



Protection of Wild Mammals (Scotland) Act 2002

2002 asp 6

10 Meaning of expressions

(1) In this Act—

“to hunt” includes to search for or course;

“occupier” includes any person who has control of land;

an “orphaned” fox means a fox, the mother of which is dead, which is too young to survive on its own;

“owner” (of land) does not include a creditor in a heritable security who is not in possession of the security subjects;

“pest species” means foxes, hares, mink, stoats and weasels;

“wild mammal”—

(a) includes a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild;

(b) does not include a rabbit;

(c) does not include a rodent;

and references to hunting with, or the use of, “a dog” are to be interpreted as also applying to hunting with, or (as the case may be) the use of, two or more dogs.

(2) The Scottish Ministers may, by order made by statutory instrument, modify the definition of “pest species” in subsection (1) so as to add to, or remove from, the species which that definition comprehends such species as they think fit.

(3) A statutory instrument containing an order under subsection (2) above is subject to annulment in pursuance of a resolution of the Scottish Parliament.

(4) For the purposes of this Act, a dog is “under control” if—

(a) the person responsible for the dog is able to direct the dog’s activity by physical contact or verbal or audible command; or

(b) the dog is carrying out a series of actions appropriate to the activity undertaken, having been trained to do so.