings also highlight how the Hunting Act in England and Wales, with its two dog limit, is even more arbitrary and without evidential basis than the law in Scotland.

Your survey states you are proposing to ban hunting, trail hunting and 'terrier work' but your email response states: "This is not a move to ban hunting. The Bill is intended only to stop hunting with dogs for the kill.....The proposed legislation will ban hunting with dogs only." Which is it? What is the Bill going to prohibit? Trail hunting does not involve "hunting with dogs for the kill". Flushing to guns is "for the kill", but by the gun not the dogs. Is flushing acceptable if the gun is the method of despatch? What is "general hunting" as opposed to "hunting with dogs"? How will foxes be managed? Are the alternative methods better in welfare terms than the use of dogs? Do you even accept the need for management of foxes? I assume you do otherwise why are you not proposing to make the fox a protected species?

You also state that the proposals would have no impact on other activities such as shooting, and yet you are proposing not to allow for an exemption for the use of a dog below ground, that was specifically included in the Hunting Act, and similarly included in the Scottish legislation, precisely to enable game keepers to protect game for shooting, as well as wild birds. Dogs are also used to track mink to protect fish stocks. You must also be well aware that those opposed to hunting on so-called animal welfare grounds are also opposed to shooting and fishing and advance the same arguments against those activities. Those opposed to hunting made great claims when the Hunting Act was going through the Westminster Parliament that they were not against shooting and angling, and even supported the terrier work exemption amendment as a result. Since then, they have attacked shooting relentlessly. Therefore, contrary to what you suggest in your own correspondence, your proposals, as far as I understand them, would have serious implications for shooting, and for rural communities. The impact on communities was yet another point explicitly recognised by Lord Bonomy.

If you do accept the need for the management of wildlife and that that management should be conducted humanely and to minimise suffering according to best practice, then the case for the ability to use dogs is very clear. Cruelty is defined in law, as the intentional infliction of unnecessary suffering and the use of dogs compares favourably with all other methods available to manage wild mammals. Hunting with dogs takes many forms and those who work and follow hounds and use other hunting dogs do so for many reasons from pest control, to watching the dogs work, for the pleasure of the countryside, seeing friends and many other purposes.

Your survey text states that your “legislation will also reflect on the review of Lord Bonomy in Scotland...to ensure no future loopholes.... The legislation...could include pre-emptive measure to not make available any loopholes where dogs are used for flushing in large numbers...” However, Bonomy actually provides a strong argument against legislating at all and directly contradicts many of the proposals you seem to be making. In fact, Lord Bonomy’s conclusions specifically rejected arguments that fox control was unnecessary; accepted the need to use dogs as part of that management; rejected any restriction on the number of dogs in any flushing; rejected the arguments against being able to use a dog below ground (terrier work); confirmed the nature of the kill by dogs being swift and certain and not necessarily any worse than any alternative; and recognised the contribution hunting makes to rural communities. I have set out his key findings concerning hunting below:

**Numbers of dogs for flushing:**

*“3.9 ...the use of packs of hounds to flush out foxes to be shot remains a significant pest control measure, both to control the general level of foxes in an area as well as to address particular problems affecting a farm or estate.”*

*“7.26 ...I am persuaded by the submissions and such other evidence as there is, in particular that of the experience of those who work with packs, the scientific study paper by Naylor and Knott (taking full account of its limitations and the criticisms made of it) , and the fact that in England and Wales hunts do not generally flush to guns using two dogs, not only that searching and flushing by two dogs would not be as effective as that done by a full pack of hounds, but also that imposing such a restriction could seriously compromise effective pest control in the country, particularly on rough and hilly ground and in extensive areas of dense cover such as conifer woodlands...”*

Note that the Naylor and Knott research has since been peer reviewed and is the only scientific research in this area.

**Need for fox control including the use of a dog below ground “terrier work”**

*“6.22... Were the use of terriers below ground to be prohibited, then a significant proportion of the fox control work of mounted and foot hunts would be wasted effort. The fox having been located, the terrier is seen as part of the team to be deployed when otherwise the fox would escape to cause more damage.”*

*“6.23 ... The fox can cause considerable loss to country enterprises through predation on poultry, game and livestock, particularly lambs. There is a powerful argument for completing the fox control exercise by digging out the fox once it has been located.”*

*“6.27 The material presented to the Review is persuasive of the need for the use of terriers to ensure the despatch of a fox gone to ground...”*

*“6.28 ...there is no firm scientific evidence of the extent of the impact on the fox. Indeed it was observed in the Burns Report that the banning of hunting could have an adverse effect on the welfare of foxes in upland areas unless dogs could be used at least to flush foxes from cover. The same would apply in the case of young cubs orphaned below ground in a den.”*

*“5.36... The practice of using dogs or a single dog to dispatch another injured animal or orphaned cubs may seem to many distasteful. The same may be said of the sight of the breaking up of the carcass of a fox. However, the weight of the evidence, as noted in the Burns Report at paragraph 6.48, is that in the vast majority of cases the time to insensibility and death in these situations is no more than a few seconds. These provisions were enacted in the knowledge of the terms of the Burns Report. No evidence has been presented to this Review to indicate the abuse of these provisions by using dogs to despatch seriously injured or orphaned wild mammals.” Lord Burns stated: “Arguably, the precise cause of death is irrelevant. What is more critical is how quickly insensibility and death result and how much suffering, physical or mental, the fox experiences...There seems little doubt, however, that in the vast majority of cases the time to insensibility and death is no more than a few seconds, bearing in mind the great disparity between the size and weight of the fox and the hounds.” (Para 6.48: The Report of Committee of Inquiry into Hunting with Dogs in England and Wales, 2000)”*

It is also worth noting that speaking in the House of Lords on 12 October 2004 Lord Burns said his committee of inquiry *“did not have sufficient evidence to reach a clear conclusion on whether hunting involves significantly worse welfare effects than other legal methods of control.”* (Hansard)

The Burns Report also states: *“In the event of a ban on hunting, it seems probable that farmers and others would resort more frequently to other methods to kill foxes, deer, hares and perhaps mink... It follows that the welfare of animals which are hunted should be compared with the welfare which, on a realistic assessment, would be likely to result from the legal methods used by farmers and others to manage the population of these animals in the event of a hunting ban (para 6.13)”*.

Moreover, Lord Soulsby a member of the Burns Inquiry team and senior vet told the House of Lords, 12 March 2001, that: *“...there is a major concern that, were there to be a ban on hunting, there is strong evidence that the alternatives to control in many cases are certainly less ‘welfare positive’ than hunting. Shooting has been mentioned by a number of speakers; and poisoning, trapping and other means of control are much more insensitive in terms of welfare than the death of the prey at the end of a hunt.”*

### **Rural Community**

*“6.13 ...A wide range of members of the rural community of all ages engage with the hunt in these ways. Other related activities foster further social interaction. The hunts continue to make a major contribution to the social cohesion and community spirit of the locality and to highly valued features of rural life....”*

As you will see if you have been advised that the findings of Lord Bonomy, or indeed Lord Burns, support the proposals that you are making then I am afraid that you have been badly misinformed. I would suggest that far from following the restrictions on the use of dogs in the rest of the UK, Northern Ireland should avoid such unnecessary legislation

Given the amount of evidence in favour of the use of dogs in wildlife management, it is surprising that the only substantive arguments put forward in the survey text to support your proposals are that: because there are restrictions on the use of dogs in other parts of the UK, Northern Ireland should follow suit; and that a majority of people polled don't like the idea of it. Neither are an argument for legislating as you propose. The only other arguments advanced relate to the behaviour of hunts and a supposed biosecurity issue. As you know, hunts should only operate where they have permission to be. Doubtless there are some farmers who do not enjoy good relations with particular hunts but to suggest that a ban has “strong support from the farming community” is unevicenced and misleads readers. There is a longstanding Memorandum of Understanding (MOU) between the hunts and the Ulster Farmers' Union (UFU). The arguments about biosecurity could equally be applied to any number of activities which bring people and dogs onto land. The only principled reason to legislate is if there was a good animal welfare case based on science and evidence. There is none.

It is important to note that between the passing of the Welfare of Animals (Northern Ireland) Act 1972 and the Welfare of Animals (Northern Ireland) Act 2011, which replaced the 1972 Act, the causing of unnecessary suffering by hunting was an offence. Yet in nearly 40 years no case was brought against a hunt for causing "unnecessary suffering". In simple terms hunting, properly conducted, does not cause unnecessary suffering and is therefore not cruel, and is not measurably worse than the alternatives. As Professor Sir John Marsh and Professor Michael Winter, both members of the Burns Inquiry team, wrote to the then Secretary of State for Environment, Food and Rural Affairs in 2005: *"I would like to draw your attention to Lord Burn's comment that the committee did not have sufficient evidence to reach a clear conclusion on whether hunting involves significantly worse welfare effects than other legal methods of control...Describing as we did the final moments of a hunt as 'seriously compromising the welfare of the hunted animal' should not be taken as a suggestion that hunting was measurably worse than other legal methods, or that abolition would improve the plight of wild animals in the countryside."*

To quote Lord Bonomy again: *"1.9 Whatever the outcome of this Review, wild mammals will continue to be killed for pest control and other reasons. Sentiment has no part to play in evaluating the material presented to and gathered in the course of the Review. Conclusions have to be based on evidence."* I would suggest that the evidence leads to the conclusion that there is no case to restrict the use of dogs in wildlife management in Northern Ireland. To repeat the unfortunate legislation put in place in England would cause division, waste vast amounts of police and court time and public money, while doing nothing for animal welfare just as has happened there. It is not insignificant that the report from The Better Government Initiative, including Sir Christopher Foster, Lord Butler, Sir John Chillcott, January 2010 stated that: *"Over the last 20 years, the public and media have come to regard several events as notorious examples of bad government: the Community Charge (now remembered as the Poll Tax) in 1990, the Dangerous Dogs Act 1991, the failure of the Child Support Agency, the Hunting Act 2004, the story of the Millennium Dome";* or that the former Prime Minister, Mr Tony Blair, described it as *"one of the domestic legislative measures I most regret.."*

I apologise for the length of this letter, but I hope it is clear, given the evidence, that the online survey cannot fairly be considered a proper consultative exercise, and that to assert that there would be no impact on other activities and rural communities is simply wrong. I would also ask that you would consider the evidence objectively and I would very much welcome an opportunity to discuss these matters further.

I look forward to hearing from you.

cc Speaker of the Northern Ireland Assembly

Yours Sincerely



Gary McCartney  
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Countryside Alliance Ireland