

HUNTING WITH DOGS BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by John Blair MLA (“the Member”) in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum should be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill, and where a clause or any part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Hunting with Dogs Bill proposes to prohibit the use of dogs to hunt, attack, or kill wild mammals. The policy objectives of the Bill are to:
 - prohibit the use of dogs to hunt, attack, or kill wild mammals; and
 - close off any potential loophole where trail hunting is used as a smokescreen for illegal hunting.
4. The Member aims to address the concern that Northern Ireland is the only part of the United Kingdom without a ban on hunting wild mammals with dogs.
5. The proposed legislation seeks to reflect aspects of the Hunting with Dogs (Scotland) Act 2023 (‘the 2023 Act’). This Act addresses recognised loopholes in the Hunting Act (England and Wales) 2004 (‘the 2004 Act’), such as the use of trail hunting as a smokescreen for illegal hunting. Equally, the Bill creates exemptions for legitimate use of dogs, including to hunt rats or mice, protect livestock, humane killing, and certain management of wild mammals, etc.
6. There has been consistent public support in Northern Ireland for a ban on hunting with dogs. Polling over the years has consistently shown this trend, with the most recent opinion poll in 2024 further confirming it. The poll was conducted by LucidTalk Limited and commissioned by the USPCA and the League Against Cruel Sports as part of the Together campaign. It ran in February 2024, receiving responses from 1,050 people. The poll found that: 87% of respondents said deer hunting should be banned; 76% would ban fox hunting; 82% would ban hare hunting; and 77% would ban rabbit hunting.
7. The Member has listened to reports from farmers regarding problems arising from hunts, including trespassing, damage to fences, harm to livestock, and biosecurity threats due to potential disease spread. Despite public calls to end this practice, including fox hunting, a minority continue to enjoy it, highlighted by events like the Boxing Day hunt.

Northern Ireland's lack of hunting legislation allows for animal cruelty, particularly in terrier work, where dogs can suffer serious injury in the fight with prey.

CONSULTATION

8. The Member conducted an initial consultation from 21 October 2024 which closed on 20 January 2025 (having been extended from 13 January). A total of 12,011 responses were received to the consultation. The Member has engaged directly with representative groups, and also shared his initial legislative proposal with the Equality Commission for Northern Ireland, and the Northern Ireland Human Rights Commission, who indicated no concerns regarding the policy objective.
9. The Member also engaged with the British Association for Shooting and Conservation, the Countryside Alliance, and the British Veterinary Association.
10. The Member has sought to target the Bill towards unnecessary animal cruelty whilst avoiding unintended consequences, including appropriate exemptions for rural life and to avoid banning drag hunting.
11. The majority of respondents (62.92%) said all hunting, searching, coursing, capturing or killing wild mammals with dogs should be banned in Northern Ireland. 72.27% of those who said they lived in Northern Ireland said they supported the ban. In addition, 80.45% said ending hunting wild mammals with dogs was important to them, and 70.35% said they 'fully supported the intentions of the proposed Bill'.
12. Several responses from the open questions indicated that the proposed Bill is unnecessary since hunting mammals with dogs is already prohibited in Northern Ireland. This underscores a clear misunderstanding among the public, as many believe that hunting is already illegal, likely due to the ban across the rest of the United Kingdom.
13. The consultation drew out themes in the proposed Bill and several alternatives were put forward. For instance, suggestions included enforcing a strict code of conduct, establishing stringent rules for governing bodies to uphold standards, designating a specific hunting season, restricting the number of dogs allowed to participate, and creating a list of species allowed for hunting. While these suggestions are valid, there are Memoranda of Understanding that hunting groups and organisations have signed, yet the Member has heard reports of these being overlooked. This underscores the need for a statutory ban rather than mere regulation or voluntary commitment.
14. The Member wrote to the Minister for Agriculture, Environment and Rural Affairs on 25 October 2024, and the Minister confirmed that the Department was not developing any legislation similar to the proposals, and that due to various other policy priorities, there were no plans for policy development of legislation regarding hunting with dogs.

OPTIONS CONSIDERED

15. **Option 1: Do Nothing:** Under this option wild mammals could continue to be hunted by dogs, with Northern Ireland being the outlier compared to the rest of the United Kingdom.
16. **Option 2:** Legislate via a Member's Bill to prohibit the use of dogs to hunt, attack, or kill wild mammals, and to close off any potential loopholes that could allow the use of dogs to hunt, attack, or kill wild mammals.
17. Following consultation, the Member considers that **Option 2** is the mechanism by which to achieve the policy objectives of the Bill.

OVERVIEW

18. The Bill makes the following a criminal offence: hunting wild mammals using dogs, trail hunting and terrier work. It sets out a number of exemptions to this. The Bill slots into the existing regulatory framework for protecting wildlife as set out in the Wildlife (Northern Ireland) 1985 ('the 1985 Order'). It is an amending Bill and most of the provisions work by inserting new provisions into the 1985 Order.
19. The Bill has 14 clauses and no schedules. A commentary on each of the clauses follows below:

COMMENTARY ON CLAUSES

Clause 1: Part 2 of the Wildlife (Northern Ireland) Order 1985 deals with the protection of wildlife. Part 3 deals with the protection of deer. This Bill begins by inserting a new Part 3A into the 1985 Order, dealing with hunting with dogs.

This clause makes it a crime to hunt a wild mammal using a dog, or to be involved in the hunting of a wild mammal with a dog. These are all active rather than passive, they require organising, participation, or planning. A person is not hunting if they are walking their dog and their dog happens to pick up a scent and chases after it. This becomes a factual point, for example, it will be hunting if the person deliberately goes out to find a scent and encourages their dog to chase it down, or sets their dog on a wild mammal.

Clause 1 also inserts Article 23A into the 1985 Order, defining the terms used in the Bill. These include the meaning of "participating" in a hunt – where it is irrelevant if the person is responsible for controlling any dog used in the hunt. Participating also includes following an artificial or human scent where a dog then hunts a wild mammal. The clause also defines "wild mammal".

Clause 2: This inserts Article 23B into the 1985 Order and creates the first new offence of hunting wild mammals using dogs. This covers both hunting, and organising or participating in hunting. It only applies where one or more dogs are used. There is a related offence if the owner of land allows others to hunt wild mammals on their land. Under the terms of this clause, fox-hunting and hare coursing would be made unlawful.

Clause 3: This inserts Article 23C into the 1985 Order and creates the second new offence of trail hunting. This covers organising or participating in a trail hunt. A trail hunt means following an animal based scent with one or more dogs. This does not extend to what is sometimes referred to as drag hunting, where dogs are given the scent of human runners and the hunt chases those humans.

Clause 4: This inserts Article 23D into the 1985 Order and creates the third and final new offence of terrier work. This covers inducing one or more dogs to enter into a hole, or an enclosed space, to flush out, or make it easier to dig out, a mammal in that hole or enclosed space.

Clause 5: This amends Article 27 of the 1985 Order to set out the penalties for these three new offences. The penalties are up to 12 months in jail / £20,000 fine if dealt with in the magistrates' court, and up to five years in jail / unlimited fine in the Crown Court.

Clause 6: This clause inserts Article 23E into the 1985 Order and sets out the first of the exemptions to these offences. The offences do not apply to the hunting of rats or mice.

Clause 7: This clause inserts Article 23F into the 1985 Order and sets out another exemption to these offences. This exemption relates to the management of wild mammals and sets out a number of circumstances where it is lawful to hunt mammals with dogs. These include: preventing damage to crops, preventing the spread of disease, protecting human health, protecting livestock, and protecting biological diversity. The exemption sets out a number of conditions that must be complied with before the exemption applies, for example that the dogs are under control, and that the wild mammals are killed humanely.

Clause 8: This clause inserts Article 23G into the 1985 Order and sets out another exemption to these offences. This exemption relates to relieving the suffering of wild mammals. It is lawful to hunt wild mammals with dogs for the purposes of treating them, capturing them, or killing them to relieve them of their suffering. The exemption sets out a number of conditions that must be complied with before the exemption applies, for example that the dogs are under control, and that the wild mammals are killed humanely.

Clause 9: This clause inserts Article 23H into the 1985 Order and sets out another exemption to these offences. This exemption relates to searching for dead wild mammals. Dogs may be used to hunt for dead wild mammals. The exemption sets out a number of conditions for this, for example that the dogs are under control and that reasonable steps are taken to ensure that no wild mammal is pursued, injured or killed in the course of this.

Clause 10: This clause inserts Article 23I into the 1985 Order and sets out another exemption to these offences. This exemption relates to training dogs to follow an animal-based scent. This is exempt providing that the training is for a lawful purpose. For example, it may be lawful to train police dogs to follow a scent. The exemption sets out a number of conditions for this, for example that the dogs are under control and reasonable steps are taken to ensure that no wild mammal is pursued, injured or killed in the course of this.

Clause 11: This clause deals with enforcement. It makes several amendments to the 1985 Order. The essence of these amendments is to apply to existing regulatory enforcement mechanisms in the 1985 Order (currently used to protect wildlife and protect deer) to the protections set out in this Bill. Therefore, the powers of police and wildlife inspectors set out in that Order also apply in relation to enforcement of these new laws on hunting with dogs.

Clause 12: Under this clause, the Department of Agriculture, Environment and Rural Affairs must review the operation of this Bill at least once every five years.

Clause 13: The Bill becomes law 6 months after receiving Royal Assent.

Clause 14: This clause gives the short title of the Bill.

FINANCIAL EFFECTS OF THE BILL

20. The Bill itself has no direct financial effects.
21. The Bill if enacted, would create a potential ‘public impact’ on departmental resources in terms of general costs and staffing requirements associated with their current inspection and enforcement of their wildlife related duties.
22. The Bill would also have public purse implications with regards to the PSNI and their general costs and staffing requirements relating to its existing inspection and enforcement duties specified in the Wildlife Order 1985 and the Wildlife and Natural Environment Act (Northern Ireland) 2011. When asked, the PSNI advised that they were not in a position to provide estimates of any additional resource requirements that might arise from the proposed Bill.
23. Additionally, fines for non-compliance could help offset enforcement costs and support ongoing monitoring and compliance efforts. The Member looks forward to further engagement on these points.

HUMAN RIGHTS ISSUES

24. The Member is satisfied that the Bill does not contain any provisions which are incompatible with Convention Rights defined by the Human Rights Act 1998. Nor does the Member consider that the Bill deals with any matter referred to in Article 2(1) of the Windsor Framework. The Member shared an outline of his proposal with the Northern Ireland Human Rights Commission and looks forward to further engagement on the issue.

EQUALITY IMPACT ASSESSMENT

25. The Member is satisfied that the provisions within the Bill do not discriminate against any of the equality groups. The Member has shared an outline of his proposal with the Equality Commission for Northern Ireland and looks forward to further engagement on the issue.

LEGISLATIVE COMPETENCE

26. At Introduction the Member in charge of the Bill, Mr John Blair, had made the following statement under Standing Order 30:

“In my view the Hunting with Dogs Bill would be within the legislative competence of the Northern Ireland Assembly.”



**Northern Ireland
Assembly**

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