



Fox population control and hunting with dogs

FROM THE PUBLIC AFFAIRS DEPARTMENT

The Hunting Act 2004

The Conservative party promised in its General Election manifesto to allow a free vote on the matter of repeal of the Hunting Act 2004¹ should it form a Government. On 9th July a Statutory Instrument² (SI) was laid before Parliament setting out a series of amendments to the exemptions in Schedule 1 of the Hunting Act 2004³. This is due to be debated and voted on in the House of Commons on Wednesday 15th July and will also need to be passed by the House of Lords.

The Act has now been in force for over ten years and has proven to be an effective and integral piece of the legislative framework protecting wild animals in England and Wales. Alongside its high conviction rate, the ban on hunting wild mammals with hounds for sport also enjoys a huge amount of public support, with polling showing that 80% of people do not want to see a return to foxhunting, rising to 85% for deer hunting, and 87% for hare hunting⁴.

Despite clear public support for the ban and the fact that the majority of MPs (from all parties) have indicated their opposition to overturning it, the pro-hunting community have continued to pursue their demands for a vote on the issue.

The amendments

The SI will amend Schedule 1 of the 2004 Act to allow for more than two dogs to be used to stalk or flush, rescue a wild mammal or for research or observation. It also extends the scope of the exemption for the use of dogs below ground to protect livestock and not just birds for shooting. Discretion over the number of dogs used is left up to the individual however they should have regard to the 'terrain' and 'any other relevant circumstances' to enable the stalking or flushing to be carried out as 'efficiently as possible'. This is worded so loosely that it in effect allows for packs of hounds to be used in a wide variety of circumstances. The Minister has stated that the amendment is to make "*technical amendments to the pest control measures within the Hunting Act to more closely align the legislation with Scotland*"^{5 6}.

Additionally, as already stated, the amendment extends the scope of the exemption for rescue of a wild mammal to include those which the huntsman **believes** are, or may be, diseased and not just injured. This is an important point as the huntsman does not have to prove that the fox is indeed sick, but can claim that the fox had mange and be confident that this will not be challenged as mange is present throughout the country. This amendment would then allow them to hunt a fox with a pack of hounds, anywhere in the country and claim they are doing it for the benefit of the fox's welfare. The same would apply to deer, hares and mink.

These amendments would be disastrous for wildlife, animal welfare and the Hunting Act. They would allow those who wish to engage in the cruel 'sport' of hunting, where wild animals are chased to the point of exhaustion (and also, it is reasonable to believe, caused fear and distress), before being killed by

¹ page 23 <https://www.conservatives.com/manifesto> (accessed 10.07.15)

² <http://www.legislation.gov.uk/ukdsi/2015/9780111137628> (accessed 09.07.15)

³ <http://www.legislation.gov.uk/ukpga/2004/37/contents> (accessed 09.07.15)

⁴ IPSOS Mori (2013) survey carried out for IFAW, RSPCA and League Against Cruel Sports Ipsos MORI interviewed a representative sample of 1,988 adults in GB aged 15+. Interviews were carried out face-to-face, in home, using CAPI (Computer Aided Personal Interviewing Laptops), as part of the Ipsos MORI Omnibus (Capibus). Fieldwork was conducted between 1st and 5th November 2013. The results have been weighted to reflect the known profile of the adult population.

⁵ Ministerial statement <https://www.gov.uk/government/news/amendments-to-hunting-act-proposed> (accessed 10.07.15)

⁶ The Protection of Wild Mammals (Scotland) Act 2002 <http://www.legislation.gov.uk/asp/2002/6/contents> (accessed 09.07.15)

packs of hounds, to escape the consequences. In many respects they are the first steps at dismantling the Act and the protection it provides for wildlife. The same tactic was attempted in 2014 and then withdrawn by the Coalition Government due to public pressure. We are disappointed that the Government has chosen to ignore the evidence and public opinion on this issue this time.

There is no need for these amendments

The arguments put forward to support the need for the amendments to the Hunting Act in the SI have largely revolved around the need to control foxes to prevent damage to livestock. However it is the RSPCA's view that hunting with hounds is not an effective or humane form of fox population control.

We believe that any case for bringing such amendments forward is likely to be based on unpublished research produced by the Federation of Welsh Farmers' Packs⁷. When these issues were looked at during the passing of the ban, the Burns Inquiry acknowledged that there is a general perception, amongst farmers, landowners and gamekeepers that it is necessary to control the fox population. However, scientific studies have shown that foxes are not the "pests" that rural folklore suggests.

We believe that the fundamental assumptions underpinning the research are flawed, namely:

- that fox numbers have increased since the Hunting Act came into force,
- that fox predation has a major impact on farmers' incomes, and
- that killing foxes helps to reduce fox numbers.

Fox numbers in the UK are stable

The most recent large scale survey of fox numbers in Britain was conducted by the Mammal Society in 1999-2000. They estimated that the total rural fox population was 225,000 adult foxes⁸ and it seems unlikely to have changed. More recent surveys on mammals in general do not indicate an increase in fox populations. For instance the British Bird Survey conducted by the British Trust for Ornithology also collected data on mammals and this indicates that the fox population has been stable since 2004-2012⁹.

Furthermore the year-long ban on hunting with dogs imposed during the foot and mouth outbreak (2001-2002) provided an opportunity to investigate the impact of hunting on fox numbers. After the temporary ban on hunting had been in place, researchers for the Mammal Society repeated the fox survey on a subset of the original sites. This second survey, the results of which were published in the journal *Nature*, showed no significant change in fox numbers during the one-year hunting ban and in fact, in most regions, the average fox density had declined slightly¹⁰. In other words, without hunting, the number of foxes per km² had decreased.

Fox predation does not have a significant impact on farming incomes

While we do not dispute that foxes may take some chickens and lambs, empirical evidence demonstrates that fox predation accounts for only a very small proportion of lamb losses and has a negligible financial impact. We are also unaware of any empirical evidence supporting the hypothesis that lamb predation by foxes has increased since 2004.

⁷ Naylor J and Knott J. A pack of dogs is more effective at flushing red foxes (*Vulpes vulpes*) to guns than a pair. Federation of Welsh Farmers' Packs <http://fedwfp.co.uk/wordpress/wp-content/uploads/2013/10/research-flushing.pdf> (accessed 10.07.15)

⁸ Webbon, C.C., Baker, P.J. & Harris, S. (2004) Faecal density counts for monitoring changes in red fox (*Vulpes vulpes*) numbers in rural Britain. *Journal of Applied Ecology*, 41, 768-779

⁹ Wright, L.J., Newson, S.E. and Noble D.G. (2014) The value of random sampling design for annual monitoring of national populations of larger British terrestrial mammals. *Eur. J. Wild Res.* 6-: 213-221

¹⁰ Baker, P.J, Harris, S. & Webbon, C.C. (2002). *Ecology: Effect of British hunting ban on fox numbers.* *Nature*, 419: 34

Estimates of annual UK lamb losses range from 7-15%^{11 12}. However, studies suggest that predators and misadventure (e.g. going missing) account for only 5% of these losses, with the actual proportion of these lost to foxes being very difficult to determine and likely to be overestimated¹³.

According to Defra¹⁴, the main causes of lamb loss are: abortion and stillbirth; exposure and starvation; infectious disease and congenital defects. In other words, 95% of lamb losses are due to farm husbandry practices. Defra's advice to farmers is very clear and focuses entirely on improving farming practices: *"Many lambs could survive with better planning, good preparation, well organised lambing routines and facilities, good stockmanship, possibly increased supervision and staffing numbers around lambing time and early recognition of problem lambs."*

In the case of poultry, a study using information derived directly from farmers indicated that on average, mortality due to fox predation was less than two per cent, with other causes making around three times this contribution to overall losses¹⁵. The study concluded that: *"The results suggest that changes in farm management would be the most cost-effective means of reducing fox predation, rather than greater fox control."*

It should also be remembered that foxes also have a beneficial effect on farm incomes by helping to control rabbits, a species that costs the farming industry over £120 million in damage a year¹⁶.

Killing does not control fox numbers

Empirical research does not support calls for greater fox control, demonstrating that it does not reduce overall fox numbers and may actually lead to an increase in numbers especially in spring, when most lambs are born.

A pre-Hunting Act study investigating the effect of over-winter culling in Welsh forests (including fox drives, mounted hunts and killing by rangers) found that high culling pressure led to increased fox numbers¹⁷. Comparing fox estimates before the culling season began (autumn) and when it ended (spring) showed that spring densities were positively correlated with the number of foxes killed. In other words, spring fox numbers were highest where the culling pressure had been highest. This is probably because more foxes moved in to contest the vacant area than were there in the first place¹⁸. The authors concluded that, *"culling undertaken by fox control societies, mounted hunts and rangers appeared to have no utilitarian value with respect to reducing fox numbers."*

Aside from the flawed proposition with regards an increased need for fox control, the geographical remit of the research also raises problems. The research by Naylor and Knott was conducted in Scotland and the conclusions may not necessarily be applicable to England and Wales. And crucially, despite the research focusing on fox control, the amendment will also allow packs of dogs to be used for hunting other wild mammals such as deer, hares and mink, not just foxes.

¹¹ Binns, S.H., Cox, I.J., Rizvi, S. & Green, L.E. (2002). Risk factors for lamb mortality on UK sheep farms. Preventive Veterinary Medicine, 52: 287-303.

¹² Department for the Environment, Food and Rural Affairs, (2004). Improving Lamb Survival. <http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/publications/files/pb2072-lamb-041104.pdf> (accessed 10.07.15)

¹³ McDonald, R., Baker, P. & Harris, S. (1997). Is the fox a pest? Electra Publishing, Cheddar, Somerset.

¹⁴ Department for the Environment, Food and Rural Affairs, (2004). Improving Lamb Survival. <http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/publications/files/pb2072-lamb-041104.pdf> (accessed 10.07.15)

¹⁵ Moberly, R.L., White, P.C.L & Harris, S. (2004). Mortality due to fox predation in free-range poultry flocks in Britain. Veterinary Record, 155, 48-52.

¹⁶ Harris, S. Baker, P and White, P. 2006. After the hunt: The future for foxes in Britain. Report for IFAW, London

¹⁷ Baker, P.J. & Harris, S. (2006). Does culling reduce fox (*Vulpes vulpes*) density in commercial forests in Wales, UK? European Journal of Wildlife Research, 52: 99-108.

¹⁸ Harris, S. (2013). Culling urban foxes just doesn't work. New Scientist, 2905.

The impact – a return to hunting

We believe that an amendment allowing an increase in the number of dogs used to stalk or flush a wild mammal would not simply ‘amend’ the Hunting Act but would remove essential parts of it altogether and will result in wild mammals being chased and killed in much the way they were before the ban came in.

Since the 2004 Act came into force, it has been very apparent that many hunts have attempted to maintain their infrastructure and practices, in the hope of being able to switch back to traditional hunting if the ban is overturned. We are also aware that some hunts still hunt in breach of the legislation. We believe that these amendments will provide another ‘excuse’; one that will effectively make the legislation unenforceable.

The current restriction of using no more than two dogs to stalk or flush a wild mammal to guns is very clear to apply when enforcing the law. Removal of this limited restriction is likely to make enforcement of the Act considerably more difficult and would pose a real threat to wildlife protection. For instance, in Scotland, the Protection of Wild Mammals (Scotland) Act 2002 prohibits the hunting of wild mammals of dogs but section 3 provides an exemption for using dogs in connection with falconry and shooting. Here a number of dogs may be used to stalk or flush a wild mammal out from cover as long as the dogs are kept under control, that it is for the purpose of the sport concerned (i.e. falconry or shooting), and that the animal is shot (or killed by the bird of prey) as soon as possible. In Scotland there have been no successful prosecutions for a mounted hunt under the hunting legislation since it was introduced, highlighting the problems with enforcement once the limit on the number of dogs is removed.

It is important to note that it is not just foxes that would be affected by such a change and, as mentioned before, deer, hares and mink would also be put at increased risk as would other species that are ‘accidentally’ disturbed by hunting activities, e.g. otters. It is also important to remember public opinion against all forms of hunting remains high and is the highest against deer hunting (85%) and hare hunting (87%)¹⁹.

Conclusion

We are extremely concerned that the UK Government has decided to take forward a series of amendments that would in effect see hunting wild mammals with dogs return, despite the fact that the majority of the UK public, as well as MPs from across all political parties, oppose the cruelty of hunting, and despite the fact that objective evidence indicates that predation by foxes makes only a very small contribution to livestock losses, which are overwhelmingly caused by unrelated health and management factors.

We believe that in bringing forward seemingly benign amendments to the exemption may lead some politicians to think that the amendments will not have any significant impact. In reality, this is not the case and in our view this is a clever manipulation by the pro-hunting lobby to start dismantling the Hunting Act. We feel that the use of a SI is a disingenuous approach to an issue people on all sides feel strongly about.

The International Fund for Animal Welfare, the League Against Cruel Sports, and the RSPCA asks all MPs to oppose this attempt to undermine the Hunting Act and ban by voting against the SI.

¹⁹ IPSOS Mori (2013) survey carried out for IFAW, RSPCA and League Against Cruel Sports Ipsos MORI interviewed a representative sample of 1,988 adults in GB aged 15+. Interviews were carried out face-to-face, in home, using CAPI (Computer Aided Personal Interviewing Laptops), as part of the Ipsos MORI Omnibus (Capibus). Fieldwork was conducted between 1st and 5th November 2013. The results have been weighted to reflect the known profile of the adult population.

The vast majority of citizens, rural and urban, want to keep the hunting ban. This is a chance for politicians to show the Hunting Act is here to stay and that there are more pressing issues the country faces upon which Parliament should focus.