



# Hunting with Dogs (Scotland) Act 2023

## 2023 asp 1

### PART 4

#### GENERAL PROVISIONS

#### 26 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.
- (2) Regulations under this section may—
  - (a) make different provision for different purposes,
  - (b) modify any enactment (including this Act).
- (3) Regulations under this section—
  - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of this or any other Act,
  - (b) otherwise, are subject to the negative procedure.

#### Commencement Information

**II** S. 26 in force at 8.3.2023, see [s. 31\(1\)](#)

#### 27 Interpretation

In this Act—

“animal” means a vertebrate (other than a human) or an invertebrate,

“carcase” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion of such a thing,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

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“cover” means a place above ground in which a wild mammal may be concealed from sight, but does not include an enclosed place from which a wild mammal could not be flushed,

“deprivation order” has the meaning given by [section 21\(1\)](#),

“disqualification order” has the meaning given by [section 22\(1\)](#),

“hunting” is to be construed in accordance with [section 1\(3\)](#),

“livestock” means cattle, sheep, goats, swine, horses, camelids, ratites, farmed deer, enclosed game birds or poultry, and for the purposes of this definition—

(a) “cattle” means bulls, cows, oxen, buffalo, heifers or calves,

(b) “horses” includes donkeys and mules,

(c) “farmed deer” means deer of any species which are on agricultural land enclosed by a deer-proof barrier and kept by way of business for the primary purpose of meat production,

(d) “enclosed game birds” means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan that are being kept enclosed prior to their release for sporting purposes,

(e) “poultry” means domestic fowls, turkeys, geese or ducks,

“premises” has the meaning given by [paragraph 1](#) of the schedule,

“relevant authority” has the meaning given by [section 4\(6\)](#),

“responsible for”, in relation to a dog, is to be construed in accordance with [section 2\(6\)](#),

“seizure order” has the meaning given by [section 23\(1\)](#),

“under control”, in relation to a dog, means that a person who is responsible for the dog is able to direct the dog’s activity by physical contact or verbal or audible command,

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966,

“wild mammal” has the meaning given by [section 1\(3\)](#),

“woodland” means land on which trees are grown, whether or not commercially, and includes any such trees and any vegetation planted or growing naturally among such trees on that land.

#### Commencement Information

**I2** S. 27 not in force at Royal Assent, see [s. 31\(2\)](#)

**I3** S. 27 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

## 28 Repeal of the Protection of Wild Mammals (Scotland) Act 2002 and consequential modifications

- (1) The Protection of Wild Mammals (Scotland) Act 2002 is repealed.
- (2) In section 17(4) of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (information sharing report) after paragraph (h) insert—
  - “(i) the Hunting with Dogs (Scotland) Act 2023.”.

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#### Commencement Information

- I4** S. 28 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I5** S. 28 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

### 29 Crown application: criminal offences

- (1) Nothing in this Act makes the Crown criminally liable.
- (2) The Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable if it were not for subsection (1).
- (3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown.

#### Commencement Information

- I6** S. 29 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I7** S. 29 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

### 30 Crown application: powers of entry

- (1) A power of entry conferred by or under this Act is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the corresponding entry in column 2 of the table (the “appropriate authority”).

<i>Crown land</i>	<i>Appropriate authority</i>
Land an interest in which belongs to His Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners)	The Crown Estate Commissioners
Land an interest in which belongs to His Majesty in right of the Crown and which forms part of the Scottish Crown Estate	The person managing the land
Land an interest in which belongs to His Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate	The office-holder in the Scottish Administration or, as the case may be, the Government department managing the land
Land an interest in which belongs to His Majesty in right of His private estates	The person appointed by His Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers

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<i>Crown land</i>	<i>Appropriate authority</i>
Land an interest in which belongs to an office-holder in the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which belongs to a Government department	The Government department
Land an interest in which is held in trust for His Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which is held in trust for His Majesty for the purposes of a Government department	The Government department

(2) In subsection (1)—

- (a) the reference to His Majesty’s private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,
- (b) “Government department” means a department of the Government of the United Kingdom,
- (c) “Scottish Crown Estate” means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.

(3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with subsection (1) is the appropriate authority in relation to any land, and their decision is final.

#### Commencement Information

- I8** S. 30 not in force at Royal Assent, see [s. 31\(2\)](#)  
**I9** S. 30 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

### 31 Commencement

- (1) This section and sections [26](#) and [32](#) come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
  - (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

#### Commencement Information

- I10** S. 31 in force at 8.3.2023, see [s. 31\(1\)](#)

### 32 Short title

The short title of this Act is the Hunting with Dogs (Scotland) Act 2023.

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**Commencement Information**

**I11** S. 32 in force at 8.3.2023, see [s. 31\(1\)](#)

**Changes to legislation:**

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