



## The Moorland Association

# Response to Defra's consultation on proposals to prohibit trail hunting in England and Wales - draft

### Introduction

Defra is consulting on proposals to prohibit trail hunting in England and Wales. The consultation is primarily concerned with trail hunting, but it also raises questions that could have implications for landowners, land managers and others who use dogs for lawful rural and land-management purposes.

The Moorland Association's draft response does not seek to take a primary position on trail hunting as an activity. Instead, it focuses on ensuring that any new legislation is tightly drafted and does not inadvertently affect legitimate moorland management, shooting, deer management, pest control, gamekeeping, conservation work, working-dog training or animal welfare.

In particular, the draft response seeks to protect:

- lawful use and training of working dogs;
- use of animal-based or animal-mimicking scents for legitimate working-dog training;
- existing Hunting Act exemptions relevant to shooting, stalking, pest control and animal welfare;
- landowners and occupiers from liability for unauthorised activity on large, open or remote landholdings;
- employees, keepers, agents, contractors and rural businesses from uncertainty or unintended criminal liability.

Members are invited to review the draft response and provide comments, particularly on any practical implications for moorland management, working dogs, landowner permissions, shooting operations, deer management, predator control, pest control, gamekeeping or animal welfare that should be reflected before the response is submitted.

Please send any comments to [agilruth@moorlandassociation.org](mailto:agilruth@moorlandassociation.org) by 5pm on Monday 15 June.

### About you

1. **Would you like your response to this consultation to be confidential in the event of an access to information request?**
2. **Provide your full name.**
3. **Provide your email address or, alternatively, your full postal address.**
4. **In what capacity are you completing this consultation?**
  - as a representative of an interest group which is not classified as an NGO or other non-profit public interest group

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**5. If you are responding on behalf of an organisation, what is the name of that organisation?**

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**6. This consultation is for proposals that would apply only in England and Wales. Where are you, or the organisation you are representing, located?**

The Moorland Association operates in England and Wales and represents owners and managers of moorland in those jurisdictions.

Moorland management often takes place across large, open, remote and unenclosed landscapes, with multiple access points and complex arrangements involving owners, tenants, sporting rights, grazing interests, keepers, employees, agents, contractors and public access.

Its members may be affected by any legislative changes that apply to land management, working dogs, shooting, deer management, pest control, conservation, gamekeeping and animal welfare in England and Wales..

### Proposed legislative approach

**7. Do you agree with the proposed definition of “trail hunting”?**

- No

The Moorland Association does not take a primary position on the definition of trail hunting as an equestrian or hunt activity. However, any statutory definition must be tightly drafted so that it does not inadvertently capture lawful land-management activities involving working dogs.

In particular, the definition should not apply to the use or training of dogs for shooting, deer management, the recovery of shot or wounded animals, pest control, conservation management, or animal welfare purposes. These activities may involve dogs being trained to follow or respond to animal-based scent, or scents which mimic animal-based scent, but they are distinct from trail hunting and should remain lawful.

We therefore urge Defra to make clear on the face of any legislation that the proposed definition does not affect legitimate working-dog use or training connected with lawful land management.

**8. What types of conduct should be covered by ‘engagement’ or ‘participation’ in trail hunting?**

Any definition of “engagement” or “participation” should be precise, limited and linked to intentional involvement in trail hunting itself. It should not extend to incidental, passive or unrelated conduct by landowners, land managers, employees, contractors or rural businesses.

In particular, “engagement” or “participation” should not include lawful land-management activities involving dogs, including shooting, deer management, the recovery of shot or

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wounded animals, pest control, conservation management, gamekeeping, livestock protection, or animal welfare work.

Nor should it include merely owning, occupying or managing land; being present on land; undertaking unrelated estate, farming, sporting or conservation activities; or using or training working dogs for lawful purposes unrelated to trail hunting.

Legislation should also avoid creating uncertainty for estate employees, keepers, agents, managing agents, contractors and professional advisers who may have operational responsibilities on land but are not responsible for organising or authorising trail hunting. Such individuals should not be treated as engaging or participating in trail hunting merely because they work on the land, manage access, carry out land-management duties, advise the landowner, or are present when unrelated lawful rural activities are taking place.

If legislation is introduced, the offence should require clear knowledge and intention that the person was taking part in trail hunting as defined by the Act. This is necessary to avoid uncertainty for landowners and land managers and to prevent legitimate rural activity from being chilled by fear of accidental criminal liability.

9. **In relation to offences or conduct which would assist unlawful trail hunting to take place, we intend that it should be an offence for the owner or occupier of land to knowingly cause or permit another person to engage or participate in trail hunting on that land. Do you agree?**

- Do not know.

The Moorland Association understands the Government's intention to prevent unlawful trail hunting from being facilitated by landowners or occupiers. However, any offence applying to owners or occupiers of land must be drafted very carefully and must require clear evidence that the owner or occupier knowingly caused or knowingly permitted trail hunting to take place.

Landowners and land managers should not be exposed to criminal liability because of the unauthorised actions of third parties, uncertainty about what activity was taking place, historic or general access arrangements, or lawful land-management activities involving dogs. This is particularly important in a moorland context. Moorland management often takes place across large, open, remote and unenclosed landscapes, with multiple access points and complex arrangements involving owners, tenants, sporting rights, grazing interests, keepers, employees, agents, contractors and public access.

On such land, owners and managers may not be able to monitor all access or activity in real time, nor will they necessarily have direct day-to-day control over every person present on the land or every activity taking place. It would be unreasonable for liability to arise unless there is clear evidence of actual knowledge and deliberate authorisation. Liability should not arise where a person enters land without permission, exceeds the scope of any permission granted, or carries out an activity materially different from that which was authorised.

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This is particularly important on open, unenclosed or remote moorland, where owners and managers may not be able to monitor all access or activity in real time. Moorland holdings may have multiple access points and may be subject to public access rights, tenancies, sporting rights, grazing rights, licences, informal access arrangements and contractor activity. Liability should not arise where a person enters land without permission, exceeds the scope of any permission granted, or carries out an activity materially different from that which was authorised.

Any provision should therefore make clear that liability does not arise from mere ownership or occupation of land, passive presence, failure to prevent unknown activity, or permission for distinct lawful activities such as shooting, deer management, pest control, gamekeeping, conservation management, livestock protection, or the training and use of working dogs for animal welfare purposes.

If such an offence is introduced, it should be limited to cases where there is clear, evidenced knowledge and deliberate authorisation of trail hunting as defined in the legislation.

**10. In relation to offences or conduct which would assist unlawful trail hunting to take place, we intend that it should be an offence for the owner or person responsible for a dog to knowingly cause or permit another person to use the dog for trail hunting. Do you agree?**

- Do not know

The Moorland Association understands the Government's intention to prevent dogs being knowingly provided or used for unlawful trail hunting. However, any offence of this kind must be tightly drafted and limited to cases where the owner or person responsible for the dog has clear knowledge that the dog will be used for trail hunting, and deliberately causes or permits that use.

The offence should not create uncertainty for owners, handlers, trainers, gamekeepers, stalkers, farmers, contractors or land managers who use dogs for lawful purposes unrelated to trail hunting. Dogs are used in legitimate rural activities including shooting, deer management, recovery of shot or wounded animals, pest control, livestock protection, conservation management, gamekeeping and animal welfare work. These activities should not be affected by any ban on trail hunting.

It should also be clear that liability does not arise from the ordinary ownership, keeping, lending, training or handling of dogs for lawful working purposes, nor from circumstances where a dog is used by another person without the owner's actual knowledge or authorisation.

If such an offence is introduced, it should require clear evidence of actual knowledge and deliberate permission for the dog to be used for trail hunting as defined in the legislation.

**11. Are there any other forms of conduct which should be considered as possible offences in relation to offences or conduct which would assist unlawful trail hunting to take place?**

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- No.

The Moorland Association does not consider that additional categories of offence should be introduced without clear evidence that they are necessary and without careful assessment of the risk of unintended consequences for lawful rural activity.

Any new offences connected with assisting unlawful trail hunting should be narrowly drafted and should require clear knowledge and intention. They should not capture incidental, passive or unrelated conduct by landowners, land managers, employees, agents, contractors, tenants, farmers or rural businesses.

In particular, legislation should not affect lawful land-management activities involving dogs, including shooting, deer management, recovery of shot or wounded animals, pest control, livestock protection, gamekeeping, conservation management and animal welfare work.

Expanding the offence beyond deliberate facilitation of trail hunting risks creating uncertainty for legitimate land management and could have a chilling effect on necessary working-dog use in the countryside.

### **12. Do you consider that any other legislative changes are necessary to ensure that a ban on trail hunting is effective?**

- No.

The Moorland Association does not consider that any wider legislative changes are necessary to ensure that a ban on trail hunting is effective. In particular, this consultation should not be used as a vehicle to reopen the Hunting Act 2004 more broadly or to amend existing exemptions that support lawful land management, shooting, deer management, pest control, gamekeeping, conservation management and animal welfare.

Existing lawful uses of dogs are essential in many rural and upland settings. These include using dogs to flush mammals to be shot where lawful, using dogs below ground for the protection of gamebirds or wild birds kept or preserved for shooting, following up injured deer, recovering shot game, ridding, pest control and related working-dog activity. These practices are distinct from trail hunting and should not be affected by legislation aimed at trail hunting.

Defra should state expressly that any Bill will preserve the existing Hunting Act exemptions relevant to shooting, stalking, flushing, retrieval, ridding, below-ground work where lawful, and animal welfare. These exemptions are relied upon by land managers, gamekeepers, stalkers, farmers and others carrying out legitimate rural and wildlife-management activities. They should not be narrowed, removed or made more uncertain through legislation whose stated purpose is to prohibit trail hunting.

Any legislation should be tightly limited to the activity Defra is seeking to prohibit. It should not create uncertainty for landowners, land managers, farmers, gamekeepers, stalkers, contractors or others who use dogs for legitimate purposes. Nor should it invite

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amendments that would remove or weaken existing exemptions without separate consultation, evidence and impact assessment.

A clear and narrow ban on trail hunting, with explicit protection for lawful working-dog use and training, would be preferable to wider legislative change.

**13. Do you think that it is possible for dogs to be appropriately trained for specific purposes other than trail hunting without the use of either animal based scents or artificial scents which mimic an animal based scent?**

- No

For a range of legitimate working-dog purposes, it is not realistic to train dogs appropriately without the use of animal-based scents or artificial scents which mimic animal-based scent.

Dogs used in lawful land-management activities need to be trained for the conditions they will encounter in practice. This includes dogs used in shooting, deer management, recovery of shot or wounded animals, pest control, conservation management, gamekeeping and animal welfare work. In these contexts, dogs may need to identify, follow, retrieve or indicate quarry or injured animals by scent. Training on unrelated non-animal scents would not provide an adequate substitute.

This is particularly important for animal welfare. Dogs used to follow up injured deer, recover shot game or locate wounded animals must be trained to work reliably on relevant scent. Without that training, there is a greater risk that injured animals are not found quickly and humanely dispatched or recovered.

Any legislation aimed at trail hunting should therefore avoid restricting the use of animal-based or animal-mimicking scents for legitimate working-dog training. These activities are distinct from trail hunting and should remain lawful.

**14. Do you think that it should remain lawful, in certain circumstances, for animal based scents, or scents which mimic animal based scents, to be used in training dogs for certain purposes?**

- Yes.

It should remain lawful to use animal-based scents, or scents which mimic animal-based scents, for the training of dogs for legitimate purposes other than trail hunting.

Dogs are an important part of lawful land management in rural and upland areas. They are used in connection with shooting, deer management, recovery of shot or wounded animals, pest control, conservation management, gamekeeping and animal welfare. In these contexts, the ability to train dogs on relevant scent is necessary to ensure that they can work reliably, effectively and humanely.

This is particularly important where dogs are used to locate injured deer, recover shot game, retrieve ground game or assist with lawful pest control. If dogs cannot be trained

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using realistic scent, there is a risk that wounded animals are not found quickly, which would be detrimental to animal welfare.

Any exemption should therefore cover the use of animal-based or animal-mimicking scents for training dogs for lawful working purposes, including shooting, deer management, the recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare. These activities are distinct from trail hunting and should not be criminalised or discouraged by legislation intended to prohibit trail hunting.

The exemption should be drafted broadly enough to reflect practical working-dog training in the field. It should cover the use of relevant scent materials including game, deer scent, blood trails, skins, dummies, artificial training products and other scent materials used for lawful working-dog training. It should also make clear that the incidental presence of animal scent arising from lawful land-management activity, shot quarry, carcass handling, deer management or pest control does not amount to trail hunting or unlawful training.

Protection should apply not only to training but also to the lawful operational use of working dogs in the field. Training and operational use are closely connected: dogs trained to recover shot game, follow up wounded deer, assist with pest control or support other lawful land-management activity must also be able to carry out those tasks lawfully in real conditions. Any exemption or statutory protection should therefore cover both the training of working dogs and their lawful use for land-management and animal-welfare purposes unrelated to trail hunting.

### 15. Do you agree that this is an accurate description of drag hunting?

- Do not know

The Moorland Association does not take a primary position on the technical description of drag hunting as an equestrian activity.

However, we support the principle that legislation should distinguish clearly between trail hunting and other lawful activities that Defra does not intend to prohibit. Any description of drag hunting should be sufficiently clear to ensure that lawful activities are not inadvertently captured by a ban on trail hunting.

More broadly, the legislation should also distinguish trail hunting from lawful land-management activities involving dogs, including shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare work.

The important point is that a ban aimed at trail hunting should not create uncertainty for lawful working-dog use or training in rural and upland land management.

### 16. Do you think that there is a risk that dogs engaged in drag hunting will deviate from the pre-laid trail by the scent of a wild mammal and then pursue the wild mammal?

- Do not know

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The Moorland Association does not take a primary position on the operational risks associated with drag hunting as an equestrian activity.

However, any assessment of risk should distinguish clearly between drag hunting, trail hunting and lawful working-dog use connected with land management. Dogs may encounter the scent of wild mammals in rural and upland environments, but that fact alone should not be used to cast doubt on, or restrict, legitimate activities involving dogs.

In particular, the possibility that a dog may encounter wildlife scent should not affect lawful use or training of dogs for shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection or animal welfare purposes.

If Defra considers that further safeguards are needed for drag hunting, they should be specific to that activity and should not impose wider restrictions on working dogs used for legitimate land-management purposes.

### 17. Do you agree that this is an accurate description of 'clean boot' hunting?

- Do not know

The Moorland Association does not take a primary position on the technical description of clean boot hunting as an equestrian or hound-based activity.

However, we support the principle that legislation should distinguish clearly between trail hunting and other lawful activities that Defra does not intend to prohibit. Any description of clean boot hunting should be clear enough to avoid uncertainty for landowners, land managers and those carrying out lawful rural activities.

More broadly, the legislation should also distinguish trail hunting from lawful working-dog use connected with land management, including shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare.

The key point is that a ban aimed at trail hunting should not create wider uncertainty for legitimate working-dog activity in rural and upland areas.

### 18. Do you think there is a risk that dogs engaged in clean boot hunting will deviate from their pursuit of human runners to the pursuit of wild mammals?

- Do not know

The Moorland Association does not take a primary position on the operational risks associated with clean boot hunting.

However, any assessment of risk should be specific to the activity in question and should not be used to create wider uncertainty for lawful rural and land-management activities involving dogs. In rural and upland environments, dogs may encounter the scent of wild mammals, but that does not mean that legitimate working-dog use should be restricted.

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In particular, the possibility that a dog may encounter wildlife scent should not affect the lawful use or training of dogs for shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection or animal welfare purposes.

If Defra considers that further safeguards are needed for clean boot hunting, they should be specific to that activity and should not impose wider restrictions on working dogs used for legitimate land-management purposes.

**19. Do you think that a new law to ban trail hunting would need to include any additional provisions in relation to drag hunting or clean boot hunting?**

- Do not know

The Moorland Association does not take a primary position on whether additional provisions are needed in relation to drag hunting or clean boot hunting.

However, if Defra decides that additional provisions are necessary, they should be carefully limited to those specific activities and should not create wider restrictions or uncertainty for lawful rural activity involving dogs.

In particular, any additional provisions should not affect the lawful use or training of dogs for shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection or animal welfare purposes.

The legislation should be drafted so that landowners, land managers, farmers, gamekeepers, stalkers, contractors and others can clearly distinguish between prohibited trail hunting and legitimate working-dog activity. A ban aimed at trail hunting should not have unintended consequences for ordinary land management in rural and upland areas.

**20. Are there any equestrian activities other than drag hunting, for example point to pointing, which you think are at risk from being affected by the proposed ban on trail hunting?**

- Do not know

The Moorland Association does not take a primary position on the full range of equestrian activities that may be affected by the proposed ban.

However, the legislation should be drafted with sufficient clarity to avoid unintended consequences for lawful rural activities that are not trail hunting. This includes equestrian activities, but also wider land-management activities involving dogs.

The Association's principal concern is that a ban on trail hunting should not affect the lawful use or training of dogs for shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection or animal welfare purposes.

Any risk to other activities is most likely to arise from definitions that are too broad, uncertainty about what amounts to participation, or restrictions on the use of animal-based

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or animal-mimicking scents. Defra should therefore ensure that the legislation is tightly limited to trail hunting and does not create uncertainty for unrelated lawful rural activities.

**21. How do you think the introduction of a ban on trail hunting will affect dogs used for trail hunting? For example, will they be able to be re-directed to other activities?**

The Moorland Association does not take a primary position on the future management or re-direction of dogs currently used for trail hunting.

However, Defra should consider the practical and animal-welfare implications of any ban for dogs currently kept and trained for that activity. Any transition from trail hunting to other lawful activities would need to be managed responsibly, with appropriate regard to the welfare, training, suitability and handling of the dogs concerned.

It should not be assumed that all dogs currently used for trail hunting can simply be re-directed to other activities, including lawful working-dog roles. Dogs used in shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare work require specific training, control and suitability for those purposes.

The key point for the Moorland Association is that any provisions dealing with dogs formerly used for trail hunting should not restrict, complicate or undermine the existing lawful use and training of working dogs for land-management purposes.

**22. Do you think that there should be a transition period following the introduction of a ban on trail hunting and if so, how long should that period be?**

- Do not know

The Moorland Association does not take a primary position on the appropriate transition period for the introduction of a ban on trail hunting.

However, Defra should ensure that any implementation timetable allows sufficient time for landowners, land managers, rural businesses and dog owners to understand the scope of the new law and to distinguish clearly between prohibited trail hunting and lawful activities involving working dogs.

This is particularly important if the legislation includes provisions affecting landowners, occupiers, dog owners or those responsible for dogs. Clear guidance should be issued before commencement, including guidance on the continued lawful use and training of dogs for shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare.

Any transition period should be long enough to avoid uncertainty and inadvertent non-compliance, but the key issue for the Moorland Association is clarity of drafting and guidance rather than the precise length of the transition period.

### Community and social impacts

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### 23. Do you think that the proposed legislation to ban trail hunting in England and Wales will affect people and/or communities more widely?

- Yes

The Moorland Association considers that the proposed legislation could affect people and communities more widely if it is not carefully drafted. Although the stated purpose of the legislation is to prohibit trail hunting, rural communities include many people who use dogs lawfully for land management, shooting, deer management, pest control, conservation management, gamekeeping, livestock protection and animal welfare.

In upland and rural areas, these activities support employment, local services, contractors, rural businesses and community networks. Any uncertainty about the lawful use or training of working dogs could therefore have effects beyond hunts themselves.

The risk is not simply direct criminal liability, but a wider chilling effect. Landowners, land managers, farmers, gamekeepers, stalkers, contractors and dog handlers may become uncertain about what remains lawful, particularly where dogs are trained using animal-based or animal-mimicking scents, or where dogs are used in areas where wild mammals are present.

Uncertainty could also create practical compliance burdens for landowners, land managers and rural businesses. These may include increased legal advice, changes to risk assessments, uncertainty over insurance cover, revised land-access agreements, reluctance to permit otherwise lawful activities involving dogs, and reputational risk where lawful land-management activity is misunderstood or wrongly associated with prohibited trail hunting.

Defra should therefore ensure that any legislation is tightly limited to trail hunting and includes clear safeguards for lawful working-dog activity. Clear guidance should also be issued before commencement so that rural communities understand that legitimate land-management activity is not affected.

### Business and economic impacts

### 24. How do you think the proposed ban on trail hunting might affect the income and activities of the hunts currently involved in this activity?

The Moorland Association does not represent hunts and does not take a primary position on the income or activities of hunts currently involved in trail hunting. However, Defra should assess the practical and economic effects of the proposed legislation carefully, including any effects on employment, kennels, staff, contractors, suppliers, rural events, land access arrangements and associated rural businesses. It should not be assumed that all activities, animals, staff or infrastructure currently associated with trail hunting can be redirected easily or without cost. There may be localised impacts in rural communities where hunts are part of wider networks of employment, services, suppliers and land-based activity. The Moorland Association's principal concern is that any legislation aimed at trail hunting should not create unintended consequences for lawful land-management activities or

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rural businesses unrelated to trail hunting, including shooting, deer management, pest control, gamekeeping, conservation management and working-dog training.

### **25. How do you think the proposed ban on trail hunting might affect the income and activities of businesses directly linked with hunts which currently engage in trail hunting?**

The Moorland Association does not represent hunts or businesses directly linked with hunts, and therefore does not take a primary position on the scale of any direct commercial impact.

However, Defra should assess these impacts carefully before legislating. Businesses directly linked with hunts may include kennels, farriers, vets, feed suppliers, equestrian businesses, transport providers, event venues, contractors, staff, suppliers and other rural service providers. The effects may be particularly significant in rural areas where such businesses form part of a wider local economy.

It should not be assumed that all businesses currently linked to trail hunting can easily redirect their activities without cost or disruption. There may be localised impacts on income, employment, services and rural community activity.

The Moorland Association's principal concern is that any legislation aimed at trail hunting should not create unintended consequences for lawful rural businesses and land-management activities unrelated to trail hunting, including shooting, deer management, pest control, gamekeeping, conservation management and working-dog training.

### **26. Do you think that the proposed ban on trail hunting in England and Wales might affect other businesses not directly linked with hunts?**

- Yes.

The Moorland Association considers that the proposed ban could affect businesses not directly linked with hunts if the legislation is not carefully drafted. The principal risk is not only direct impact on trail hunting, but uncertainty for lawful rural businesses and land-management activities involving dogs.

Businesses potentially affected could include shooting businesses, estates, farms, deer-management operators, gamekeepers, pest-control contractors, dog trainers, kennels, vets, feed suppliers, equipment suppliers, rural tourism providers and other contractors working in upland and rural areas.

These businesses may rely on the lawful use and training of dogs for shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare. If the legislation creates uncertainty about the use of animal-based scents, animal-mimicking scents, working-dog training, landowner liability or dog-owner liability, it could have unintended consequences beyond trail hunting.

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Defra should therefore ensure that any ban is tightly limited to trail hunting and includes clear safeguards for lawful working-dog activity and rural land management. Clear guidance should be issued before commencement so that businesses not directly linked with hunts can understand that their legitimate activities remain lawful.

### Environmental impacts

#### 27. How do you think that the proposed ban on trail hunting could affect the environment or wildlife?

The Moorland Association does not take a primary position on the environmental or wildlife impacts of trail hunting itself.

However, any legislation must avoid unintended environmental or wildlife consequences arising from restrictions on lawful land-management activity. In upland and rural areas, dogs are used for legitimate purposes connected with shooting, deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare.

These activities can contribute to wildlife management, conservation outcomes and animal welfare. For example, trained dogs may be needed to locate injured deer or recover shot game, helping to reduce unnecessary suffering. Dogs may also be used in lawful pest control and wider land-management work where reliable training and control are important.

If the legislation creates uncertainty about the use or training of working dogs, including the use of animal-based or animal-mimicking scents for legitimate purposes, it could have unintended negative effects. These might include reduced ability to recover wounded animals, uncertainty around lawful pest control, and a chilling effect on legitimate conservation and wildlife-management activity.

Defra should therefore ensure that any ban is tightly limited to trail hunting and does not restrict lawful working-dog use or training connected with land management, conservation, wildlife management or animal welfare.

### Further considerations

#### 28. Are there any other matters, including possible alternatives to primary legislation, which you feel should be taken into account in developing the legislation to ban trail hunting?

- Yes.

The Moorland Association considers that Defra should take particular care to avoid unintended consequences for lawful land management and working-dog activity.

If primary legislation is introduced, it should be narrowly drafted and confined to trail hunting. It should not reopen the Hunting Act 2004 more broadly, weaken existing exemptions, or create uncertainty for lawful activities involving dogs, including shooting,

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deer management, recovery of shot or wounded animals, pest control, gamekeeping, conservation management, livestock protection and animal welfare.

Defra should also consider whether clear statutory exemptions, guidance or both are needed to protect legitimate working-dog use and training. In particular, it should remain lawful to use animal-based scents, or scents which mimic animal-based scents, for training dogs for lawful purposes unrelated to trail hunting.

Before commencement, Defra should publish clear guidance for landowners, land managers, farmers, gamekeepers, stalkers, dog handlers, contractors and rural businesses. That guidance should explain what is prohibited, what remains lawful, and how the legislation interacts with existing Hunting Act exemptions and other lawful uses of dogs.

That guidance should also address the practical steps that landowners and land managers may reasonably be expected to take when granting permission for activities on their land. This should include the role of written permissions, conditions of access, sporting or land-use agreements, contractor arrangements, and evidence that the permitted activity is lawful and is not trail hunting. Landowners and managers should not be left uncertain about what due diligence is expected of them, particularly where land is extensive, remote, tenanted, subject to public access, or managed through employees, agents or contractors.

If Defra considers alternatives or supplementary measures to primary legislation, these should be assessed against the same principle: they must be targeted at trail hunting and must not restrict legitimate land-management, conservation, wildlife-management or animal-welfare activities.

### **29. Is there any other evidence you would like us to consider?**

- Yes.

The Moorland Association asks Defra to consider evidence on the legitimate use of working dogs in land management, shooting, deer management, pest control, gamekeeping, conservation management and animal welfare.

In particular, Defra should consider the practical need to train dogs using animal-based scents, or scents which mimic animal-based scents, for lawful purposes unrelated to trail hunting. This is especially important for the recovery of shot or wounded animals, including deer, and for ensuring that injured animals can be located quickly and dealt with humanely.

Defra should also consider evidence on the economic, social and environmental role of managed moorland, including the contribution of lawful shooting and associated land management to rural employment, wildlife management, habitat management, conservation activity and local businesses.

The Association would be willing to provide further information if helpful, but the central point is that any legislation should be tightly limited to trail hunting and should not restrict existing lawful working-dog use or training for land-management and animal-welfare purposes.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



## The Moorland Association

The Moorland Association asks Defra to ensure that any legislation contains clear statutory protection for lawful working-dog use and training, including the use of animal-based or animal-mimicking scents for legitimate land-management and animal-welfare purposes unrelated to trail hunting.

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