

COMMITTEE OF INQUIRY INTO HUNTING WITH DOGS

ORAL EVIDENCE: COUNTRYSIDE ALLIANCE AND DEADLINE 2000

Monday, 10th April 2000

AT: Posthouse Hotel,
Bloomsbury,
Coram Street,
London, WC1N 1HT.

Members of Committee:

LORD BURNS (Chairman)

DR VICTORIA EDWARDS

PROFESSOR SIR JOHN MARSH

LORD SOULSBY

PROFESSOR MICHAEL WINTER

Monday, 10th April 2000

SESSION ONE - REASONS WHY THE QUARRY SPECIES ARE HUNTED AND THE EFFCETIVENESS
OR OTHERWISE OF HUNTING AND OF OTHER FORMS OF POPULATION MANAGEMENT

DEADLINE 2000

Representation Panel Chairman

William Swann Veterinary Consultant

Panel:

Douglas Batchelor LACS Chairman

Colin Booty RSPCA Senior Wildlife Officer

Mike Huskisson LACS monitor

David Coulthrad LACS Head of Public Affairs

Kevin Hill IFAW monitor

Peter White IFAW monitor

(10.00 am)

THE CHAIRMAN: Good morning, and welcome back. Today we have a further set of issues. I am a little unsure about how fast we will get through the agenda. But it is possible that we may spend the first session on the first topic, which is the reasons why the quarry species are hunted, and the effectiveness of hunting and of other forms of population management, and then deal with the other three topics in the second session. But if we make faster progress on the first topic, then maybe we will move on to the second.

My starting point is we may have enough material in the first topic for the first session. Victoria will lead on this topic. The agenda suggests that we should look at it species by species. But I would like to ask you, again, whether you have any general comments on these issues, and whether you would like to make an opening statement.

MR SWANN: Good morning, Lord Burns, Members of the Committee. I have a very brief opening statement, and Colin Booty will be our main spokesperson for this first session. A "pest" has been defined as an animal which competes with man for a resource. It is established beyond reasonable doubt that the fox is not an animal which causes significant agricultural loss.

Predators have always had a bad press. In more rational times, we would cite McDonald et al: Is the fox a pest? and endorse the MAFF submission to this inquiry. The fox does not cause significant agricultural loss.

Bad farming, dealing with the rigours of marginal farming and changing weather do.

There are valid reasons for reclassifying the fox as a mammal which is not a pest at normal, naturally controlled population densities. Where the population may rise in a local area, there are methods of keeping the population under control. Recent work in Melbourne, Australia shows that this can sometimes be achieved by chemical means.

However, for the time being, in Britain we believe that the predominant method of control will be by shooting but primarily of individual animals as opposed to population control.

The majority of Britain's farmers -- and let us remember that Britain enjoys the highest standards of animal welfare in Europe -- prefer shooting as a means of controlling foxes; if asked, they will say because they believe it to be more humane.

The attack on shooting by the supporters of hunting is a misrepresentation of the facts in this respect. Most foxes killed by the hunt are young males, who play little or no part in breeding in the year they are killed. Few foxes survive into the wild into old age and the assertion that hunting kills old animals, I am afraid, is nonsense.

When necessary, deer are controlled throughout the United Kingdom by shooting. The factor of one major Scottish estate has stated that, quite apart from the welfare considerations, important as they are, the unselective, time-consuming and costly nature of hunting

with dogs would render it impractical as a means of culling.

In our enlightened part of Britain, hunting with deer is of course illegal, with dogs. Hare are in need of conservation in most areas of Britain. Mink may be trapped or shot.

It is the opinion of our organisations that the claims made by the Countryside Alliance -- that hunting plays a vital role in pest control and conservation -- are untrue, spurious and simplistic, and demonstrate a fundamental lack of understanding of how the countryside actually works.

Thank you, Chairman.

THE CHAIRMAN: Thank you very much.

DR VICTORIA EDWARDS: As Lord Burns has said, I think we will go through species by species for clarity. I wonder if we might start with foxes.

You state that losses to foxes in agriculture are particularly low. I wonder if you had any evidence of the proportion of livestock lost in comparison with other losses, and whether changing farming practices is likely to change that proportion?

MR SWANN: Thank you, Dr Edwards. I will pass that question first to Colin Booty, and Douglas Batchelor and myself may wish to comment as well. Thank you.

MR BOOTY: In relation to agricultural losses, if we take it species by species within that sector, perhaps, probably the most contentious area would be lamb losses. Our view, based on the evidence available, is that this is a relatively small proportion.

We quoted -- in the RSPCA's submission to the Committee we chose to review documents which we thought were a fair summary of the vast amount of literature on this topic, and one document in particular: the review carried out by the Forestry Commission's technical staff.

Their conclusion in relation to lamb losses was that, although this was often argued as being an important problem, the scientific evidence, and much of the anecdotes, suggested it was not. At most, we are probably talking about 1 per cent loss of lambs to foxes, and that is in context of losses of lambs of the order of 3-4 million, 3-4 million from a range of other causes, most of which is stillbirths, starvation, disease, et cetera, poor condition.

Bill may give you further detail on that if you require it, but lamb losses were of that order.

MR SWANN: Dr Edwards, if I can perhaps clarify that point; that percentage was given of lambs lost, not of total lambs born.

From my own experiences in hill sheep farming, I can state from first-hand experience that foxes are a very minor part of lamb losses. This is a view which is supported by the Sheep Veterinary Society. In studies done into lamb mortality, it is quite clear that the predominant cause of loss is either poor mothering or poor birth weights of lambs.

This is a particular problem in marginal areas, where nutrition is likely to be poorer. In areas where lamb nutrition is better, losses are less. We can talk

about lambing percentages in that the number of lambs that survive relative to the number of ewes giving birth, in some hill farms the lambing percentage may be as low as 70 per cent.

I can cite areas of Britain historically where foxes have been absent, such as the Isle of Man, where marginal hill farming has achieved lambing percentages sometimes not much better than 70 per cent, which equate to some of the worst hill areas in the mainland of Britain. Again you have a direct comparison where foxes are and are not present.

But lambing percentages get much better than that once you get off the marginal areas, and I do believe the reason the fox is seen as a pest is because these are areas where lamb losses are high. So it is a suitable scapegoat, a suitable reason, but, in point of fact, the predominant reason is poor nutrition.

I would like to ask Douglas Batchelor, please, if I may, to comment on the same point.

MR BATCHELOR: My comments come from personal experience of sheep farming, which is actually my speciality. I managed over 4,000 sheep on Exmoor, over 8,000 sheep in Wales, and three other weekly farms that had sheep at various times.

My experience of managing sheep flocks is basically this: that the management of the animals determines the lambing percentage. The fox, where it is relevant at all, is as a scavenger of animals who fall prey to management problems, not fox problems. Now, in essence, what Bill Swann said about mothering and birth

weight, and I would add the weather, are the crucial factors.

In sheep management, what I pioneered in Wales was in fact lambing indoors, until you had the ewe and the lamb, or the lambs plural, properly associated with each other, and then turning them out after lambing, usually 6 to 12 hours after lambing, into the weather conditions.

My personal experience was that we would put something between 15 and 25 per cent on the lambing percentages of those flocks, either Welsh Hill or cross-bred ewes, and that had a very significant effect. The fox was a complete irrelevance in terms of percentage of lambs either born or reared or sold; purely a rural scavenger and not a management problem.

DR VICTORIA EDWARDS: Would you recognise, however, having taken that evidence, that to farmers, particularly to individual farmers who are encountering problems, the fox is considered a pest?

MR SWANN: Dr Edwards, I think culturally farmers will always see the fox as a pest in certain areas, but I think this is a cultural point rather than a scientific point.

I think when you are farming in areas where you are right on the edge, in marginal areas close -- in upland Britain, where you are close to the edge of moorland or extensive areas, then these are very difficult areas to farm in. These are the areas, as you have heard, where lamb losses are likely to be greatest, as a result of weather and as a result of poor

nutrition. So the fox is probably seen more because there is more to scavenge on.

You will have a high percentage of dead sheep littering the edges of moorland, which cannot be cleared away at that time of the year. This forms carrion for foxes to feed on. You will have dead lambs, which also is carrion.

So it is a cultural point that farmers perceive the fox as a pest, but the science does not support that view in reality. I stress the cultural side of this as an issue. Thank you.

LORD SOULSBY: While agreeing that the numbers of lambs taken by foxes may vary greatly up and down the country, there seems to be, at least from the evidence we have received, parts of the country, such as the Lake District, where losses are a bit higher than the 1 per cent that you mentioned, and they would put it at 3 to 5 per cent from foxes.

I think they will admit that the health of the ewe and the health of the lamb is important in that higher level. They would absolutely deny the figure which I think was mentioned somewhere of 25 per cent of losses of lambs, not due to foxes but as an annual death rate. But the point I am coming to is that if it is 1 per cent or 2 per cent or 3 per cent, any loss to a farmer is significant. It just adds to the general loss of lambs that would eventually end up by profit. So I do not think that one can necessarily dismiss the fact that it is only 1 per cent. That is -- certain lambs are not in part of the farmer's welfare, properly.

MR SWANN: Lord Soulsby, I will give you a brief response to that. I know that Douglas Batchelor will want to speak on the same point.

I would make the point that, in areas where losses are possibly higher, and the fox may be implicated, this can in large part be taken back to looking at the birth weight of the lamb and mothering capacity of the ewe.

A fairly fit, active, well-fed ewe is a fairly formidable creature, and is a very good and effective mother. So if the lamb birth weight is high, and if the lamb has the necessary amount of body fat to get through its initial few days of survival, and if the mother is adequately fed, then I believe that is the greatest defence against lamb losses, be it from fox predation or whatever cause.

I believe that where the percentage does creep up -- and I accept that it does in some upland areas -- I think it is primarily because we have these predisposing factors related to nutrition and weather. I do not think, once again, that the fox is acting as a primary predator. I think it is acting opportunistically because you have what are disadvantaged lambs available to be taken. I do not think it would take fit, healthy lambs, once they are up on their feet and running around.

I am sorry, if I may just make the point on this: management practices can play an enormous part in reducing the losses of all types of lamb loss, but certainly this is one area where good management practice can make a big difference.

May I ask Douglas Batchelor, Chairman, to make a

brief comment on the same point.

MR BATCHELOR: Again, this is from my experience in farm management on sheep farms, but I think a distinction needs to be drawn between the fox removing the lamb which is already dead and the fox being the cause of death. The evidence, in my personal experience, is that if you take the weather in the last couple of weeks, when there was driving rain and freezing cold snow landing on young lambs, that would have had an enormous effect on casualty rates.

To imply then that when foxes remove those carcasses that have basically died of hypothermia, that those losses were caused by the foxes is a complete nonsense. In management terms, our experience, and all the people I have worked with, has been that the fox is not the primary problem; it is either the weather conditions or the general conditions in which you are farming which are the primary problem. The fox is simply an opportunistic feeder on animals that have already died.

THE CHAIRMAN: There is an interesting issue here, -- and it is one of the things we will have to discuss, of course, the implications of it -- but it may be that all farmers are wrong in that somehow or other they have not yet caught up with the science.

But if they actually see it as a problem, does it not follow that they are actually going to seek to control the population of foxes by one means or another. And that really becomes the issue, as far as we are

concerned, that it is unlikely that they are simply going to change their views about this in the short-term.

MR SWANN: I think, Lord Burns, you have put the issue in a nutshell. I think the fox is overrated as a pest in this respect. I think there are undoubtedly some justifications for looking at the fox in some of the marginal areas, as we have discussed, but I think your summary is a very fair one.

I think farmers will continue to see the fox as a pest in some circumstances, whether through culture or through their own perceptions. But we believe that in this circumstance we are dealing with, by and large, individual foxes, and that the method of control is then specific to the problem as it presents. It is not a matter of trying to control the population; it is a matter of trying to control individuals which are seen as pests at specific times of the year in specific circumstances.

THE CHAIRMAN: One further question. Of course another point that is sometimes put is that we are dealing here, of course, with figures and experiences where there is an active attempt made to control the population.

If one was taking a situation where there was no attempt to control the population, then of course we could be dealing with figures that looked a good deal greater than this.

MR SWANN: Lord Burns, may I ask Colin Booty to speak on that point.

COLIN BOOTY: Yes, Lord Burns. This issue has been investigated. Lord Soulsby referred to the Lake District; I can recollect reading the chapter in David McDonald's book, *Running with the Fox*, where he eventually persuaded the shepherd in that area to put a ceasefire on foxes for a term, over a year, so that David could study the foxes in that area, on that upland area.

During that period of time, although foxes were in and out of the lambing fields, et cetera, that shepherd suffered no losses to the foxes. In addition, there was the detailed experiment carried out in Scotland by Ray Houston, on the Eribol Estate(?), where for a period of three years no foxes were killed on that estate. There was no significant changing in lamb losses during that period of time.

So there is a limited amount of experimental study which demonstrates that the contention that you put forward is not necessarily the case.

PROFESSOR SIR JOHN MARSH: I wonder if I could broaden the discussion a little. If I have understood it correctly, there is an equilibrium population size of foxes, and that population size will be determined by a number of factors, one of which will be the total availability of food stuffs for it.

We have concentrated very much on lambs, but of course foxes presumably consume other animals as well. In particular, they consume game. They are said to interfere with ground-nesting birds. They are also said to impact on outdoor-reared piglets. I would really like

to hear you say a little more about that, because I think all those agencies actually do intervene in an attempt to protect their interests.

MR SWANN: Thank you, Sir John. I am going to ask Colin Booty to answer your first point on fox diet and significance to game. With regard to outdoor-reared piglets, then I think I can say that most of the evidence that I have seen to date tends to indicate that foxes are, again, opportunistic scavengers where outdoor-reared piglets farrow outside. Their strategy seems to be to take piglets which have perhaps been crushed by the mother, or which have been disabled by the mother, particularly if the mother and piglets are disturbed.

So there may be a small level of piglet predation; I would accept that. Again, I do not think it is primary predation, and once again I think it can be managed by effective husbandry, because I think it is possible to mitigate against the disturbance that a fox could create.

On the second point, if I may ask Colin to speak on the game side.

MR BOOTY: Sir John, of course the main item of the fox diet you did not mention on your list, which is rabbits; that is the major component throughout the country. So that is an important point that has to be borne in mind in this calculus about whether the fox is good or bad or whatever, where it is in-between.

From a farming perspective, obviously, rabbits are, I think everybody would agree, a major, probably

the major agricultural pest. There is evidence, both in this country and in Australia, that where predators are, in a sense, ruthlessly controlled rabbits are more numerous and more widespread. So there is that part of the fox equation to bear in mind.

But if we look at game -- yes, there is work that bodies like the Game Conservancy have undertaken, but, leaving aside the ethical question about whether or not one takes a particular view about the purpose of that activity, that control of foxes on those estates can result in a higher proportion of partridge or pheasant which is then available to shoot. The work shows that. But, on those estates, that fox control is by and large undertaken by shooting.

The Game Conservancy have also been investigating more subtle, more targeted means. We can perhaps come on to some of those in due course, but, to go through your list, that is one side of the game issue.

There is perhaps also an indication in relation to foxes and red grouse, but perhaps the picture there is also more complicated, unfortunately, in that there is some evidence from studies that foxes will selectively prey on grouse which are affected by a parasite that is particularly prevalent in grouse.

So a limited amount of fox predation can be a good thing, as well as competing with that harvestable surplus.

In relation to ground-nesting birds, I do not think there is any evidence that foxes in general -- and I think there is a danger in making generalised

statements -- are a problem in relation to ground-nesting birds in some species in some areas. In our submission, we make reference to some of them, and the review that was undertaken.

One case in point was a coastal colony of terns on the north Norfolk coast, Sculpt Head, where fox predation was jeopardising the productivity and survival of that colony of protected birds. The solution there was partly a fence to prevent access but, because of the nature of that specific site and that specific habitat, some foxes managed to overcome the defences because they could walk around the edge of the fence at low water. So it was only a partial solution for part of the time.

But the rest of that problem is mitigated by shooting, by and large, with a little bit of snaring. But it was primarily -- that suite of measures. So on that specific site there was a problem. But I do not think there is generally a problem.

Certainly I am aware that, in the submission that the Director General of the Wildlife Trust made to the Committee, he made the point that he did not think there was a need for fox control nationally on nature conservation grounds.

LORD SOULSBY: Can I just clarify one point that you made.

Mr Swann, you described the fox as purely a rural scavenger, an opportunistic rural scavenger.

Would you say it is that, also, from all the other things that Mr Booty has been talking about, like rabbits? Does it only scavenge on rabbits, or does it kill rabbits? Does it only scavenge on birds such as

duck, game and things like that?

I rather gathered that with rabbits, for example, it actually killed rabbits and did not scavenge on the carcasses.

MR SWANN: Lord Soulsby, you are absolutely correct because the fox has a preferred diet. In respect of its preferred prey species, it is a predator, but it does have a range of preferred prey species which, given the opportunity, it will catch indeed. It will then become an agricultural scavenger in the event it cannot find enough of its prey species. I am given to understand that that is the origin of the term. I can ask Colin Booty to expand on this, if you so wish.

LORD SOULSBY: It just occurs to me that, as a scavenger with a defined diet, it might occasionally get a bit hungry and then go over from its defined diet to undefined diets such as lambs.

MR SWANN: Lord Soulsby, I will ask Colin Booty to give you a second response on that.

MR BOOTY: Lord Soulsby, the fox is a classic opportunist. Its diet is enormously varied. It is that variation and aptitude of the fox which makes it successful from virtually the Arctic Circle down to the deserts in Israel. It can cope with a wide variety of situations. It will, of course, predate/kill things at certain times. It will also scavenge on things at certain times. But, within that suite of options available to the fox, it does seem to have preferred items in its diet. For preference it will select rabbits and field voles, above most other things.

The study I mentioned on the Scottish estate at Eribol(?) which was the subject of the three-year moratorium on fox killing. The researcher there found that, for much of the time, although only a small part of the territory was occupied by a sand dune area in which rabbits were fairly abundant, foxes spent a disproportionate amount of their time in that area preying on rabbits.

Although there was, in a sense, from the shepherd's point of view, other stock that might have been available, that was where they chose to go. The food they preferred was there and they selected that.

DR VICTORIA EDWARDS: I wonder if we might move on to other methods of population control in relation to foxes, and if you might say something about other methods, such as the condition taste aversion, fertility, contraceptive methods, snaring and so forth.

MR SWANN: Thank you, Dr Edwards. That is a very broad question, and I will attempt to break that down by speaker as appropriate to your specific points. I am going to ask Colin Booty to speak, first of all, on alternative control methods. I will come back and talk about chemical control methods.

MR BOOTY: Condition taste aversion, or if I can shorten it to CTA. That is an interesting concept from a number of perspectives. I think if I take a step slightly sideways first to come at it, a few years ago the Game Conservancy, in this instance, were promoting the concept of controlling predation rather than controlling predators.

We expand on that in our submission. That is a subtle but important difference. Rather than saying, for argument's sake, "The fox is a pest; we must seek to solve that problem by killing every fox", they were saying, "The fox is competing with our interest in terms of production of the game that we wish to shoot. How can we resolve that problem more subtly, more targetly?"

The avenue they have been exploring -- and it is not unique to the work which the Game Conservancy are doing in this country -- a lot of work is being undertaken in the States, and in other parts of the country. It is not just on foxes; there are a range of species being considered. But, in essence, that is trying to, in a sense, say, "How can we make those foxes, in a sense, wary of, aversive to, potential prey such as partridge?"

The benefit of that, if it can be achieved, is that you then have that territory, that fox territory, where you have foxes that will not prey on partridge, defending their patch of ground against other foxes who will not necessarily share that aversion.

So, from that point of view, you deal with the bad side of the fox, if we can put it that way, but you keep the fox in place; it is preying on the rabbits, et cetera, the other agricultural component. So that was an interesting attempt to try and target.

DR VICTORIA EDWARDS: Can I just come back on that point? I understand the theory side of that, but presumably the fox has to eat something. If you are going to use it, who decides what the fox eats and what it is made averse

to?

MR SWANN: Colin, carry on, please.

MR BOOTY: Of course the fox has to eat something, otherwise they all go away and starve to death, and probably the imperative there to eat something might well overcome any aversiveness. But the aim was to try and make them aversive to, in a sense, what was a relatively minor component in terms of the quantity of their diet, i.e. the game birds that were the subject of the gamekeeper and the estate's interest.

But that would only work in relation to, say, the partridge or the pheasant, whatever it is, but they are still going to eat rabbits, voles, earthworms, road kill, scavenging, et cetera. So there is a huge amount of diet/potential food still available to them.

VICTORIA EDWARDS: Would it not depend on who had control of the particular chemical used? In the sense that I think we have already acknowledged that to some people the fox is a pest, would it not then become a battle of who has decided that the fox is not going to eat the food that they are particularly protecting?

MR BOOTY: Yes, this technique would pose a number of approvals and regulatory hurdles to overcome. But it depends. I suspect, from a theoretical point of view, if you were trying to dissuade the fox from eating a major component of its diet such as rabbits, then I think it would be an uphill battle.

In a different context, the Central Science Laboratory have been trying to run some trials trying to dissuade cormorants from eating certain fish. You can

envisage that that is perhaps a slightly more difficult task than trying to dissuade the fox from eating a partridge because of the circumstances.

But I do not see that -- we are not there yet by any means, but it is an interesting avenue, both in a practical sense and because it demonstrates this approach of trying to be targeted and specific about first identifying the problem; what is the problem, is there an actual problem, and then trying to be refined and specific and targeted in trying to deal with it.

MR SWANN: Dr Edwards, you also asked about alternatives in terms of chemical control. The state of play with that at the moment is with respect of a study which was carried out quite recently in Melbourne, Australia, where fox populations have been successfully controlled with a drug called Cabergoline, which in effect disrupts the reproductive cycle of the fox by causing early abortion. It is considered that the stage at which abortion occurs is humane, although similar trials have not been conducted in this country.

Cabergoline is licensed for use in this country and is available as a veterinary drug and is used in humans in this country. The problem in its application in this country at this point in time is that it is nonspecific, in that if you were to bait Cabergoline for foxes, you would have the risk that other species might take it.

So the study from Melbourne is not directly applicable to the UK circumstances, but I do believe there is considerable potential there. I think if ever

we do reach a point -- and I am thinking now perhaps more of urban foxes than rural foxes -- where there is a need to control foxes for whatever reason, be it through disease or through nuisance, this might well be an avenue that will in due course be the means of controlling the population. Certainly, the Melbourne study was very successful in terms of the population control. Thank you.

THE CHAIRMAN: What about, in a sense, the legal methods of control, and the alternatives there? Could we just hear a little more about that, please?

MR SWANN: Thank you, Lord Burns. I think probably a few of us will want to speak on this topic because, principally, we all support the view that shooting is the viable alternative, with certain conditions attached to that. One of the conditions is that it must be the appropriate weapon for the circumstances, and the second is that it must be a competent marksman.

I made the point in my opening address that competency and marksmanship is not something that should come as any surprise, because any agricultural tool requires a certain degree of competency in its use. The information on shooting foxes -- we are told, we are asked to believe -- is that a very large number of them are injured and suffer injuries. That certainly is not my experience. It is not the experience which is borne out by people who work with wildlife in carrying out postmortems, or looking at animals which have been injured for whatever reason.

There is just no evidence available to indicate

that foxes suffer high rates of injury. This is borne out by the statements made by the British Association of Shooting and Conservation, which would also refute the notion that injury rates are very high. I think it would also fly in the face of farming opinion, because the majority of farmers believe that shooting is the most humane method of control, given the provisions which I have stated: that we have the appropriate weapon and a competent marksman.

I would like to pass this on now to my colleagues, who would wish to comment on the same subject. Colin Booty, if you would like to start, please.

MR BOOTY: Thank you, Mr Chairman. In relation to shooting, the RSPCA has submitted data from its wildlife hospitals to those undertaking the research contracts to try and assist and inform that part of the work. This data comes from three of our establishments based in rural areas, a sample of 1,200 foxes that have been dealt with over a number of years. Out of those, only one fox is recorded as being admitted because of a shooting injury.

A couple of other points to follow up on what Bill said. I was struck -- there was, you may have seen, an article in The Times last Wednesday. One of the authors was claiming that 90 per cent of foxes that were shot were wounded. There has been a response from the British Association of Shooting and Conservation that this is complete rubbish and there is no evidence of that at all. So there, in a sense, you have two extremes of the argument.

On Thursday, the Committee was trying to explore

in a different context what hard data there was, trying to get a quantitative feel for various aspects, rather than sort of anecdotal. One thing that struck me in relation to shooting is that it is often asserted that, if you shoot, wounding is a major problem. But none of the submissions I have seen -- and I do not confess to have read all of them from end to end; I leave that to you.

THE CHAIRMAN: Thank you very much.

MR BOOTY: But one thing that did strike me was, in a sense, there is very little anecdote and there is no hard information to say, well, the wounding rate is 10 per cent, 15 per cent, 20 per cent, whatever. There is no hard information in there. There is an assertion that in essence there is a major problem with wounding, but the evidence is not there. What evidence we have from our hospitals is that there is no major problem.

MR SWANN: Thank you, Colin. One point that has been made to me on a number of occasions with shooting small animals, and certainly those of the size of a fox or less, is that you have quite a small target area. If you have a projectile which has the appropriate energy at the point of impact with the body and hits the body, then the amount of disruption that is done is going to lead to a fatal wound. This is a very valid point because, it being a small target, if the animal is hit, the likelihood is that it will die. If it is missed, it is missed. The chances of hitting extremities such as limbs is very small because they do present an extremely small target area.

The crucial point here is the energy of the projectile when it enters the body. If an animal is mis-hit, it is usually because the shot, or bullet, or whatever, does not have sufficient energy at the point of impact and as such it does not do the extent of tissue damage required to effect a fatal wound. This comes down to competency, because this lack of energy at the point of impact is only likely to occur if people are using the wrong weapon or using it at the wrong range. David Coulthred would like to make a brief general statement on the same subject.

MR COULTHREAD: One of the claims made for an increase in legal forms of killing is probably based on the assumption that hunting is an effective form of fox population control, and, therefore, its loss will be replaced almost exclusively by currently illegal and crueller forms of killing.

The fact of the matter is that even the best estimate of the number of foxes killed by hunting only puts it at about 4 per cent of those foxes that are actually killed in any given year. In practice, Deadline 2000 believes that a ban on hunting will have a minimal impact on the fox population in any case, and in practice, farmers will continue to shoot foxes in much the same way as they already do.

LORD SOULSBY: Can I come back to the shooting. You say that the injury rates are very low, which is good news. What sort of guidelines would you like to see put in place which would ensure that to everyone who went out to shoot a fox? Would you give guidelines for the type of

gun, shotgun, rifle, cartridge, load and things like that?

MR SWANN: Lord Soulsby, I think that this would be valuable, but it is available. Quite a few of the shooting associations do give guidance on appropriate weights, calibres. It is not my specialist subject, and I will not attempt to answer the question in specific terms, but there are guidelines available. I think this would be an excellent way forward; that people should be given precise guidelines as to what is reasonable, what is going to achieve the highest kill rate. Colin Booty may wish to make a brief comment on this as well.

MR BOOTY: Yes, Lord Soulsby, really only to reinforce some of the points that Bill has just made. There are detailed recommendations in the submissions, for example, from the British Association of Shooting and Conservation. They also have a number of detailed Codes of Practice in relation to shooting, in relation to night shooting. So I think that information is out there, being promulgated by those bodies associated with shooting.

THE CHAIRMAN: Can I press you further on that. If there were to be a hunting ban, would you like to see legislation in terms of how shooting should take place for foxes?

MR SWANN: Lord Burns, at this point in time I do not think we have any proposals to recommend the legislative route, but we do look towards what are reputable associations to produce effective guidelines and Codes of Practice.

THE CHAIRMAN: Do you think there is anything in the argument that says that some parts of the country and some types of the countryside are less appropriate for shooting, such as upland areas, mountainous areas, whether it be the Lake District, Wales or whatever?

MR SWANN: My Lord, I can only speak from personal experience on this because my farming experiences are from upland areas of this type. On the very few occasions where I have seen foxes shot, there has been no difficulty in doing this.

I was actually 7 years old the first time I ever saw a fox, and was so surprised; I was expecting something much larger and much more substantial. But in years following that, where we did see foxes around the farm, then I have never perceived it was a problem of being able to shoot them; they were always visible. The attitude always was that at lambing time -- which is when we thought we might have a problem with them -- you would see them, because they were actually around the lambing fields, or they were visible in such a way that it had not occurred to me that this might be a problem trying to shoot them because they have always been visible. Sorry, my Lord, Douglas Batchelor has indicated if he may just briefly speak on the same subject.

MR BATCHELOR: I think the parallel is worth making with the 90 per cent of deer that are culled by rifle in a wide variety of rural landscapes, be that hill to woodland, to mixed hill and woodland, safely, with, as far as I am aware, no record of a single human injury or fatality

due to people using rifles under those sort of circumstances.

THE CHAIRMAN: Could I come back to the issue that we discussed briefly last week, which is about the Welsh gun packs, and just explore it again, the reason why you were against this form of shooting. On the basis I think of what the Committee saw, basically, the hounds were not being used to actually chase the foxes, so much as to disturb them and make them wander off in the other direction, which then gave the marksman the opportunity to kill them.

I just wanted to press again the question that you are in principle opposed to this as well?

MR SWANN: Lord Burns, Douglas Batchelor will speak first, and I may make a comment following that with your permission.

MR BATCHELOR: I think the main problem we have is right back where we started. We do not accept that, other than in very rare circumstances, the fox is actually a pest. We simply see it as part of the ecological balance of the countryside. Therefore, our principal objection to that activity is simply that it is fundamentally unnecessary. I think the earlier comments that have been made about if there is a genuine belief that a fox must be killed, then it should be done in a humane manner, by a person qualified enough and experienced enough to do it.

MR SWANN: Thank you, Douglas. Lord Burns, I would make the point that flushing, in my experience, is carried out with a small number of dogs, which are under very tight

control and which are not of the species or type that would chase. We are away from the pack to a small number of controlled animals.

Now, in that sort of circumstance, flushing can be carried out very successfully. I have no experience of this with foxes, so I will not attempt to speak about foxes in this respect, but I do have with other species. My concerns are for large packs and the control of the pack. I would prefer to see any arguments on this side being brought forward making a case for smaller numbers and well-controlled dogs.

PROFESSOR MICHAEL WINTER: Can we just pursue this gun pack issue a little bit further because earlier you conceded that farmers, for whatever reason, were likely to continue to regard fox control as important and that shooting would be acceptable.

Given that, are you proposing that it would be right and proper to make that task much more difficult for them; that they would continue to be allowed to stand around forestry plantations and shoot but have to wait for the fox to come out by chance rather than flush it out with hounds?

MR SWANN: Thank you, Professor Winter. Once again, I believe that we are down to the argument which we have put forward this morning, which is control of individuals where they are seen to be a pest. If you are not seeing them, they are not a pest, basically. But, in circumstances where there is a need, if it could be demonstrated that there was a need to control foxes in a local area, to try and reduce numbers for whatever

reason, then I believe that that would have to be looked at in its own merits.

But I am not convinced that the case has been made that there is a need to try and control the population, because this is one of the fundamental points we have tried to drive home: that you cannot effectively control the population of a fox in a small area because other foxes will move in from outside, and the breeding rate of foxes is sufficient that the population will rapidly recover.

So in terms of trying to -- I want to get away from this idea that you are controlling the population of foxes, because this is not practical, this is not what is being done, apart from cases such as the Melbourne case, where you are using breeding inhibitors. But in terms of control of individual foxes, then this is a different matter altogether. I am not convinced that the gun pack is an essential means of controlling an individual. It is non-selective. It is not picking up individuals, and it is not contributing towards population control.

THE CHAIRMAN: I think we probably should move on to deer now. We have spent enough time on foxes.

Could I raise again the same two questions really.

One is of the need for population management, and, secondly, the question of alternative methods of doing it if you do accept it.

MR SWANN: Lord Burns, I would like to ask Colin Booty to open this one. Thank you.

MR BOOTY: In a sense, the same principles apply, the same

hierarchical set of questions: what problem are you trying to address, et cetera? That is fundamental. With deer, there is, I think, greater evidence, and a greater acceptance, particularly in relation to deer in fact on woodland, that there is a problem that can be resolved in part by measures to reduce the numbers of deer.

The focus is on trying to prevent the problem. In some situations the problem may be prevented by using deer fencing. For example, if you are trying to coppice woodland, and you want a short period of protection to allow that coppice to get away, then a temporary fence can be effective. But it may be a question of, if your goal is to protect some element of woodland, then control of numbers in relation to other measures may perform a role.

In relation to other aspects of potential damage, there is surprisingly little hard evidence at the moment about agricultural impact of deer. One of the points that we picked up in our submission, there was some work being done by the Ministry of Agriculture, which showed that there was no clear relationship at that stage of the research between numbers of deer and the damage that was being recorded on various fields, but they were doing further work to try and quantify that, and relate the damage earlier in the season to see what effect that had on yield.

But, generally, there is an acceptance, I think, that deer numbers can cause problems, and that control is appropriate in some situations, and there are

mechanisms in place, being put in place, to achieve that.

DR VICTORIA EDWARDS: Could I ask you to comment on two particular aspects of hunting with hounds in terms of deer, and that is the arguments that the dispersal is useful, and the argument that the selectivity of it is useful.

MR SWANN: Thank you, Dr Edwards. I am going to pass that over to Colin once again. Thank you.

MR BOOTY: If I can start on dispersal, it may be that one of our monitors has some practical observations to reinforce that with, but the dispersal issue was one of those dealt with by Yokan Langbine and Rory Putnam in their 1992 report to the National Trust. They specifically addressed the question that was being put forward by the hunt; we are providing a valuable service, going through an area, dispersing concentrations of deer so that they do not cause too much damage.

The evidence that Langbine and Putnam came up with was that was not in fact the case. That evidence took two strands. It was evidence from the behaviour of deer observed in deer parks, where, for example, when there was a disturbance, the deer aggregated together. They did not disperse away from whatever that harassment was. They clumped together.

Likewise, in relation to the Exmoor Park, the observations of Langbine and Putnam there was that when hunts went through the Honeycut Estate, the deer aggregated themselves shortly after the hunt. You could

see clusters of deer, herds of deer together. It did not serve to disperse. They came up with the contrary conclusion that, in a sense, hunting served to aggregate/bunch up the deer rather than disperse them.

MR SWANN: Dr Edwards, could I also ask Kevin Hill to speak on the same topic.

KEVIN HILL: Yes, Dr Edwards. My experience of monitoring deer hunts for the best part of ten years now is that, in fact, when it comes to hinds, they may disperse one deer, and that is the deer that they may chase away from that area. The rest of that particular group of deer in that area, initially they will herd together. They will disperse for a short time. My experience is that, if you go there the next day, you will see exactly the same number of deer in that position, so I do not actually agree that they disperse the deer through hunting.

MR SWANN: Dr Edwards also asked about selectivity, and I will just briefly introduce that topic, and with your permission will pass this back to the hunt monitors as well, that it is my understanding that the selectivity is in terms of stags primarily on appearance, that wherever possible it is the selection of a handsome stag, if that is the right word, to make it worthwhile chasing. And the second point is that hinds are selected just purely at random. It just happens to be the first one that will jump out and run when the hounds are put into appropriate cover. Those statements will be supported by the hunt monitors, and I would like to ask Kevin to speak, please, on that.

MR HILL: Yes. Regarding the selection of hinds which are

being hunted, it is in fact the first hind that runs away from the group of hinds in any given area, and that hind may be a good hind, it may be an inferior hind, but there is absolutely no selectivity at all.

Often that hind will also have a calf with her, and there is some feeling that if the hind is eventually killed, then that calf will become somewhat lower down the social group; it may actually struggle; it may actually die.

Regarding stags, again, with the best part of ten years' experience, I can say that it is my experience that the most beautiful, most magnificent stag is selected for hunting. The hunting fraternity will push the idea that is frequently put in their reports; an old stag going back. In my experience, that is not the case. They will certainly hunt the largest stag in the area. If there is only two stags in the area -- I can recall a case last season when the Quantock stag hounds were hunting in an area in which they do not usually hunt. There were two stags there. There was a younger spring stag and a larger autumn stag. They actually chased the larger stag. Now, in terms of conserving the herd, what is the point in killing the only large stag in the area?

THE CHAIRMAN: The point is made -- and it has been put to us -- that the deer herd in the areas where there is hunting is, in terms of quality, very good, and it may even be better than it is in some other parts of the country.

To what extent do you think this is a regional

issue? Is it about environment? Is there any truth in it? Or is it due to hunting, which is what is suggested?

MR SWANN: Lord Burns, I will ask Colin Booty to speak on that point.

MR BOOTY: Yes. Most of the comparisons in terms of body condition are made in relation to where red deer have been studied most intensively; and that, not surprisingly, tends to be upland areas. Upland areas are poorer habitats for the deer. So, if you are comparing parts of the Lake District or Scotland, it is poorer quality habitat, from the deer's point of view, and, therefore, poorer body weight, poorer survival, et cetera, poorer productivity. So Exmoor, in a sense, is a much richer habitat.

I think it is an environmental factor at large. To support that argument, I would say that you only have to look a bit further south of the Exmoor Park, where red deer are present in the countryside, and they have an even larger body weight condition than deer on Exmoor. So, again, they have an even lusher countryside, as reflected in their body weight and performance.

DR VICTORIA EDWARDS: Thank you. I wonder if we might move on to the role of the hunt in terms of casualty deer. Could you comment on the usefulness of the hunt in those cases, and, if it is not used, who might pick up the casualty deer?

MR SWANN: Dr Edwards, I would like to ask Kevin Hill to speak on that, please.

MR HILL: Dr Edwards, this subject may well come under the heading of the welfare of deer. In my experience of

seeing hunts actually chase injured deer, I myself find it quite appalling that you should chase an animal for sometimes up to an hour to put it down.

I believe in the other method, which is to have a trained dog which will carefully, quietly go into a cover. It will trap that injured deer. As soon as it knows that injured deer is within the range quite possibly of the stalker, it will stop. Then it is actually down to the stalker to shoot that deer.

The other method -- and I have seen this occur on many occasions -- I have been with a stalker who has been putting down injured deer. He takes local knowledge from the people in the area. He will gather the knowledge where that injured deer particularly comes out late afternoon/early evening to feed. He will find a position in that area. He will wait for that deer to come out. Then he will efficiently put that deer down.

I have known that on five occasions with the stalker I have been with. So I actually do not believe that the hunt method is efficient at all. I do think there is a serious welfare problem.

MR SWANN: Dr Edwards, if I could also just ask Colin Booty to speak on the same subject from the RSPCA's perspective.

MR BOOTY: Dr Edwards, this is again an issue on which the RSPCA has made detailed data available to the various people engaged in the research contracts. So some of this information in more detail will feed in through the seminars, I hope, and the research reports.

To give you, however, some flavour: deer are being

injured, whether that be through road accident, whatever, throughout the country. There is nothing unique about Exmoor, that they only get injured in that part of the country, obviously.

There are systems in place throughout the country.

I asked one of my colleagues to examine one of our databases. For example, over the last three months of last year, the RSPCA received over 800 calls regarding basically casualty deer, and dealt with those primarily by our own staff, our animal collection officers, our inspectors; sometimes by referral to vets, sometimes by referral to other agencies, stalkers, whatever.

So there are systems in place. Those systems vary a little bit from area to area. Sometimes if the police are contacted, they have the Forestry Commission Ranger on their books, et cetera, so that person is called out. So there are mechanisms in place throughout the country. So I do not think this, in a sense, is a unique service they are providing.

DR VICTORIA EDWARDS: Thank you. I wonder if I might move on quite briefly to the consequences of a ban. If you would like to comment on -- you mention, for example, that you would expect things like the British Deer Society to set up local management groups. Can you comment on the extent of work that needs to be done before a ban were implemented: licensing stalkers, setting up deer management groups and so forth?

MR SWANN: Dr Edwards, Douglas Batchelor has indicated he would like to speak first on this.

MR BATCHELOR: The Deer Initiative is actually a national

grouping that has been set up to address exactly the issue you are talking about. It has a policy that has been accepted by all the members. I can provide you with a list of the members.

The policy includes the fact that deer can be controlled by humane means, but that specifically excludes hunting as a method of control. It does talk about the educational qualifications in terms of stalking and deer management and, where necessary, humane despatch of deer; so that is a national initiative which has the backing of the Forestry Commission, as a national approach to cover the whole of England and Wales in terms of deer management.

The majority, but not all, of the deer management groups belong to that national initiative. The ones who do not belong are the ones who believe that hunting with hounds is an ethical way of disposing of deer.

MR SWANN: Dr Edwards, could I also ask Colin Booty to make a comment on the same subject? Thank you.

MR BOOTY: Yes. Dr Edwards, to reinforce that point, I have been the RSPCA's representative on the Deer Initiative for some three or four years now. The Deer Initiative's prime function -- I cannot profess to speak on behalf of the Deer Initiative because it is a partnership -- is to encourage the establishment of deer management groups, and to provide a support service for deer management groups. It is, in effect, the Government's preferred method of delivering what they call "sustainable deer management". Various Government statements have been issued to that effect.

There are also grants available from the Forestry Commission to support and assist with the formation of deer management groups. There is not a complete network by any means, but there is a network of deer management groups throughout many parts of the country. Some deer management groups already exist down in the South-West. There is a group in the Quantocks, for example. So, in a sense, the structures are essentially there, support is potentially there. The Deer Initiative itself is in the process of a transition; as from the beginning of this month it now has a paid Director. It will be engaging paid staff to, in a sense, act as Deer Liaison Officers, to take this issue forward, and not just specifically in relation to the small part of the country where hunting with dogs exists but to address deer management issues across the country.

PROFESSOR SIR JOHN MARSH: Could I follow that up because you told us a lot about methods and organisation, but the fundamental question about management is: how do you determine what is the opportune size? Can you tell us a little more about your thoughts on that?

MR BOOTY: I am tempted to say no. Why I am tempted to do that is that, when I was rereading Yokan Langbine's Report, he would not give an answer to that question either.

Yokan Langbine's Report is a very interesting study which the organisations this end of the table contributed to funding, as well as in a sense organisations such as the British Field Sports Society, as they were then called, the Exmoor National Park

Authority, et cetera.

So a very broad suite of organisations funded that research project, which was trying to take the early work on to see, well, what information is there to address some of these management-related issues; are the deer causing a problem in terms of overgrazing of the heather moorland, or in terms of woodland regeneration in some of the areas of Exmoor?

One has to try and tease apart the effect that large numbers of sheep in the areas are also having, but it seemed that, in some woodland areas, the numbers of deer were such that they may have been affecting regeneration. And Langbine suggested that that was an issue that may need to be addressed by the appropriate authorities.

But he felt unwilling or unable to say what an optimum figure was in terms of the number that should be supported in any area. If Langbine were unable to or unwilling to say what the optimum figure is, then you are not going to tempt me.

THE CHAIRMAN: Thank you very much. We have about ten minutes left, I think. I would like to use that time to deal with hare and mink. Could I ask you to address them both in terms of population control and in terms of alternative methods of population control, if it is thought to be necessary.

MR SWANN: Thank you, Lord Burns. Once again, I am going to rely on Colin's scientific knowledge in this field to open the subject. Colin, would you like to speak on this, please?

MR BOOTY: Perhaps if we deal with hare, first, in terms of those two questions. In terms of population control, in a sense, the question -- if I may be so bold -- hardly applies, because what is trying to be achieved is not control of the population but an increase in the population.

The brown hare, it is reckoned, has declined by something in the order of 80 per cent during the course of this century, down to somewhere now, give or take a few, 800,000. It is the subject of one of the Government's Bio-diversity Action Plan targets, which is trying to double the number and increase the distribution of hare.

So, in a sense, to the broad question, "Does the hare population need to be controlled?", the answer is, "No, it needs to be protected and increased."

But there does seem to be some evidence that the hare population is not evenly distributed. It is clumped and very abundant in some areas, so that in some of those areas there may be some damage caused. Again, it is surprising that relatively little scientific work has been done to try and evaluate the extent of that damage, but the reviews that I have examined say that, by and large, there is no significant agricultural damage. There may be some damage to cereals in some situations. Although, again, the picture is complicated, because cereal crops can, in a sense, recover, and can compensate for losses early on in the growing cycle. But some root crops, such as beet, may be affected. There is some evidence that specialist crops,

such as vines and peas, may be affected in some situations. Now, in those situations, control, it is conceded, is necessary; there is an identified problem, and control is necessary in those situations. Control is by and large achieved through shooting.

MR SWANN: Sorry, Lord Burns, do you want him to proceed straight on to mink, or would you prefer to question on that area first?

THE CHAIRMAN: Could I just have a couple of minutes on hares. Some people have put to us that they cannot quite understand, in a sense, why there is so much concern about the small number of hares which are killed by dogs, whereas there is nothing that is said about the very large number of hares killed in hare shoots.

Indeed, if anything, by the nature of much of your other evidence, where you suggest you prefer shooting over hunting, it is as if it was condoning the very large numbers of hares that are shot.

MR SWANN: If I could just briefly answer that, Lord Burns, by saying that our primary concern for this Committee is the fact that we believe that hares killed by dogs are killed cruelly, and are occasioned unnecessary suffering; so we have focused on that.

The wider issue about the need to conserve or control hare populations is a wider issue, but the number of hares killed by dogs is not a significant number in terms, again, of the overall hare population.

The basic statement that we have made is that the hare population does not need to be controlled; just the reverse is the case. There are some local areas where we

believe hare populations might need more rigorous looking at, but we are not making any statement about the rights or wrongs of hare shooting.

DR VICTORIA EDWARDS: Can I just follow up on illegal and uncontrolled hare coursing and hunting with dogs. Do you have any evidence of the extent to which this is happening, and any comment on whether a ban on hunting would make this worse or better?

MR SWANN: Dr Edwards, I think Mike Huskisson may have a word to say on that.

MR HUSKISSON: Good morning, Dr Edwards and Members of the Committee. I think there is not much doubt that illegal hare coursing, which is coursing without permission, is fairly widespread, but the containment of it is probably as much to do with -- doing away with illegal coursing first off would undoubtedly help with that.

I think on one of our visits there was, I think on the card, the effect they would be pretty unhappy if people came back to course the hares afterwards.

Certainly my experience of being with coursing clubs is that, when you ask to go out with them, they are not thinking first off, "Is this person an anti, an infiltrator?", but they are rather worried that he might be the sort of coursing enthusiast who will come back with his own dog in his own time and catch the hares illegally.

As to the sort of containment of it, it ultimately comes down to a matter of law. If it is illegal to course hares, then it is the same as badger baiting, cock fighting, and what have you, all these other

activities which should be contained by the law.

DR VICTORIA EDWARDS: Before we move on to mink, very briefly, there has been a suggestion that hares are transported for the purposes of hunting and coursing. Do you have any recent evidence of this, and the extent to which it is happening?

MR SWANN: Dr Edwards, Colin Booty.

MR BOOTY: The monitors may have some more detailed field observations. The most recent report that I have seen in the scientific literature was in relation to a large number of hares, 128, that were moved from East Anglia to Southport in 1988. It is mentioned in one of the scientific publications from the Game Conservancy, that 128 were moved to Southport as a deliberate attempt to increase the stock there. It apparently failed because, in the following two years, the hare numbers on that site continued to decline. There is a table of data in one of the Game Conservancy scientific publications referred to in our submissions.

MR SWANN: Dr Edwards, Kevin Hill also is our man on the ground.

MR HILL: Dr Edwards, yes, in my capacity of my job and what I do, I very often do talk to people on the fringes of hunting and sometimes actually within hunting. I have spoken to a gentleman who has transported a high number of hares in his lifetime. He has told me that he has transported hares to virtually every coursing field in the country, and virtually all beagle hunts within the country.

He has told me about hares which have been put

down at Waterloo Cup, for example, in the early 90s. As I recall, he mentioned a figure of around about 500. It is my hope that this gentleman can actually speak to the Committee first-hand about his experiences.

THE CHAIRMAN: I think, again, we probably need to have a word about mink. I realise I interrupted the flow earlier, but if we could maybe have a word about mink.

MR SWANN: Thank you, Lord Burns. I will ask Colin Booty to speak on mink.

MR BOOTY: In terms of your two questions about population control and alternatives, there is general acceptance now that feral mink, American mink which are over here, are perhaps in some respects not as bad as was first feared, but there are two perhaps major areas of concern. One is in relation to some situations regarding birds; some colonies of sea birds have been particularly affected up on the west coast of Scotland, it has been reported in a study by Craig, and referred to in our submissions. So that, on those specific green colonies, mink are bad news, and control is necessary there.

The other situation that has attracted a lot of attention is in relation to the mink's part in the demise of the water vole. It seems that, in a sense, the mink may be pushing the poor water vole over the edge. The analogy is made to the tightrope hypothesis, and this is a hypothesis advanced by David McDonald. It seems that the water vole was starting to be in trouble before mink became widespread and commonplace in this country, largely due to habitat changes, environmental

changes, the way that our rivers, canals, waterways were managed, or one might say mismanaged, leaving just a narrow fringe of vegetation, reed, et cetera, along the sort of rather straightened waterways.

In those situations, it seems that, where the water vole was teetering on the brink, the arrival of this new predator has been able to exploit that situation and cause serious damage to the water vole population. But, in those situations, what is being advocated by the consortium of nature conservation organisations who are addressing this issue -- we make reference to the Water Vole Conservation Handbook, which is a delightful read when you have a spare ten minutes when matters are not too pressing on you. They concede a suite of measures is again necessary. You need to get the habitat right but, in those situations, you may also need to be undertaking mink control. What they are advocating there is live catch cage trapping of those mink, which the whole range of authorities recognise is an effective, selective and humane method of achieving that.

DR VICTORIA EDWARDS: Thank you. You make some mention of the destruction to otter habitat and otters themselves by mink hunts. Do you have any direct evidence of the number of otters killed, for example, any documented evidence of the type of damage and so forth?

MR SWANN: Dr Edwards, Colin Booty once again.

MR BOOTY: The concern about disruption of habitat and damage to otters is referred to in various publications; for instance, the Ministry of Agriculture's advisory

leaflet from their agency, the FRCA, highlight this as a particular problem. The Environment Agency, in their publication, highlight this as a potential problem. The publications on -- the detailed survey work published by the Vincent Wildlife Trust highlight this as an area of concern. There is a case history in there of an otter holt that was abandoned after a hunt went through.

I would also draw your attention to the very detailed submission from the Wildlife Trust, which they say gives a flavour. It is not an exhaustive list, but the case histories there give a very detailed and vivid description of the disruption that their observers perceive to be caused by river habitat -- of course one has to bear in mind this is being undertaken during the spring and summer months -- that that disruption was causing to various breeding birds and otters.

There was a case in mind, if I remember correctly, in Northumberland, where an otter holt -- because that part of the county was on the periphery of an area that was just being recolonised by otters. There was a site known to be occupied by otters. Apparently against the wishes of people in that area, the mink hunt went through and that site was then abandoned.

DR VICTORIA EDWARDS: I wonder if we might stick with disturbance of habitat, and disturbance in general, and wrap it up with the question about the hunt, and the extent to which the hunt can disturb livestock, crops, wildlife habitat; we have mention of the dogs spreading tapeworms.

Can you give us some evidence on that type of

disturbance?

MR SWANN: Dr Edwards, we could probably all give you some anecdote on this, but I think initially I will ask David Coulthred to make a short statement. Then others may wish to speak, if you have the time.

MR COULTHREAD: The one bit of evidence that we would certainly point you to are the appendices, where we list, I think, quite extensive examples of the reported destruction from trespass, et cetera, that takes place, we would say, as apart from a normal course of a day's riding through the countryside.

In the submissions that have been placed I think by all three of the organisations, we do I think place quite a bit of emphasis on a lot of the research that has been conducted, particularly into tapeworm infection, resulting from hounds crossing fields and, therefore, being passed into the food chain.

We would simply state that the wealth of evidence, as reported by incidents where hunts do run across people's land and across countryside, shows that, as I say, this really is part of the day-to-day features of hunting.

THE CHAIRMAN: Many thanks for your helpful evidence; I think we had probably better stop at this point. We have managed to get through most of the agenda. I hope you feel you have had the opportunity to make most of the points that you wanted to make, recognising that these sessions are always under a certain amount of time pressure.

MR SWANN: Thank you, Lord Burns. Yes, that is indeed the

case, thank you. (Short break).

THE CHAIRMAN: Good morning and welcome back. It is very good to see you all again. I think I should, first of all, begin by congratulating Simon who I gather became a father over the weekend. Those of us who have been going on these various visits have been concerned about this for many weeks, as to whether or not Simon was going to be called away during the course of one of them. However, we were very pleased to hear the news. Could I ask you, Mr Jackson, if you would like to make an introductory statement?

MR JACKSON: Lord Burns, thank you, good morning, I will not. Richard Burge will paint the scene from our point of view. As you will see there are rather a lot of us on this side, so there are going to be quite a lot of contributions, I think, to your questions, but I promise you we will try to be brief so as not to take up your time.

MR BURGE: Lord Burns, if I may, I would just like to initiate it by making a few statements about the way in which animal populations work in the context of their environments and in the context of habitat management. Basically, I would like to start off by talking about a triangle. At that triangle we have three corners. One corner will be the conservationist, for whom the preservation and the maintenance of species is all important; and that is an extreme position. At another corner will be the welfarist, for whom the welfare of an individual animal, regardless of all other considerations, is of paramount importance. At The third

corner is the evolutionist, for whom neither the species nor the individual matters at all; all that matters are the biological processes and the abiological processes of the earth, and, providing you keep those in place, species of individuals can rise and fall at will, or at the behest of evolution; it does not really matter.

Of course, what most human beings and most organisations try to do -- and we are amongst them -- is to occupy a ground in the middle of that triangle to make sense of those extreme positions on the three corners. Populations of animals are regulated and levelled by two factors and two factors alone: their food supply and predation. Disease, male competition and other such factors can influence selection but, ultimately, the overall level of the population is determined by its food and by the action of predators upon it.

In environments where human beings have effectively made them and sustained them and maintained them, what becomes an acceptable level of population is determined by its impact. In those environments -- and of course the United Kingdom is one, because there is no area of the United Kingdom, apart from a few remnant acres of Caledonian Forest and the foreshore which are not man-made and man-maintained -- the impact and the acceptable level of impact is determined by a complex of activities, and a complex of factors to do with that environment, not simply to do with farming but to do with wildlife considerations, to do with the recreational use of the land, and often just to do with

the personal views of the individuals who are responsible for it.

Hunting in all its forms is a legitimate means of sustainably utilising wild resources. In fact, in most of the developing world, conservation is defined as the sustainable utilisation of wild resources. That utilisation can take the form of keeping populations of animals down to levels whereby they do not become pests, but, equally, it can be used to restore populations of animals to levels where they can become utilised again. Finally, behaviour of an animal, under the species, evolves in exactly the same way as its physiology and its anatomy. The process of natural selection applies equally to the behaviour of animals as it does to their body form, and that study is called behavioural ecology. Distress to an animal occurs when it is faced with circumstances for which it is not equipped physiologically or behaviourally to respond.

Thank you.

THE CHAIRMAN: Thank you very much. Again, Victoria Edwards will lead the questioning.

DR VICTORIA EDWARDS: Good morning, thank you. I wonder if we might follow in the same order of species. We will start with foxes. What I would like is some comment on the type of evidence that is available that supports the supposition that the fox is a pest. In particular, I would like you to make some comment on the sort of ratio of its -- the degree to which it is a pest in terms of agriculture; game; and perhaps comment on, for example, the Ministry of Agriculture's evidence that says that it

is not significant in lamb mortality, so the degree to which it is a pest; variation geographically; variation according to what it is preying on.

MR JACKSON: We will call on people who will talk about the need to manage the fox population, and people who have some observations to make on the predatory effect of foxes. Simon Hart, perhaps you would like to start on the need to manage the fox population.

MR HART: Dr Edwards, I think I will just make it very brief to begin with and hand, hopefully, over to others with the more statistical detail.

All of the major land use organisations in the UK, those people actually actively involved in land management or farming or both, the National Farmers Union, the Farmers Union of Wales, the CLA, Forestry Commission and many others, all conclude -- and indeed certain members of Deadline 2000 -- that fox control of some description is a necessity.

The argument tends to centre about the best method, but those organisations that I have mentioned all refer to hunting with dogs forming some part, either regularly or occasionally, of that part of fox control.

MR JACKSON: Brian Fanshawe, would you like to add a bit to that?

MR FANSHAW: I will back up what Simon said, to go on a little bit. Both the League Against Cruel Sports and the RSPCA refer to fox control in some way or another. The RSPCA say: where action is considered necessary, it should be targeted at individual animals and not directed at wider attempts to control the whole

population.

I think it is worth noting that the Game Conservancy say that most culling is done not in reaction to a current problem but as a preventative measure; and I think that is very relevant.

If you want me to go on, I can produce some details about the perception of predation.

MR JACKSON: Why do not you talk about the perception of predation?

MR FANSHAW: The Game Conservancy research, the Royal Fox Management Project, showed that in Wales 61 per cent of sheep farmers had experienced land predation by foxes in the previous 12 months. Relative to that, 41 per cent of the farmers were lambing indoors.

In the East Midlands, 49 per cent of the sheep farmers had experienced lamb predation by foxes in the previous 12 months, but 77 per cent of them lambed indoors.

In East Anglia, the figures were 24 per cent experienced and 57 per cent lambed indoors. I think those comparisons are relevant.

PROFESSOR SIR JOHN MARSH: I wonder if I could follow that up with the same sort of point I was making earlier, in fact; that the concept is that there must be some necessity for this process. The cases you have been outlining, the cases where the thing is seen as minimising, or minimising damage in some sense. Now, it is clear that in other situations, the activities relating to hunting look at preserving fox populations or bringing about fox populations.

I would like you really to take me through the other side of that argument as well as, if you like, the negative end of it.

MR JACKSON: Brian, would you like to continue?

MR FANSHAW: Yes.

There are different situations across the country, but I would also like to refer that there are different situations within fox hunting countries. Fox hunts try and react to the demands of their hosts; the land owners. Undoubtedly, in the hill countries lamb predation is seen as very significant. In West Norfolk, preservation of game is seen as very relevant. So there are different situations.

Even within hunting countries, a hunt may be on one farm, and there will not be necessarily a hard pressure to catch foxes, and be on an adjoining estate which may be a big sheep farm, it may be a shooting estate, where the hunt will be under far greater pressure to cull foxes.

So it is very, very difficult to actually get a generality. Overall, what hunting tries to do, as Richard Burge intimated, is to maintain an acceptable and sustainable fox population right across the country.

LORD SOULSBY: Thank you, Chairman. I was interested in your comments that hunting can restore populations of animals to sustainable levels, and you are correct in what you say.

Were there to be a theoretical situation where you had an area where there were no foxes at all, would you want to populate that with foxes? That is the first

question.

Secondly, given a population, what level of fox population would you accept as a sustainable level?

MR JACKSON: I will ask Richard Burge to take those points.

MR BURGE: Lord Soulsby, if I could answer your first question. In terms of restoring a population where there is none, the fox is an indigenous animal to the United Kingdom. Apart from the fact that there is a conservation principle, in the sense that if an animal is indigenous and has been forced to extinction in part of its home range, it should be restored, there is also a European Directive which obliges countries to do that as well. This applies not just to the ones that get the news, like restoring beaver populations to Scotland, or the potential of restoring the wolf population to Scotland; it actually means bringing back populations of animals in gaps in their home range as well. So there is a point on that.

In many parts of the world, particularly in parts of the world where -- and the places I am thinking of, in particular Mozambique -- where human conflict has led to a massive decline in animal populations, particularly large mammal populations, giving local people hunting rights, both in terms not just for the use of the meat for themselves but also the use of the meat for sale, and also for the sale of hunting rights, has enabled certain large mammal populations, particularly deer species, to be restored because of local collaboration and local help.

In terms of what would be an acceptable level of

fox numbers in the country, I do not think there is a national level that would be acceptable. It is actually affected by the different nature of the landscape and the different utilisation of the landscape by human beings.

I think also the problem we have is that the way we are looking at foxes now is in a controlled environment already. We would almost need an extremely complicated Krebs type experiment on foxes, similar to the Krebs experiment on badgers, to try and determine what would be required. I am sorry, I find it an impossible question to answer in the current environment of heavily-managed fox populations.

LORD SOULSBY: If I may just make a comment about the Krebs and the TB in badgers, yes. But you must have some idea, or is there not an answer to this question: what, from your point of view, is a sustainable level?

MR JACKSON: Douglas Wise will try and help you.

MR WISE: Dr Edwards, there are apparently estimated to be about 240,000 spring population of foxes. I think if you ask the average gamekeeper, or wildlife -- or shooting estate, they would suggest there are probably tenfold more foxes than historically there should be, because the natural predators of the fox such as wolf, lynx, have disappeared.

If you ask the hunters, I presume they would come up with a higher figure than that. There is no absolute figure, but the population of foxes across the country is determined to an extent on the balance between those who hunt, those who shoot and those who do neither.

I think too that it is very important not to focus entirely on agriculture in that wildlife conservation, not just game bird conservation, is extremely important in this area, if indeed we do have a very large number, or high density of foxes relative to other threatened species. It is likely that small mammals, hares and significant numbers of ground nesting birds are threatened in part at least by the heavy predation of foxes.

Now, if fox killing or culling were made somehow illegal, in whatever form, shooting estates would probably not find it worthwhile to employ keepers. The habitat that is particularly produced for the benefit of game birds, which has enormous advantages for other wildlife, would probably no longer exist.

THE CHAIRMAN: Could I put to you a question which has been put to us it is that, with the breeding rate of foxes so high, and the average lifespan so short, they quickly replace themselves. And basically seeking to control numbers is a waste of time; that it is self-defeating within a very short order as they are replaced by other foxes.

MR WISE: Lord Burns, this is approached really in the Game Conservancy submission; it depends when and how you control, and whether you are talking about individual estate control or regional control. But there are good grounds for believing, I think, on the basis of Game Conservancy data, that fox numbers nationally would increase without existing methods of control, and that certain shooting estates could not survive without very

targeted local control at specific times of year.

THE CHAIRMAN: I think the follow-up probably would be to say that is it not the case that with the relatively small number of foxes that are killed by hunting, that that really does not make any major contribution to the control of the numbers?

MR HOBSON: Hunting is the only method which acts on a regional scale. This has been borne out by the Game Conservancy research. So it enables, in a way, fox management to be measured at a regional level.

Furthermore, the individual control of foxes by individual farmers and land owners will have a regional effect because, as the Game Conservancy submission states, it has a sink effect, a bit like a sieve full of sand. So some areas are sources; some areas are sinks. So, yes, it will have a regional effect.

MR JACKSON: Perhaps Brian Fanshawe could add a bit to that, Lord Burns.

MR FANSHAW: Lord Burns, I think the effectiveness of what we see as recognised fox hunting should be achieving the acceptable sustainable population.

I think, beyond that, the MAFF submission clearly states that 80,000 foxes are taken out through shooting, and 75,000 foxes each year are taken out using hunting with dogs. If you look at that figure, that is something like 20 per cent of the total count.

PROFESSOR SIR JOHN MARSH: Just looking at the hunting with dogs part of it for the moment, one of the things that impresses somebody looking at it from outside is that, if you take the aggregate expenditure involved in

hunting and divide into that the number of animals killed by hunting, this appears to be an extraordinarily expensive way of dealing with foxes.

Even if you look in more detail at the numbers, it is clear that in some areas the cost per fox removed is really relatively low compared with what it is in some other areas.

Now, if our control processes are designed to achieve, whatever that means, some acceptable numbers of foxes, why do we not use the least expensive means of doing this in all cases?

MR FANSHAWE: One way to look at a fox hunt is in the light of cost. I have always seen the people who go fox hunting as the audience who are watching the play; the actors in the play are the fox, the hounds and the huntsmen. The people who are prepared to pay for this are the audience who are the people who follow the hunt. I think this is a very important point; that hunting does not cost the farming community or anybody else any money whatsoever. It is the money of the followers who enjoy it who actually pay for it.

PROFESSOR SIR JOHN MARSH: Can I just follow that up because it seems to me you are saying that, ultimately, really, in terms of the justification of hunting with dogs, pest control is really a secondary issue. The justification is that people actually find this a spectacle and activity which they enjoy taking part in.

MR FANSHAWE: I think achieving a balance is what we are after. In many parts of the United Kingdom, including where I live, the local hunt is the chief measure of

control.

MR JACKSON: Perhaps it is worth adding that, in general, hunting takes place on somebody's land, and what happens is what is acceptable to them and wanted by that person.

MR FANSHAW: To add one more rider: it happens over lots and lots of adjoining properties.

PROFESSOR MICHAEL WINTER: I wanted to go back, if I may, to the need for control. The argument put to us that in fact it would be better to have a larger fox population in some areas to control rabbits; rabbits are a major pest and a principal component of fox diet.

MR JACKSON: Douglas Wise will try to help you on that.

MR WISE: Professor Winter, I think Professor Harris has stated that although rabbits are an important part of the fox diet, in general they have no significant effect in controlling rabbit numbers. What rabbits do is provide, if you want, the bread and butter for the fox. We heard this morning how a fox is opportunistic. Where it does its damage is it will every night tend to patrol a proportion of its territory. If it comes across leverets, young mammals, ground nesting birds, at that time, it will take them regardless of whether rabbits are there or not.

I think in Professor Harris's experiments in fact he showed that in Bristol, householders were actually, effectively, breeding urban foxes to the extent that they were putting food out specifically for them, and that there was enough food put out in Bristol to feed all the foxes in Bristol, which reached a density of something in the region of one fox family per every 20

hectares, which would, if extrapolated up across the UK, probably give us 8 to 10 million foxes.

But until they were all wiped out by mange, what was found was that although they had enough food available from bird tables and what was put out specifically for them; they nevertheless ate other dietary constituents purely as a result of their opportunistic hunting efforts to the extent of 30 to 40 per cent of their diet.

DR VICTORIA EDWARDS: I wonder if we might move on to alternative methods of control when compared to hunting; and if you might comment on the use of hunting with dogs in terms of selectivity of foxes, the extent to which that is relevant, and also the dispersal.

It seems that there could be an argument that, in terms of population control and pest control in particular, it seems rather ridiculous to disperse foxes rather than treat them when you have them in a contained area. Could you comment on the relevance of that.

MR JACKSON: I will ask Simon Hart to lead on that.

MR HART: Dr Edwards. The dispersal element, again, comes about largely at the early part of the hunting season. As we have stated last Thursday and again today, part of the overall contribution that hunting can make to pest control is over a sustained period of time, over a sustained area. The business of actually attempting to target problem foxes generally only occurs when it is too late, when the target fox has actually performed its task of perhaps taking some form of domestic or agricultural animal.

So the point is we try, by particularly September and October, to focus hunting attention on those areas where fox populations are at their highest. By definition, where they are at their highest tends to be the greater strain on the natural food supply. So by actually going into those areas, perhaps culling a small proportion of those foxes, and distributing the others over a wide area. So the effect on -- or the potential effect, is not only reduced then but it is also reduced later in the scene, perhaps at lambing time, perhaps when there are other vulnerabilities in the agricultural world; so that the response, say, in April/May to lambing time produces the sort of statistics we have heard this morning, whereas lamb losses are relatively few. That is actually as a result of dispersal and proper control, spread over the entire area at the appropriate times of year.

MR JACKSON: Leading on from that, I think David Jones's remarks might be interesting.

MR JONES: Dr Edwards, good morning.

I would just like to give you one incident where last Saturday I was called out to a farm who were losing lambs. The lamb that was caught was killed that morning. They say that foxes only kill weak lambs, this lamb would be a month old. We skinned it, and it was bitten through the head. Its head was as big as a fox head, if not bigger. They had had an expert rifleman out there four nights on the trot. He had shot at it twice and missed it. We went with the hounds and caught it.

MR WADE: Good morning.

In terms of selectivity, terrier work is specifically aimed at the pest control aspect. In terms of the annual cull of foxes by legal methods each year, the Game Conservancy Trust and MAFF both suggest that the figure is something in the region of 200,000.

Various other sources, including the RSPCA, suggest that around 50,000 of those are controlled with terriers. So something like 25 per cent of the present cull of foxes is conducted with terriers.

In terms of the selective nature of terrier work, I would like to refer the Inquiry team to appendix 8 of our submission. Typically, terrier work is involved in going round to a particularly selected earth, whether that earth be as a result, as Mr Jones suggests, from a lambing call where hounds have been taken to a particular field where damage has been done, and a fox is then tracked back to a particular earth, and then located and disposed of with the terriers, or whether people go round and find a particular earth with signs of the relevant damage around it.

So it may be, for example, that someone has been losing chickens or lambs or whatever, then the appropriate debris tends to be scattered around that general area. It is very easy, in certain instances, to actually identify the residence of the fox that has been doing the particular damage. So very much in terms of pest control, and very much in terms of selectivity.

Thank you.

THE CHAIRMAN: In your evidence, there is a certain amount made of the difficulties with shooting and the

unsuitability of shooting, and yet we know from the figures that shooting accounts for rather more foxes than does hunting.

Does that not, in a sense, recognise that shooting is always going to play a major part; that actually it does work in lots of situations? The question then arises as to why could it not work effectively in all situations?

MR JACKSON: I will ask Brian Fanshawe to start on that question.

MR FANSHAW: I think the arguments we have been using for at least the last eight years, Lord Burns, is that there are only four legal methods of fox control remaining, which are: shooting, whether it is rifles or shotguns; trapping; digging use in terriers; or hunting with hounds.

What we would argue is that the countryside, and the people who live in the countryside, manage the countryside, need to retain the four legal methods. No single one of them is suitable for all circumstances. Very often, we get a combination of methods that are used for fox control. What is quite obvious to the people who manage the countryside, I believe, is that if you start limiting the existing legal methods, then you put extra pressure on the other methods.

Just on the rifles, I would be the first to admit that if you achieve a clean shot with a rifle that is the most humane method. It is the favoured method of the gamekeepers, but the Game Conservancy Reports will show that they are only able to achieve 33 per cent of their

cull by the use of the rifle. There are lots of limiting factors; safety, topography and other licensing. There are lots of limitations. There are lots of limitations to every method of control.

MR JACKSON: I will ask Douglas Wise to add something, if I may.

MR WISE: It is not always terribly easy to kill foxes in the spring time with guns. It is often more convenient to identify the earths, use terriers. If there are cubs underground, use of terriers is the only way you can legally kill anything underground and it is probably the most humane method when there are cubs around. The alternative is snaring of course, which is probably more practical than shooting on many shooting estates at certain times of year.

We did hear from Mr Booty this morning that shooting with a rifle is usually lethal to the target animal. Obviously, with a correctly placed shot that is the case. Even with an incorrectly placed shot, as he was suggesting, if you use the right calibre of weapon, it will ultimately kill the animal.

What he did not discuss was the period between the impact of the bullet and the death of the animal, which is often not as short as one would be led to believe. The evidence that only one wounded fox out of 1,025 turns up in RSPCA hospitals I believe has very little significance. Most countrymen, if they came across a wounded fox, would render it insensible immediately; they would not take it to an RSPCA hospital.

MR JACKSON: Richard Burge would like to say something about

the farming community on this topic of shooting.

MR BURGE: I would like to point out that the MAFF submission was completely contradicted by all the farmers' unions that submitted evidence to you. All of them said they wanted to have a range of control methods.

In some circumstances they said that shooting is the humane option, but that is some circumstances. In other circumstances, other methods they consider to be more humane. What is critical about humanity in this, is that, whatever means is used, it is handled by skilled practitioners, which of course is what hunting is, what snaring is and what shooting is.

It is a question of horses for courses; there is no one blanket solution for pest control, of the fox control, any more than there is a blanket solution for anything.

DR VICTORIA EDWARDS: Can I follow you up on that. You have stated that you believe that more inhumane and illegal methods would be used if there were to be a ban on hunting. Have any surveys been conducted on that, or do you have any data that supports that suggestion?

MR FANSHAW: Dr Edwards, no, there is no survey I do know, but I think there is one thing we have assumed; that, whatever the legislation is, farmers, gamekeepers and conservationists are going to continue to cull foxes.

MR JACKSON: Perhaps we could revert to that, Lord Burns, this afternoon when we talk about animal welfare.

THE CHAIRMAN: Okay. I think maybe we should move on to the question of deer, and raise the two questions with

regard to deer that we have been discussing this morning. One is about the need for an overall population control, and the second, again, is about alternative methods.

MR JACKSON: Tom Yandle.

MR YANDLE: On Exmoor, the deer population is generally considered to be in the region of 3,000. MAFF, the NFU, particularly the Exmoor National Park, have taken the view on the number, the amount of damage that they would cause. They talk about 900 livestock units equivalent which, if you like -- many that are not involved do not know what a livestock unit is. It is 900 big fat cows eating all day long.

Anybody who has been to Exmoor, as you have, Lord Burns, and seen the large numbers of deer that appear every now and then, must know that they do considerable damage, and of course there is a need, therefore, to cull them.

DR VICTORIA EDWARDS: I wonder if you might comment on the extent to which hunting with hounds is needed as part of that cull, as opposed to other methods such as shooting; and perhaps comment again on the two issues of selectivity and dispersal.

MR YANDLE: The need is for around 500 deer, which is 20 per cent of the count, to be culled each year. The hunt on the moor accounts for around 150 of those, which leaves 350 to be killed in other ways. There are probably 250 of these killed by shooting, and we all allow that shooting is a perfectly reasonable way of doing it in some places. We have never said, the stag hunters have

never said, that hunting alone could do the total control necessary.

What is actually pertinent is not how the deer are killed but how they are kept alive. Because of the presence of the hunt, the farmers and land owners will tolerate numbers of deer that to some people would be considered too large.

The second question is of selectivity. The selectivity by hunting is more efficient than selectivity by shooting because there is no restraint on what deer may appear, or be seen during a day's hunting, such as there might be with a rifle when you cannot always shoot at the one you might want to.

The big stags in the autumn. This morning it was suggested that we always hunt the most magnificent stags. The big stags in the autumn, we hunt the ones that are 5 years old and upwards. We try and select -- some of which are magnificent -- in fact they are all magnificent, all stags are magnificent, especially when they are looked after like we look after them on Exmoor. But we tend to choose stags that have had big hurries of hinds for 2 or 3 years.

They will be the bigger stags. Their horns will be going back actually, but it is extraordinarily difficult for a nonexpert to know, especially when they are being seen on the moor. I suggest an inspection of the trophy heads at the end of the year would show the Committee that the hunt is selective with the big stags.

The hinds in the winter are indeed hunted by the hounds hunting a batch of deer, and they will hunt one

that drops off. It is highly unlikely that the strongest hind will drop off at the beginning of the hunt. If that were the case, and there were other deer more suitable, or a sick or wounded one in the herd, they would certainly not hunt the first one that dropped off.

Thirdly, in the spring, the spring stags, as was explained to you last week, the ones that are likely to produce less good heads, or are compromised in some other way, are hunted.

DR VICTORIA EDWARDS: I wonder if someone might comment on the way in which selectivity is practised in parts of the country where there is not hunting with hounds.

MR JACKSON: Talking of Scotland, or other parts of the world?

DR VICTORIA EDWARDS: I suppose we ought to stick to red deer, but I am interested in all other types of deer in other parts of the world.

MR JACKSON: Yes, Tom Yandle will have a go at that as well.

MR YANDLE: Some people might say I am on dangerous ground, but I have been stalking in Scotland. I have talked to lots of other stalkers.

Most other red deer -- as you mentioned red deer -- in England are woodland animals. You would not see them except in the early morning or the late evening when they come out to feed. So there would have to be an awful lot of reconnaissance to identify the right animal to be shot, and then an awful lot of waiting to make sure that you shot it. So there is that selectivity, but it would not be the natural selectivity of hunting. Of course, you would not be able to select any deer that

were compromised if you did not see them come out to feed.

This morning you were told that it is easy to collect casualty deer because you just watch them feed, come out and feed, and then shoot them. Anyone connected with deer would know that deer that are injured are very unlikely to come out and feed; they are sitting in the woods, and they do not go anywhere; they just hold up. So I am sure stalkers do a very good job and I am sure they are selective. I think in some cases they would find it rather difficult.

LORD SOULSBY: Thank you, my Lord, Chairman.

If I follow your argument, you are saying that the most magnificent stags -- all stags are magnificent -- are hunted because they would be replaced by younger stags to keep the bigger of the herd up.

Have you any evidence that the stags that you actually select to be hunted would in fact be displaced by younger stags if hunting were to cease? Is there a natural population flow from young stags to get rid of the older stags? Can you identify that stag that would in fact go through natural competition?

MR YANDLE: I think you have asked a very difficult question.

Around each group of hinds on Exmoor there will be younger stags. There seem to be 4 year old, possibly even 5 year old stags, moving around, being -- the word we have heard a lot of this morning -- opportunistic.

I have no evidence of what particular deer would take on, but if we take a large stag out of a group of hinds that he has been commanding, there is never any

doubt that there is not another stag there next morning, there waiting somewhere.

Now, whether they leave other hinds, bring their hinds with them where they come from, I have no evidence, but that happens. I have to say that, whatever the argument about how good we are at selecting the right stag, especially in the autumn, we do have every year a better and better selection of big, strong, majestic stags.

THE CHAIRMAN: Could I raise the question of the hunting at this time of year, and the question of trying to identify the weaker stags by looking at their heads. Is there any science in this, or is this totally random? To what extent, if you see deer with antlers which have been damaged, is that genetic? To what extent is that accidental? To what extent does it actually have any effect in terms of their breeding ability? Or is this not something which, maybe, one would like to be the case but is much more random than that?

MR YANDLE: The person in charge, as you saw, is the harbourer, who has a given area when he is the harbourer. There are three or four harbourers at three or four different parts of Exmoor. That man, whom you met, will know an awful lot more than I would, for instance, about the deer in his area.

So when the meet is at a certain place in the area, he will already have in his mind, "I wonder if we will go to A, B and C", a wood, or wherever it is from that meet, and he will know of deer in each area. He will know of some that he would rather hunt than others

in that area because of his observations in the past.

It would be random insofar as he may or may not see the ones he would be looking for the night before that morning of the hunt, but he will very often definitely have certain deer in mind.

He will, as happened last week, which coincided with your visit, have a deer in mind, which we did not see that morning harbouring, but did turn up during the hunt and was, in fact, hunted and killed.

THE CHAIRMAN: That was the point I was raising. If I remember, this was a deer that had one antler. My question is: does that actually have any implications for its breeding potential? Or is it simply just a result of accident, either physical or genetic? Is this genuine selectivity, or is it --

MR JACKSON: Perhaps Richard Burge as a zoologist could say something about this.

MR BURGE: Well, an ex-zoologist, my Lord. Yes, it is an indicator. Horns are produced every year and, of course, they are part of the symbolism that the stag uses, if you like, to attract hinds and keep away other stags. Combined with that, his general body shape and body condition, and also his roaring ability, which again is a highly energetic activity. Taking those signals in combination, that is basically how a stag maintains the hind herd and keeps other stags away. When another stag comes across a stag, if it believes it measures up to the opposition there will be roaring, there will be posturing. They will assess each other, if there is only a marginal difference between

them, then there will be a fight.

The antlers themselves do two things. First of all, the energy required in the pre-reproductive phase to produce them is considerable. The investment made by that animal -- and I use that obviously in a non-economic term and a biological term -- is enormous. Therefore, it must have surplus resources in order to do that, above and beyond its normal body functioning requirements.

The reason it does this every year is because, of course, it gives it an ability to not maintain a preposterous thing on its head if it does not actually have the resources to go with it, both in terms of reproductive capacity and also defending the hinds from other stags. So it is a very good indicator, but it goes alongside roaring, it goes alongside body posture. There are circumstances where the horns can be damaged, which actually, therefore, is also an indicator that maybe the stag is not in peak condition. If it has been damaged, the horn, one of its antlers damaged; it will, therefore, not be in peak condition. They can also be malformed genetically, which again might be an indicator itself.

PROFESSOR SIR JOHN MARSH: I am a bit puzzled actually. As I understand it, you take 500 out annually to maintain the population roughly where it is. Earlier on, you have been explaining to us how very costly the deer are in terms of the nutritional requirement which they have on the environment.

When we were talking about lambs, we were making

an important point about the importance of the lambs to the economy of these relatively fragile farming systems. If you look at the farms around Exmoor which many of you are hunting that seems to be relatively fragile.

What I wanted to get a clear understanding of is why, in this case, farmers are happy to, if you like, maintain the population, which is quite expensive in terms that you were describing -- in terms of the nutritional requirement for them -- whereas in the case of the fox and the lambs they want to get rid of the fox in order to preserve these marginal lambs.

MR JACKSON: Richard Burge will start on that, and then we will move to Tom Yandle.

MR BURGE: I think this is a difference between a farmer and an agro-industrialist. An agro-industrialist, I imagine, would have no problem getting rid of stags and deer, purely on the basis of the cost benefit ratio of having them there.

A farmer as I observed on Exmoor, again as a non-Exmoor person and non-hunter, is far more than an agro-industrialist. They see having deer on their land as part and parcel of their stewardship and their responsibility and their place in the community. It is a cost they willingly bear but up to a level which, they believe, they can sustain, not only for their own generation but for future generations.

MR YANDLE: It could not be put any better than that, could it?

I have to say, in another way of responding to your question, if stags ate lambs we might have a

problem. I would like also to point out that the farmers do benefit to some extent by having deer on their land. They love seeing them, but it is a tourist attraction. Everybody knows that the deer are only there by sufferance to the farmer. Everybody tells the farmers that, and that makes them to some extent happy with the amount of damage that is done to them. I think I had better leave it at that.

DR VICTORIA EDWARDS: Thank you.

I wonder if I might follow up on that in the case of a cease on hunting, because it seems that in Exmoor there is a good co-operation between the farmers in terms of managing the herd; and certainly a willingness to do that and to conserve it.

Can you comment on the extent to which local co-operative management could be established in the event of a ban on hunting; and how effective that might be?

MR JACKSON: This comes close to a very important point. Tom.

MR YANDLE: It would be very difficult because of the range of the deer. As was mentioned earlier on fox hunting, the hunting covers the whole area. So the management covers the whole area of Exmoor.

Although it was not mentioned this morning, earlier, there is an Exmoor District Deer Management Group which also covers the whole moor. We even have the Forestry Commission and National Trust coming to those meetings, although they have a different view from most other people.

So to replace that you need something that everybody would accept and everybody would agree to. Almost every farmer, 90 something per cent of the farmers on the moor, are very happy about the hunting and, therefore, the deer management.

To get 500-odd farmers and land owners to agree on a particular subject is magic, when you find it very difficult -- sometimes we do -- to get two farmers to agree on any subject.

MR JACKSON: We will be picking this up ourselves this afternoon, Lord Burns, because we are coming into the area of what actually would happen if hunting was stopped.

DR VICTORIA EDWARDS: Can I just ask one last question before we move off deer, and that is the casualty deer?

I have a couple of questions related to casualty: one is, there is a claim that shooting and stalking is not as effective as hunting with hounds because of the risk of injury. Knowing that you pick up injured deer as part of the casualty injury service, I wonder how many of those injured deer are injured as a result of shooting, and also a claim that casualty deer could be dealt with with a single count.

I wonder if you can comment on that.

MR JACKSON: Start with Tom Yandle and I think Douglas Wise may say something too.

MR YANDLE: I do not have the exact figures, but I would have thought something in the region of half the casualty deer found; either on call-out by the hunt, which is on non-hunting days when people see them and ring them up,

or during hunting days, have some sort of bullet wound. The answer to the question about one hound -- sure, I expect one hound might do the job as well as two or four or ten. There are never many hounds taken on casualty call-outs. They do not take the whole pack. They would take probably three or four older hounds, ones that they know they know will do the job properly. A casualty deer would not actually be hunted very far because, if it is a casualty, it would stand to bay to those hounds.

MR WISE: Dr Edwards, I have to disagree slightly with Tom from the statistics of casualties. I believe my own figure was 26 of the casualties had either shotgun or rifle wounds, of which 26 per annum are from the Quantocks and the Devon and Somerset region. Probably over half of those were dead on arrivals, as opposed to live at the time that they were retrieved.

However, this is not to underplay the importance of hounds in terms of reducing suffering of casualties, because a lot of these -- significant numbers of the casualty deer are found during hunting days and may well not have been found for some time were that not to be the case.

Furthermore, the quick response time makes it extremely unlikely. The repeated experience of hounds in looking for casualties makes them uniquely efficient. There are only about 20 per cent of stalkers who have trained tracking dogs, and very few of those would be terribly efficient, I am afraid to say.

The British Deer Society publishes figures on how

to train tracking dogs. It is an art that is much better developed in Europe than in the UK but, essentially, the main method is to send the dog forward to the wounded deer. If the deer has collapsed, the dog will come back and find its owner. Needless to say there is quite a lot of potential for chaos if it is a running or walking wounded animal.

So that the stalking dog with the stalker is extremely useful at helping him to retrieve bodies that have run on into woodland and collapsed, but it is not necessarily an efficient method for taking a deer that has run off a considerable distance.

THE CHAIRMAN: As I understand, this is the method that is used in Germany where hunting with dogs is banned. To what extent would it be possible, if we did have a ban in this country, that such a system could be used efficiently here?

MR WISE: I believe that in stalking areas in Scotland it may well be that there may be a sufficient density of stalking in the region to justify a centralised small team of quasi-hounds. I would not use individual tracking dogs, but I think there could be, as long as somebody paid for it -- I do not know who would pay for it.

The difficulty in other parts of the country is that the call-outs would be such that -- an experienced dog nevertheless needs experience and training, and where is it going to get the experience from?

An individual stalker may be keen on his own particular dog. Usually the dogs get practice because

the stalker has shot a deer and then sweated blood dragging it along in order to get the dog something to do.

I mean, stalkers, as we have heard, do not go around wounding a large number of the deer. Most of the casualties on Exmoor are nothing to do with shooting; there are all sorts of other injuries, mainly road accidents.

THE CHAIRMAN: Could we move on to the question of hare?

PROFESSOR SIR JOHN MARSH: Could I ask you one question relating to shooting deer; it goes back to tourism? It has been suggested to us that if you go for shooting, the deer disappear. Why is it, since the majority of deer that I understand it -- large numbers of deer, are already shot, that they have not already disappeared?

MR YANDLE: Very good question. They are shot in certain little pockets for various reasons. There are places where the hunt cannot go, or close to roads, railways, link roads. They are shot on National Trust land now, where the hunt does not go. They were always shot on some part of the National Trust land where the hunt has not been since the turn of the Century. So if that shooting that I talked about happened all over Exmoor, of course it would have that effect.

THE CHAIRMAN: Can we move on to the question of hare? Do you accept the case that has been put to us that there is no case for population control in the case of hare because there is no problem? If anything, in many places, the

aim is to actually increase the numbers.

Again, could you deal with the second point we have been raising about alternative methods of dealing with them when there is a question of control.

MR JACKSON: I will ask Charles Blanning to deal with these questions.

MR BLANNING: Hunting and coursing are part of a very long established process. It is a process of hare management. Part of that hare management is control. The control is only necessary in those areas where there are very large numbers of hares -- that is, particularly, on the South Downs, on the Lambourne Downs and in East Anglia. In those areas, hares exist in very large numbers and they are controlled by shooting.

Over a much larger part of the country the hare population is much smaller. And in many areas it needs to be improved. We have under the Government's National Bio-diversity Action Plan set a target for doubling the spring hare numbers in Britain by the year 2010. It would be clearly ridiculous to try and double the number in areas where already they are a pest and they are shot in numbers which are something between 200,000 and 400,000 a year.

But in the other areas, it is a matter of management and has been pointed out it is keeping the population stable and up. I have never heard, in 44 years of being very closely associated with one pack of beagles, any other alternative form of management that has been proposed. What is being done under the bio-diversity scheme is to see if we can improve the

system of management so that we can in some areas improve the number of hares.

Now the only people, or almost the only people, who have the experience of knowing where it is those hares are short, where it is the hares do not need improving in these other areas, how it may be done, what are the reasons for decline, is the hare hunting community. Throughout the country now, hunts are co-operating very closely with the various local authorities who are responsible for the hare bio-diversity action plans and we find that, in most cases, our assistance is greatly welcomed because they agree that otherwise there are almost no people available who have the knowledge on which we can base this management plan.

PROFESSOR MICHAEL WINTER: Could we pursue the role of hunting in this a little further? There are bio-diversity action plans for many, many species and I have not heard the argument made before that hunting is indispensable to all those other plans. I find it a little difficult to accept that there could not be a bio-diversity action plan for this species that was based on ordinary methods. There is already a lot of information available; English Nature publish a nice booklet explaining to farmers what to do to maintain and increase hare populations.

MR JACKSON: Desmond Hobson will speak to that.

MR HOBSON: With hares, the bio-diversity action plans, the hare hunts are involved in them, as has just been explained. They are also instrumental in ensuring that

farmers and land managers view hares as a good thing, because hare shoots can be very effective in reducing numbers of hares where they are a pest and they can take out between 40 and 70 per cent of the population. So hare hunts play a role and I think the figures from the coursing world show that in areas where coursing is practised, hare numbers are higher than the average density of hares in farm land.

THE CHAIRMAN: We heard the point, when we were going on our visits, on more than one occasion. It was an argument which was

similar to the argument we have heard about deer, It is not in the cases where you have hunting, you actually have a better stock of hare than in the cases when you do not have hunting. Could you, in a sense, take us through these a), is this a case that you make and b), what are the mechanisms which bring this about?

SIR JAMES EBERLE: Could I take you through a few of the things which hunts do which go to improve and maintain and sustain a healthy population?

First of all, it is the knowledge of what that population is. Hares are very secretive creatures. If you are hunting then you see a large proportion -- not all -- who are in a particular region and area. We, as the hunting community, have and share with everybody else who is interested, knowledge of the population. Secondly, we go to investigate the reasons where there is decline. There are all sorts of reasons; it may be poaching, it may be disease, it may be just bad weather for breeding, but it is important to know

because hare populations can collapse very quickly.

Hares live on average for not more than 3 years. So they can collapse very quickly but, of course, the contrary to that is they can increase very quickly.

Next, having discovered what the reasons are, the hunts are much more able to take appropriate action and in the HMB report we do quote a particular case of how that actually happens. And, of course, one of the more important things is to speak with farmers to know what their feelings are, to know how they believe that hares are an important part of the balance of wildlife, that they need to maintain them and therefore to give advice as to how that best may be done.

THE CHAIRMAN: On another point which came up this morning. This was the question of transporting hares from one part of the country to another. Could you say how often this happens and are there any regulations or practices in place to say that this has to happen in a certain period of time ahead of any coursing event or other hunting activity?

MR JACKSON: Charles Blanning will deal with this, Lord Burns.

MR BLANNING: There is no limit on the amount of time which hares have to be on an estate before coursing actually takes place. What the rules of the National Coursing Club state is that the hares should show sufficient knowledge of the ground if that is not the case then the club could be brought before the National Coursing Club as breaking the National Coursing Club's rules.

All our experience indicates to us that where hares are transported -- and I would say that it is in a minority of cases; on my count not more than 7 of the 24 greyhound coursing clubs have been involved in transporting hares -- that the hares do not, are not coursed until they can show sufficient knowledge of the ground, until they are properly orientated.

However, what I would state is this, that where it has taken place, and we only have to look at history if you like, to see that moving hares can be a conservation plus; after all, the brown hare would not be in this country if the Romans had not used them for sporting purposes in the first place. Where hare movement has taken place it has been an enormous and sustainable success.

THE CHAIRMAN: How do you know when a hare, in a sense, shows knowledge of its area and secondly typically how long do you think that gap is? There may not be a rule about the gap there should be. But do you have any indication that you can give as to what it typically would be?

MR BLANNING: We have no indication no, because when hares are moved they are given a considerable amount of time to get used to their new surroundings. The calendar, if you like, dictates this because hares are mainly moved in the late winter or early spring. That is when the hare shoots are usually going to take place and the hares are moved from estates where otherwise they would have been shot for control purposes.

So what is happening is that the hares are being

put down, often in late February, early March and then, of course, they are outside the coursing season. The coursing season does not start again until the following September.

THE CHAIRMAN: So that would be six months, effectively.

MR BLANNING: Yes.

LORD SOULSBY: Along the same lines as Lord Burns' answer, we heard this morning that in 1988, there was a restocking programme from East Anglia to the north-west coast, the Morecambe area but it was not successful and I am wondering why it was not successful. Did they not become acclimatised to that part of the world, or was there disease or something like that happening?

MR BLANNING: The introduction of the hares in fact was a success. The figures being referred to by Deadline 2000 and which actually they will find in the Game Conservancy submission to the inquiry, show that hares were introduced between the ending of the Waterloo Cup and the second count being taken. The reason why the count was being taken was for the Game Conservancy to discover just what the disruption was amongst the hare population by a major event like the Waterloo Cup. So they counted the hares just before the Waterloo Cup and they counted them just afterwards. But in the meantime, because the hares have become available, 128 hares had been moved to Southport and what the report on Game Conservancy states in its evidence, is that this was an anomaly and therefore it explained the discrepancy between its 2 figures. What it was doing was trying to show what the actual disruption percentage was

and, in fact, they found that 6 per cent of the hares disappeared, possibly because of mortality, and 15 per cent of the total because of disruption which would be temporary because the hares would eventually return.

Now what happened between 1988 and 1989, when the Game Conservancy discovered that there was a lower figure per 100 hectares than in the previous year, was a factor which the Game Conservancy also referred to in its report and that was that in 1989 and 1990 the counts took place in appalling weather conditions. If I can just refer to the coursing calendar of those two years.

In 1989 it noted about the Waterloo Cup:

"There had been heavy rain at (inaudible) in the week before the meeting and there was standing water on the Withens. The gale blasting across the fields from the west blew throughout the meeting."

And In 1990:

"Apart from anything else, the 1990 Waterloo Cup will be remembered for its appalling weather. On the Monday and the Tuesday the area was battered by storm force winds".

This, of course, was at the time when the counts actually took place. In 1988, when the first count had taken place, the weather conditions were ideal. As everyone knows who is concerned with hares, and the Game Conservancy points out, where there are storm conditions of that kind, the hares take refuge in woods and in any available cover and therefore, were not on the grounds where the Game Conservancy took its count. That is the reason for the discrepancy between the figures.

THE CHAIRMAN: Thank you very much. I think time is running out. Could we just have a few minutes on the question of mink? In particular, the questions that we would like to raise with you, which we raised earlier, is the extent of the disturbance to habitat that takes place with mink hunting. And the other point that comes up quite a lot is: is this really a very efficient system at all? Is it not much better to deal with the problems of mink by trapping?

MR JACKSON: Desmond Hobson.

MR HOBSON: Thank you. Mink hunting takes place during the summer, simply because during the winter the water is too cold for the hounds to be able to get in and out of the water and they would get hypothermia. Mink hunts make every effort to avoid disturbing habitat and, in fact, on occasions when I have arrived late at a meet of the mink hounds and I have looked up and down the river to see which way they have gone, it has actually been almost impossible to see which way they have gone, because unless a mink is actually actively being hunted, the disturbance is very slight and the hounds and the followers and the hunt staff will have moved through, probably within one minute.

Temporary disturbance like that does not have a lasting effect on wildlife. What does have an effect on wildlife is regular repeated disturbance, so say, for example, the activities of other users of the river bank. Furthermore, hunts take great efforts to avoid disturbing wildlife sites. They try and liaise with the farmers, with land owners and say, for example, if they

find a swan on her nest, then they will take the hounds out of the water, walk round the swan and then put the hounds back in the water. So they make great effort to minimise disturbance.

On the question of efficiency. Mink hunting with hounds clearly complements trapping. Yes, trapping is an efficient method of control but so is mink hunting and I think we should view it in the context of the fact that there are only 20 mink hound packs operating in the whole of England and Wales and that is about one pack per 10 fox hunts.

So on those rivers which are regularly hunted for mink, mink hunting must be having an effect and mink hunting is also valuable in pointing out the presence of mink, which farmers may not have otherwise been aware of, so that those mink which they do not manage to catch -- and they do not always catch all the mink present -- farmers can then attempt to trap.

In terms of time spent, trapping is very labour intensive. By law traps have to be checked every 24 hours. Trapping is not feasible in areas of high public access because river keepers tell us that if the public see traps they throw them into the river. So with the increase in public access to river banks which is expected, then trapping may become less and less possible.

In terms of time spent, well, in the space of a couple of hours the mink hunt may be able to catch say three or four mink, which depends on the numbers of mink there, which is probably far greater than the numbers of

mink which can be trapped in that time space.

DR VICTORIA EDWARDS: I wonder if I could pick up on the question of otters. It does seem a little strange that when we are trying to reinstate otters, we are allowing hunting with hounds that previously -- I know not the same hounds -- but previously the history of those packs were hunting otters. How able are you train the hounds not to attack otters, not to disturb their habitats and so forth?

MR HOBSON: Up until recently, the rules of the Master of the Mink Hunts Association said that mink hunts were not allowed to use hounds which were entered to otter, which means that they were not able to use hounds which could recognise the scent of otters. They have dropped that rule simply because there are now no hounds alive which can recognise the scent of otters.

In the past people said that otters were the hardest quarry species to enter hounds to. The rules of mink hunts now say that hunts must take precautions to avoid finding an otter and if they do find an otter then they must withdraw their hounds immediately.

This morning, in the first session, we heard of submissions put in by the wildlife trusts by the Otters River Trust people and they were alleging that mink hunts disturb otters.

Well, I have spoken to all the hunts concerned and they all flatly denied that that occurred and the one example of the Pembrokeshire mink hounds, which took place during the 1980s, which was done by the anonymous friend of the anonymous person who saw the hunt, the

hunter said: if they found otters, why was attention not drawn to this 15, 20 years ago when it supposedly occurred?

DR VICTORIA EDWARDS: I wonder if I might follow up on further disturbance apart from the disturbance that might or might not be caused by hounds.

You cite quite a lot of followers and I think your own submission cites up to 150 people supporting the mink hounds. That sounds like an awful lot of people running up and down the river bed when most of us recognise that the (inaudible) is fairly fragile particularly to human damage. Do you log occasions of damage? Can you give us any evidence of how much damage there is, how that is minimised and maybe perhaps the other types of hunt could comment in the same way?

MR HOBSON: Mink hunts are required to have a field master and the field master's job is to ensure that the followers do not stray in areas where they might cause damage. The followers do not walk along the river bed, they walk along the river bank and only when the hunt is actually in progress do one or two members, normally only the huntsman, actually get in the river and that is only when necessary. They go to great lengths to avoid damaging crops or habitats, simply because if they did, the farmer would not invite them back the next year. So they have a vested interest in ensuring they do not.

I certainly note that Deadline 2000's submission has not been able to document a single example of an otter being killed by mink hunts.

DR VICTORIA EDWARDS: Can I ask before the other hunts carry

on if Professor Winter could come in?

PROFESSOR MICHAEL WINTER: I just wanted to pursue this matter of disturbance. You say hunt followers are advised to keep to the river bank and not the river. But, of course, those of us who followed with interest the re-introduction of the otter and the improvement of its river bank know the river bank is crucial to that. Indeed, most countryside stewardships scheme agreements with farmers to do with otters, are all to do with fencing off and protecting river banks and I am wondering how you deal with that, which would actually prevent people from getting close enough to see anything, I would imagine.

MR HOBSON: The followers walk along the river bank. They stay on the river bank and they -- normally crops go right up to the edge of the river, so they normally walk in that narrow margin between the growing crops and the bank itself. Also river banks are not very nice places; they are normally covered in 8 foot high nettles so I think it is a disincentive.

PROFESSOR MICHAEL WINTER: I think this is perhaps slightly dated. There are large areas of river bank now set aside and with countryside stewardship schemes and so on and so forth where that is not the case and where ideal otter habitat has been provided.

Certainly, the whole emphasis of policy at the moment is to get crops back from that area because that is what otters need and it seems to me there is an issue here of how you deal with that.

MR HOBSON: Absolutely. The trend is definitely to provide

greater habitats and to provide linear features along river banks which can be used by otters and other forms of wildlife. The areas which are important to otters are the root structures under river banks which may be used as holts and refuges and also stick piles, whether they are natural piles or artificial piles. Hunts make a great effort to avoid damaging those areas and where they do, where a mink has gone to ground in one of those structures, they are required under the rules of their federation to restore that bank back to the condition it was in.

Normally, mink will go to ground, say in the rubble behind a weir or in rubble which has been in field along a river bank.

THE CHAIRMAN: Okay. I think that is probably sensible time to stop. Thank you very much Mr Jackson and your team for evidence. I think we have covered most of the agenda and certainly we have covered the issues that we wanted to raise with you.

MR JACKSON: As I said, there are one or two points we would like to pick up this afternoon.

THE CHAIRMAN: Okay.

(Lunch break).

SESSION THREE - ANIMAL WELFARE; DRAG AND BLOODHOUND HUNTING; IMPLEMENTING A BAN

DEADLINE 2000

Representation Panel Chairman

William Swann Veterinary Consultant

Panel:

Douglas Batchelor	LACS Chairman
David Coulthred	LACS Head of Public Affairs
Carol McKenna	IFAW Consultant
Colin Booty	RSPCA Senior Wildlife Officer
Kevin Hill	IFAW Monitor
Peter White	IFAW Monitor
Rachel Newman	Senior Legal Officer
David Thomas	Legal Officer
Mike Huskisson	LACS monitor

THE CHAIRMAN: I am very sorry I am slightly late back.

I have been trying to get a little bit of order into the rest of our life, which at times is quite difficult.

We have three topics for this afternoon; animal welfare, drag and bloodhound hunting and implementing a ban. My feeling is that we should try to give 20 minutes or so to each of them. I realise that is not very much time but, in the case of two of them, we are going to have subsequent seminars. What I would like to do this afternoon is try to map out some of the main points, which of course will be looked at in greater detail at a later stage.

Do you have some introductory remarks, Mr Swann?

MR SWANN: Thank you, Lord Burns. I have a slightly longer introductory submission than this morning, if you will allow it, because this is our principal area of concern. Sometime ago I had the honour to serve on the Humane Killing Workshops for the International Whaling Commission, which looked at not the rights of and wrongs of killing whales but dealing with wild species; how we should or should not do it.

I would like to set the scene by working out the working definition which was adopted by the International Whaling Commission as an international forum. Humane killing means culling/causing its death without pain, stress or distress perceptible to the animal. Any humane killing technique aims, first, to render an animal insensitive to pain as swiftly as is

technically possible.

On a recent television debate, film was shown of a typical encounter between hounds and fox. The fox ran a short distance, stopped and used its senses to assess the danger. At that point, the fox could have been shot. The chase that follows serves no purpose other than providing spectator sport. The hounds are bred specifically for stamina. Given their superior endurance, the fox increasingly shows signs of distress. The animal suffers as a consequence of the chase, and this represents unnecessary suffering.

In the case of deer, the selected animal could be shot humanely at virtually any time. The chase which causes dreadful suffering, as demonstrated by Patrick Bateson, is unnecessary.

Similar conclusions may be drawn in respect of hare and mink.

I would like to consider the kill, because we are asked to believe that the majority of foxes are killed by neck dislocation. Now I will dispute that, but I would like to look briefly at neck dislocation. Given an animal the size and weight of a fox, it is, in my professional opinion, virtually impossible that immediate dislocation of the neck and complete severance of the spinal cord could be achieved by a hound.

As supporting evidence, I cite the Animal Protection Scientific Procedures Legislation, which does allow dislocation as a means of humane killing but only for animals less than 1 kilogram, mammals of less than 1 kilogram in weight, and that is under control of the

laboratory conditions.

Immediate severance of the spinal cord is achieved by a shearing action of the cervical vertebra, and even that is considered by many American scientists to be suspect because it does not guarantee the principal point of the Whaling Commission's definition that it must render the animal insensible. The tragic circumstances of Christopher Reeves have caused a lot of people to question whether spine severance does in fact cause unconsciousness because, in his case, it patently does not.

In animals above 1 kilogram in weight, neck dislocation cannot usually be achieved, and is not guaranteed to kill because of the strength of the supporting ligaments. In this view, I am supported by Professor David Moore of Birmingham University, one of Britain's leading authorities on the subject.

"Neither man unaided nor hound can exert enough force to effect the shearing [and I stress that] Of the cervical vertebrae of an adult fox, which would be necessary to confirm instant insensibility."

A dog's jaw may crush, but a crushing injury to the neck is not the same as that shearing -- and I do ask you to take this point, because it is absolutely fundamental to whether a bite to the neck could produce insensibility, crushing would not.

It is important not to confuse immobility with insensibility. The fox is immobilised and restrained by the lead hound. I am not concerned what happens after that point because that is presumably at some point with

a dead animal. I am concerned with what happens with the lead hounds when they first drag the fox. It is immobilised and restrained, but the time to insensibility at which point the animal stops suffering just cannot be determined, an instant neck dislocation cannot be achieved and death cannot be instantaneous. As further insult to that animal is dependent on numerous variables such as how soon other dogs become involved. The quarry animal must be given the benefit of the doubt and the protection of the law.

Now, observation supports the above statements.

Postmortem results on cats killed by hounds do not show neck dislocation or spinal cord severance. This is expected, as cats usually weigh more than 3 kilograms.

I do not wish to read out authenticated postmortem reports, but I will quote with your permission a significant passage from a verified witness statement.

"With a clear and unobstructed view, we could see two of the hunting hounds attacking one of the pet cats. One of the hounds had the cats's head in its mouth, the other was pulling at the cat's body. In that animal, there was neither evidence of severance of the spinal cord nor dislocation of the neck. The cat was alive on arrival at a veterinary surgeons premises some short time later.

I also wish to comment on sample size. The Countryside Alliance have indicated that in a sample of some 75,000 foxes only about 25 instances were something shown to have gone wrong. On this basis, we are asked to believe that more than 99 per cent of foxes are

instantaneously killed, principally by neck dislocation.

I have 8 authenticated and detailed postmortems of cats and foxes killed by hounds, and none has a dislocated neck, nor a severed spinal cord.

Given the massive sample size of 75,000, and if something goes wrong in only 25 cases, the probability of me having no case of neck dislocation in a sample of 8 is miniscule.

I do accept that the fox is immobilised in many cases, most cases, but I will not accept that it is rendered insensible.

Causes of death in the postmortems referred to are respiratory failure following thoracic damages and fatal haemorrhage. Time to insensibility could not be determined. The common misconception about neck dislocation has arisen because of encounters between dogs and small mammals weighing less than 1 kilogram, such as rodents.

Data from a University Federation of Animal Welfare Study of 1977 running through 1979 carried out detailed postmortems on 53 hares which were seized, caught and in most cases killed by dogs. There was not one single instance of neck dislocation, and nor one single instance of severance of the spinal cord. The pattern of injuries was very similar to the cases I have already referred to, and in only very few cases could an estimate of the time to insensibility be made.

61 animals -- I do not know how much factual evidence I need to bring, but I believe I have made an overwhelming and irrefutable case that killing by dogs

cannot be said to be humane when the quarry species weighs more than 1 kilogram.

I urge you to be most critical of radiographic evidence of neck dislocation which may be presented to this Committee, if you do not also have a pathologist's report that showed that that neck dislocation took place before death. Without that certification, that evidence is worthless.

In respect of deer, I reiterate my earlier statement that the chase causes dreadful cruelty; and this is our primary concern. The Committee has been presented as well with evidence that killing is unsatisfactory in a number of cases. We have here today people who will give you first-hand accounts of this should you wish.

Now, I do not believe that most hunters appreciate the degree of suffering that they cause. They are indoctrinated into the sport, into the belief that the nip to the neck is humane. This is a misguided euphemism: As hunters never see a kill, they remain in ignorance. I believe that the killing of wild mammals of the species being considered with a dog pack is immoral, unethical and cruel.

My view is an objective, professional one, based on observation, experience, deduction and ethical judgment, and is no way derived from animal rights philosophies to which I do not subscribe.

Where control of individual animals is necessary, we recommend trapping and/or shooting with an appropriate weapon by a competent marksman. These

methods are effective and selective. Where doubt exists, every piece of animal protection legislation in existence urges on the side of caution.

In the specific instance of hunting with dogs, that unnecessary suffering is caused is, in my opinion, beyond doubt. I urge this committee into deliberations to keep this fundamental fact in mind.

Lord Burns, thank you.

THE CHAIRMAN: Thank you very much. Lord Soulsby is going to lead the questions on this subject, but could I just tease out one or two of the points in relation to the arguments that you have just made?

Typically, what sort of gap would you expect there to be between the hound catching the fox and death? I think my second question would be: Is it not also the case that with shooting you will often find a situation where death is not instantaneous, particularly with larger animals?

MR SWANN: My Lord, to answer your first question, it is the very uncertainty at which insensibility will take place that requires, in my belief, that the animal must be given the benefit of the doubt.

Some of these cases here the animals actually survived. That instance that I read out, where the cat had been the subject of a tug of war between two sets of hounds, actually survived and lived. With this degree of uncertainty, one cannot possibly say at which point an animal dies.

Some of these postmortems do indicate death would be rapid. In these situations, it is by perforations of

the heart. In those cases, I do believe death would be as instantaneous as it is possible to achieve in the field. But the number of cases of perforation of the heart are very small.

To answer your second point, I believe here we have a situation where the welfare of every animal is potentially being compromised because there is no way that we can guarantee a humane killing of animals which are caught by dogs.

The point with shooting is that we can guarantee the welfare of the vast majority. Although I very much regret suffering caused to that tiny minority of animals where they are not killed cleanly in terms of numbers and welfare benefits, the equation is firmly on the side of the shot animal.

THE CHAIRMAN: Just to press that further. I mean, some of us were reading in terms of the experience of deer, explaining very often more than one shot is needed in a period of some seconds. And that quite a lot of seconds very often pass between the shot and the deer actually dying.

MR SWANN: Lord Burns, could I ask Carol McKenna to quote from some recent data which we have which may help clarify this point for you.

MS MCKENNA: Thank you, Lord Burns.

Professor Bateson in his report actually compared the welfare of deer that had been hunted and killed, with them killed by dogs or killed by the hunt, with the welfare of deer that had been stalked.

His conclusion was, citing directly from the report, that 130 hunted deer that are killed each year

by the hunts, and roughly a further 100 that escape, would experience unacceptable levels of suffering.

Whereas only 7 or so of the 130 at present killed by hunting would have such problems if they were shot.

So we --

THE CHAIRMAN: Sorry, at this stage I was not intending to do the trade-off or to make a comparison. I was just, in a sense, pressing on some facts about shooting in relation to this question of whether or not death is instantaneous.

MR SWANN: I think, Lord Burns, it would be dishonest of me to say that every animal that is shot is shot cleanly and humanely. I would repeat the point that the vast majority. The percentage of clean kills increases in direct proportion to the competence of the marksmen. In my part of the country, where deer are shot by (inaudible) I cannot bring you statistics for that, but I can say that with confidence.

LORD SOULSBY: Thank you, Chairman.

I think as you will be aware that we are going to deal with the physiological pathological aspects of animal welfare later on. So, in order to save time we will not go into those today. We will have plenty of opportunity later on.

Nature, in terms of hunting of animal populations is said is ready tooth and claw. I wonder to what extent would you consider hunting and coursing just another aspect of natural predation?

MR SWANN: Thank you, Lord Soulsby.

I do not accept that argument for the simple

reason that people are involved. If we consider that animal cruelty has significance to people because it causes them distress, and also because it tells us perhaps something rather unpleasant about people who do carry out cruelty to animals, then a wild animal encounter may well distress people, but we have no moral judgment to make because there is no involvement with people.

When hounds are put out into the field to catch and chase and kill an animal, that act is carried out by people. It is an improper act because it cannot guarantee humane killing at the end of it. So I believe a comparison with wild encounters is not valid on moral and ethical grounds.

LORD SOULSBY: Though I said I did not want to get into the physiological and the pathological aspects of this, no doubt you have read the information put forward by, I think it is, 53 veterinarians who are supporting hunting. They quite bluntly come out and say the fox is simply caught by the lead hound and killed instantaneously; the cause of death is cervical dislocation, as Cunningham 1999.

Now, do you feel that they are all wrong in making that statement?

MR SWANN: I think, Lord Soulsby, the critical point I made in this is the action of the lead hound in first seizing the animal and the point at which that fox is rendered insensible.

I did make the distinction that I was not talking about what happens to the animal after the first

encounter. After the first encounter, it is ripped apart because there are so many hounds involved, and damage to the structures will take place. What concerns me is the point at which the animal becomes insensible. In that respect, I do maintain they are wrong.

I would like to bring in some supporting evidence, if I may, on this point from people who actually see these encounters in the field. I would like to pass this over, if I may, to Peter, who will comment on actual observations.

MR WHITE: I have experienced 14 years' first-hand experience of fox hunts. My experience of kills is that the lead hound does indeed get to the fox first. It is always the back end first. What happens then, is that the force of that hound hitting the back end of that fox bowls it over. Therefore, you have the undercarriage exposed, and then the second, third and fourth and so on hounds come in and then basically rip the undercarriage. Those are the observations I have had. I have only seen three kills in my lifetime, and all three have been just like that.

LORD SOULSBY: If we can move on, because I am conscious of the time that the Chairman has set us to abide by.

I can see that I do not think we need pursue the first question because I think we are all very much aware of your stance on this, but can we come to the next part about the welfare considerations raised by other methods of control other than hunting.

Have you input on that?

MR SWANN: Thank you, Lord Soulsby.

I hope it was clear from this morning's session that Deadline 2000 do not accept that there is a need to control, and nor is it entirely practical to control, fox populations.

I will deal perhaps, if I may, with foxes first, in that we, in our evidence, submitted that we accept that individual foxes may need to be controlled. We made the case in those cases for shooting.

With deer, we would make the case for shooting.

With mink, we would make the case for trapping and shooting. Hares, as discussed this morning, if it is necessary to ever control a hare -- which is debatable -- then that would also be by shooting.

LORD SOULSBY: But with rogue foxes, if I can call them that, you would agree that one would need to control them in one way or another.

MR SWANN: Yes, Lord Soulsby, as individuals I do accept.

LORD SOULSBY: Can we turn to some other not definitive sort of thing, but I wonder if, in terms of population behaviour of foxes and deer, for that matter, there are certain predictives that you can identify that would indicate a lowered welfare status among the population, either in hunting or the non-hunting population.

MR SWANN: Yes, Lord Soulsby, I am aware of the concept, and accept that welfare indicators are useful, but I believe that it has not been demonstrated that there is a significant difference between populations of deer which are hunted and those which are not, provided all this being equal they are on similar terrain.

Now, there is a vast difference between Scottish

deer, which have very poor nutrition by comparison, and where the welfare of those deer in natural circumstances may not be thought to be as good as those perhaps in the South-West of England, where they are on much better territory.

But if you compare like with like, I think you will find those welfare indicators are identical in populations where there is a level playing field for comparison.

LORD SOULSBY: From that answer, would I infer, or would you infer, that in terms of the welfare of the population, regardless of how it is hunted or not hunted, there is no change in its behaviour from the point of view of welfare?

MR SWANN: Lord Soulsby, to give a second opinion on this I would like to ask Colin Booty whether he would like have comments to make on this

Obviously not!

I think the point you are trying to make, Lord Soulsby -- and forgive me if I misunderstand -- is that you are asking us for an opinion whether, if hunting with dogs ceased, there would be a change in the welfare of that population relative to a population that is not hunted.

LORD SOULSBY: No, I am asking you if there is any evidence at present if there is a difference between hunted foxes, or hunted deer, or hunted mink for that matter, and non-hunted; that you can in fact say hunting is detrimental to the welfare of that group of animals or that herd.

MR SWANN: Thank you, I have understood the question now. I think the numbers involved in hunting are quite small compared to the overall population numbers. I am not aware of evidence on that on that side, because I do not believe that the numbers would be significant. But I know Douglas Batchelor wants to speak on this subject as well. So I will pass this one over to Douglas.

MR BATCHELOR: I will try and find the reference to it for the Committee, but I believe there is evidence, particularly with deer, in terms of what is happening in their environment, in terms of their behaviour, and where, for example, they are culled by shooting once per annum, that has relatively little effect on their overall behaviour. Where they are regularly disturbed by hunting, I believe it alters their pattern of behaviour in terms of when they will come out to feed and take water and so on.

I will try and find the references to that, which I believe are German in fact. So there are impacts of animals responding to the challenges in their environment, environment in terms of their behaviour. Whether that argues for better welfare, or a change in welfare status, is more difficult to prove one way or the other, but certainly what it does is alter their behaviour if they respond to that.

LORD SOULSBY: Of course that could well reflect on their welfare too. What I am trying to get at is: Is there any indication of the welfare of the population going down by either method of hunting or not hunting? MR

BATCHELOR: I think the German experience I am quoting is where people are shooting deer from stands. In effect, if the pattern of the way in which the deer are challenged alters their feeding patterns sufficiently, then it is bound to have an effect on their welfare. There are the references I will try and get for you. If it is only once a year, as is done in the first situation, culling deer, it has a negative effect on their welfare. A continual interruption to their natural patterns does have an effect.

LORD SOULSBY: And this brings us on to the question of reproductive control in reproduction, and of course reproduction is a thing which is usually a good measure of the welfare of the population of animals. If it is breeding effectively, then its welfare is usually considered to be satisfactory.

If one was to go to breeding, to control reproduction by chemical means, as in Melbourne that Roger Short has produced, has this any effect on the welfare of populations of, say, deer or foxes, when, for example, a poor old male fox cannot get a female into pregnancy, for example?

MR SWANN: Thank you, Lord Soulsby.

The Melbourne study is interesting because it does indicate in urban foxes that we might be faced in this country with a need to control foxes in the urban environment. Whether this is ever going to be applicable to the rural environment at present times, we would perhaps think not.

In terms of controlling an urban population, then

I think the situation is different because you have additional disease considerations and additional parameters which do not apply in the rural environment.

But I know that Colin Booty sits on a Committee which looks at chemical control of populations, and would like to talk to you about deer where it is perhaps more directly relevant.

MR BOOTY: Yes, Lord Soulsby. I currently sit on a Research Steering Group, which is a Forestry Commission funded project, looking at possible contraception of grey squirrels.

I am also aware of the great deal of work that is being funded by the Ministry of Agriculture and the potential of this technique for rabbits. Both of which considerations are outside your Committee's consideration, but it is demonstrative of the activities in this area.

Perhaps more pertinent to the question you are asking, and the remit of your Committee, these either hormonal possibilities or immuno-contraception possibilities are a subject area that has been subject to a great deal of research, particularly in America, where they have been investigating it in relation to white-tailed deer.

If it would assist you in your deliberations, a few years ago the RSPCA commissioned Professor Putnam to undertake a review of chemical and immunological methods of control of deer. Conscious of time, I have brought a couple of copies of the report with me today and can make those available through the secretariat.

LORD SOULSBY: That would be helpful.

PROFESSOR SIR JOHN MARSH: I wonder if I could follow up with one small question. You make quite a point that if there has to be control, then shooting is to be preferred to hunting, and you always say, you are talking about competence assured. Looking at the people who are currently hunting who would not be hunting but would then have to turn up to shoot.

What I want to ask you is: are you satisfied that currently the level of shooting is competent? If you are, would you be satisfied that these people, who after all are faced with the situation in which they are looking for immediate action to protect their interests, would necessarily be competent shots in that situation?

MR SWANN: Thank you, Sir John.

In my experience, most gamekeepers and farmers are pretty crack shots, they are pretty good. We talked about this this morning, there are a number of associations which do offer specific advice and can offer training.

I will have to go back to two comments which we made this morning: One is the number of animals, particularly foxes, which are brought into hospitals. The point was made that people would not necessarily bring shot foxes in. I dispute that because people do bring foxes in. If people were not inclined to do so, we would not have over a thousand brought in for treatment. Many of these come in from rural areas. So I think we would start to see a pattern involved in it.

The second point is we have the last comments that

it is possible to shoot humanely and cleanly. If people will follow guidelines and will become competent, I believe that this is feasible in all cases, and I am convinced --

PROFESSOR SIR JOHN MARSH: Thank you. You see the point was not such was it feasible, but rather would it happen?

MR SWANN: I made the point this morning that we are fortunate in having what is probably the most humane farming community in Europe. I believe most of our farmers are especially humane, and pay the financial consequences of that in many aspects of the livestock industry.

I do not believe that farmers, for the most part, would willfully try and do anything that was cruel. I think if there were shooting, there is a culture of trying to shoot cleanly. I think it is being done now and I think it will continue to be so.

THE CHAIRMAN: I think we should move on to the second topic.

LORD SOULSBY: Just one brief word about the non-quarry species.

THE CHAIRMAN: I was going to lead into questions about the treatment of hounds. If there was to be a ban, the point has been put to us that it would be very difficult to rehouse them and that there is a big welfare issue here, if there was to be a sudden ban.

What do you have to say about that?

MR SWANN: Thank you, Lord Burns.

The RSPCA has tried for a number of years to take on hounds, to try and rehome them, to see just what

practical problems, if any, there would be. We have always been refused hounds. We have never been able to get a sufficient number, well, in fact, any, in most cases, to carry out anything like a trial.

There are some aspects of this that I have personal views on. One is that I do not wish to create a situation where we are trying to indicate that hunts people are cruel. I am trying deliberately to get away from that, because in the treatment of the horse, as I made the point, horse welfare is very good and in a considerable number of cases, although as with any industry there are always bad boys in it, then the majority of hounds are well looked after.

Now, many of these hounds are taken out for walks; they are actually brought up with people. As young dogs, they are looked after and exercised and fed by people. They are socialised with people. I can see no earthly reason why these dogs should not socialise, given the opportunity to do so.

I think, indeed, I have been given instances where people with old hounds have had favourites and taken them home and looked after them. So it is not inconceivable that hounds will rehome.

There is a corollary to this as well; that I think because the hounds are well thought of, and because most of the hunting people really do enjoy working with hounds, I think many of them in the event of a ban are not just going to stop working with them; they will carry on drag hunting, because I think this is a pleasure they get, and some of these hounds go back

having been bred for centuries.

I just cannot get my head around the idea that people will suddenly put them down, other than as a political statement. I think there is potential for them to be used.

THE CHAIRMAN: There is an issue of course of the total numbers. I think this probably neatly takes us on to the question of drag hunting, otherwise we are going to fall very badly behind schedule.

Do you have any points that you want to make by way of introductory remarks on the subject of drag hunting?

MR SWANN: I think, Lord Burns, to save time, I perhaps suggest we proceed straight with the question.

THE CHAIRMAN: The point where there seems to be some dispute about the whole question of drag hunting is the extent to which it would be possible, and the extent to which it would act, as a substitute for conventional hunting.

On the other hand, it has also been put to us that the two are working at the moment in a complementary fashion, and it would be different if there were not a conventional hunt.

Do you have anything to add to your evidence about the question of just what the scope is for drag hunting. How far it is possible to mimic conventional hunting? And the extent to which you believe it is possible this could become a substitute over the longer term?

MR SWANN: Thank you, Lord Burns.

I am going to answer that one myself again. I am doing most of the talking this afternoon, for which I apologise.

When this issue came up, I undertook to go back as far as possible into the history of drag hunting, and indeed hunting, to have a look if I could find anything that would be helpful to this Committee.

The most helpful areas come from historical records of the British Army in India. One book that particularly captivated me was the history of the Peshwarvale Hunt in India. There were specific references here that periodically live quarry hunting had to cease because of the risk of rabies, and there were also occasions where army hunts were moved.

One incident in that book that is recorded is that the hunt was moved to Kabul at the time that the Afghan Wars were on. At that time, there was no live quarries hunted. So it was a seamless transition between live quarry hunting and drag hunting.

In the records of those hunting activities, one can read comments such as "best hunt we have had ever", "best hunt for years", because the way in which the drag was laid was quite different to the conventional way in which a drag is laid back here now in the United Kingdom.

Because live quarry hunting does exist in this country and has existed, then drag hunting has gone down a totally different route; in that it has been designed for speed. There are man-made obstacles and many of the less qualified riders would not wish to take those

obstacles. I would not wish to take those obstacles. It is a situation that the argument with fox hunting is that it is always easy for all different skills of rider. It is possible to duplicate this in a drag hunt. Now, in Germany, where live quarry hunting became illegal in the 1930s, the British Army again continued to drag hunt over there. This is only a small-scale sport generally, but nonetheless is carried on in a form which is quite different from drag hunting in this country.

I have actually seen this in operation years ago on the Isle of Man, where foxes were absent and people were introduced. But in the days when foxes were absent, the drag hunt over there carried itself on in very much a similar way to the German experiences.

So I think it is entirely feasible to have a sport which mimics the actual quarry hunting, which can carry on almost seamlessly with the existing sport, and which there is ample precedent for both in the historical literature and in current experience.

THE CHAIRMAN: Some of the Committee are going to pay a visit to Germany to see the German type of drag hunting. But I think the point that has been raised -- and I think which does need more airing -- is the extent to which there are alternative models of drag hunting. You are putting the case that the type of drag hunting that we have in this country is only one particular type. And it exists in that type because it lives alongside quarry hunting. And, therefore, the activities have become complements rather than substitutes.

Do you have any other evidence of the extent to which it is possible to get closer to mimicking quarry hunting?

MR SWANN: Lord, Chairman, the only other evidence I can cite to you is one of the stag hunt packs, which in fact did stop live quarry hunting, and which is now looking at the possibility of adapting to drag hunting.

Certainly the gentleman who is trying to put this together is totally convinced that it is possible to run a varied and acceptable form of drag hunting. He is having certain difficulties at the moment in trying to obtain the necessary licences and permissions.

Nevertheless, I have actually interviewed him myself, and talked at great length. I came away, being a total natural sceptic, thinking that perhaps this was a viable alternative.

PROFESSOR SIR JOHN MARSH: I wonder if I could follow two such points that have been put to me. One is that the actual speed of the hunt is to a degree determined by the performance of the hounds; and that, with a drag hunt, the hound becomes familiar with the route, and thereby takes short cuts, and that even speeds the whole operation up.

So that, in a sense, the sort of practical issue of how do you do this, and the other point I would like you to comment on while I am just asking questions, is that it has also been put to us that, with a drag hunt, you would need substantially fewer hounds than you do with a normal quarry hunt; and, therefore, there would still be a substantial reduction in the hound population

involved in this.

MR SWANN: Thank you, Sir John. I know Douglas Batchelor would like to speak on the subject of drag hunting, but, yes, drag hunts are smaller, and that is inarguable, and so, yes, there would be a demand for smaller numbers.

Your first point on the behaviour of the hounds.

Talking to the man who has helped me in my inquiries, I came away convinced that this is down to the competence of the huntsman. I came away quite convinced that control of the hounds is possible in creating the natural type of hunting as opposed to the high speed chase.

I would like to pass this over if I may to Douglas Batchelor, please.

MR BATCHELOR: Thank you, Chairman.

There are a few points I think that are worth making in this. In terms of setting out the drug hunting, we are not trying to mimic all the aspects of the normal hunt. In particular, you are trying to keep the hunt away from roads, from railways, from obstacles that are actually dangerous to the animals, be they horses or hounds, involved in the pursuit.

So, from an animal welfare point of view, there is a deliberate attempt to create an event that is actually more animal welfare friendly, both from the participating animals, and certainly from the fox, or whatever, which is no longer participating. That is the first thing I would say.

The second thing is that, rather like ski runs, you clearly grade the route in terms of difficulty in

relation to the different types of people who are taking part. So there are opportunities in drag hunting to select by the nature of the course, and advertise it in advance, to make it a more welfare friendly pursuit.

The third one is in terms of the hounds. They are actually bred for stamina and not for speed, normally. Therefore, when you talk about the hunt being of a certain speed, and drag hunting being faster, that is less in line with the nature of the current hounds and the way they are bred, and also, at least partly determined by the ease and difficulty of the scent that is laid.

So you can determine the speed of the hunt by making the scent easy or difficult to follow. There are lots of alternatives to a drag hunt I think to achieve a good sporting day out for the people involves, with minimal animal welfare risk, compared with the current hunting situation, which is clearly in the evidence we have supplied on "hunt havoc" and injury very clearly spelt out, and also in the evidence that we supplied in terms of the willingness of farmers to allow drag hunts across their land, not least where the course of the hunt can be predetermined to be acceptable rather than randomly in terms of where is the wild animal going to go.

So, again, manageability and acceptability are more on offer through drag hunting than they would be through any other form of hunting.

THE CHAIRMAN: Do you want to follow?

PROFESSOR MICHAEL WINTER: Can I follow up that last point

about the exact route to farmers and land owners.

I mean, the survey evidence seems to be very unclear on these different messages which come from different surveys, but it seems to me clearly the case that farmers and land owners in the main are prepared to allow hunting of live quarry because -- whether you consider it misguided or not -- they consider it something desirable.

That motive would be removed, which leads to the scenario of farmers probably having to be paid in some instances to allow drag hunting. Indeed, in some of your evidence it has been put as a possible form of diversification; that would clearly raise the cost of participants.

It is also the case that certainly in some parts of the country, especially in small farm areas, getting enough farmers contiguous to allow drag hunting might be difficult with that motivation of loss.

So the point I am putting to you is: Would you accept those factors taking into consideration the extent of drag hunting which is likely -- although it may be important, is likely to be considerably less than the extent of existing live quarry hunting?

MR SWANN: Thank you, Professor Winter.

I think one of the major benefits that came out of looking at the modified form of drag hunting is that its land requirement is less. You will be told quite correctly that drag hunting, as it is presently carried out in this country, requires quite long tracks of land to support the chase. To link up land to give that

length is not always possible, but the type of drag hunting that we are talking about in this modified form does not require substantially more land, if indeed any more land, than a traditional live quarry hunt.

I know on this point that David Coulthred wishes to speak particularly on the economic side. So I will pass this over to him.

MR COULTHREAD: Thank you very much.

The evidence that the League Against Cruel Sports has put to defend, or to advance on a claim that there would indeed be enough land available, was based on an NOP poll of a 1,000 freeholding farmers, carried out in March of 1996.

The point I would like to make about that is: it was quite important for us to put up polls of freeholding farmers simply because they are farmers who have a choice. One of the arguments frequently put up to say that drag hunting is not feasible or even to defend fox hunting is to say: well, in some parts of the country the vast majority of farmers welcome hunts on to their lands.

We would actually like to see more justification made of that claim, because we do believe that in the vast majority of those areas these are not freeholding farmers; they are tenant farmers who really do not have much choice.

That said, the evidence we had from that poll certainly means that there is considerable land available for drag hunting. Although the claim is often made that drag hunting is a very different sport to fox

hunting, and it does by necessity cover a much larger area of land. The fact is that the course that the drag hunt follows is actually dictated by the trail that can be laid.

I believe there is no reason whatsoever why a professionally, skilfully laid trail need cover massive areas of land. They can, in fact, duplicate fox hunts which take place over very small periods. Certainly with regard to the contiguity of land -- excuse my mispronunciation -- I do believe that the evidence certainly says that there is enough land available beforehand, and we do not see that being a problem.

PROFESSOR MICHAEL WINTER: Could you just be a little clearer as to what you mean by "small and large areas of land". You seem to be implying it follows that a fox hunt takes place over a small area of land, and that can be reproduced.

In small farm countries, in areas where the average farm size is 100 to 200 acres, you would be talking about dozens of farmers whose land is likely to be run over in a day's fox hunting. It seems to me that it does present certain potential operational difficulties with drag hunting.

MR COULTHREAD: You are quite correct that if a day's drag hunting did take place over a vast track of land it would cover a number of farms. The argument we are putting forward is that if a drag hunt wishes to duplicate fox hunting, then we are talking about much smaller chases, as has actually happened in the course of fox hunting.

The only thing that is going to come away, the only bar to drag hunting making a duplication, is the skill of the person laying the trail. There are many hunts, for example, in the East Anglia, in the South-East of England, where hunt country is actually enormous as well, and the land available to hunting, drag hunting in that area will be very large.

So, yes, it is true that there may be a number of farmers in the area of particular existing hunts who no longer wish to see the hunts on their area, but it is equally true that there will be other farms who do wish to see the drag hunt on their land. A skillfully laid trail can actually have quite a considerable distance within the area of a farm.

DR VICTORIA EDWARDS: I would like to turn your attention to some of the habitat management side of drag hunting.

I have two questions which are related on that theme. One is the extent to which drag hunting is going to provide an incentive for farmers to manage habitat areas that are beneficial to non-quarry species, and I suppose quarry species as well, in the absence of hunting.

The second is that something that we consistently heard on our visits was the attraction of the unpredictability of hunting as being a motivating force for the followers.

It seems that in order to make drag hunting similarly unpredictable it has to follow fairly unpredictable patterns on the land; so that the riders and, in the case of bloodhound hunting, the

foot-followers do not know where they are about to go. Is there not a contradiction there with trying to satisfy land owners; that you are not going to take people in vulnerable areas, and that you are going to keep them to the edges of field boundaries and bridleways and so forth?

MR SWANN: Thank you, Dr Edwards.

Douglas Batchelor has indicated he would like to speak.

MR BATCHELOR: My experience is primarily in managing farm land and extensively farmed areas; so rather than intensive production, extensive production. In terms of hunting across that land, you can appreciate that, where the land is extensively managed, there is much less risk of accidental collision between the hunt and the livestock which may be on some or all of that land. So, from an animal welfare point of view of the non-quarry species, drag hunting across extensively farmed areas is much less challenging than it would be across intensively farmed areas, whether that is livestock or cropping. When you come also to talking about landholding sizes in areas where the agriculture is extensive, the average size of holding is considerably larger.

So I think we are perhaps oversimplifying here what typical holding sizes are. When you then get down to, "Can you or can you not predict the course of the hunt?", if you are going to hunt across extensive cropping, or extensive land, when we are talking about grazing such as Exmoor you have quite a lot of land to

play with, and you can in fact lay a trail away from roads, railways, across land which farmers would find more acceptable to be ridden across.

In fact, therefore, I believe more land might become available to the hunt than is currently the case when you simply have to accept it on an all or nothing basis.

So I believe that, in a way, when the opportunity for more extensive use of land for diversification can be managed, diversification rather than random diversification, there may well be land owners who do not currently allow hunting who would allow it on that basis.

LORD SOULSBY: We have been talking about drag hunting with respect to fox hunting, as a diversion from fox hunting.

But what about the other quarried species; can drag hunting be applied to them in the same way as you are saying that fox hunting is converted to drag hunting?

MR SWANN: Thank you, Lord Soulsby. Kevin Hill would like to speak on that.

MR HILL: Lord Soulsby, I have been on, what do you call it, a drag hunt, sorry, coursing event in the West Country.

This virtually mimics live hare coursing, except of course at the end of the day there are no dead hares.

Now, basically the mechanics of this are pretty much identical to live hare coursing. You have a coursing field; you have all the people; you have a judge and you have stewards. The only difference is that at the end of the day there is no dead animal.

Basically, what the dogs chase is a plastic bag,

which is wound fairly swiftly across the course; and the dogs will chase that. This also does have welfare benefits for the dogs because they do not go chasing that bag any further than the end of the course; they stop. In other words, they do not go three fields away, running through hedges or fences and getting injured.

It is much fairer, dog owners have told me, because each dog will run the same distance. So, when it goes into the next round, it has run 300 or 400 yards; the same as the dog which is next to it.

With live hare coursing now, you could have a situation where one dog runs three or four fields away, and one field stops. So it is becoming very, very popular.

LORD SOULSBY: What about the red deer?

MR SWANN: Lord Soulsby, I know that the instance I spoke of before, down in the South of England, is trying to mimic the deer hunting type of experience.

I do not know whether that would be specific to red deer, but all I can really do is repeat those comments made at that time; that the chap trying to organise it is quite convinced that what he can put together is a suitable replacement for that type of activity.

But that is the only evidence I have on that particular point. I do not know if any others -- yes, Mike Huskisson would like to say a brief word.

MR HUSKISSON: Yes, Lord Soulsby, it is not actually on deer, but I know that the hunting literature refers to an instance in the past where people have set up drag

hunts with beagles. So they have actually been hunting the humane scent on foot, so that is a mimic, a replacement for the hunting of the hare with packs of beagles.

If I can say something on the matter of the unpredictability of drag hunting, many is the time when I have been out with quarry hunts and the hounds have been put into the wood; the quarry has come out; and they have cursed because it has gone the wrong way. They have said "If only it had gone that way, we would have had a beautiful bit of open country to jump over." But, instead of doing that, the fox has nipped around the back of someone's farm, and it has gone off across the main road where we cannot get near it. There is an unpredictability in that quarry hunting but it is not always welcome. Sometimes, the knowledge you are going to get a good ride over open country, with plenty of good jumps, is not unwelcome.

THE CHAIRMAN: Presumably, with drag coursing -- and again we have not yet seen it, although we are hoping to see it before the Inquiry is over -- this runs in a straight line.

Unless there is something I have missed, I do not quite see how you can mimic the process of the hare turning and the greyhounds actually turning the hare. Presumably, it is more akin to stadium racing, except that it is in a straight line rather than around a track.

MR SWANN: Lord Burns, Kevin will answer that one again.

MR HILL: Yes, your observations are right, Lord Burns.

Basically, the course that I have seen is along a 350 to 400 yards long track. It is on a slight incline. There are some deviations to the path that the actual plastic bag takes. So there is some movement from right to left with the dogs, but, basically, it is the first dog to the end of the track which actually wins.

THE CHAIRMAN: Is there any experience in Germany of this? Have they done anything that is any more sophisticated in terms of drag coursing?

MR SWANN: Sorry, Lord Burns, I do not have any actual information on that type of activity. I know that Douglas Bachelor is itching to say something on the subject of drag hunting, if you will permit that.

MR BATCHELOR: I think it is only to point out that, if you were listening to this debate, you would believe that hunting was the only equine pursuit in the countryside. I think 93 per cent of the horses are not actually engaged in hunting. There are all sorts of, if you like, equine pursuits and trekking, orienteering, anything else you care to name, on horseback in the countryside. I think there is a danger here of losing the focus of what horses are actually used for in the countryside.

THE CHAIRMAN: That, however, I may say, is our terms of reference. If people wish to pursue those other activities, then they are already free to do so. What we are pressing is the question of the substitutes, really, for quarry hunting. I think Professor Marsh has a question. I think we had better move on to the issue of implementation.

PROFESSOR SIR JOHN MARSH: I just wanted to go back to the

point we did not really cover, which was why, in a sense, farmers could allow drag hunting to take place over their land.

If we are told at the moment I believe, perhaps mistakenly, that they get some pest control benefit of it, that that ceases to be the case, it has been suggested that they might be paid to do this. Now, from whom is the money coming to pay them?

MR SWANN: Thank you, Sir John. I think David Coulthred will want to speak brief only on this, but I would like to make just a general point.

In drag hunting, looking at it as a viable alternative, we are trying to prevent you with an overview of the possibilities that exist, not in such a way that it is something that we try to design for our own purposes, but we are looking at the alternatives as to what is possible and what can be done.

Obviously, as drag hunting progresses, in trial and error and with experience, then the sport will evolve into something that probably none of us, sat around here, will have the wisdom to predict exactly in what form that sport will take place, but that it will continue is the point that we probably wish to make stronger than any other.

I think David Coulthred would like to answer your specific point.

MR COULTHREAD: I think one of the points to be made is: it was suggested that with the potential for charging farmers for people to race across their lands, it could have the consequence of increasing the running costs of

the drag hunts as opposed to the fox hunts.

The one point I would make, initially, is that of course the costs of running a drag hunt are rather less than from running fox hunt, simply because there are less hounds involved in the first place. So to an extent, the costs are offset. So, really, a lot of the source for the day's hunt probably comes from the same -- in exactly the same way as it does already today, which is from the CAP, and from the subscription which hunters pay.

The other point I would like to add is that if farmers are likely to derive an income from drag hunts on the land, then of course the potential land available for people to drag hunt across does become that much greater.

One of the things I would point to is an NOP poll that I referred to earlier, where a number of farmers who currently do not allow fox hunting on their land will allow drag hunting on their land. So there are a number of farmers who actually feel that drag hunting is rather more attractive to them than life quarry hunting.

LORD SOULSBY: Just a very quick question. You have given a number of examples where drag hunting does actually take place. This happens for the whole range of reasons, not just because the chase of the foxes is illegal -- North America it is, because they do not want to disperse foxes because of rabies in New England.

But I do not get an idea that there is a lot of drag hunting for deer going on anywhere in the world. If that is so, is that because it is not a popular or

applicable alternative, whereas with foxes it could be an applicable alternative?

MR SWANN: Lord Soulsby, the only evidence I have managed to try and forage up on this one was related to woodland hunting in some parts of Europe, where historically there appears to have been a certain type of forested drag hunt which took place, which I cannot decide whether it is more applicable to deer hunting or whether it is perhaps more applicable to other large quarry. But the circumstances of this was to lay a drag through what was quite dense woodland, and it was a different category of sport altogether. It has evidently died out.

I actually asked one of these organisations with an office in Germany to trawl throughout the country to find any evidence of it still being in existence, but it is not. So all I can go back to is the historical text. That is only the reference I have been able to find of drag hunting regarding stags or deer.

LORD SOULSBY: So it is not really an ultimate that other people have adopted. I am not saying it happens in this country, but elsewhere, it is not applicable?

MR SWANN: Not to my knowledge, Lord Soulsby, although I think it does not detract at all from the argument that it is a possibility, in that the fact it is not done elsewhere does not really take away from the fact that it could perhaps be done.

THE CHAIRMAN: Thank you very much.

Shall we move on to the final issue of implementing a ban, which we have been asked to comment

on. Could I first put the question to seek confirmation from you of what you would see as the scope of a ban, and any possible exceptions to that ban.

MR SWANN: Thank you, Lord Burns.

Rachel Newman and David Thomas will handle legal questions. I think Rachel has indicated she will take this one.

MS NEWMAN: We would like to see a very simple and clear ban that simply bans the intentional hunting of wild mammals with dogs. That would be a very limited scope, it would not have any impact on drag hunting, on shooting, on the dog walker whose dog runs off and accidentally attacks a mammal.

We believe that an outright ban would need consideration of three simple concepts: what is hunting; and then you need to look at the issue of intention; and then, as you rightly say, look at the question of exemptions.

I do not know whether you want me to deal with the issues of hunting and intention.

THE CHAIRMAN: Yes.

MS NEWMAN: Okay. Before I go on, could I simply say those are the three issues that would need to be considered. The other powers that are needed, such as police powers, the important measures, and the powers that are given to the courts are already found throughout animal welfare legislation anyway, and there is no need, probably, to re-invent the wheel on those.

You would only need to turn to look at the Protection of Animals 1911, the Badger's Act 1992 or the

Wild Lamb's (?) Protection Act 1996, which has ample enforcement provisions in it.

Turning to the issue which I raised; which was what is hunting and whether or not that needs to be defined, I think there will be an issue for drafters at the time. There was a definition of hunting in Mike Foster's bill. That came out during the Committee stage, and the Home Office Minister at the time made a statement that the common English language ordinary usage meaning was all that is necessary; people know what is meant by hunt and hunting.

I think there is further evidence of that, in that in order to exempt hunting, the terms "hunt" and "hunting" appear quite regularly through animal welfare legislation. There are no definitions in that. It has not caused, or required detailed case law or lengthy analysis. It seems to be accepted that "hunting" has its normal English usage meaning.

I think it is quite clear that "hunting" means the initial pursuit before the search, before the scent has been picked up; the pursuit of the animal; the attack; and any injury and any kill.

I think it is fairly common ground that that is what it involves, hunting. As I said, we would very much like to see a simple offence of intentional hunting. We raise the issue of intention ourselves because it has been heard. We have seen the arguments and recognised the problem of non-intentional hunting. It is the example that is often cited of the dog walker whose dog runs off and attacks another animal: are they hunting

or not?

If you were to accept our primary (inaudible) of intentional hunting a wild lamb with a dog, they would not be guilty; they have not committed an offence. It is for that reason that we would suggest that the word "intentional hunting" would be incorporated into any legislation.

As for exemptions, again, we recognise that there will need to be exemptions. It is a difficult one for the welfare organisations because it is argued that those that perceive they have a need to continue hunting, which need to make out their own case. It is very difficult for us to make the case for them, but we would recognise there was likely to be exemptions for legitimate pest control, for food for human consumption, for needs of a single dog to track or retrieve animals from above ground; they are the sort of exemptions that we would anticipate somebody making a case of.

THE CHAIRMAN: The issue of intent is clearly a difficult one. In some areas it may be easier than others. I can envisage circumstances of people going out with greyhounds in the evening, and walking over a field where they know there is a reasonable chance that there might be hares. A hare is put up, and the greyhound goes after it.

How do you demonstrate intent in this? I mean, you are into a world of probabilities. If I go and do something where there is a reasonable chance that some event might happen, does that signify intent?

I see it in other issues

I have been engaged in, financial services, et cetera, where demonstrating intent proves to be enormously difficult.

MR SWANN: Before I pass that over to our legal people over there, I will just make the point that similar comparison could be drawn to livestock chasing. If I were to walk out with my dog, and my dog was not under suitable control in a field where there were livestock, and it ran off, chased and did actual damage to sheep, then I would be liable in law because I had not kept my dog under control, knowing that there was a likelihood that it would inflict damage in those circumstances. So I guess there are precedents in other fields in which this could be looked at. I am waffling off my subject. I am going to pass this over to David Thomas.

MR THOMAS: Lord Burns, the issue of intent, as you have touched on, is of course one that is endemic to the whole criminal law. Most criminal offences the prosecution has to prove intent. Of course, in this particular context, that gives protection to the sort of people that you alluded to; people out walking their dogs and so forth.

Unless the prosecution, the Crown Prosecution Service, feels confident that it can establish beyond all reasonable doubt that the person has not only done the thing which is prohibited by the Act but also has the requisite intention, then no prosecution is going to be brought. Indeed, I take it a stage further back, no arrest will take place in the first place.

So we see that as an important protection, as

Rachel has said, very deliberately; any legislation will, it is hoped, make it clear that this is only dealing with intentional hunting. Therefore, if that requisite degree of intent is not there, then simply no prosecution will get off the ground.

The other way of looking at this of course is that there are difficulties of establishing intent in all sorts of areas of the criminal law because, essentially, what one has to do is to get inside the defendant's mind.

But the way that the criminal justice system deals with that is to rely on the good sense of magistrates, or the Crown Court juries, to decide, looking at the evidence as a whole: can we say with the requisite degree of certainty that there is the intent? If not, then there will be no conviction.

THE CHAIRMAN: Could I move on and ask a question about whether you see any case for a phasing in period, if there were to be a ban? It has been suggested that, in many cases, there may be some quite substantial effects upon individuals, upon businesses and indeed upon the dogs themselves.

The issue arises as to whether this would be better achieved by having a process which was phased in, rather than something which came in overnight.

Is this an issue that you have any views on?

Obviously, I qualify all my remarks with if there were to be a ban.

MR SWANN: My legal colleagues indicate to me that they do not wish to comment on this, but I think in general

principle we believe that there is not a substantial need proven for a lead period, given that we expect that most people will carry on riding their horses and most people will find alternative activities.

I think this, with respect, Lord Burns, would be a recommendation coming from your committee if you saw an actual need. I think it would be frivolous of us to make recommendation on topics that we do not yet have the relevant information to hand.

PROFESSOR SIR JOHN MARSH: Can I ask you a question of the actual implementation of the legislation, in the sense that it is something that takes place in areas remote from close supervision by authorities; and it would take place in some instances at least probably without the necessary consent of the local community.

How do you visualise this as representing problems in enforcement, and if you like in the evenness of enforcement across the country as a whole?

MR SWANN: Rachel Newman will answer that, Sir John.

MS NEWMAN: I think it is a very difficult question. Simply because a matter may be hard to enforce does not mean that it should not be bought in as the law. One would hope that, once an activity has been made illegal, it would die out.

One thought does occur to me is that hunts

I think -- because hunting is in the spotlight at the moment -- is quite well-policed as it stands for fear of public order offences. So it may be that this would not cause any additional burden anyway; that is already being policed. But there are a lot of incidents which

the RSPCA is involved in which do require covert surveillance, such as digging for badgers and things that are in rural places, undercover, often in the middle of the night. They are difficult to enforce, but we will find a way of doing it.

PROFESSOR SIR JOHN MARSH: Could I just follow that with a slight supplementary, which is what was in the back of my mind is that there might be, if you like, a transition towards other forms of pursuit of animals other than the official ones, which might actually, in terms of the welfare of the animals, be certainly undesirable.

I am concerned in a sense about the effect of monitoring this, which is a much more diffused activity than, as it were, the organised hunting structures which you see at the moment.

MR SWANN: Thank you, Sir John. I am going to give David Thomas the opportunity to talk on this one as well, but I am reminded of comments that were made to me by one of my family not so long ago; that there is no longer anywhere to hide in the countryside.

David, thank you.

MR THOMAS: Of course, evidence is necessary for any question of enforcement as Rachel said. The mere fact that in some situations enforcement might be difficult is no reason not to legislate. If that were the case, then all sorts of crimes, child abuse and so forth, which take place within the privacy of people's homes, would not be criminalised, and clearly they are. As far as the organised end of hunting with dogs

is concerned, I think it would be necessary to build in any legislation that the power not to be used routinely, but a power to be available to the courts to forfeit dogs, or objects that are used in hunting, where someone is convicted if the court believes that the defendant has been convicted is intent on carrying on the activity, irrespective of the law, or of the fact of the conviction. Of course, the result of that would be that whatever that person may in future wish to do, they will not have the wherewithal to do it.

I accept that does not deal with all the problems because some of the activities in relation to hunting are not organised in the same sense, and are surreptitious. But, as Rachel has said, that goes for all sorts of other animal welfare legislation, and all sorts of other legislation generally. The mere fact that it may be difficult in some cases, not insuperable difficulties but the fact that there may be difficulties, is no reason not to legislate in the way that clearly reflects the whole community.

THE CHAIRMAN: I think one of my concerns about this, and I am simply referring to some of the material I have read, is that some types of what we have been categorising here as hunting with dogs will be much easier to enforce than others.

I mean, it will clearly be easier to enforce a large pack of fox hounds or deer hounds. Terrier work, coursing, people using lurchers at night, or using them when foxes have been bolted, are going to be much more difficult to identify and to track. Is there not a

danger of stopping those activities which and ending up with activity being transferred into areas which are unregulated?

Although that may itself be reason for not legislating, as we know from other areas, this can be a process which does bring the law into disrepute. And it causes a good deal of unhappiness about uneven treatment of different activities.

MR SWANN: Thank you, Lord Burns.

I think these are concerns that most people who deal with animal welfare would have in regard to a vast range of animal-related activities, because there is always the risk of driving things underground. Although experience would show, over the years that, as legislation has come in, I am not aware of any covert vole baiting that goes on, or really to any great extent that activities such as cock fighting, which may just flare up sporadically, but are very quickly recognised and are very quickly dealt with.

I think there are precedents to indicate that previous bans on sporting activities have not resulted in an extensive undercover extent of illegal activity.

I am going to pass this one to Douglas Batchelor, who I think may have some additional comments.

MR BATCHELOR: I think just two comments for the benefit of the Committee. In terms of page 7 of the evidence, we submitted a poll in 1985, showed that only 17 per cent of the residents of Somerset, the area of polling, were actually in favour of hunting and 58 per cent were against. All the other opinion polling dates that we

have shows the majority of people who live in the countryside are against hunting.

There are, in effect, a lot of monitors out there, in addition to our own members, who are very keen to see hunting banned, and who will be watching this very carefully.

We regularly get piles of information about the activities of hunts, both legal and illegal, as do the RSPCA. So I believe, in terms of the enforceability of a ban, where there is a public desire for a ban and public support for a ban, the information will be able to force it into law and order to enable them to carry out that ban.

THE CHAIRMAN: One last question. I cannot in a sense avoid saying that the one group of people who do, however, appear to be substantially in favour of hunting are farmers whose land it is that the activity actually takes place on.

MR BATCHELOR: I think the only comment I would add to that is that the polling data suggests that, while some farmers are in favour, the majority of the people who live in the rural areas are against. Even the majority of farmers on the basis of the survey data appeared to be against hunting.

THE CHAIRMAN: I am not sure that is -- but we must rapidly move on.

DR VICTORIA EDWARDS: I wonder if I might return to -- I think I heard you right in saying that you would favour a clear ban but with some exceptions policy. Which leads me to other suggestions that you have made,

that Britain needs a sensible management plan policy for the whole of mammals. I think it is recognised that we do not have that at the moment.

With relation to, for example, exceptions policy, I wondered if you could just expand very briefly on the detail that might be given to that work; who might be in charge of administering it; what sort of work is involved.

MR SWANN: Thank you, Dr Edwards.

I think David Thomas is going to answer that, but perhaps as a supplementary comment.

MR THOMAS: All I was going to say, Dr Edwards, is that there may be arguments for all sorts of things that need to take place to improve life in the country for people, or for wildlife.

But this particular measure, if it became law, is a limited, self-contained measure. The fact that other things may need to happen in the countryside, which may need to happen in relation to wildlife in particular, is no reason I think to make a necessary link between those two.

In other words, one could have this limited targeted proportion of measure and not do anything else. One could certainly want to do other things, but it is not a necessary consequence of this particular measure which is put by you.

I am not sure if I understood your question properly.

DR VICTORIA EDWARDS: If I could follow up on that, I thought I understood you to mean that in some cases

you would recognise existing quarry species as pests, and that there might be a case in some cases for exceptions in terms of a ban.

I just wondered -- if I am right, and that is what you were suggesting -- then who would make a decision as to what those exceptions should be and when.

MR SWANN: Thank you, Dr Edwards. I think our view on that would be that it would be up to the people who wished to apply for an exemption to make a case based on circumstances, and to show that there was a just need to have a particular type of exemption.

I do not feel that we could possibly predict any and every type of situation that might result in an exemption being asked for. I think in this respect the one thing that we will state quite categorically is that exemptions would not include hunting with dogs, that we would want a total ban on. But exemptions to control certain species at certain times, it would be on the basis of there being a shown need; there would be a need to show a natural requirement that this had to be done.

THE CHAIRMAN: Thank you very much.

I think we had better bring this session to a close. There is just one issue. Douglas Batchelor has indicated to me that he would like to make a statement about the composition of the Committee.

This puts me in a difficult position. It is not an issue for the Committee; it is an issue for the Home Secretary. It is also not a matter for the agenda of this Committee today.

I think I have to say that I would seek to

dissuade him from making a statement, but if he does wish to make a statement I would not be able to include it in the record for this session because we will not have the opportunity to respond. I hope that if there are issues you can do this on another occasion. There is just one issue. Douglas Batchelor has indicated to me that he would like to make a statement about the composition of the committee. This puts me in a difficult position. It is not an issue for the Committee; it is an issue for the Home Secretary. It is also not a matter for the agenda of this Committee today. I think I have to say that I would seek to dissuade him from making a statement I would not be able to include it in the record for this session because we will not have the opportunity to respond. I hope that if there are issues you can do this on another occasion.

MR SWANN: Thank you, Lord Burns.

Can I also say we are pleased you have gone into the issues in the detail you have. We feel we have had an opportunity to present our primary case.

Thank you.

THE CHAIRMAN: Thank you very much.

(Short break).

THE CHAIRMAN: Good afternoon.

We will seek to cover the ground of these three areas relatively briefly, I am afraid, inevitably. I think maybe the best thing is to take them topic by topic. I will ask you to begin by giving us your opening statement on the subject of welfare.

MR JACKSON: Lord Burns, I will do that. Can I just link into the question of implementation at the end.

I am sure you and the members of your committee are not alone in wondering how on earth it can be that two very large groups of people, both professing an intense interest in the welfare of animals, find themselves in an unusually sharp disagreement with one another.

Last Thursday, the other side -- if I may call them that -- said that they accepted that people who hunt are not sadists -- that was good to hear -- and, for its part, the Countryside Alliance accepts that the organisations which came together to form Deadline 2000 are genuine in the concerns they express about hunting in the context of animal welfare.

If one of the outcomes of this Inquiry was the start of a constructive dialogue and the sharing of knowledge, that would be a very good thing -- good for the community as a whole and good for our wild animals. There is clearly disagreement in the difficult area of relative cruelty, the causing of unnecessary suffering. As I said last Thursday, the Inquiry's findings on this will be most important.

But there is probably disagreement also on what constitutes good practice in the management of wildlife. This is also a difficult area, and particularly because that management has to be undertaken in a man-made environment, which is subject to growing pressure from housing, transport and leisure needs.

We started to touch this morning on the difficult problem of how do you control the mink population in the same river system that you are trying to reestablish the otter population.

These are not simple matters. If one were to put two people in a room together, one of whom had spent their life dealing with the welfare of individual animals of all kinds, and the other the welfare or populations of particular kinds of wild animal, and ask them to exchange views on animal management, it is likely that they would collide the closer they came to discussing selective killing/culling.

It is easier to relate to the individual animal, and it is not possible to reconcile the interests of an individual animal to be killed with those of its species taken as a whole.

The Countryside Alliance is strongly in favour of necessary culling, designed to maintain and conserve healthy populations of wild animals at levels which create the balance of wildlife which is right for a particular area.

This culling should be part of a process of active management; and should always be carried out in a manner which avoids unnecessary suffering in comparison with

other techniques which are appropriate to the particular local circumstances and which are available.

Because we, as humans, have interfered with environment in an irreversible way -- and still in relation to animals exercise a dominant role -- we cannot leave wild animals to sort out their population levels for themselves; to do so would result in serious imbalances and probable elimination of certain species from parts of the countryside.

People who hunt, and those who associate with them, know their local wildlife. They know what is happening to that wildlife, and they try to do something about it. They act as conservators and, in relation to unlawful activities, as community policemen.

These activities are at least as valuable to mild animals as a whole as are the wildlife hospitals for individuals. Indeed, some people, particularly those who have reservations about the keeping of wild animals in zoos, also have reservations about some aspects of those hospitals, particularly in respect of the return of animals to the wild, or keeping them after an extensive period of hospitalisation.

This is one of the areas of criticism which could also be covered by the dialogue I have referred to. If the conservation benefits flowing directly and indirectly from hunting were to be lost, the Alliance believes that it would be essential to protect foxes, deer and hares by the introduction of both appropriate legislation and of substantial additional and knowledgeable policing to enforce that legislation.

The Alliance urges the Inquiry to find as a fact that a hunting ban would create the need for such measures. We would all like our children and grandchildren -- in my case great grandchildren, I think, are not that far off -- to live in a society which respects personal freedom, and has access to a countryside which is rich in many ways, particularly in the wildlife that it harbours.

THE CHAIRMAN: Thank you very much.

In terms of much of the discussion and much of the evidence, there has been a focus upon two issues as far as hunting is concerned. One is the welfare of the animal during the chase. The second is the issue of the kill.

In some of the evidence, the chase has been divided into two parts: One is in terms of the early part of the chase; the second is the final stages when the pursuing dogs are close by.

Do you have any comments to make on the welfare of the animal in the three situations that I have described, bearing in mind some of the other evidence you will have seen?

MR JACKSON: Yes. I will ask Simon Hart to start on that, and then perhaps move on to Douglas Wise.

MR HART: Lord Burns, a couple of points here. The evidence we heard earlier on this afternoon addressed solely hunting with dogs. It really failed to address other methods of control in any detail at all.

I would like to refer perhaps a little historically to something contained within the Alliance

overview on page 115, which goes back to the last Inquiry of this nature, namely Scott Hills and the RSPCA's position to hunting and particularly shooting as an alternative method.

I will just quote a short paragraph:

"It is significant that the RSPCA consider that the cruelty involved in shooting foxes is such as to make it an unsatisfactory substitute for hunting, and that they would prefer hunting to which they are naturally opposed on ethical grounds to continue if its abolition were likely to lead to an increase in the amount of shooting."

It concluded:

"Unless great care is taken, shooting may be an extremely cruel method of control. This view is shared by many of the leading animal welfare organisations."

My point is that, in the 50-odd years that have elapsed since then, there have been no major changes that made shooting less cruel or hunting more cruel. In fact, hunting, if anything, has become better regulated during that time.

THE CHAIRMAN: One supplementary. Is it not the case that the technology of shooting has improved considerably over that period?

MR HART: In certain instances, the cartridge load gun quality, if you like, rifle quality, but in fact the actual behaviour of foxes has not altered in any shape or form. The countryside has become considerably more populated since that time, rendering in many cases shooting practices rather more difficult to implement

than would have been the case earlier.

MR JACKSON: Could Douglas Wise pursue some of the welfare questions.

MR WISE: Thank you, Lord Burns.

We heard earlier on this afternoon that those who hunt -- it says something unpleasant about the people who do it. This was the view of the RSPCA, as pronounced by Mr Swan.

So, as one who does not hunt, perhaps I can make a few comments, and say that all the people I associate with socially are mainly involved with shooting. I do not think I know a single one who is not of the view that hunting in relative welfare terms causes what their view is; that is, that it is an extremely welfare-friendly way of culling.

They sometimes do not agree with the hunters because they do not believe they kill enough of what they perceive to be pests but, certainly on the welfare front, I would say that the shooters would not see themselves in the way that they have been described, as crackshots and marksmen.

Anybody who has shot hares with shotguns, as I have, will know that the time from the impact of the cartridge to insensibility is, or can be, prolonged but is not certainly instantaneous. Without the use of dogs to retrieve those hares, and that sort of thing, it would be a lot longer.

We know that stalking, the advice of the British Deer Society is to shoot in the chest because of the high risk of wounding in the neck and certainly in the

head. We know that shooting in the chest does not render an animal instantly insensible, and may take several minutes, as laid out in the Bateson Report. Therefore, I am not at all convinced that the argument about whether it takes foxes 10 seconds or 3 seconds to die when approached by a pack of hounds is something I find slightly out of perspective.

Professor Harris, the other day, suggested that whether foxes were disemboweled or had dislocated necks was to some extent a total irrelevance because it was so instantly quick and this was borne out by the evidence you heard yesterday by Mr Huskisson, who has seen one case. So I think things must be put in perspective in terms of that.

In terms of the chase itself, I think one has to put forward an extremely counter-intuitive argument. There is no question that animals can experience fear, but what is understood by fear in animals is probably very different from the fear that we as humans would experience under similar circumstances because we have the cognitive ability to understand that we may well get killed if we get caught. It is unlikely, I think, that the hunted animal has any reason to suppose this will be the case.

If you shoot an animal, as indeed Bateson did in his experiment, farm deer, in a field, the other deer in the same field will carry on feeding beside the body. They do not understand death in the way we do, or seem to appreciate it.

There will be a welfare cost during hunting, but I

would remind you of the words of Professor Webster, who said:

"The practical application of compassion for animal life, and especially wildlife, must be based on a robust acceptance of the inevitability of suffering and death which is the end of suffering".

Now, as an aside, we have heard a certain amount this morning about loss of hounds. In a sense, if hunting were banned, a lot of hounds would be put down. This legitimately is not a welfare issue at all. Nobody is suggesting that the hounds would be anything other than euthanased, and death is not a welfare issue. It may be a conservation issue. It would be a pity. More than a pity, it would be a tragedy to lose years of hunting genes in the fox hound population, deer hunt population.

The other thing I think I would like to allude to is Mr Jackson's opening statement, where he pointed out the difference between welfarists and conservationists. Professor Bateson himself has conceded that he would be prepared to put up with slightly worse welfare in the interests of good conservation if it came to a choice.

As I understand it, the RSPCA's position, as put by Dr Linley to the Savage Report, was that they would prefer to see every last red deer on Exmoor exterminated than for stag hunting to continue. They were not postulating, they clearly did not want that to happen but they said, if it came to a choice, Dr Linley's view was that hunting is so desperate that it totally

overcomes good conservation.

MR JACKSON: Simon Hart would just like to add something, Lord Burns, I am sorry.

MR HART: Just one additional point, Lord Burns, if I may. It was mentioned in this afternoon's evidence by Deadline 2000 and I quote: "Britain has the most humane farmers in Europe".

If that is the case, their own unions, the NFU, the NFU Wales, the Farmers Union in Wales and the Country Landowners Association have all provided strong endorsements to hunting in their evidence to you. Indeed, the Produce Studies research carried out in January actually referred to something upwards of 95 per cent of farmers agreeing to hunting on their land across the UK.

Game Conservancy's evidence suggested, for example, in Paris that 73 per cent of those farmers questioned preferred hunting with hounds as part of their pest control purpose.

That is the view of the most humane farmers in Europe.

LORD SOULSBY: Can I come back to the question of the final death point of hounds killing a fox. There has been debate on it, as you well know today. It does seem to me that, because no one has had an opportunity to study that right at the very moment, is there any other situation where we can at least get evidence of death being either very painful, animal welfare or not -- and I am talking about other predator situations, when it is known endorphins reach a very high level just at the end

of a hunt when gazelle are attacked by a large cat?

Is that a realistic argument to use that, in fact, in the prey predator situations that might also occur?

MR WISE: Lord Soulsby, thank you for that question. I was going to bring it up myself, but I thought I had gone on rather too long.

I have in front of me an article from a Sunday Telegraph a couple of years ago. It is entitled, "I was eaten by a hyena." It relates to a woman who suffered extremely serious injuries when she went into a cage in a wildlife centre. What she said was:

"The mind, I found, is strange. It shut off during the attack while my body continued to act without thought or even sight. I do not remember him sinking his teeth into my arm, although I heard, the little grating noise as his teeth chewed into the bone. Everything was black and slow and exploding in my stomach. Vision returned gradually, like an ancient black and white television", et cetera, et cetera.

It goes on. Throughout this account, that is two pages, she constantly reiterates that she never experienced any pain whatsoever. Interestingly, she experienced anxiety, but not to the extent of her wound. But her sandals were pulled off during the attack, and she was worrying about mundane everyday things like the fact she would burn her feet on the sand. At the same time she was being destroyed by this hyena, which was an extraordinary thing. She also heard herself screaming, but was quite unaware of having screamed.

Now, it sounds all pretty ghastly to be eaten

alive but, thank God, it probably is not as bad as one believes. There are plenty of cases, I think Deborah Blount has probably something to say about Israeli casualties and that sort of thing.

LORD SOULSBY: If I can just interrupt for the moment, I think, I know what you are talking about in terms of endorphins and men in battle losing a leg and not knowing. We are talking about lower animals, like prey, the fox, rabbit and hare. I think it is accepted that endorphins are much more developed in humans and in primates, than in the lower animals.

So if we can avoid reference to the human being, it might be--

MR JACKSON: If I can just make a remark, Lord Soulsby, I think this is an extremely difficult area, where there is a great shortage of knowledge, and I believe it is extremely difficult to devise reliable experiments where you can find out what actually happens.

The letter I wrote to the Committee remarks on the fact that zoologists, of which I am not one but which I know many, have all assured me that it is highly probable that animals lower down the evolutionary scale from us do not have cognitive precedence.

What we just do not know is what sensations they actually experience in the course of an attack, or in the course of physiological change which takes place during a pursuit.

You might just like to hear something from Deborah.

MS BLOUNT: Perhaps I would like to just comment, briefly,

that if preyed species had not evolved a physiological mechanism to cope with a predator/prey relationship, and that is specifically the flight or fight response, they would most likely be extinct by now.

LORD SOULSBY: I am not sure where we are, Chairman. Are we on animal welfare?

THE CHAIRMAN: Yes, we are.

LORD SOULSBY: You have heard me say before that nature is red in tooth and claw, and that hunting in fact mimics natural predation, and what it might be, that it modifies that natural predation in terms of culling.

How would you respond to that?

MR JACKSON: I will ask Douglas Wise to help us again.

MR WISE: It seems extremely likely that in the past, Lord Soulsby, fox numbers were controlled by higher predators. That does certainly seem to be the case elsewhere in the world, where higher predators have not been eliminated.

As far as deer are concerned, the equivalent animal would be the wolf. Certainly Professor Bateson has suggested that wolves only catch deer in short chases and ambushes, like one would expect from a big cat. One does not quite know why wolves never evolved into big cats, as is the case, but it is likely, from evidence you will have seen from Professor Guyson, that the supposition that wolves invariably hunt without extended chases is not a valid suggestion.

In fact hunting is a bit like stag hunting, a bit like the hare and the tortoise; a series of chases until the animal reaches volitional exhaustion, which is

reached quickly, exponentially and is subsequently followed by a fairly quick death, which is, in my view, something which is more welfare-friendly than stalking overall, if you take into account the albeit small numbers of animals that escape wounded. There are a lot of other animals of course who suffer during shooting but do not get away.

PROFESSOR MICHAEL WINTER: Do you consider that, because there may have been predation of that nature in the past, it is necessarily our duty to somehow replicate that when there are other methods available? MR WISE: The general animal welfare point of view would be that one culls in order to minimise suffering. It is my contention that, by hunting, one is doing precisely that.

THE CHAIRMAN: I think we probably should move on. Let us move on to drag hunting, because we are going to have a seminar on the question of welfare. We are about to receive another report on this subject. We will have plenty of time to get ourselves fully engrossed in that topic.

I think it may be sensible to move on unless --

MR JACKSON: Could I just make one comment in relation to the last question. I think that, when one is dealing with the problem of the right way of managing an environment which has been entirely man-made and seriously interfered with by man, one gets into difficulties if one starts to discuss what duties man has then in relation to the wild animals in that environment.

THE CHAIRMAN: Thank you very much.

Do you have any opening comments which you want to make on the subject of drag hunting?

MR JACKSON: One or two, Lord Burns, very few.

The Countryside Alliance recognises drag hunting as a perfectly legitimate, respectable countryside pastime. It does not regard it as a substitute for quarry hunting. To be frank, it is slightly uneasy about this argument because it smacks a little bit of people saying, "Well, it may not be quite right to stop quarry hunting, but it does not matter too much because we forecast with great confidence that there are other things you will find to do."

Coming from the side of the argument which is very strongly in favour of personal freedom, you can understand why we are uneasy. There are one or two of us in this room -- there are references to what happened in Germany in the 1930s -- who suffered because of the view that was taken in Germany in that period on these personal freedom questions. Personal freedom, we think, is very, very important in this whole issue.

THE CHAIRMAN: We are looking at this from the point of view of trying to see what the consequences of a ban might be, and what the alternatives are.

I can see this is a difficult issue for you because you do not quite want to concede the possibility that this might occur. Therefore, it takes us into a hypothetical world. I was always taught when working with ministers never to answer hypothetical questions; they only ever got you into trouble.

But it has been put to us that it is difficult in a sense to imagine what would happen in the case where there is a ban, because if there was a ban all sorts of things would change. You, therefore, could not compare the kind of drag hunting that you see now with the drag hunting that would follow if there were to be a ban. At the moment, they are inevitably complementary activities. There is no real case for them being substitutes. It is not surprising that, if people, for one reason or enough, do not do quarry hunting, they want to do a type of drag hunting which is different. But it is said to us that in situations where there is no quarry hunting, then it is possible to imagine, to conceive and to implement a type of drag hunting which gets nearer to the typical kind of quarry hunting. Now, without putting you in the position of pressing you on something which you do not want to imagine. We would like to hear some more of your response about the experiences in other countries and other situations, where they have not been complements but they have been substitutes, either because of rabies or whatever.

MR JACKSON: Of course, we will try and help you. We have somebody who actually has some direct knowledge of this area, and that is Michael Poland. I will ask him to say a bit about it.

MR POLAND: Lord Burns, we have been told about competitive drag hunting. We have been told about televised drag hunting. In this session, we are now told about a modified form of drag hunting.

It is impossible for us to comment in any detail on those aspects because nobody has elaborated on them. I make those points. How can we mimic, as closely as possible, live quarry hunting? I do not think you can ever mimic what is in the mind of a fox; and this is part of the charms of hunting.

A number of drag hounds, in fact, have tried various alternatives. If you remember the Master of Drag Hounds Association's submission, and I quote from them, they are concerned about "the inability to convert and to attract new riders from different disciplines has been a matter of concern."

They have tried different methods. You have the fast-jumping packs, and I believe you have experience of that, you have the hunt over difficult and demanding terrain -- and I wish I could pronounce the Welsh -- where they do just that. Then with the Cranwell blood hounds, they attempt to give especially long distances over which one goes. So the existing packs, you already have a wide variety, and yet they are still struggling for support.

Now, the Trent Valley drag hounds, which are now disbanded, attempted to mimic fox hunting by drawing the drag up a rocky incline, et cetera, and the people standing and watching just were not interested. In the English mind, they were not interested. The Cheshire Farmers, which is one of the major packs, started off trying to mimic fox hunting, and they found that was not working. So they are now hunting the traditional drag hunting in the traditional way.

No matter how this sport is practised, there are going to be heavy demands on the horse. The horses particularly need to be fit. They have to be regularly exercised and very capable, and that is from the Master of Drag Hounds Association

Over the weekend, I rang up a gentleman from Belgium/Holland -- he hunts in Holland but he is from Belgium. I asked him about his pack of blood hounds, and he advised me that they hunt -- he tries to imitate the line of a Roe deer. They would have a hunt of about 25 kilometres, which would take 3 hours.

Now that, even that, places a lot of demands on the quality of the horse. There is no jumping. But in response to my question, what sort of fields you get out of it, he said 10. So, there, you have a continental example where they are trying to do this, and it is actually not proving very popular.

MR JACKSON: Would you like to hear something on drag coursing, because Deborah Blount would like to say something about that.

MS BLOUNT: Thank you, Lord Burns.

Could I refer you to a letter written by the National Lurcher and Racing Club about what is actually called simulated coursing as opposed to drag coursing. I would like to read the letter out, if I may.

"Dear Lord Burns, why simulated coursing is not a substitute for lurcher coursing.

"Having read paragraphs 3.13 to 3.15 of our IFAW's submissions to the Inquiry, I wish to explain why, in the opinion of the National Lurcher and Racing

Club, simulated coursing (or lure racing), which is incorrectly referred to as 'drag coursing' by IFAW is not a substitute for lurcher coursing or any other lurcher work.

"The National Lurcher and Racing Club was the first major lurcher club to introduce what we call 'simulated coursing' and what IFAW refer to as 'drag coursing'.

"It was done for three main reasons:

"as a way of raising funds for the club by the way of additional entertainment;

"to help educate and socialise young dogs and keep dogs fit during the summer;

"and as a way to try and show the public what is involved in coursing and how it is scored.

"IFAW state that switching to drag coursing would not be difficult. This is not correct. Although lurcher simulated coursing can be fun, it will never be able to replace the real thing.

"Many lurchers are totally unsuited to simulated coursing, refusing to chase a false quarry, others become 'lure crazy' being worked into a frenzy as courses are often short, and the adrenaline rush experienced by the dog reaches no natural conclusion.

"Some simulated coursing lure machines have problems coping in wet conditions. Another problem occurs when some dogs try to retrieve the false hare back to their owners. They can be badly hurt by becoming entangled in the line as a consequence.

"IFAW state that 'apart from the absence of live

quarry, this humane sport is virtually identical to hare coursing.' This is not correct.

"Simulated coursing is a pre-destined course and many dogs will head straight for where they can hear the machine. Coursing is to test the ability of two dogs by the way they turn the hare. In simulated coursing, the dogs do not turn the 'false hare', the 'false hare' turns the dogs on its pre-destined course. A good lure driver can drive the lure to failure his/her selected dog should he/she wish to do so. In coursing it is all natural and the outcome depends purely on the ability of the dogs involved.

"The National Lurcher and Racing Club view simulated coursing as a fun and entertaining way to enjoy their dogs during the summer. Demonstrations of such at County Fairs enable us to show the public some of what owning a lurcher is about, but we are foremost Fieldsports enthusiasts who enjoy hunting with dogs and simulated coursing is just what it says it is, simulated, and it will never be a substitute for hare coursing."

That is from the National Lurcher and Racing Club.

I would perhaps, also, like to add that it was mentioned this morning that the welfare benefits in respect of simulated coursing are greater for the dogs because the chase is shorter.

It is quite apparent from simulated coursing that there are welfare benefits against dogs due to frustration and, because of this, the dogs actually are always run using muzzles and fights break out. It is

quite common. I think my colleague Charles Blanning would like to say a few words.

MR BLANNING: I would simply like to add that specific to greyhounds, in fact, Mr Kevin Hill this morning graphically described to us how, with a so-called drag coursing meeting, it comes nowhere near, in fact limiting actual coursing itself. Greyhounds are too big and too fast to even take part in the simulated coursing which Mrs Blount has just described.

Thus, at the so-called drag coursing meeting which Mr Hill attended, the actual course in fact was dead straight. At no time do they attempt even to imitate the path of the hare, which is the essential part of real natural coursing.

Added to that, however, because of course such a meeting is simply no more than a form of greyhound racing, a significant number of greyhounds refuse to chase an artificial lure. All greyhounds will chase a live hare; only a certain proportion of them will chase the artificial hare, either at all or with any enthusiasm.

So if such a so-called drag coursing, or lure racing, as probably it should be described, was substituted, a significant proportion of the dogs could not be involved in that sport because they would simply have nothing to do with it.

PROFESSOR SIR JOHN MARSH: I really wanted to pick up the question of the provision of facilities for drag hunting. It has been suggested to us that farmers would be less willing in general to provide facilities.

I asked you this morning why should they give facilities at all. Could you just take that argument further and explain what would be the response to the invitation to allow the drag through and whether you think that some form of payment would represent a means by which they might be induced to do so?

MR JACKSON: I will ask Michael Poland, if I could just re-emphasise, the Alliance is not opposed to drag hunting or drag coursing in any way. It is the substitution problem which bothers it. There are associations formed to advance the cause of drag hunts and I think we are running a seminar on the point and they will be able to deal much more directly and, in a way, perhaps even more objectively than we can. But I will ask Michael, Michael can you try and help on this

MR POLAND: I will try, Mr Chairman. In a study carried out by the Centre of Rural Studies in the West Country for West Somerset and Exmoor, farmers were asked about their attitude to drag hunting and the first question 74 per cent said no they would not allow drag hunting on their land.

They were then asked a supplementary what if hunting was banned and that negative response dropped to 64 per cent. Now you do have a problem, even if a farmer is willing to have drag hounds on the land; for a day you have got to have 3 lines of 3 miles each, so 9 miles in all.

So that presupposes 2 things: one is that for a line you can get 3 miles together and secondly for a day you can get 3 lines together within easy hacking

distance from each other. That causes major problems and if my mathematics is right -- and it is quite possibly wrong -- I estimated that every drag hunt would need to have 121 miles of line in order to operate.

Now you raised a question of payment and it is interesting that the New Forest drag hounds have advertised in their local papers in the last fortnight offering to pay farmers for the drag hunting rights over their land.

The question is how much would a farmer want?

I have given this a lot of thought and looked at point-to-point rentals, I have looked at rentals charged for organising events on a farm on a day and I have looked at shooting rentals and I have discussed it with other people.

The nearest conclusion I came to is if you are going to have drag hunting rights over, shall we say 1500 acres, which is probably for a good day's drag hunting, you are going to have to pay -- if it is one land owner or two land owners -- possibly in the region of £1,000 and if you are going to have a number of land owners then that amount is going to go up.

THE CHAIRMAN: One of the difficulties we have on this of course is that many of the people who are currently engaged in drag hunting are also engaged in quarry hunting and nobody at this stage wishes to contemplate the possibility of a ban. I think from one perspective that makes it actually quite difficult to interpret from what it is that happens at the moment what would happen in the event of a ban. But is your view that basically

the bulk of people who are currently engaged in quarry hunting would give up their activity rather than to go in for this other form of activity? They would give up their horses or give up their greyhounds rather than participate in the simulated versions?

MR JACKSON: Lord Burns, it is extremely difficult and dangerous to forecast how human beings are going to behave in circumstances which they really do not want to contemplate. I have asked many people who hunt this question, and they have said, "No, we certainly would not." Whether that is true, I honestly do not know. I also talked to hunt farmers, who at the moment do not allow live quarry hunting on their land. I said, "Would you allow drag hunting and they have said, "Perhaps". I talked to farmers who do allow live quarry hunting and said, "Would you allow drag hunting?" And they said, "Not on your life." It is very, very difficult and dangerous to forecast.

I, personally, am a bit surprised by the confidence with which other people are forecasting how these human beings, who under these circumstances would have had taken away from them something which they probably think should not have been taken away from them, will behave.

So I say we are absolutely not afraid of the truth. We really do urge you to pursue these questions with those organisations which are set up to try and promote drag hunting. They will give you a point of view.

LORD SOULSBY: If I could just go on a little about drag

hunting, obviously mainly as an alternative to fox hunting. We have heard, you have heard earlier today, that in several countries drag hunting takes place for a whole variety of reasons. We have also heard that it applies to hares, not terribly successfully, but is it not applicable to deer in the first place.

There are a number of places where drag hunting for stags is very small, and which would tell me that it is not an appropriate thing to do, but, having said that, could there be improvements in the drag hunting that would become acceptable to fox hunters and to deer hunters that may be more exciting, may be more pleasurable and attract people that it does not attract at present?

MR JACKSON: Let us ask a deer hunter, let us ask a foxhunter, and I am sure they will give you the most honest answer that they think they can. Tom.

MR YANDLE: Thank you. There are only three packs of stag hounds. I have not asked a member of each pack, but I can assure you they would not want to go because the essence of stag hunting is watching deer.

MR JACKSON: Simon, a foxhunter.

MR HART: A couple of points which I want to use this opportunity to make. Even if there was an attempt by people who found themselves deprived of fox hunting, the drag hunting alternative is practically impossible in parts of Wales that we visited, parts of the fells, largely for beagles and certainly for mink hunters. It also does not deal with the facts in various hunting countries we visited. Beagles were sharing the

same territory as the fox hounds, may be sharing the same territory as the stag hounds. With the best will in the world, there would be perhaps only a facility for one drag hunt, but I want to pick up on one thing that Michael Poland did not mention in his few comments about the amount of ground that is necessary. We talked about 121/130 miles per ground. The going is of extreme importance. You actually need to find 2 to 3 miles of going, which is of a safe and sensible nature, i.e. Largely grass, and to find lines which are of that terrain is a difficult thing.

You can find tracks of country, but you are going to find crops. You are going to find plough and other obstacles. The difficulty we experienced on the field to Surrey, which was explained to us, is actually trying to find 3 miles of grass in Surrey is impossible, and more than 3 times in a month, and certainly takes at least the area governed by the three packs of fox hunters in the country operated in that area.

MR JACKSON: I know it is purely anecdotal, Lord Burns, but I did put this question to a 9-year old granddaughter of mine at the weekend and sometimes children can tell you a lot of truth. She said two things:

"Well, Grandad, it would depend who did it with me, and it would depend who was watching."

In this whole argument, people have forgotten the great deal of pleasure that footfollowers get out of hunting as it is practised in the country at the moment. I understood exactly what that little girl was saying.

THE CHAIRMAN: I think we probably should leave this topic

for now, and I agree with the huge difficulty of trying to think oneself into a situation that one does not want to see.

If someone asked me whether I wished to play golf on winter greens all the year round, I would be pretty upset about it. If it was the only thing that was on offer, you know, the situation must be different. But maybe I would give up the game -- these are the imponderables -- and save myself an awful lot of frustration in the process!

Could we move on to the question of implementing a ban. Can I ask you if there are introductory statements you wish to make?

MR JACKSON: I will just briefly introduce Richard Lissack who has come to help us more particularly on this. He has asked me to emphasise that he is doing this in an entirely independent capacity, which does not mean that he does not support hunting -- he does -- but he has been considering this problem as a lawyer for some time, and also that he wishes to introduce into the discussion the European dimension which he thinks is very important.

MR LISSACK: Lord Burns, thank you very much indeed for letting me take a few minutes of your time. May I say three things at the outset which I hope will be of some help, and underline, as has just been said, that these are views that are objective and professional and are not clouded by the support that I have for hunting. I have been considering these issues, formally asked to some years ago for the first time and have done

so on and off since. First of all, I firmly believe that it is not possible to frame a viable piece of legislation, which is both compatible with the European convention on human rights and/or practically enforceable.

Secondly, what it is that is sought to be prohibited is difficult to define. The difficulty in definition often leads to a difficulty in enforcement; that is the experience of the law.

Thirdly, the resources which are needed to police the proposed and any other subordinate or consequential legislation aimed at mammal management, or other such issues that you have already heard evidence upon, will be considerable.

The third introductory matter I would make plain is this. Contrary to what was said this morning by David Thomas, any of the previous bills that have been drafted to ban hunting have not been limited, have not been self-contained when properly analysed. That is a problem with trying to draft a bill to perform that which others urge you to enable.

That said, I will answer your questions insofar as I can.

THE CHAIRMAN: Thank you very much. I would like you to spell out in more detail why you think that it is not possible to frame this legislation that is ECHR compatible.

MR LISSACK: First of all, I should say this; it is impossible to overstate the change that will be wrought in civil liberties in this country by the introduction

into English Domestic Law of the European Convention on Human Rights when it comes into force in October of this year, pursuant to the Human Rights Act 1998. It is impossible to overstate the changes that will be brought about. That is the first point.

The second point is this: Under the Convention humans have rights but animals do not. Control of cruelty to animals, or the causing of unnecessary suffering, is only a legitimate state objective if, and insofar as, it damages human society. So if it is proved that it brutalises human society, then it may be triggered as a basis for the introduction of legislation, but otherwise it is not.

It follows from that, thirdly, that the only proposal to ban the hunting with hounds is incompatible with at least four and possibly six articles. It is my view -- and not my view alone by any means -- that there is a very strong case for arguing that any of the previously promulgated bills to ban hunting with hounds, and any of the proposals presented to you in submissions by either the RSPCA, IFAW or anybody else, infringe Article 1, as to the peaceful enjoyment of property; Article 8, respect for private life; Article 11, freedom of peaceful assembly; Article 11, again, freedom of association with others; and potentially Article 5, rights to trial by jury if there is some presumed general presumption of cruelty; and Article 14 if there is thought to be some discriminatory aspect to any legislation which cannot be reasoned or justified. Now that may be enough, you will tell me. I can go

on, inevitably, but perhaps it will be more helpful if I was simply to pass over the minutiae which you may wish to have further help on in another way, to say what happens where the infringement has taken place, and how a Government justifies doing so.

Would that be helpful, equally, in the short-term?

THE CHAIRMAN: Yes.

MR LISSACK: Once an interference is established, the state must justify it. As you would expect, there are circumstances in which they can justify doing something which is a prima facie interference with an otherwise inalienable guaranteed right.

But the fences that the state must clear are very tall and stiff in order to take away an otherwise guaranteed inalienable right. There are terms of art that are peculiar to the European Convention which come into play. I suspect in the time, and in this forum, no more than a listing of them will be possible or desirable: Where does the general interest lie? Has a fair balance been struck? A balance between the interests of those affected and the interests of those that it is sought to serve? What is the legitimate objective that is sought to be satisfied by the legislation? Above all, and finally, is the interference necessary? Meaning is it needed, not does somebody want it. Is it needed, and is it proportionate, which is perhaps the only one of those 8 or 10 English words that bears its ordinary meaning in this context.

In other words, is the consequence proportionate with the end result? Is there a strong and pressing

social need, the words that have been used to interpret that, for the interference. That, in turn, would require proof to a very high standard indeed of the causing of unnecessary suffering, which now steps outside any territory that may be mine and brings the argument back again full circle.

PROFESSOR SIR JOHN MARSH: I am really grateful for that because, obviously, we have a lot to take on board. Could I just go back to the question of enforcement. Now, it was said to us earlier today that enforcement problems, in effect, would be relatively small because people could rely on those who were concerned about hunting to report any cases of breach. Now, do you see this as an effective means of making an enforcement actually work?

MR LISSACK: No, I certainly do not. There are six points on enforcement, if I may. The first is this; it must be recognised that what is proposed in every draft bill has been to send people to prison for up to six months for partaking in the proposed banned activity. No bill has ever been proposed that I have seen which has ever sought to impose less than that as a maximum penalty. Therefore, one is talking about serious stuff, if I may say so. Therefore, one must be very cautious about how this is going to be enforced and policed with a small p. Secondly, bad law has a tendency to bring opprobrium on the head of the law makers, and those luckless people in the front line who have to apply it. Particularly, where the law sets law officers against an otherwise law-abiding section of a small community.

The thought that one could have neighbour spying on neighbour, or hunt opponent following a drag hunt in the hope of finding another neighbour doing something else, is a very strange notion of policing as a way to make enforceable an otherwise unenforceable act.

Thirdly -- as you, Sir John, pointed out in your questioning this morning -- by definition, this is a rural pursuit, carried out on private land, and nearly always out of sight, not because of secrecy or a desire for secrecy, because it is inherent in the subject matter.

How on earth is the activity actually going to be practically policed? You posed that question more eloquently than that, but you posed that question to Rachel Newman. The answer was that it is a very difficult question, and so it is. That is the best answer that you can get. There is no better answer because it is an extremely difficult and problematical area that you highlighted.

Fourthly, it should be understood that, in every previous bill -- I think I have looked at all of them -- it has been proposed to create an arrestable offence, however defined. An arrestable offence -- meaning an offence that will be made out if a constable has a reasonable grounds to suspect it has been committed -- carries with it the individual constable's extensive powers to stop and search, detain and seize anything which, in his judgment exercised at the time, might have been used in connection with the offence; horses, lorries, clothes.

There was a proposal from the RSPCA that it should be permissible to take clothing away for analysis of mud splattering to see whether it is coincidental in make-up with an area where they suspect a hunt has taken place. These are very invasive and Draconian powers, which it is sought to impose for an offence which you can go to prison for six months, when it is so hard to explore.

Fifthly, swingeing powers of forfeiture. That word was uttered this afternoon earlier on in the evidence, and with no compensation, which casts a backlight on part of the European aspect of this, no compensation for criminalising, as it were, "overnight" a previous lawful activity, and for all the consequences for those affected.

Sixth, and last -- and here again an echo of the point that you raised this morning, Sir John, and forcibly -- it is inevitable on one view that a ban on legitimate hunting will lead to a consequential increase in illegitimate hunting, with all of the problems of enforcing and policing that that contains. MR JACKSON: Could I just add a word, Lord Burns, on this. Contrary to what is actually explicitly in the submission by IFAW, neither I nor any person connected with the Alliance would ever encourage or instruct anybody to break the law.

But that does not alter the fact that we are extremely uneasy about this, because we know what is likely to happen if people feel that a law has been imposed upon them for reasons which they personally

regard as unjust.

LORD SOULSBY: Thank you, Chairman.

What you describe, Mr Lissack, could be described as between a rock and a hard place, I suppose, but, as someone who has carried these three pieces of legislation through the House of Lords, there is always this conflict on each side. It is by negotiation that you eventually get an adequate piece of legislation which may take more than months or even years.

We heard, in fact, from the other side this morning; that they agreed to what they said was a lead period. I want to put to you the fact that legislation is better reached when it is by voluntary agreement than when it is by enforced legislation; and I am sure you would agree with that.

Would it be reasonable in terms of legislation to allow a fairly extended lead period; so that each side could come together more adequately, and agree on a whole variety of things that have been discussed over the last two days; and so that legislation could be framed that not only did not require Draconian policing and so on but would be, by agreement, reached over a period of months or even one or two years?

MR JACKSON: Perhaps before Richard Lissack answers that, I could remark that sometimes it happens that society is faced with problems which are best dealt with by legislation, particularly to criminal legislation, as the last resort. It may be that your question is somewhere in that range.

MR LISSACK: It is very interesting. One would like to think

that everything could be resolved in the end by informed debate on both sides, finding a middle ground where from the beginning of the argument perhaps no-one thought such a finding was possible.

Of course, someone has to set the parameters. Here there is between the two sides -- I put it in that way -- one essential, presently unbridgeable, divide: On the one side the belief that hunting should be stopped, and on the other side the belief that hunting should continue.

There must, by definition, be some middle ground, but whether that can ever be found through legislation is something that I am not even remotely qualified to speak to.

DR VICTORIA EDWARDS: If I might follow up on that, and link it to your opening statement. In your opening statement, you said that one of the good things that might come from this Inquiry is the chance to open up dialogue, if you like, to put it between both sides of the debate.

It is a bit of a hypothetical question; if such dialogue were capable of being opened up, what sort of matters would you like to address? I would like to explore where there is room for improvement, particularly in terms of animal welfare but any other issues as well in the hunting world.

MR JACKSON: Perhaps I could take the lead on this. It may not have been very poetic but there was a lot of sense in what Winston Churchill said, "Jaw jaw is always better than war war."

We think that underlying this problem are not only

the questions which we referred to, relative suffering, but there is this question of what actually constitutes good wildlife management. Somebody said earlier today -- and I think it indeed may have been you -- that one of the problems we have in this country of ours, which is quite heavily populated, patently down at the south, is that we have nothing approaching a nationally agreed programme for wildlife management in the context of a healthy environment.

We believe -- and I personally believe very strongly -- that there is a great deal to be said for trying to get that particular problem addressed. It is something on which governments could take the initiative. Although people may not agree, you get a much better and healthier exposure of the problems that come up in this context.

We, for our part, would very, very much welcome the setting on foot of a discussion of that kind. We do not pretend that these are easy problems: They are not, particularly in those parts of the country where the urban areas, what we call the suburbs, are expanding. But expansion is creating enormous problems in the context of wildlife management. More or less any method you care to choose of managing your wildlife population under those circumstances is fraught with difficulty.

I really meant it when I said in my opening address that I would like to see -- and I think it has not happened so far -- a genuine open discussion between the two sides who have been giving evidence to you over these two days trying to discuss these problems. I

believe there is a lot more common ground than many people believe.

If I can make a slightly irreverent remark, I would like the politicians to stop playing Parliamentary tag -- what a spectacle it was on Friday -- and just keep out of it whilst people try and find this common ground.

DR VICTORIA EDWARDS: I wonder if I might push you a bit on the improved practice to the operational side, and whether you think there is any, if you like to call it, slack that might be taken up in terms of improvement to the practice for animal welfare.

MR JACKSON: As you know, I have never hunted in my life; I never will. I am not opposed to hunting. It is just not something I prefer to go on. I prefer doing things with plants at the moment.

If I talk to my hunting friends they say, "Yes, there are areas where practice probably could be tightened up", and we are perfectly willing to discuss it.

There was something which came up on Thursday which I thought was particularly interesting, where it seemed to me that it had plainly occurred to the Committee that when a fox had been run to earth the hunt went off and terrier men were left behind to deal with the situation.

I can well understand that that raises in people's minds the question: Who supervises the terrier men? It may not be a sufficient answer to say they are licensed, and they are very good at their job. That is the sort of

area, personally, where I think it would be excellent if there were some discussion.

Does that help?

THE CHAIRMAN: It does very much, and I am very grateful for that. In many ways we would like to think we, in this Committee, could have been the forum for much of this discussion. I hope that we have devised a process so that we will be able to take some of these issues forward and may be some progress can be made.

I fear that the amount of time that we have at our disposal limits how far that can go. But you have an issue in which there are some very big differences of view, and some sensitivities.

What we are trying to do is to explore some of these more practical issues, and see to what extent we can bridge the gap.

I think we are going to have to bring it to a conclusion. I would just like to put one final question to you. If there were to be a ban, would you see any merit in this being phased in over a period of time, or, if it was to happen, would you rather that it were to be over quickly?

MR JACKSON: That is a jolly difficult question.

Richard, do you want to say anything?

MR LISSACK: I fear nothing very enlightened.

I am surprised by the attitude taken to the same question earlier on today. There is no need proven for a timing, or phase-in; it must be self evident that there is a need, if the ban is going to follow, in order to cater for the fall-out, however great it is; for those

involved it will be cataclysmic. So one would have thought that there is obviously a need. Beyond that, I do not think there is anything I can say, apart from the blindingly obvious, I am sorry.

THE CHAIRMAN: Thank you.

MR JACKSON: Lord Burns, may I say from our side that we are absolutely delighted with the way in which your Committee is going about its task. We know it is difficult. We are very appreciative of the extremely open and fair way in which you are doing it. We have just the kind of Inquiry which we pressed so very hard for.

THE CHAIRMAN: Thank you very much. Thank you both to yourselves and to Deadline 2000. I think we have been able to conduct these discussions in a friendly and civilised fashion. I think we have been able to touch on a number of important issues. We have been able to get the views from both sides.

I think in some cases there are some quite big differences. In some cases, I think they are not that big. But this is only one step in the process. We have spent quite a lot of time trying to design the process in order to tease out, if possible, as much agreement from you as is possible.

The next phase is the seminars. But I am very grateful for your participation, and I am very grateful for the participation of Deadline 2000, and the very co-operative way in which all of these sessions have been conducted.

Thank you very much.

(The hearing adjourned)