

Has the Hunting Act stopped cruelty towards foxes?

[theguardian.com/environment/2015/feb/18/has-hunting-act-stopped-cruelty-towards-foxes-10-years-on](https://www.theguardian.com/environment/2015/feb/18/has-hunting-act-stopped-cruelty-towards-foxes-10-years-on)

Karl Mathiesen



Ten years on: Has the Hunting Act been a success? Photograph: Martin Godwin

Much has changed since the Hunting Act came into force 10 years ago today, says Gerald Sumner, a master hunter from the [Kimblewick Hunt](#), based in Buckinghamshire. But the battle lines remain the same.

Pursuits of live quarry have been replaced by ‘trail hunting’, a pantomime jaunt in which riders and dogs follow a pre-laid scent trail of fox urine on an arranged route. But this is just a place-holder, says Sumner, while they wait for a return to sanity.

“We are no longer providing the farms with a service. The farms have been amazingly supportive towards the hunt because they’re the same as us and they are adamant that we should keep the infrastructure of the hunt going while we’re looking for a change in the law,” he says. “The hunting fraternity is amazingly strong and determined,” he adds.

Trail hunting provides hunters with the community day out they cherish. (“Not everybody, pre-ban, came hunting to hunt the fox. You come hunting for different reasons, some come from the ride.”)

It also perpetuates a culture that is facing a mortal threat. According to the [League Against Cruel Sports](#), hunting days in England and Wales have decreased by nearly 10% in the past 10 years.

The Countryside Alliance (CA) – the major pro-hunting lobby group – disputes that there is a meaningful decline, but says that without a revocation of the law the activity will struggle to survive. “Practically every one of the 300-plus hunts that were operating when the ban was passed is still going strong... but continuing like this is not an option,” [it says](#).



The International Fund for Animal Welfare calls the Act the 'most successful piece of wild animal welfare legislation in England and Wales'. Photograph: Calum Dickson/Alamy

Hunters now find themselves traversing a precarious legal minefield whenever they don the tweeds and ride out. "Whatever aspect of trail hunting you are doing, you're riding through the countryside and you're going to come across foxes in the day," says Sumner. "And the worry is, at any point in time, you could be deemed to be hunting a fox and you could be convicted for it. How do you keep attracting young people into the industry when they've got that kind of pressure attached to them? And you've got people monitoring you with cameras and whatever else."

Philip Mansbridge, UK director of the [International Fund for Animal Welfare \(IFAW\)](#) says trail hunting is being used as a ruse to allow illegal hunts to continue. "Trail hunting was invented by the hunting community as a response to a ban on hunting. Time and again we see trail hunting used as a smokescreen – no more than a false alibi to illegally chase or kill foxes," says Mansbridge.

IFAW and the League are engaged in a covert effort to bust misbehaving hunters. Activists hide in copses and hedgerows for whole days trying to capture hunters deliberately setting their dogs on foxes. It is a tactic that has yielded some convictions, according to [a League report](#).

IFAW says proving intent in these cases has been difficult. Under [the Act](#), a hunter must have "knowingly" pursued a wild animal with a dog to break the law. If a fox happens to break cover during a trail hunt and is killed by the dogs, the hunter cannot be held responsible under the law.

According to IFAW, its monitoring has seen little evidence of scents being laid in preparation for trail hunts. Instead, the organisation says its covert surveillance of such hunts suggests many may be flouting the law. The League is calling for a provision to be inserted into the Act that will make it harder for hunters to use inadvertency as a defence.

[Hunting](#) groups maintain that the law has failed on three counts – it has not stopped foxes being killed; it was created under the false assumption that hunting with hounds constitutes cruelty; and it has caught very few registered hunters doing wrong. On this basis, they are calling for a full repeal of the law.

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The Conservatives [will reportedly include a pro-repeal clause](#) in their 2015 election manifesto and allow MPs a free vote on overturning the legislation. In 2010, the Tory manifesto included a line calling the law “unworkable”.

“We will bring forward a motion on a free vote enabling the House of Commons to express its view on the repeal of the Hunting Act, when Parliamentary time allows,” said a spokesperson for the Department of the Environment, Food and Rural Affairs.

On Wednesday, [Labour committed](#) to blocking the repeal of the Act as part of a suite of six animal welfare policies. [Ipsos-MORI polling](#) in December 2014 found that 80% of British people support a continuing ban on fox hunting with hounds.

Tim Bonner, director of campaigns at the [Countryside Alliance](#) (CA), says other population-control methods have replaced the chase: “There has been no improvement in welfare – just as many foxes are being killed as were before the ban.”

When asked to provide evidence of this, Bonner cited the Game and Wildlife Trust (GWT) national gamebag census. [The census](#), which is based on voluntary record-keeping by a handful of estates across Britain, shows fox kills to have remained steady throughout the past two decades. However Bonner admitted the evidence from the census was far from comprehensive. A spokesperson for the GWT said, despite being the broadest available record of national kill rates, the census should not be used to gauge national trends.

Bonner argues the issue of welfare is moot because hunting with hounds had never been proven to create an unconscionable level of suffering compared with other practices.

“There wasn’t any evidence in the first place on which to base this legislation,” says Bonner. “There was never any evidence that hunting is any worse in terms of animal welfare, any less humane than the other methods of control that remain legal. So it remains perfectly legal to shoot a fox, to trap a fox, to snare a fox, but you just can’t kill it with a pack of hounds.”

Animal rights groups strongly dispute this assertion. The parliamentary committee report that underpinned the introduction of the Hunting Act, called [the Burns inquiry](#), admitted there was “a lack of firm scientific evidence about the effect on the welfare of a fox of being closely pursued, caught and killed above ground by hounds”. But this did not stop it reaching the conclusion that “this experience seriously compromises the welfare of the fox”.

Finally, says Bonner, the law has failed to stop what he believes were its intended targets – fox hunters. Of the 341 convictions under the Act between February 2005 and 2013, there have been 13 cases proven against registered hunts (sometimes these involved more than one person).

“The Hunting Act has nothing to do with animal welfare and everything to do with class politics and prejudice... A law which was passed because of MPs’ obsession with fox hunting has been used almost exclusively to prosecute poachers – 97% of cases brought under the Act do not involve registered hunts.”

Convictions under various UK animal welfare legislation. League Against Cruel Sports report: [Hunting Act 2004: 10 Years on](#).

Bonner’s argument that the conviction record shows that poachers were the problem in the first place contains a logical inconsistency, says Michael Stephenson, Bonner’s counterpart at the League.

“The Hunting Act was never solely aimed at registered hunts but at those hunting with dogs for sport in general... What they are doing is a complete red herring, they’re totally missing the point of the legislation and they’re using it as some perverse persecution complex. From our point of view, our interest is purely and solely stopping cruelty to animals.”

Bonner's point may prove its reverse. If the Act, which IFAW calls the "most successful piece of wild animal welfare legislation in England and Wales", is not capturing registered hunters doing wrong because they are trail hunting instead of running foxes down with dogs, which has been deemed cruel by a parliamentary committee, then it can be considered an animal welfare success.

Figure 1. Ministry of Justice figures for the Hunting Act and similar wildlife legislation. Bars represent the total number of convictions under each Act for the nine year period since the Hunting Act was introduced (2005 to 2013).

Total convictions (2005-2013)

