



Protection of Wild Mammals (Scotland) Act 2002

2002 asp 6

5 **Exception: retrieval and location**

- (1) A person does not commit an offence under section 1(1) by using a dog under control in order to—
 - (a) retrieve a hare which has been shot;
 - (b) locate a wild mammal which has escaped, or been released, from captivity (but only if that person acts to ensure that the mammal is captured or shot once it is located); or
 - (c) retrieve or locate a wild mammal which that person reasonably believes is seriously injured or orphaned (but only if that person acts to ensure that the mammal, once located, is captured, treated or killed as humanely as possible in order to relieve its suffering).
- (2) Subsection (1)(b) does not apply if the mammal—
 - (a) is a fox or hare;
 - (b) is a deer, boar or mink, unless it has escaped from a farm or zoo; or
 - (c) has been raised or released for the purpose of being hunted.
- (3) A person who is an occupier of land (or is acting with the occupier's permission) does not commit an offence under section 1(1) by using a dog under control below ground on that land in order to locate a fox which that person reasonably believes is orphaned, but only if that person takes reasonable steps to ensure that the fox, once located, is despatched by a single dog or otherwise killed as humanely as possible.