

# 'Observed' to death

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*Report on how illegal stag hunts in England avoid prosecution*



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## 1. EXECUTIVE SUMMARY

In the UK stag hunting is a blood ‘sport’ which uses horses and staghounds to chase and kill red deer. Although stag hunting has a long history, its popularity has decreased over time with a recent poll showing that over 80% of the UK population, in both urban and rural areas, are opposed to it.

There are only three remaining registered staghounds packs in the UK, all based in a relatively small area of Devon and Somerset: The **Devon and Somerset Staghounds**, the **Quantock Staghounds**, and the **Tiverton Staghounds**. These hunts are active for most of the year, undertaking three types of deer hunting: autumn stag hunting (hunting adult male red deer); hind hunting (hunting adult female red deer); and spring stag hunting (hunting young male red deer).

After a long campaigning process, during which research proved that deer suffer several severe health problems when chased by hounds in a hunting context, hunting with dogs was banned in England in 2004. There have, however, been **ongoing problems enforcing the hunting ban** with not enough investigations and prosecutions by the authorities despite the numerous allegations of illegal hunting. The hunting fraternity has always been defiant of the Hunting Act 2004 and, since its enactment, calls for its repeal, backed by powerful political parties, have never ceased. Stag hunting in particular has been, and continues to be, one of the strongholds of such defiance, and since 2005 stag hunts have actively sought to continue hunting whilst avoiding prosecution.

Stag hunts have tried to circumvent the law by using the false alibi of “trail hunting” and exploiting the exemptions of the Hunting Act 2004, with mixed results. Initially stag hunts tried using the **‘stalking and flushing out’** exemption, but a successful prosecution against members of the Quantock Staghounds proved the claim disingenuous as the deer was hunted over an extended period of time, rather than being shot as soon as possible as required in the Act. Hunters subsequently tried employing the **‘rescue of a wild mammal’** exemption of the Act, and although they achieved partial success by persuading the National Trust to remove the ban on entering their land in cases when such exemption could be claimed, another successful prosecution against members of the Quantock Staghounds claiming this exemption showed that this was a far from effective loophole. Stag hunts have also sought to exploit the Act’s exemptions based on the limit of using only two dogs through the invention of **‘relay hunting’** in which several pairs of dogs are used in relay to hunt, recalling one pair and sending out another when the dogs tire after chasing the deer for some time.

Finally, the stag hunts have tried using the **‘research and observation’** exemption. The vague detail regarding exactly what constitutes legitimate research and observation leaves this exemption particularly open to different interpretations and vulnerable to misuse. In fact, no hunt using this exemption has been successfully prosecuted to date. Although there have been several recent attempts to prosecute members of the Devon and Somerset Staghounds who use this exemption as a defence, the Crown Prosecution Service (CPS) has chosen not to pursue these cases into court, effectively leaving the ‘research and observation’ exemption open to continued exploitation.

The ‘research and observation’ exemption of the Hunting Act 2004 can only legally be used if the following **conditions** are fulfilled:

1. **Purpose:** the hunting is undertaken for the purpose of or in connection with the observation or study of the wild mammal.
2. **Two Dogs:** the hunting does not involve the use of more than two dogs.
3. **Above Ground:** the hunting does not involve the use of a dog below ground.

4. **Land permission:** the hunting takes place on land which belongs to the hunter or which he has been given permission to use by the person to whom it belongs.
5. **Dogs under control:** each dog used in the hunt is kept under sufficiently close control to ensure that it does not injure the wild mammal.

Stag hunts using the ‘research and observation’ exemption as a false alibi against allegations of illegal hunting use the following *modus operandi* to avoid prosecution:

1. **Announcement:** The hunt publicly states they will be hunting under the ‘research and observation’ exemption.
2. **Alibi building:** Land permission is obtained and a researcher who could be used to justify the observation/research claim is identified.
3. **Relay hunting:** Several pairs of dogs are used in relay to hunt the deer.
4. **Crime:** Once the deer is located, the hounds are deliberately let out of control and allowed to chase it, which is a breach of the fifth condition of the exemption and therefore what makes the hunt illegal.
5. **The kill:** As with stag hunting before the ban, the exhausted deer is finally shot dead by the huntsman using his 12-bore shortened shotgun.
6. **Deception:** Even if the research used to justify the hunt is genuine and legitimate, the hunt may claim that they were merely ‘observing’ the deer with the aim of passing the information to a third party with no responsibility for what the third party may do with the information. This ‘observation’ of the deer is considered sufficient by the stag hunts to fulfil condition one of the exemption. Furthermore, if evidence of the hounds chasing the deer is obtained, the hunt may simply state that they thought that such chase was inevitable and acceptable and that they reasonably believed that their hunting was exempt. If a claim is made that the dogs were not kept under close control when a chase took place, the hunters can claim that the specially trained hounds are always under control, even from a long distance, and would never attack a deer.

This report examines **four case studies**, illustrating the ways in which stag hunts are investigated, the allegations made against them, and how the authorities respond. The first case is a 2006 ‘stalking and flushing out’ case against members of the Quantock Staghounds which led to successful convictions. The second case from 2009 is a ‘rescue of a wild mammal’ case against members of the Quantock Staghounds which also led to a successful conviction. The third case is a 2013 ‘observation and research’ case against members of the Devon and Somerset Staghounds, which was eventually dropped by the CPS. The fourth, and most detailed, case is a 2015 ‘research and observation’ case, also against members of the Devon and Somerset Staghounds, which was eventually rejected by the CPS.

Firstly, these four cases demonstrate **how similar the hunts’ activities are today as to before the ban** (activities which Parliament intended to ban through the Hunting Act of 2004). As far as the hunted deer are concerned **the ban does not seem to have made any difference**. Stags and hinds continue to be pursued by dogs, sometimes for extended periods of time, followed by hunters on horseback and large numbers of supporters, only to be shot at the end of the case and carved up as per the traditions of the hunt. The only operational difference post-hunting ban is relay hunting; now the pack of hounds is divided into groups of two to chase the deer in turns.

Secondly, the cases show how stag hunts seek to use the exemptions of the Hunting Act to avoid prosecutions when challenged with allegations of illegal hunting. This is not an isolated phenomenon as most, if not all, stag hunts have been engaging in such behaviour since the hunting ban came into force. Huntsmen who have actually been convicted (some more than once) for illegal

hunting are still in charge of their stag hunts today and those who have been accused of exploiting the 'research and observation' exemption continue to engage in the same activities.

The report also argues that a weak response from the authorities to the 'research and observation' cases has led to missed opportunities for prosecutions for illegal hunting and for clarifications of some of the uncertainties regarding the wording of the Hunting Act 2004 exemptions. Had the evidence presented within this report been shown in Court, it would have helped to challenge the legality and relevance of the 'research and observation' exemption currently being used by stag hunts to justify the continued pursuit and killing of deer.

For example, in response to the 2015 case against the Devon and Somerset Staghounds, the Devon and Cornwall Police delayed for 44 days before investigating the case (later offering an apology) and failed to secure the relevant data from the case researchers before the deadline for charging suspects expired. The police further failed to act transparently with regards to the release of the stag hunt's 'research findings', which could have confirmed that no relevant 'research and observation' data was gathered on the day of the alleged offence. The Home Office failed to provide assistance to the police in addressing allegations regarding the Animals (Scientific Procedures) Act 1986 (which regulates any scientific procedures conducted on protected animals). Finally, the CPS opted not to charge any of the suspects, despite the wealth of evidence presented and the clear need to tighten the loopholes inherent in the current exemptions.

The weak response from the authorities to allegations of illegal hunting defended by the use of the 'research and observation' exemption has created a situation in which it is difficult to prosecute stag hunts (both publicly and privately) as suspects can now say they truly reasonably believe that their **'lethal observation'** hunting was exempt, as any attempts to prove otherwise have been abandoned by the authorities. Effectively, the defiant attitude of stag hunts, the existence of a weak 'research and observation' exemption, and the poor response of the authorities, has **created a loophole which desperately needs closing.**

As the authorities are apparently unwilling to enforce the Hunting Act in its current form, this report argues that the only effective solution is to amend the Hunting Act 2004 and **remove the 'research and observation' exemption in its entirety, and preventing "trail hunting" to be used as a cover for illegal hunting.**

## 2. INTRODUCTION

This report presents a study of how registered stag hunts which hunt deer with hounds in the UK avoid prosecutions when facing allegations of illegal hunting. It provides background information on stag hunting in the UK, both before and after the ban, and examines four real cases of stag hunting, each of which was claimed as ‘exempt hunting’ by the hunters involved.

This report has been published by the League Against Cruel Sports, an animal protection organisation founded in 1924, and it has been authored by its Head of Policy and Research, although its production began when he was working for another animal protection organisation which has authorised its publication.

### 2.1. Hunting

In the UK the term ‘hunting’ almost always means hunting with dogs (other activities where wild mammals are killed for ‘sport’ or consumption are usually described by other terms such as shooting or stalking). In most cases the dogs (normally called hounds) are used to find the scent of and locate the quarry and then chase it until they themselves kill it or it is shot. To increase the efficiency of the hunt, a full pack of dogs is used most of the time in order to increase the chances of the scent being found and the quarry taken. One member of the hunt (usually the ‘huntsman’) will control the pack with visual, vocal or other acoustical methods (i.e. the use of a hunting horn) and other members of the hunt and hunt supporters will follow, often on horseback, sometimes on foot.

Before the Hunting Act 2004 was enacted there were several types of organised registered hunting with dogs depending on the type of quarry hunted or the type of dog used:

#### 1. Hunting animal quarry:

- Fox hunting with foxhounds
- Fox hunting with harriers
- Fox hunting with terriers
- Hare hunting with harriers
- Hare hunting with Beagles (aka Beagling)
- Hare hunting with Bassets
- Mink hunting with otterhounds
- Hare hunting with Lurchers
- Stag hunting with staghounds



Figure 1: An exhausted stag is cornered by hounds in a small pool

## 2. Hunting non-animal quarry:

- Drag hunting<sup>1</sup> with foxhounds
- Clean-boot hunting with bloodhounds (hunting natural human scent) aka 'hunting the clean boot'

### 2.2. Stag hunting in the UK

In the UK the terms stag hunting and deer hunting are often used synonymously, regardless as to whether the mammal hunted is a male or a female. Stag hunting traditionally refers to the hunting of male red deer, while hind hunting refers to the hunting of female deer. The hunting of any other deer species in the UK is called buck hunting as the males of smaller deer species are called bucks.

The largest concentration of red deer in England is found in Devon and Somerset in the southwest of England. The red deer is the largest land-mammal in the UK with an average adult Exmoor stag standing at around 115cm at the shoulder, weighing around 300lbs. Hinds are smaller than the stags, seldom weighing more than 200lbs. The time of the rut is variable, taking place sometime between early September and mid-October. Stags carry large antlers, which are shed after the autumn rut, re-growing again before the following spring. The hinds are fertile when three years old and bear their first calf the following year. The gestation period is eight months so the calves are usually born around the end of May to early June, although some have been born as late as October.

Historically, the chase of wild deer by hounds in England has been carried out almost without interruption at least since the time of Queen Elizabeth and likely for centuries before.<sup>2</sup> In ancient times stag hunting was an activity reserved solely for the Crown and those privileged in society who, by licence derived from the Crown, were permitted to undertake the sport. Such restrictions, however, were gradually removed, and by the 19<sup>th</sup> Century anyone could participate.

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<sup>1</sup> Drag hunting involves hounds hunting a non-animal scent artificially laid over a defined and relatively straightforward course, separated into 'legs', with a clear beginning and end.

<sup>2</sup> Ch.P. Collyns. *Notes on the chase of the wild red deer - With an Appendix Descriptive of Remarkable Runs and Incidents Connected*. Originally published in 1862. Read Books, 2010



The modern history of deer hunting in Devon and Somerset can be divided into several phases.<sup>3</sup> Up until 1825, hunters effectively hunted whatever suitable deer they could find. From 1825 to 1855, however, the hunt came into conflict with local landowners and, as a result, many deer were killed, not by hounds, but shot for food or profit, nearly driving the population of red deer to extinction in the process. Stability returned to the management of deer hunting between 1855 and 1871 and steps were taken to reinstate the deer herd. As the deer population boomed from 1871 to 1914, the emphasis of hunting changed from one of preserving the deer as objects for 'sport' to providing assistance to the farming community through population management. From 1914 to 2005, opposition to the cruelty of stag hunting began to increase and questions arose as to whether the deer herd should be managed humanely and effectively (for example by stalking) instead of traditional hunting with hounds for sport. The Hunting Act of 2004 ushered in a new phase of stag hunting as the remaining stag hunts in operation had to find ways to adapt to the ban of hunting with dogs.

At its peak there were 126 registered stag hunts all over England.<sup>4</sup> By 2004, however, only three remained. These three stag hunts are still active today and are all located in the counties of Devon and Somerset. There are no registered stag hunts in the rest of England, Wales, Scotland or Northern Ireland, making stag hunting a very localised issue. Wildlife management of deer populations in the majority of the rest of the UK is undertaken by stalkers shooting deer with high powered rifles from stealthy positions.<sup>5</sup>



Figure 2: A map of the UK showing the approximate location of the centre of the territories of the three current registered staghounds

The three remaining registered stag hunts, recognised by the Masters of Deerhounds Association, are: the Devon and Somerset Staghounds, the Quantock Staghounds, and the Tiverton Staghounds.

<sup>3</sup> <http://www.acigawis.org.uk/bloodsports/staghunting/a-review-of-staghunting-literature>

<sup>4</sup> Whitehead, K (1980). *Hunting and Stalking Deer in Britain through the Ages*. B T Batsford Ltd, London

<sup>5</sup> This is the only weapon allowed by the Wildlife and Countryside Act 1981. This act also banned the driving of deer to the gun.

Before the ban, it is estimated that these three stag hunts collectively hunted between 150 and 200 red deer per year<sup>6</sup> over a total of around 290 days each season, accounting for around 15% of the annual cull needed to maintain the population at the desired level at that time.<sup>7</sup>

A summary of key information regarding the three remaining registered stag hunts follows.

### **Devon and Somerset Staghounds (DSSH)**

Founded:	1855
Joint Masters:	Mr R Andrews MSH <sup>8</sup> , Mr D Greenwood MSH, Miss L Miller MSH <sup>9</sup>
Huntsman:	Mr. Donald Summersgill (since 1991) <sup>10</sup>
Whippers-in:	1 <sup>st</sup> J. Stone (since 1999), 2 <sup>nd</sup> Peter Head (since 2004) <sup>11</sup>
Joint Hon. Secret.:	Mrs J Ackner, Mr Nick Webber <sup>12</sup>
Kennels:	Exford, Minhead, Somerset
Meet:	Tuesday, Thursday and Saturday
Country:	The DSSH hunt red deer in both Devon and Somerset. Their territory extends from the River Taw in the west to the Parret in the east, the boundary on the south is a line east to west through Tiverton and the Bristol Channel is the boundary on the north.
Season:	Hind hunting: 1 November to 28 February  Autumn stag hunting: August to third week in October (formerly 12 August to 8 October <sup>13</sup> );  Spring stag hunting: last week of March, continuing for around three weeks. <sup>14</sup>  The average annual take of deer by this hunt before the ban was 20 autumn stags, twelve spring stags and 60 hinds. <sup>15</sup>
Activity:	The hunt today claims to continue managing the herd by hunting within the law. <sup>16</sup> The website states " <i>Although staghunting, as it was practised, was banned by the Hunting Act 2004, the D.S.S.H, with the support of the farmers and landowners of the moor have continued to meet 3 times a week during the season to manage the deer on their behalf, monitoring the numbers, distribution and health of the herd and operating within the</i>

<sup>6</sup> Ian Pedler. *Save our Stags. The long Struggle against Britain's most Controversial Blood Sport*. Black Daps Press, Eastbourne, 2008

<sup>7</sup> Lord Burns, Dr Victoria Edwards, Professor Sir John Marsh, Lord Soulsby of Swaffham Prior; Professor Michael Winter (2000-06-09). "*The Final Report of the Committee of Inquiry into Hunting with Dogs in England and Wales*". Her Majesty's Stationery Office. Retrieved 29 August 2014.

<sup>8</sup> MSH – Master of Staghound

<sup>9</sup> [http://www.devonandsomersetstaghounds.net/?page\\_id=37](http://www.devonandsomersetstaghounds.net/?page_id=37)

<sup>10</sup> *Baily's Hunting Directory 2007-2008*. Number 101. Pearson Publishing Ltd, 2007. This was the last year Baily's published this directory

<sup>11</sup> *Ibid*

<sup>12</sup> [http://www.devonandsomersetstaghounds.net/?page\\_id=37](http://www.devonandsomersetstaghounds.net/?page_id=37)

<sup>13</sup> Collyns, Charles Palk. *Chase of the Wild Red Deer*, 1862

<sup>14</sup> [https://en.wikipedia.org/wiki/Devon\\_and\\_Somerset\\_Staghounds#cite\\_note-3](https://en.wikipedia.org/wiki/Devon_and_Somerset_Staghounds#cite_note-3)

<sup>15</sup> Floyd, G.C (1998). *All his Rights*. A study of the Wild red Deer of Exmoor. West Somerset Free Press, Taunton

<sup>16</sup> *Baily's Hunting Directory 2007-2008*. Number 101. Pearson Publishing Ltd, 2007. This was the last year Baily's published this directory

*restrictions imposed by the act. The hunt has also continued to provide a very efficient 24hrs casualty service to locate any sick and injured deer.”<sup>17</sup>*

Monitoring: This hunt has been frequently monitored by investigators from the League Against Cruel Sports (as it hunts very close to land owned by the League) and others, and normally the hunts claims is doing “exempt hunting”.

Apart from being the most powerful of the three stag hunts, the Devon and Somerset Staghounds also happens to be one of the largest landowners on Exmoor. As long ago as 1926 they began acquiring many acres of moorland to protect their sport, registering them in the ownership of the Badgworthy Land Company Ltd. for use as a perpetual hunting ground.<sup>18</sup>

### **Quantock Staghounds**

Founded: 1902

Joint Masters: James Howthorne, Brian Palmer, Danny Batten<sup>19</sup>

Huntsman: Mr. Richard Down (since 1991)<sup>20</sup>

Whippers-in: Mr. Julian Evans (since 2005) and Mark Langford<sup>21</sup>

Harbourer: Mike Thorne and Chris Gibbons (assistant)<sup>22</sup>

Kennels: Bagborough, Taunton, Somerset

Meet: Monday and Thursday

Country: The Quantock Staghounds hunt red deer in the Quantock Hills in Somerset.

Activity: Joint-Master James Howthorne stated “*Since the ban trail hunting takes place, but there are various exemptions that allow us to hunt and take a deer. We can flush a deer to guns, using two hounds, or deal with an injured deer, again with two hounds, and we are involved in research and observation. We can change over the two hounds and substitute another couple, but if hounds are settled on a line it can all go wrong if they are changed. We are only allowed to shoot deer with a firearm. We use a 12-bore with a barrel shortened to 25 inches and a heavy cartridge containing nine pellets*”.<sup>23</sup>

Monitoring: This hunt has also often been monitored by investigators from the League Against Cruel Sports as it hunts close to land owned by the League.

### **Tiverton Staghounds**

Founded: 1896

Joint Masters: Dave Linford, Stafford Blake, Ray Burrows<sup>24</sup>

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<sup>17</sup> [http://www.devonandsomersetstaghounds.net/?page\\_id=37](http://www.devonandsomersetstaghounds.net/?page_id=37)

<sup>18</sup> Ian Pedler. *Save our Stags. The long Struggle against Britain’s most Controversial Blood Sport*. Black Daps Press, Eastbourne, 2008

<sup>19</sup> Hounds Music in the Hills. *Shooting Times & Country Magazine*, 4<sup>th</sup> May 2016

<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

<sup>22</sup> *Ibid*

<sup>23</sup> *Ibid*

<sup>24</sup> Tiverton Staghounds Opening Meet. *Hounds*. October 2015, Vol 31, Num. 8

Huntsman: Andrew Herniman<sup>25</sup>  
Whippers-in: Julia Dixon<sup>26</sup>  
Kennels: Mousberry Farm , Worlington, Devon  
Meet: Saturdays and Wednesdays  
Country: The Tiverton Staghounds hunt red deer in Devon, south of the Taunton to Barnstable railway. It combines with the fox hunt countries of Tiverton, Eggesord, Dulverton (East), Dulverton (West), Torrington Farmers and South Tetcott.  
Activity/Monitoring: This hunt has had very low levels of monitoring as it is considered too secretive and dangerous due to the reputation of its supporters, but it is believed that it uses a full pack of hounds claiming they are “trail hunting”.

Before the hunting ban, fallow deer and roe deer were also hunted by buckhounds in England. It is believed that since the 1990s there have been five buckhound packs which hunted the smaller deer species in the British Isles:

#### New Forest Buckhounds

Quarry: Fallow deer (*Dama dama*)  
Founded: 1854  
Location: New Park, Brockenhurst

This hunt used to go out two days a week, Mondays and Fridays, in the New Forest from August to April with a month off in October. They were allowed to hunt in the New Forest under the terms of a licence from the Forestry Commission.<sup>27</sup> In July 1997, after over 900 years, the New Forest Buckhounds stopped hunting fallow bucks. This happened before the Forestry Commission suspended buck hunting licenses pending the outcome of the Bateson Report on the welfare of hunted deer, which eventually proved that deer suffer when chased by hounds<sup>28</sup>. In November 1997 the Forestry Commission decided to stop licensing the hunting of deer with hounds on its lands and the hunt was subsequently disbanded.<sup>29</sup>

#### Cheldon Buckhounds

Quarry: Roe deer (*Capreolus capreolus*)  
Founded: 1990  
Location: Cheldon, North Devon  
Season: September-May.

The Cheldon caused outrage on 22<sup>nd</sup> May 1993 when Jeremy Gibbs, a member of the hunt, leapt on an exhausted deer, slashed its throat and then sat on it for fifteen minutes while it slowly bled to

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<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> <http://www.huntsabs.org.uk/restore/archive/hunts/nfbhgen.html>

<sup>28</sup> Baterson, P. Bradshaw, E.L. (1997). *Behavioral and Physiological Effects of Culling Red Deer*. National Trust

<sup>29</sup> [http://www.forestry.gov.uk/pdf/Hunting.pdf/\\$FILE/Hunting.pdf](http://www.forestry.gov.uk/pdf/Hunting.pdf/$FILE/Hunting.pdf)

death.<sup>30</sup> The incident occurred, next to the League Against Cruel Sports sanctuary at Baronsdown.<sup>31</sup> Because of this the Cheldon Buckhounds were immediately suspended by the Master of Deer Hounds Association (MDHA), but were reinstated again in 1993. The British Field Sports Society (BFSS) then said that roe deer hunting was not a legitimate field ‘sport’ and two of the three Buckhounds packs that were members of the MDHA were expelled. This hunt is still active.

#### Mr. Lawrence Clark’s Buckhounds

Quarry: Roe deer (*Capreolus capreolus*)  
Founded: 1990 as a private pack  
Location: Based around Tiverton, Devon  
Season: September-April/May

From the mid-1990s onwards this hunt has been considered “unregistered” as the British Field Sports Society no longer considered roe hunting legitimate.

#### Isle Valley Buckhounds

Quarry: Roe deer (*Capreolus capreolus*)  
Founded: 1992  
Location: Southwest Somerset  
Season: September-April/May

From the mid-1990s onwards this hunt has been considered “unregistered” as the British Field Sports Society no longer considered roe hunting legitimate.

#### Exe Valley Buckhounds

Quarry: Roe deer (*Capreolus capreolus*)  
Location: Devon, on the edge of Exmoor  
Season: September-April

From the mid-1990s onwards this hunt has been considered “unregistered” as the British Field Sports Society no longer considered roe hunting legitimate.

Although these five hunts were set to have been disbanded by the time the Hunting Act 2004 came into force, some are still operative.<sup>32</sup> For instance, in May 2016 the Hunt Saboteurs Association reported that one of their members had been brutally attacked by staff and supporters of the Cheldon Buckhounds. They claimed the hunt had met at the Poltimore Arms in Exmoor, Devon, and were illegally hunting a deer when the Hunt Saboteurs members arrived.<sup>33</sup> <sup>34</sup> The Exe Valley

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<sup>30</sup> <https://www.youtube.com/watch?v=1JVGLX4gox4>

<sup>31</sup> <http://www.huntsabs.org.uk/restore/archive/hunts/buckhunt.html>

<sup>32</sup> <https://somersesthuntsaboteurs.wordpress.com/2016/05/15/140516-cheldon-buckhounds/>

<sup>33</sup> <http://www.huntsabs.org.uk/index.php/92-news/press-releases/597-hunt-saboteurs-brutally-attacked-on-exmoor>

<sup>34</sup> <http://www.mirror.co.uk/news/uk-news/balacava-clad-attackers-rain-punches-8098763>

Buckhounds currently have their own Facebook page, in which they define themselves as “a small friendly ‘trail hunting’<sup>35</sup> pack”<sup>36</sup>.

### 2.2.1. Stag hunting roles

Traditional stag hunts involve a number of people playing a variety of roles:<sup>37</sup>

#### Huntsman

The huntsman is a hunt servant who hunts the hounds and is responsible for controlling and directing the pack during the day's hunting. He/she decides which coverts will be drawn, although the general plan for the day's hunting would have been discussed in advance with the master(s). Significantly the huntsman is the only one to use the horn, which is used to encourage the hounds or otherwise control and direct them. The horn is also used to communicate to the whipper-in and hunt followers. The pack is also controlled by a variety of voice calls and the use of whips, both by the huntsman and whipper-in. The huntsman is also responsible for the welfare of the hounds and cleanliness of the kennels. The huntsman is normally professional and is paid. Sometimes the master (or one of the masters) will hunt the hounds in which case someone else, known as the kennel huntsman, will be responsible for the kennels. He/she will often be the whipper-in. Huntsmen, as other hunt staff members, often wear a red coat to distinguish them from other riders. Huntsmen in stag hunting may carry a pistol used to shoot the deer after it stops fleeing if the “gun carrier” cannot shot the deer with his shotgun.



Figure 3: Huntsman from a stag hunt wearing the traditional pink/red jacket. The end of the hunting horn can be seen tagged between the jacket's buttons

<sup>35</sup> 'Trail hunting' is primarily a false alibi to avoid prosecutions of illegal hunting created when the Hunting act was enacted, in which hounds are set to follow a trail of an artificial scent made of the urine of the animals they normally hunt, laid in areas where such animals can normally be found, while not telling those who control the hounds where the trail has been laid so they cannot stop the hounds if they pursue the scent of a live mammal instead, and therefore they can claim that such chase was an 'accident'.

<sup>36</sup> <https://www.facebook.com/groups/855772547833069/>

<sup>37</sup> It should be noted that most of these roles are not unique to stag hunting, but are common in fox and hare hunting also.

## The Whipper-in

The huntsman is assisted by one or two whippers-in, who are also hunt servants. Their job is to assist the huntsman during the day's hunting, particularly in keeping the pack together and resolving any problems that occur during the day. His/her primary role is to keep the pack together and round up missing hounds. Even when hounds are hunting the whipper-in could be some distance away collecting up stray hounds. When the pack needs to be stopped or called off, the whipper-in will be with the huntsman helping him/her to stop the hounds. In traditional live quarry hunting the whipper-in would also be required to act as point rider so that he/she could alert the huntsman if the quarry was spotted. Whipper-ins, as other hunt staff members, often wear a red coat to distinguish them from other riders.

## The Master(s)

A hunt has one or more masters who are responsible for the overall management and conduct of the hunt, in particular they are responsible for liaising with local farmers and landowners. The hunt servants act on their orders. The huntsman will meet with one or more of the masters prior to a day's hunting to agree how the day will be conducted. However, not all the masters will necessarily attend every meet, but at least one would act as the field master on the hunting day. The field master is in charge of the field (those people who follow on horseback); his/her prime function is to stop the field over-running the hounds and hindering the hounds while they work, to prevent the field going to areas where access has been refused and minimising damage to crops and fences. The masters may belong to one of the masters' associations, although this is not statutory; if they are members, however, then they are bound by the association's rules and can be disciplined accordingly. The masters are directly responsible to the hunt committee. Masters, as hunt staff members, often wear a red coat to distinguish them from other riders.

## Hunt Secretary

The hunt secretary is responsible for calling and recording hunt committee meetings, liaising with the masters, collecting subscriptions and dealing with all the financial issues relating to the hunt, including the payment of the wages. Thus he/she is the key person in the management and day-to-day running of the hunt.

## The Field

'The field' is the collective term for the mounted hunt followers. Members of 'the field' may occasionally act as point riders. The field is normally distinguished from the 'hunt staff' (masters, huntsman and whippers-in) because the latter wear different colour clothes (often, but not always, red/pink).



Figure 4: Some members of the Field galloping during a stag hunt. This image is part of the evidence of an investigation of illegal hunting, hence the numbers and the grid

## Field Master

The field master is in charge of ‘the field’ and will guide and manage the hunt during the day's hunting. His/her prime function is to stop the field from over-running the hounds, prevent the field from hindering the hounds while they work, from going into areas where access has been refused and to minimise damage to crops, fences and hedges. The field master will always be introduced at the meet so the riders know who will be in charge of them during the day. The role of field master may be undertaken by different people on different days but will normally be one of the masters.

## Hunt Followers/supporters

Stag hunts also attract a number of followers who are not mounted. They will join the hunt staff in the meet and then follow the hunt on foot, by car, motorbike or on a quadbike. They are also collectively known as ‘support’. In stag hunting there may be a greater number of hunt supporters than in other types of hunting, and often more quadbikes. It is not unusual to see more than 100 vehicles as part of the support, many of which are quadbikes and motorbikes which can go where other vehicles cannot. Also, in stag hunting the support tends to be more participative in the hunt, often helping to move the deer in the right direction by using their vehicles and making noise.



Figure 5: Hunt supporters' cars and quadbikes following the progress of a stag hunt (this image is part of the evidence of an investigation of illegal hunting, hence the grid/arrow).

## Harbourer

The harbourer is a role exclusive to stag hunts. The harbourer's job is to select a ‘warrantable’ stag (i.e. five years or older) for the hunt. The day before the hunt, the harbourer goes round the area of the meet checking on suitable stags, both by talking to people and looking for signs. On the morning of the hunt, before dawn, he/she will revisit the area of the chosen stag to make sure he is settled (once a stag has chosen a suitable ‘couch’ or harbour<sup>38</sup> he will remain there for the rest of the day, unless disturbed). At the meet, the harbourer will inform the Master as to the whereabouts of the stag, its size and the condition. Naturally it will be selected to give a good hunt. An un-harbourred stag is sometimes hunted when the first one is killed early or escapes. Hinds are never harboured, as

<sup>38</sup> A stag retiring to rest is said ‘to harbour’, which is where the term harbourer come from.



in winter the undergrowth is less dense and they tend to herd together. The Buckhounds do not employ a harbourer, but a number of beat-keepers who perform essentially the same function.<sup>39</sup>

### Gun carriers

This role is exclusive to stag hunting and is simply the person that carries the 12-bore shotgun with a shortened barrel or a folding shotgun that will be used to shoot the deer at the end of the hunt. The huntsman will often appoint a couple of mounted followers, experienced in the run of the deer and good marksmen, with the gun.<sup>40</sup> The gun carrier himself will shoot the deer when requested to do so. There may be other members of the hunt, including the huntsman, who may carry a pistol (of a type known as a "humane killer") in case it is not possible to use the shotgun. If the hunt is claiming that it is flushing deer to guns, there may also be marksmen carrying shotguns or rifles.

### **2.2.2. Stag hunting before the ban**

Before the Hunting Act 2004 came into effect the hunting of red deer was normally undertaken with packs of up to 35 staghounds, a breed very similar to, but slightly larger than, the foxhound. The three remaining stag hunts still keep packs of this breed.<sup>41</sup>



Figure 6: Staghound by the master of a stag hunt

There are three types of red deer hunting carried out at different months of the year:

1. Autumn stag hunting
2. Hind hunting
3. Spring stag hunting

<sup>39</sup> <http://www.huntsabs.org.uk/tactics/tactbook/deerhunt.html>

<sup>40</sup> Floyd, G.C (1998). All his Rights. A study of the Wild red Deer of Exmoor. West Somerset Free Press, Taunton

<sup>41</sup> On the other hand, buckhound hunts are undertaken with smaller hound breeds such as basset/harrier crosses or beagles Lord Burns, Dr Victoria Edwards, Professor Sir John Marsh, Lord Soulsby of Swaffham Prior; Professor Michael Winter (2000-06-09). "The Final Report of the Committee of Inquiry into Hunting with Dogs in England and Wales". Her Majesty's Stationery Office. Retrieved 29 August 2014.

According to the England and Wales the Deer Act 1991, the close season for hunting red deer stag is 1<sup>st</sup> May to 31<sup>st</sup> July inclusive. The close season for hunting of red deer hinds is 1<sup>st</sup> April to 31<sup>st</sup> October inclusive.

### *Autumn stag hunting*

Autumn stag hunting starts for the Devon and Somerset and Quantock packs early in August and ends in October. The Tiverton Staghounds, whose hunting country covers the lowlands south of Exmoor, have to deal with the issue of avoiding crops that have not yet been harvested so they start considerably later, usually well into September.<sup>42</sup> The target of such hunting is a single adult (five years or older) red deer stag, which are particularly vulnerable during their October rut when their exertions exhaust them.<sup>43</sup>



Figure 7: Adult Red Deer Stag

Before the 2004 ban was enacted, a typical autumn stag hunting day would generally consist of the following:<sup>44 45 46</sup>

1. The night before the hunt, the harbourer employed by the hunt chooses the stag to be hunted (autumn stags tend to 'harbour' in particular locations overnight). The harbourer will know the herd well and will be able to tell each stag apart, normally by the antlers.

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<sup>42</sup> Huskisson, Mike (2015). *Outfoxed, take two*. Animal Welfare Information Service. Halesworth

<sup>43</sup> <http://www.acigawis.org.uk/bloodsports/staghunting>

<sup>44</sup> <http://www.bbc.co.uk/insideout/southwest/series1/stag-hunting.shtml>

<sup>45</sup> Huskisson, Mike (2015). *Outfoxed, take two*. Animal Welfare Information Service. Halesworth

<sup>46</sup> Floyd, G.C (1998). *All his Rights. A study of the Wild red Deer of Exmoor*. West Somerset Free Press, Taunton

2. Early on the day of the hunt the harbourer and other hunt staff members set out with 10 to twelve 'tufters' (older, experienced staghounds) to the location of the selected stag.



Figure 8: 'Tufters' (experienced staghounds) following the trail of the deer they are chasing, being observed by a staff member of the hunt

3. The selected hounds rouse the deer and start the hunt, trying to separate it from the herd. To begin with, the stag easily outruns the hounds (the stag hunting term 'slot' means 'track of the deer').
4. Once the stag is separated from the herd and is being pursued alone, the job of the harbourer is done and the hunt is now directed by the huntsman helped by the whipper-in. Once the stag has been running for a while he begins to emit a distinctive scent, which can easily be tracked by the remaining inexperienced hounds.



Figure 9: A stag already separated from the herd during a stag hunt

5. The rest of the hounds from the pack are brought from the kennels to join the pursuit of the stag and other riders (the masters and the field) join from the meet location. Hunt supporters also follow by foot or with vehicles participating in the pursuit, often making noise to drive him towards the desired direction. If the stag tires too early, attempts are made to whip the exhausted deer on in order to prolong the chase.
6. The chase will usually take the form of a series of intermittent flights by the deer as the hounds approach, followed by periods when the deer will move more slowly or even lie low. Sometimes the hounds will lose the scent altogether and have to cast around for it. With time the stag gets more tired and slows down, while the stronger stamina of the hounds allows them to gain ground.
7. At the end of the hunt (which can be several hours later), the exhausted and overheated stag will try to find water to cool down and rest in. Once in the water, the stag may stand and face the hounds rather than continuing to flee, trying to repel them with its antlers (possibly injuring some of the hounds in the process). This is called 'standing at bay' or 'stag at bay'.

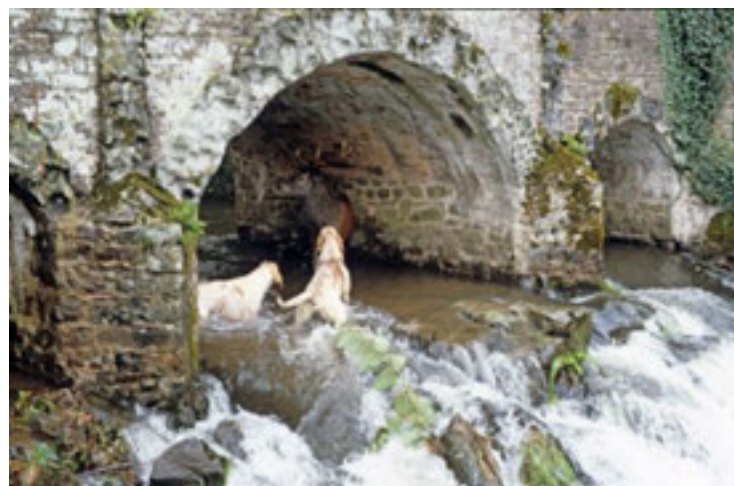


Figure 10: Two instances of 'stag at bay' at the end of two stag hunts. Top at Luccombe; bottom at Dunster.

8. At the instruction of the huntsman a gun carrier will then approach and shoot the stag at close quarters (the recommended maximum distance is seven yards) with a 12-bore shotgun with shortened barrel.<sup>47</sup> On occasion, the hounds attack the stag and take it down before it is shot. Each hunt will also have several members who carry, and are trained in, the use of

<sup>47</sup> Up until 1929, the stag's throat would be cut by a knife.

firearms – these are known as a "humane killers", using a .32 pistol. The nearest available gun carrier will be expected to shoot the stag if it is known to be lying down or otherwise concealing itself in such a manner that the marksman does not have a clean shot.<sup>48</sup>



Figure 11: Stag at bay being shot by a 12-bore shortened shotgun while surrounds of staghounds

9. The dead stag is then taken to a location close by (normally a nearby field, easily accessible to all hunt participants), typically on a quadbike or another 4x4 vehicle, where the body is 'carved' (cut up) with a knife.



Figure 12: Dead stag being taken to the carving site on a quadbike

10. The hounds are given the deer's innards as a 'prize' (with the exception of the liver), cut out from the dead body by the huntsman.

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<sup>48</sup> Lord Burns, Dr Victoria Edwards, Professor Sir John Marsh, Lord Soulsby of Swaffham Prior; Professor Michael Winter (2000-06-09). *"The Final Report of the Committee of Inquiry into Hunting with Dogs in England and Wales"*. Her Majesty's Stationery Office. Retrieved 29 August 2014.



Figure 13: Left, dead stag being carved by the huntsman at the carving site. Right, the deer's innards are removed and given to the hounds as a reward.

11. The remaining parts of the body are kept for human consumption or trophies (such as the hooves, called 'slots', the antlers or the teeth). Body parts are given (or sold) by the huntsman to hunt participants at the carving site. The heart is normally given to the landowners where the stag was killed.



Figure 14: Left: 'Slots' (hooves) removed from the dead stag to be sold as trophies. Right: the deer's heart is given to the landowner.

12. The remaining part of the carcass is taken away from the carving site in a vehicle to another location where it will later be skinned and butchered into joints which will be distributed to farmers and landowners over whose land the deer ran. The head with its antlers (which belongs to the masters of the hunt) may be kept at the kennels, displayed during puppy shows or given as a prize at riding competitions. Participants will then go home as the hunt is considered finished.



Figure 15: Dead stag in the vehicle which will take it away from the carving site

Overall, hunts can last anything from a couple of hours to several hours. The stag hunting expert Dr Charles Park Collins<sup>49</sup> describes the following cases *'The chase was over 45 miles and lasted over 4 hours'...* *'the hounds were laid on at 10:30 a.m. and taken off at 7 p.m. The following morning the stag was found – he was much injured and so exhausted he was killed almost immediately...one hind in 1795 succumbed to the pack after a chase of seven hours...we were told of another chase that took 5 hours and 40 minutes, and another 6 and a half hours. Yet another lasted 7 and a half hours and ended in Culbone Wood'*<sup>50</sup>; Research indicates that, in the case of deer that are killed in the end, the average duration of the hunt is about three hours and that the distance travelled is about 18 kilometres (11.2 miles)<sup>51</sup>.

Not all hunts are 'successful' and some stag do escape, although it may still later die due to injuries sustained during the course of the hunt.<sup>52</sup> Stags may also sometimes find their death by accident, falling from cliffs while being chased or even drowning at sea.<sup>53</sup> Palk Collyns describes an incident in 1797 when *'After a brilliant run with a hind, she went to sea at Coscombe, between Porlock and Lynmouth. Old 'Aimwell' leapt on her back as she took the water, and was carried out nearly a league; the hind was drowned, but the hound swam ashore'*.<sup>54</sup>

<sup>49</sup> Collyns, C.P. (1862) *Notes on the Chase of the Wild Red Deer in the Counties of Devon and Somerset*. Longman, Green et al., London

<sup>50</sup> *The Tradition of Stag hunting on Exmoor and the Quantocks* (1988). Devon & Somerset Resident's Association for deer protection

<sup>51</sup> Patrick Bateson and Roger Harris (2000). The effects of hunting with dogs in England and Wales on the welfare of deer, foxes, mink and hare. Report of Committee of Inquiry into Hunting with Dogs in England & Wales.

<sup>52</sup> *The Tradition of Stag hunting on Exmoor and the Quantocks* (1988). Devon & Somerset Resident's Association for deer protection

<sup>53</sup> Pedler, I. (2008). *Save our Stags. The long struggle against Britain's most controversial blood sport*. Black Daps Press. Bristol

<sup>54</sup> Ch.P. Collyns. *Notes on the chase of the wild red deer - With an Appendix Descriptive of Remarkable Runs and Incidents Connected*. Originally published in 1862. Read Books, 2010



Figure 16: Hunted stag swimming across Wimbleball reservoir.

Although the stag hunting community claims that the hounds are trained not to attack deer, there have been numerous accounts to the contrary. For instance, in the season of 1885 a hunter reported ‘a stag turned to bay in the doorway of an outhouse and no doubt thought himself unassailable, but the hounds went straight at him and pulled him out like terriers drawing a badger’.<sup>55</sup> A similar account also described: ‘A lemon-coloured hound called Sovereign seized this stag by the flank, and never released his hold though carried for some distance through the air ... now his course was run, hounds rapidly overhauled him, and in the home pasture of Winstitchen Farm they fairly bowled him over in the open’.<sup>56</sup> In modern times hunt monitors have photographed, filmed or video recorded several such attacks, many of which are now available to watch on YouTube.<sup>57</sup>



Figure 17: Left, hounds snap at the exhausted stag (captured from cine film); right, dead stag with a hound that he gored in the final fight.

## Hind hunting

Hind hunting season starts in November and ceases at the end of February.<sup>58</sup> The targets of such hunts are adult female red deer, often pregnant at the time<sup>59</sup>, which tend to run in herds.

<sup>55</sup> Hon. John Fortescue : Staghunting on Exmoor, 1887

<sup>56</sup> Philip Evered : Stag-hunting on Exmoor 1902

<sup>57</sup> <https://www.youtube.com/watch?v=rBgkSvefNgw>

<sup>58</sup> Huskisson, Mike (2015). *Outfoxed, take two*. Animal Welfare Information Service. Halesworth

<sup>59</sup> <http://www.acigawis.org.uk/bloodsports/staghunting>





Figure 18: A herd of hinds about to be hunted.

A typical hind hunting day before the ban was enacted consisted of the following<sup>60</sup>:

1. The hunt begins at the time of the meet. As hinds are far less distinguishable from each other than stags (which have identifiable antlers), it is hard for the hunters to select one particular hind and pursue her – and only her – all day. As such, in hind hunting there is not always a harbourer selecting one particular individual and the hunt begins as soon as all the participants are at the meet point and ready.
2. Once a herd of hinds and their offspring are found by the hounds, attempts are made to separate one hind from the rest. As there are many hinds within a herd, they will split in all directions. The hounds will often do likewise, splitting up and following separate groups of hinds, which may also include calves.



Figure 19: A hind and her calf being hunted.

3. Similar to stag hunting, the chase of hinds usually takes the form of a series of intermittent flights by the deer as the hounds come near, followed by periods when the deer will move more slowly or even lie low. Again, the longer the chase continues, the more tired the deer becomes, slowing as the stronger hounds gradually gain ground.

<sup>60</sup> Huskisson, Mike (2015). *Outfoxed, take two*. Animal Welfare Information Service. Halesworth



Figure 20: Exhausted hind running during a hunt

4. Hinds also seek water to cool down and stay in to rest when exhausted and overheated. However, as they have no antlers with which to protect themselves, they do not 'stand at bay' trying to repel the hounds attack, rather they just lie down.



Figure 21: A hind being chased by hounds in front of the huntsman.

5. The huntsman will instruct the gun carrier to approach and shoot the hind (or hinds and calves) at close quarters with a 12-bore shotgun. On occasion the hounds may attack the hind and take it down before it is shot; this is more common in hind hunting than stag hunting due to the fact that hinds are smaller and less dangerous than the stags.

6. Once the hind is dead, the same post-hunt activities take place as in stag hunting; the body is taken to an accessible, location close by where it is carved. The innards are given to the hounds as prizes and the remaining parts of the body are kept for human consumption and trophies, given or sold by the huntsman to some of the participants at the carving site.



Figure 22: A hind and her yearling calf lie dead when the hunt is over. The slots of the calf were not taken as they are too small to be wanted as trophies

7. The remaining parts of the carcass are taken away from the carving site in a vehicle to another location and participants will go home as the hunt will be considered finished.

### *Spring stag hunting*

Spring stag hunting starts in March and ends in April (a practice introduced in 1887 in order to extend the hunting season).<sup>61</sup> The target of such hunts are a single young adult red deer stag, which usually enable a longer lasting hunt than full adult stags as they are not hampered by the rigours of the rut or by carrying huge spreads of antlers that make passage through dense undergrowth difficult.<sup>62</sup>

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<sup>61</sup> Macdermot, E.T. & Edwards, L (1936): *The Devon and Somerset Staghounds 1907-1936*, Collins. London

<sup>62</sup> Huskisson, Mike (2015). *Outfoxed, take two*. Animal Welfare Information Service. Halesworth



Figure 23: Young stags fleeing from the hounds during a spring stag hunt

A typical spring stag hunting day before the ban was enacted was identical to autumn stag hunting, except for the fact that it might take longer (six or seven hours) as the young stags tend to run faster, through more difficult terrain, and may have more stamina. A hunted spring stag is more likely to simply try and outrun the hounds without using any cunning ploys (such as hiding or mixing with other herds), thereby giving the hunt long runs.<sup>63</sup>



Figure 24: A young stag seeking refuge in a river at the end of a spring stag hunt.

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<sup>63</sup> Floyd, G.C (1998). All his Rights. A study of the Wild red Deer of Exmoor. West Somerset Free Press, Taunton

Autumn and spring stag hunting create a hunt with a distinctive “Y” shape trajectory when plotted on a map. This is due to the fact that the harbourer starts in a different location to the meet point, which also requires the hounds to be split.



Figure 25: Typical “Y” configuration of the main routes of a hypothetical stag hunt. Copyright background map: Imagery @2016 Getmapping plc, Map data @2016 Google

### 2.3. The hunting ban

In the late 1990s the National Trust commissioned and resourced a study into the welfare implications of hunting with hounds. This was a response to concerns voiced by National Trust members regarding stag hunting on National Trust properties. The study was conducted by a Professor of Ethology (animal behaviour) at Cambridge University, Professor Patrick Bateson, and his assistant, Elizabeth L Bradshaw, with full cooperation from officials, staff and followers from the Devon and Somerset Staghounds and the Quantock Staghounds.<sup>64</sup>

On 11<sup>th</sup> March 1997 Bateson and Bradshaw published their report entitled ‘Behavioural and Physiological Effects of Culling Red Deer’. The report concluded that *‘The effects on deer of long hunts were (i) depletion of carbohydrate resources for powering muscles, (ii) disruption of muscle tissue, and (iii) elevated secretion of B-endorphin. High concentrations of cortisol, typically associated with extreme physiological and psychological stress, were found. Taken together, the evidence suggests that red deer are not well-adapted by their evolutionary or individual history to cope with the level of activity imposed on them when hunted with hounds. The exertion associated with hunting with hounds resulted in marked physiological disturbances of red deer, including muscle damage and pronounced intravascular haemolysis [rupture or destruction of red blood*

<sup>64</sup> <http://www.houndsoff.co.uk/archives/tag/bateson-report/>

cells]. We do not believe that these changes merely occurred at the end of the hunts. The evidence suggests that haemolysis occurred early in the hunt, resulting perhaps from upsets in ionic balance, extreme plasma acidity or hyperthermia'.<sup>65</sup> Following the release of the report, the National Trust banned stag hunting on its properties the next day.



Figure 26: Stag during a hunt with a facial expression that suggests he is already exhausted.

The publication of the report from Bateson and Bradshaw, as well as the ban on stag hunting on National Trust properties, provided momentum to charities and politicians who were already campaigning for a hunting ban. In December 1999, the then Home Secretary, Rt. Hon. Jack Straw MP, announced the establishment of a Government inquiry into hunting with dogs, to be chaired by the retired senior civil servant Lord Burns.<sup>66</sup> The terms of reference for the inquiry were as follows:

*'To inquire into:*

- *the practical aspects of different types of hunting with dogs and its impact on the rural economy, agriculture and pest control, the social and cultural life of the countryside, the management and conservation of wildlife, and animal welfare in particular areas of England and Wales;*
- *the consequences for these issues of any ban on hunting with dogs; and*
- *how any ban might be implemented.'*<sup>67</sup>

The most reported conclusion from the inquiry's final report was that hunting with dogs 'seriously compromises'<sup>68</sup> the welfare of the quarry species. On the specific issue of stag hunting the Burns Inquiry concluded that *'There seems to be a large measure of agreement among the scientists that, at least during the last 20 minutes or so of the hunt, the deer is likely to suffer as glycogen depletion sets in.'*<sup>69</sup>

Subsequent to the Burns Inquiry report, the Government introduced an 'options bill' providing the opportunity for the Houses of Parliament to opt for a ban, licensed hunting, or self-regulation. The

<sup>65</sup> Bateson, P. Bradshaw, E.L. (1997). *Behavioral and Physiological Effects of Culling Red Deer*. National Trust

<sup>66</sup> [https://en.wikipedia.org/wiki/Burns\\_Inquiry](https://en.wikipedia.org/wiki/Burns_Inquiry)

<sup>67</sup> *Committee of Inquiry into Hunting with Dogs (1999). "Background to the Inquiry". Retrieved 29 August 2014.*

<sup>68</sup> *Lord Burns, Dr Victoria Edwards, Professor Sir John Marsh, Lord Soulsby of Swaffham Prior; Professor Michael Winter (2000-06-09). "The Final Report of the Committee of Inquiry into Hunting with Dogs in England and Wales". Her Majesty's Stationery Office. Retrieved 29 August 2014.*

<sup>69</sup> <http://www.acigawis.org.uk/bloodsports/staghunting>

House of Commons supported the banning Bill and the House of Lords for self-regulation. Following further investigations, a further Bill was introduced which would eventually become the Hunting Act 2004.<sup>70</sup>

On November 18<sup>th</sup> 2004 hunting with dogs was banned in England and Wales as the Hunting Act 2004 was passed through the use of the Parliament Act. It became law three months later on February 18<sup>th</sup> 2005. Under Section 1 of the Hunting Act a person commits an offence if he hunts a wild mammal with dogs. This includes all wild mammals other than rats and rabbits. Foxes, deer, hare and mink, which tend to be hunted by organised hunts, are included regardless as to whether they live in the wild or captivity. Under the Hunting Act, the mere pursuit of the mammal is an offence; it does not require the mammal to be caught or killed in order for the hunting to be illegal.<sup>71</sup> Section 3 of the Hunting Act extends such offence to the owner of the dogs (or who controls them) and the landowner where the hunting took place (or the occupier of the land), as long as they were aware of the offence being committed. When initially written, a person guilty of an offence under the Act was liable on summary conviction to a fine not exceeding £5,000, but now it is unlimited.

As the Hunting Act states that engaging or participating in the pursuit of a wild mammal with dogs is hunting, this activity is now banned by law. However, some hunting with dogs is allowed, under special circumstances, as long as several specific conditions are fulfilled - this is known as 'exempt hunting'. In England and Wales, some of these conditions limit the number of dogs allowed to two.

The list of conditions which qualify for "exempt hunting" are detailed in Schedule 1 of the Hunting Act 2004. There are nine exemptions<sup>72</sup>, only three of which are relevant to stag hunting: 'stalking and flushing out', 'rescue of a wild mammal' and 'research and observation'.

#### Stalking and flushing out

1. (1) *Stalking a wild mammal, or flushing it out of cover, is exempt hunting if the conditions in this paragraph are satisfied.*

(2) *The first condition is that the stalking or flushing out is undertaken for the purpose of—*

(a) *preventing or reducing serious damage which the wild mammal would otherwise cause—*

(i) *to livestock,*

(ii) *to game birds or wild birds (within the meaning of section 27 of the Wildlife and Countryside Act 1981 (c. 69)),*

(iii) *to food for livestock,*

(iv) *to crops (including vegetables and fruit),*

(v) *to growing timber,*

(vi) *to fisheries,*

(vii) *to other property, or*

(viii) *to the biological diversity of an area (within the meaning of the United Nations Environmental Programme Convention on Biological Diversity of 1992),*

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<sup>70</sup> [https://en.wikipedia.org/wiki/Burns\\_Inquiry#cite\\_note-1](https://en.wikipedia.org/wiki/Burns_Inquiry#cite_note-1)

<sup>71</sup> Section 5 of the Hunting Act also outlaws hare coursing, whereby dogs such as greyhounds or lurchers pursue their quarry by sight rather than scent. The goal of hare coursing is not necessarily to capture and kill the hare, but rather it is a competition between two dogs to see which chases the hare better.

<sup>72</sup> For the full list of the circumstances under which hunting is exempt, see the Hunting Act 2004 available at: [http://www.legislation.gov.uk/ukpga/2004/37/pdfs/ukpga\\_20040037\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/37/pdfs/ukpga_20040037_en.pdf)

(b) obtaining meat to be used for human or animal consumption, or

(c) participation in a field trial.

(3) In subparagraph (2)(c) “field trial” means a competition (other than a hare coursing event within the meaning of section 5) in which dogs—

(a) flush animals out of cover or retrieve animals that have been shot (or both), and

(b) are assessed as to their likely usefulness in connection with shooting.

(4) The second condition is that the stalking or flushing out takes place on land—

(a) which belongs to the person doing the stalking or flushing out, or

(b) which he has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

(5) The third condition is that the stalking or flushing out does not involve the use of more than two dogs.

(6) The fourth condition is that the stalking or flushing out does not involve the use of a dog below ground otherwise than in accordance with paragraph 2 below.

(7) The fifth condition is that—

(a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found or flushed out the wild mammal is shot dead by a competent person, and

(b) in particular, each dog used in the stalking or flushing out is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a).

#### Rescue of wild mammal

8. (1) The hunting of a wild mammal is exempt if the conditions in this paragraph are satisfied.

(2) The first condition is that the hunter reasonably believes that the wild mammal is or may be injured.

(3) The second condition is that the hunting is undertaken for the purpose of relieving the wild mammal’s suffering.

(4) The third condition is that the hunting does not involve the use of more than two dogs.

(5) The fourth condition is that the hunting does not involve the use of a dog below ground.

(6) The fifth condition is that the hunting takes place—

(a) on land which belongs to the hunter,

(b) on land which he has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs, or

(c) with the authority of a constable.

(7) The sixth condition is that—

(a) reasonable steps are taken for the purpose of ensuring that as soon as possible after the wild mammal is found appropriate action (if any) is taken to relieve its suffering, and

(b) in particular, each dog used in the hunt is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a).

(8) The seventh condition is that the wild mammal was not harmed for the purpose of enabling it to be hunted in reliance upon this paragraph.



### Research and observation

9. (1) *The hunting of a wild mammal is exempt if the conditions in this paragraph are satisfied.*

(2) *The first condition is that the hunting is undertaken for the purpose of or in connection with the observation or study of the wild mammal.*

(3) *The second condition is that the hunting does not involve the use of more than two dogs.*

(4) *The third condition is that the hunting does not involve the use of a dog below ground.*

(5) *The fourth condition is that the hunting takes place on land—*

*(a) which belongs to the hunter, or*

*(b) which he has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs.*

(6) *The fifth condition is that each dog used in the hunt is kept under sufficiently close control to ensure that it does not injure the wild mammal.*

While the Hunting Act states the conditions which must be met for each exemption in order for the hunting to be considered legal, section 4 of the Act also states that *'It is a defence for a person charged with an offence under section 1 in respect of hunting to show that he reasonably believed that the hunting was exempt.'*

### **2.3.1. Resistance to the ban**

The Countryside Alliance<sup>73</sup>, an organisation representing the interests of hunters, called for the hunting ban to be annulled on the basis that they believed it was an illegal ban. However, all legal challenges made since the ban, at a variety of courts, have failed to achieve this.

The hunting fraternity, coordinated by the Countryside Alliance, vigorously opposed the ban and campaigned hard to stop it, even signing a declaration threatening mass disobedience should the ban be enacted<sup>74</sup>. The hunting community were successful in preventing a ban many times before the Hunting Act was finally passed in 2004.

Even after the Hunting Act came into law, it soon became apparent that the pledge to disobey the ban and the refusal of the hunting fraternity to convert to drag hunting or bloodhound hunting<sup>75</sup> would be something more than just posturing. Indeed, initially no hunts were converted to drag or bloodhound hunting and allegations of illegal hunting appeared all over the country.

Just before the Hunting Act 2004 was enacted the term 'trail hunting' was already being used by the hunting fraternity to describe what they planned to do when the ban was in place. The first description of trail hunting appeared in the *Countryside Alliance Hunting Handbook* (2005) published six months after the end of the first hunting season under the ban. In it, the Countryside Alliance described trail hunting as:

*'Any form of trail, simulated, or mock hunting should be promoted and seen as a measure to provide activity for hounds and their followers during the 'temporary' ban. The term drag hunting is to remain the property of the Masters of Drag and Bloodhounds*

<sup>73</sup> <http://www.countryside-alliance.org/>

<sup>74</sup> <http://www.ifaw.org/sites/default/files/2015-IFAW-Trail-of-Lies-full-report.pdf>

<sup>75</sup> Sports in which no live quarry is chased or killed.

*Association. Our activities should not be confused with theirs. Hunts should liaise with their local drag hunt and not try to rival it.*

*Trail hunting is the hunting of a scent laid by man in such a way best to simulate traditional hunting activity. Advice on introducing hounds to trail hunting and the preparation of suitable scents and methods of laying the scent is available from the Hunting Office.*

*The less that the followers, or even the huntsman, know of the route of the trail, the more the hunting will mimic its traditional and challenging form.*

*Trail hunting and Public Relations.*

- *Trail hunting has no utilitarian value to farmers, nor does it contribute towards wildlife management or habitat conservation.*
- *It is an interim measure forced upon us by the Hunting Act that is necessary to maintain the infrastructure of hunting.*
- *It ensures that hound packs can survive in the medium term by keeping them exercised and content.*
- *The hounds will continue to hunt the scent of their normal quarry during the temporary ban so that they remain focused on their normal quarry'.<sup>76</sup>*

In 2015, a report entitled 'Trail of Lies' which examined the role of trail hunting in preventing successful prosecutions against hunters who contravened the ban on hunting with dogs, was published. 'Trail of Lies' studied over 10 years of hunting data and concluded that '*trail hunting in general is primarily a false alibi to avoid prosecutions of illegal hunting. It is not a harmless temporary simulation of hunting before the ban, or a slight variation of the cruelty-free sport of drag hunting. This is supported by the testimonies and audio visual evidence from first-hand witnesses, expert opinion, statistical analysis of data obtained from quantifiable sources and records of court proceedings. We believe the evidence also suggests that trail hunting's secondary purpose is to undermine the will of Parliament to ban hunting and to promote a defiant attitude towards the hunting ban.*'<sup>77</sup>

In addition to using trail hunting, those seeking to continue hunting (especially deer hunts) have also exploited the exemptions of the Hunting Act 2004 to avoid prosecution, namely the 'stalking and flushing out' exemption, the 'rescue of a wild mammal' exemption, and the 'research and observation' exemption. The exemptions of the Act have created serious problems with enforcement, to the extent that it has been called unenforceable by some.<sup>78</sup> Despite the fact that the Hunting Act has a successful conviction rate once cases reach trial, the fact remains that far too many allegations of illegal hunting are not properly investigated and far too many legal cases are dropped.

To compensate for the enforcement problems associated with the Act, several NGOs developed their own enforcement teams in order to monitor hunts and obtain evidence for potential prosecution. The League Against Cruel Sports, the Hunt Monitors Association and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) are some of these organisations. The RSPCA more recently has concentrated its enforcement work on prosecutions rather than investigations, so other

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<sup>76</sup> Countryside Alliance. (2005). How to keep hunting. The Hunting Handbook, 2005-2006. Retrieved from [http://www.countryside-alliance.org/ca/file/Revised\\_Hunting\\_Handbook\\_Sept\\_2005.pdf](http://www.countryside-alliance.org/ca/file/Revised_Hunting_Handbook_Sept_2005.pdf)

<sup>77</sup> <http://www.ifaw.org/sites/default/files/2015-IFAW-Trail-of-Lies-full-report.pdf>

<sup>78</sup> Dominiczak, P. (2013). Hunting Act 'unenforceable' and encouraging anti-social behaviour says senior MP. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/news/politics/10537821/Hunting-Act-unenforceable-and-encouraging-anti-social-behaviour-says-senior-MP.html>

NGOs have tended to prioritise the gathering of evidence which in some cases may then be passed onto the RSPCA in order to enable private prosecutions.

The investigation and monitoring of hunting activities were received with significant hostility by the hunting community and there are several cases of individuals engaging in violence and intimidation in order to prevent such investigations from taking place or to destroy any evidence gathered. The most notorious case of this is the serious attack on Kevin Hill, carried out by a member of the Devon and Somerset Staghounds in 2005 while he was gathering evidence of the hunt's activities.<sup>79</sup> The attacker was eventually arrested, tried and convicted. Christopher Marles of Farringdon was sentenced to nine months in prison, suspended for two years, and ordered to pay £2,500 in compensation.<sup>80</sup> Marles was eventually sent to prison following his conviction of assault on another hunt monitor in 2008.<sup>81</sup>



Figure 27: Hunt monitor Kevin Hill just after being assaulted by a member of the Devon and Somerset Staghounds.

In stark contrast to the hunting fraternity's resistance to the ban, opposition to hunting, and stag hunting in particular, remains strong overall within the UK. The IPSOS Mori poll conducted in 2015<sup>82</sup> shows that an all-time high of 85% of the UK population oppose the legalisation of deer hunting.<sup>83</sup> All age groups, genders, social grades, current vote intentions and area (rural or urban) score over 80% on such opposition.

J15082007\_01.27-NOV - 10-DEC 2015  
INTERNAL/CLIENT USE ONLY - FINAL  
HUNTING POLL

Table 3  
ZX07\_4 - For each one I read out, please tell me whether you think it should or should not be made legal again - Deer hunting  
BASE: ALL ADULTS AGED 15+

	AGE				SEX		SOCIAL GRADE		GOVERNMENT OFFICE REGION		AREA		CURRENT VOTE INTENTION				UNWTD BASE	
	15-24 (n)	25-44 (n)	45-64 (n)	65+ (n)	MALE (n)	FEMALE (n)	ABC1 (n)	C2DE (n)	SCOT- LAND (n)	ENG- LAND/ WALES (n)	RURAL (n)	URBAN (n)	CONSERVATIVE (n)	LABOUR (n)	LIB DEM (n)	OTHER (n)		
Unweighted Base	2037	276	583	635	543	1040	997	1181	856	194	1843	537	1500	448	571	81	217	2037
Weighted Base	2036	315	661	626	434	992	1044	1080	947	175	1861	577	1459	434	558	87	209	2037
A. Yes, should be made legal again	254	40	94	60	61	171	83	157	87	28	227	71	184	69	49	11	29	242
n	12%	13%	14%	10%	14%	17%	8%	14%	9%	16%	12%	13%	13%	16%	9%	12%	14%	12%
B. No, should not be made legal again	1732	263	552	555	362	796	936	904	826	145	1586	496	1236	355	504	76	172	1742
n	85%	84%	82%	89%	82%	83%	90%	82%	87%	83%	89%	86%	86%	82%	90%	86%	82%	86%
Don't know	98	11	16	11	11	25	25	28	22	2	48	11	39	11	6	-	8	53
n	5%	4%	2%	2%	3%	3%	2%	3%	2%	1%	3%	2%	3%	3%	1%	-	4%	3%

Figure 28: Table with the 2015 IPSOS Mori poll results concerning deer hunting.

<sup>79</sup> <http://news.bbc.co.uk/1/hi/england/devon/4388518.stm>

<sup>80</sup> <http://news.bbc.co.uk/1/hi/england/devon/6077154.stm>

<sup>81</sup> <http://news.bbc.co.uk/1/hi/england/devon/7883626.stm>

<sup>82</sup> <https://www.ipsos-mori.com/researchpublications/researcharchive/3674/Hunting-Poll-2015.aspx>

<sup>83</sup> <http://www.league.org.uk/news-and-opinion/press-releases/2015/dec-15/last-hooray-of-the-hunts>

### 3. ILLEGAL STAG HUNTING

The passing of the Hunting Act 2004 did not cease the activities of the three remaining stag hunts and there have been numerous allegations of their continuing to hunt deer illegally. Over the past ten years, a team of wildlife crime investigators monitored 34 stag hunts. In a third of cases, investigators were of the opinion that the hunts were illegal; only in 6% of hunts monitored did investigators believe that the hunt was legal.

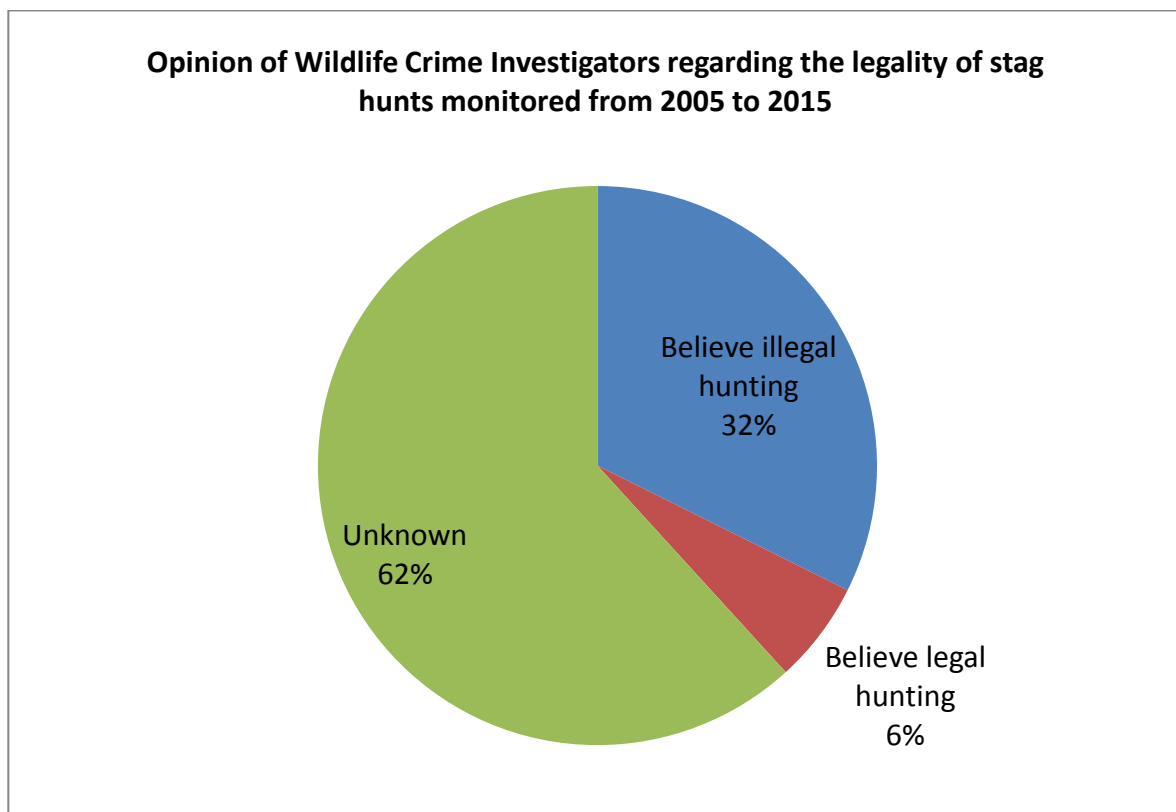


Figure 29: Chart showing the opinions of wildlife crime investigators about the illegality of the stag hunting meets monitored between 2005 to 2015 (N=34).

Although some stag hunts claim they also undertake trail hunting, the most common explanations as to why they are still meeting and hunting deer with hounds, as before the ban, are based on ‘exempt hunting’. Since 2005, stag hunts have claimed three exemptions, outlined in Schedule 1 of the Hunting Act 2004, as a false alibi<sup>84</sup> when accused of illegal hunting: ‘stalking and flushing out’, ‘rescuing a wild mammal’, and ‘research and observation’.

There have been successful prosecutions of stag hunts falsely using the first two exemptions. In 2006, members of the Quantock Staghounds claiming to be hunting under the ‘stalking and flushing out’ exemption were found guilty of illegal hunting. In 2010, members of the Quantock Staghounds were again found guilty of illegal hunting, this time claiming the ‘rescue of a wild mammal’ exemption.

Stag hunts claiming the ‘research and observation’ exemption have, to date, avoided prosecution. On at least two occasions, in 2013 and 2015, members of the Devon and Somerset Staghounds were investigated by the police for allegations of illegal hunting, although the cases were eventually

<sup>84</sup> For the purpose of this report we define ‘false alibi’ as any a specific explanation given to avoid blame or justify action as a defence against an allegation of criminal behaviour, which has been purposely constructed with false evidence or untruthful statements, or knowingly relies on wrong assumptions, misleading facts, or deceptive testimonies, used to pervert the course of justice.

dropped by the Crown Prosecution Service despite there being sufficient evidence to potentially secure a conviction.

Each of the three exemptions used by stag hunts as a defence for illegal hunting is outlined below. The four cases referenced above are individually discussed later in the report.

### 3.1. 'Stalking and flushing out' as a false alibi for illegal hunting

The first exemption listed under Schedule 1 of the Hunting Act 2004 is 'stalking and flushing out' which has five conditions, summarised as follows:

1. **With specific purpose:** the stalking or flushing out is undertaken for the purpose of preventing or reducing serious damage, obtaining meat to be used for human or animal consumption, or participation in a field trial.
2. **Land permission:** the stalking or flushing out takes place on land which belongs to the person doing the stalking or flushing out, or for which he has been given permission to use for the purpose.
3. **Two Dogs:** the stalking or flushing out does not involve the use of more than two dogs.
4. **Above Ground:** the stalking or flushing out does not involve the use of a dog below ground.
5. **Shooting:** reasonable steps are taken for the purpose of ensuring that a) the wild mammal is shot dead by a competent person as soon as possible after being found or flushed out and b) in particular, that each dog used in the stalking or flushing out is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective of a).

If one or more of the above conditions are not met, then the 'stalking and flushing out' exemption is not valid and the hunt is illegal.

Staghounds seeking to use the 'stalking and flushing out' exemption as a false alibi typically use the following *modus operandi*:

1. **Announcement:** The hunt publicly states they will be hunting legally, listing the different types of exempt hunting they may use, including 'flushing to guns'.
2. **Alibi building:** Land permission is obtained (such as a general letter from landowners allowing them to use their land for 'legal' hunting) and purposes are devised as to the necessity of the hunt (i.e. serious damage to vegetation, meat consumption, or both).
3. **Relay hunting:** Stag hunts use relay hunting to overcome the third condition of the exemption which limits the number of dogs to be used to two. Hunters will try to avoid any situation in which more than two dogs are clearly seen chasing the same deer at the same time. However, if several pairs are let loose at the same time, the hunt may still claim that different deer are being chased and that each pair of hounds represents a separate hunt in different locations/directions.
4. **Token guns:** As the concept of 'flushing to guns' requires guns to be strategically placed ready to shoot the mammal that has been flushed towards them, a number of individuals among the hunt carry rifles. Such 'token guns', however, are not strategically placed ahead of the hunt or in a position to be used when the deer is out of cover, rather they are normally carried (still in their cases) on the quadbikes which are following the hunt around.
5. **Crime:** Once the deer is in the open (i.e. 'flushed out'), huntsman employing the 'stalking and flushing out' exemption will allow the hounds to chase the deer rather than shoot the animal at the earliest opportunity. The failure to shoot the deer at the earliest opportunity

and the failure to stop the chase of the hounds once the deer is in the open are breaches of the fifth condition of the exemption and what makes the hunt illegal.

6. **The kill:** As with stag hunting before the ban, the exhausted deer is finally shot dead by the huntsman using his 12-bore shortened shotgun.
7. **Deception:** If evidence is obtained of the hounds chasing deer, the hunt may simply state that they thought that such chase was inevitable, that the shooters could not take the shot at the time the deer was in the open, and that they reasonably believed that their hunting was exempt.

In today's stag hunts, relay hunting is the norm. In 79% of the stag hunt monitoring operations conducted by a team of wildlife crime investigators over the last 10 years, investigators reported seeing more than two dogs being used in relays. Whether relay hunting in itself is legal has not yet been properly tested in court. In stag hunting cases prosecuted to date, convictions have depended mostly on demonstrating that other conditions of the exemption have not been met rather than the condition specifying the use of only two dogs, even if relay hunting was involved. As such, judges have not tended to focus on exploring the legality of the practice of relay hunting. Shortly after the hunting ban came into law, the legality of relay hunting was publicly questioned by the authorities when the hunts started using it just after the ban was enacted. For instance, a 2005 article in the *Western Daily Press* reported the following:

*'A Bombshell letter could effectively put an end to staghunting in the West, it was claimed yesterday. The letter, from Defra Minister Ben Bradshaw, makes it clear that the 'relay' method of hunting, which several stag hunts have employed since February's ban, is itself illegal.... Hunts like the Devon and Somerset Staghounds have got around the hunting ban by pursuing stags with two hounds at a time, with the main pack held back... A Devon member of the League Against Cruel Sports wrote to Mr Bradshaw for clarification, and to demand the loophole be closed with an amendment to the Hunting Act. But the minister said the law was clear - using two hounds in relay to chase, rather than flush, prey was illegal'.<sup>85</sup>*

Hunters accused of illegal hunting who seek to use the 'stalking and flushing out' exemption will argue that chasing deer with two hounds is legal under the exemption. However, this is not true; under the Hunting Act 2004, allowing the chasing of a wild mammal by dogs is *not allowed under any circumstances*. In fact, during the debate leading up to the hunting ban, the argument regarding the cruelty of the chase was particularly developed for the case of stag hunting. Robust research conducted by Bateson and Bradshaw clearly demonstrated how much deer suffered when being chased by hounds:

*'When red deer (Cervus elaphus) were hunted by humans with hounds the average distance travelled was at least 19 km. This study of 64 hunted red deer provides the first empirical evidence on their state at the time of death. Blood and muscle samples obtained from hunted deer after death were compared with samples from 50 non-hunted red deer that had been cleanly shot with rifles. The effects on deer of long hunts were (i) depletion of carbohydrate resources for powering muscles, (ii) disruption of muscle tissue, and (iii) elevated secretion of beta-endorphin. High concentrations of cortisol, typically associated with extreme physiological and psychological stress, were found. Damage to red blood cells occurred early in the hunts ... Taken together, the evidence suggests that red deer are not*

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<sup>85</sup> *Western Daily Press*, 20/07/05. STAGHUNTING AGAINST THE LETTER OF LAW -

*well-adapted by their evolutionary or individual history to cope with the level of activity imposed on them when hunted with hounds.’<sup>86</sup>*

The presence of ‘token guns’ on a hunt are also a good indicator of the use of the ‘stalking and flushing out’ exemption as a false alibi. The ‘flushing to guns’ exemption was mainly conceived of for small animals that may take refuge among vegetation and may be difficult to see unless flushed out by a dog that can smell them. Although deer can be well camouflaged when lying on a grassy field or in a wood, once it is standing it should be a relatively easy target for a well-paced gun. If enough guns are placed ready to shoot around the area from which the dogs are set to flush the deer, it is reasonable to assume that the deer could be dispatched relatively quickly, without the need for a prolonged chase. Guns must therefore be strategically placed around the area where the stag is harbouring and ready to shoot *before* the hounds are sent in. If the guns are not strategically placed nor ready when the hounds are sent in, it is fair to conclude that any gun present is in fact token gun, there only in an attempt to superficially comply with the exemption conditions. The excuse that the huntsmen were unable to shoot the deer after hours of relay hunting through open fields does not prove credible.

### 3.2. ‘Rescue of a wild mammal’ as a false alibi for illegal hunting

The ‘rescue of a wild mammal’ exemption has seven conditions in Schedule 1 of the Hunting Act 2004, summarised as follows:

1. **Injured deer:** The hunter must reasonably believe that the wild mammal is or may be injured.
2. **Humanitarian purpose:** Hunting is undertaken for the purpose of relieving the wild mammal’s suffering.
3. **Two Dogs:** The hunting does not involve the use of more than two dogs.
4. **Above Ground:** The hunting does not involve the use of a dog below ground.
5. **Land permission:** The hunting takes place on land which belongs to the person doing the hunting, or which he has been given permission to use for the purpose, or under the authority of a constable.
6. **Swift action:** a) Reasonable steps are taken for the purpose of ensuring that as soon as possible after the wild mammal is found appropriate action (if any) is taken to relieve its suffering and b), in particular, each dog used in the hunt is kept under sufficiently close control to ensure that it does not prevent or obstruct the achievement of a).
7. **Not enabling harm:** The wild mammal was not harmed for the purpose of enabling it to be hunted.

If one or more of the above conditions are not met, then the ‘rescue of a wild mammal’ exemption is not valid and the hunt is illegal.

A typical *modus operandi* used by staghounds when using this false alibi is as follows:

1. **Announcement:** The hunt publicly states they will be hunting legally when meeting during the hunting season, listing the different types of exempt hunting they may use, including the ‘rescue of a wild mammal’ exemption.
2. **Alibi building:** Land permission is gained (such as a general letter from landowners allowing them to use their land for ‘legal’ hunting) and arguments are devised justifying the belief that one particular deer is injured.

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<sup>86</sup> Baterson, P. Bradshaw, E.L. (1997). Physiological effects of hunting red deer (*Cervus elaphus*). *Proceeding of the Royal Society*.

3. **Relay hunting:** The use of multiple pairs of hounds, in relay, is employed to overcome the third condition.
4. **Crime:** Once the deer is located, the hunters deliberately allow the hounds to chase it rather than capturing it for veterinary treatment or shooting it (if the animal is severely injured). The continued pursuit of the hounds once the deer is located and the failure to stop the chase breaches the sixth condition of this exemption and therefore makes the hunt illegal.
5. **The kill:** As with stag hunting before the ban, the exhausted deer at bay (perhaps now injured because of the chase) is finally shot dead by the huntsman using his 12-bore shortened shotgun.
6. **Deception:** If evidence is obtained of the hounds chasing deer, the hunt may simply state that they thought that such chase was inevitable, that the gunmen could not take the shot at the time for whatever reason, and that they reasonably believed that their hunting was exempt. Also, if the body of the dead deer is examined, the stag hunt may claim that the injuries which may have been sustained because of the chase were already present before the chase.

Note that for this exemption to apply it must be believed that the deer is injured, not simply ill or diseased. This is significant as in 2015 the UK Government attempted to weaken the Hunting Act 2004 by proposing to alter some of the wording of the exemption via an obscure parliamentary process with little scrutiny known as a Statutory Instrument.<sup>87</sup> One of the proposed changes was to add 'or diseased' to condition one of the 'rescue of a wild mammal' exemption as currently it only states that 'injured' mammals can be hunted under this exemption (and it is easier to prove that a mammal was not injured than to prove that it was not diseased, making the abuse of this exemption easier).<sup>88</sup> However, the proposal was withdrawn when the Conservative Government realised that they would not have enough votes, as the Scottish National Party MPs and many Conservatives MPs expressed their opposition to the changes.<sup>89</sup>

It is easy for hunters to exploit this exemption by claiming that a deer was injured before the hunt, when in fact any injuries it sustained may well have been caused by the hunt. While undoubtedly there are occasions when deer are injured by poachers or by fights between males, some have suggested that by far the greatest number of injuries suffered by deer is caused by the hunts themselves when the deer flee from the hounds and the hunt followers. For example, deer can suffer injuries from barbed wire fences or from attempting a jump that is beyond their strength.<sup>90</sup>

The other issue to consider is that using dogs to chase an injured deer may not be an 'appropriate action taken to reduce its suffering', as the stress of the chase causes yet more suffering to the already stressed animal. Equally, if an injury is not severe or life threatening, the most appropriate action may be to let the deer recover by itself, rather than to kill it. It could be argued that without the explicit assessment of a veterinary surgeon, on most occasions members of a hunt would be unqualified to decide if a deer needs to be put down, and if so, how.

The 'rescue of a wild mammal' exemption was also used to partially reverse the stag hunting ban that the National Trust had in place from 1997. In 2006, the National Trust policy changed allowing stag hunts to enter their land to help relieve a suffering, injured deer.<sup>91</sup> The change was fiercely

<sup>87</sup> <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

<sup>88</sup> <http://www.telegraph.co.uk/news/politics/foxhunting/11726161/MPs-to-get-free-vote-to-relax-fox-hunting-ban-next-week.html>

<sup>89</sup> <http://www.conservativesagainstfoxhunting.com/2015/07/3278/>

<sup>90</sup> *The Tradition of Stag hunting on Exmoor and the Quantocks* (1988). Devon & Somerset Resident's Association for deer protection

<sup>91</sup> Ian Pedler. *Save our Stags. The long Struggle against Britain's most Controversial Blood Sport*. Black Daps Press, Eastbourne, 2008



opposed by anti-hunting groups, who feared the practice would be open to abuse and instead called for more 'humane' methods to be used when dealing with injured animals.<sup>92</sup>

### 3.3. 'Research and Observation' as a false alibi for illegal hunting

The 'research and observation' exemption has five conditions in Schedule 1 of the Hunting Act 2004:

1. **Purpose:** the hunting is undertaken for the purpose of, or in connection with, the observation or study of the wild mammal.
2. **Two Dogs:** The hunting does not involve the use of more than two dogs.
3. **Above Ground:** The hunting does not involve the use of a dog below ground.
4. **Land permission:** The hunting takes place on land which belongs to the person doing the stalking or flushing out, or which he has been given permission to use for the purpose.
5. **Dogs under control:** each dog used in the hunt is kept under sufficiently close control to ensure that it does not injure the wild mammal.

If one or more of the above conditions are not met, then the 'research and observation' exemption is not valid and the hunt is illegal.

A typical *modus operandi* used by stag hunts when using the 'research and observation' exemption as a false alibi is as follows:

1. **Announcement:** The hunt publicly states they will be hunting legally when meeting during the hunting season, listing the different types of exempt hunting they may use, including the 'research and observation' exemption.
2. **Alibi building:** Land permission is obtained (such as a general letter from landowners allowing them to use their land for 'legal' hunting) and a researcher who could be used to justify the research claim is found.
3. **Relay hunting:** The use of multiple pairs of hounds, in relay, is employed to overcome the third condition as outlined above.
4. **Crime:** Once the deer is located, the hounds are allowed to chase it. By not stopping the chase as they should, they are breaching the fifth condition of the exemption and making the hunt illegal.
5. **The kill:** As with stag hunting before the ban, the exhausted deer at bay is finally shot dead by the huntsman using his 12-bore shortened shotgun.
6. **Deception:** The research used to justify the hunt may not be genuine or may even be illegitimate. Either way, the hunt may claim that they were merely 'observing' the deer that day with the aim of passing information about it to a third party; this is believed sufficient to fulfil condition one of the exemption, with the implication that the hunters are not responsible of what the third party may do with the information. If evidence is obtained of the hounds chasing deer, the hunt may simply state that they thought that such chase was inevitable and acceptable and that they reasonably believed that their hunting was exempt. If a claim is made that the dogs were not kept under close control when a chase took place, the hunters can claim that even from a long distance the specially trained dogs are always under control and would therefore never attack a deer.

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<sup>92</sup> <http://www.24dash.com/news/communities/2006-11-04-National-Trust-members-vote-in-favour-of-deer-hunting>

The wording of the first condition is sufficiently vague to be able to create enough doubt among investigators and prosecutors and prevent potentially strong cases from being brought to court. The phrase '*in connection with the observation or study of the wild mammal*' suggests that the purpose of the observation or study can be indirect or disconnected from actual research or study; ambiguity which could have been resolved in Court had such cases reached that far.

The use of the 'research and observation' exemption relies on that fact that the fifth condition is worded differently than similar conditions in other exemptions. While in other exemptions such a condition is normally two-fold (mentioning the need to act as soon as possible and to keep control of the hounds), in this exemption we only see the control part. This may have encouraged illegal hunters to believe that a chase of the deer may be allowed under this exemption, disregarding the spirit of the law which clearly only allows exempt hunting if there is no chase.

So far, the use of the 'observation and research' exemption has proven a successful argument for hunters accused of illegal hunting as no cases in which hunters employ this exemption have yet been tried in Court. This is not, however, to say that the 'observation and research' exemption is ironclad. We believe that any careful consideration, by a court of a law, of the facts of a case where the 'observation and research' exemption is falsely claimed would clearly show that the activities of the hunts do not align with the intentions of Parliament in the creation of this exemption. If such a case had ended up in Court, it would have provided the opportunity for the ambiguities of this exemption to be clarified and to expose any potentially inappropriate research rationales used as justification. Unfortunately, the repeated failure of the CPS to prosecute hunts using this exemption has given more credence to the use of the 'observation and research' exemption as hunters can claim that they reasonably believe that what they did under this exemption was legal (on the basis that previous allegations against them failed to secure a prosecution). The response from the authorities to the use of this exemption as a false alibi is therefore serving to reinforce its continuing use, making it more difficult to prosecute future cases, and essentially creating a workable loophole which now may only be properly closed at a legislative level.

### 3.4. Case studies

The following four case studies illustrate how stag hunts use ‘exempt hunting’ as a defence against allegations of illegal hunting. Each case study shows the form stag hunting has taken after the hunting ban, how instances of suspected illegal hunting have been investigated, and how the authorities have reacted.

It is important to note, that in cases where illegal hunting was alleged and not proven in a court, any persons **mentioned in this chapter should be considered innocent until proven guilty in a court of law**. Any opinion expressed by the author or by investigators quoted or referred to in this report regarding their belief that an activity they observed or studied may be an illegal activity, **remains just an opinion and should never be taken as a statement of fact** if the courts have not established it already as a fact.

#### 3.4.1. Quantock Staghounds ‘stalking and flushing out’ case

On the 16<sup>th</sup> February 2006 investigators from the League Against Cruel Sports filmed the Quantock Staghounds hunt a stag. Based on the evidence collected, the League undertook a private prosecution against two suspects as the CPS refused to act upon the case.<sup>93</sup> Despite the accused claiming that they believed they were hunting legally under the ‘stalking and flushing out’ exemption, they were convicted for breaches of the Hunting Act 2004.<sup>94</sup> The two stag hunt members also lost a subsequent appeal against their conviction.

#### *The facts of the case*

The following are extracts from the evidence package produced for the case:

12:56. On 16<sup>th</sup> February 2006 investigators from the League Against Cruel Sports drive towards the Quantock Staghounds meet point at Crowcombe Park Gate, Somerset.

13:02. Investigator records a hound running towards the meet site, joining some riders and a vehicle.



<sup>93</sup> Ian Pedler. *Save our Stags. The long Struggle against Britain’s most Controversial Blood Sport*. Black Daps Press, Eastbourne, 2008

<sup>94</sup> <http://www.telegraph.co.uk/news/uknews/1553937/Two-fined-for-hunting-deer-with-hounds.html>

Figure 30: Hounds first seen running towards the meet in the 2006 Quantock Staghounds' case. ©LACS

13:08. Investigator records two riders at the top of the hill, as well as a Landrover and a quad bike. Red coat rider<sup>95</sup> is with seven field riders on the way to Higher Hare Knap. Five riders are close to the investigators and another two riders further away.

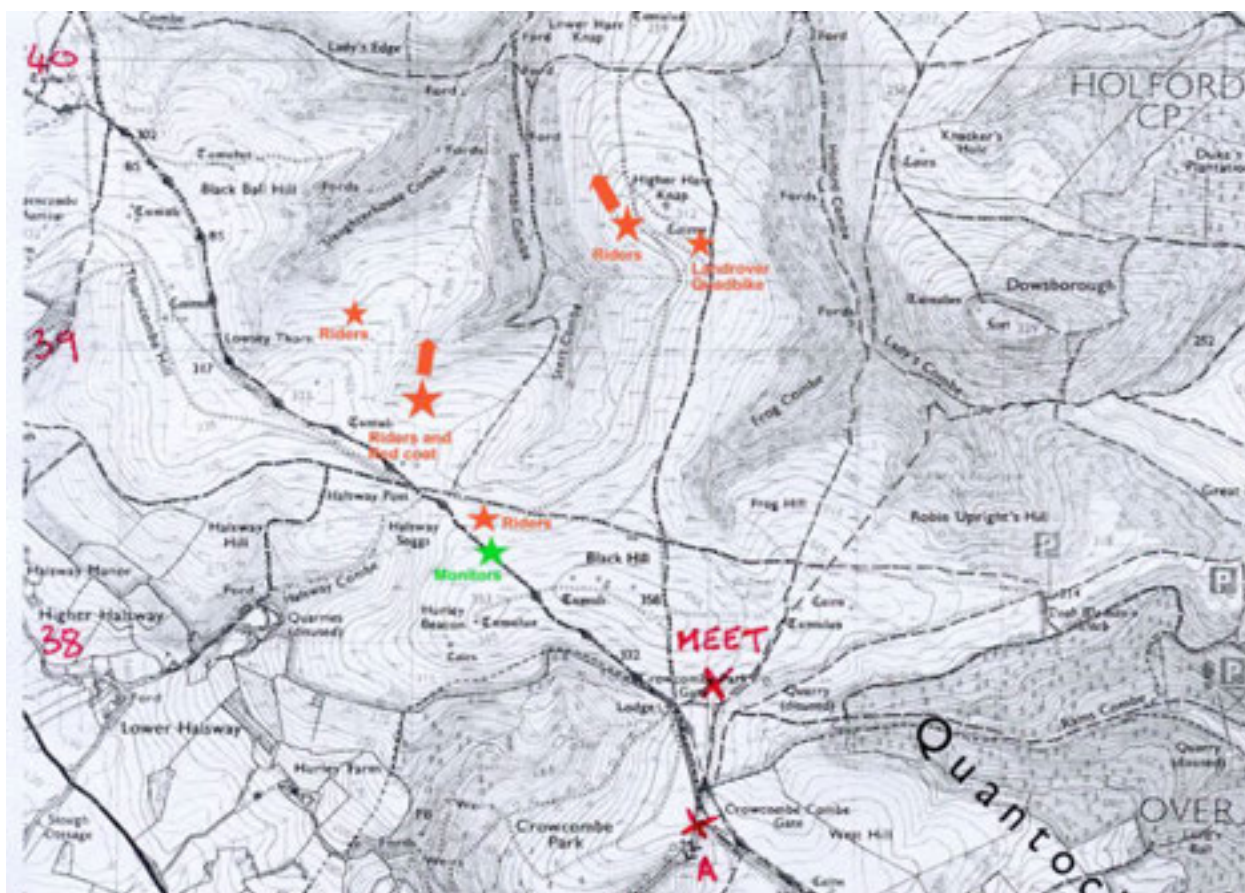


Figure 31: Map used in the evidence package of the Quantock Staghounds' case, showing the position of the meet, the monitors and some of the hunters. ©LACS

13:12. Investigator records two red-coated riders on the southern side of Longstone Hill, one on foot walking uphill and the other riding past a Land Rover containing two people at the top of the hill, two supporters close by watching, and two 4x4 vehicles.

13:26. After being driven north, investigator records a red-coated rider on horseback at a middle distance (later further north) and the whipper-in with two riders passing close to camera. Some riders are also watching close to the monitors and a Land Rover and two quadbikes waiting north of Dens Combe. Two investigators record two hounds being drawn by a huntsman and a quadbike.

<sup>95</sup> 'Red Coat' refers to members of hunt staff who traditionally wear a red hunting coat.

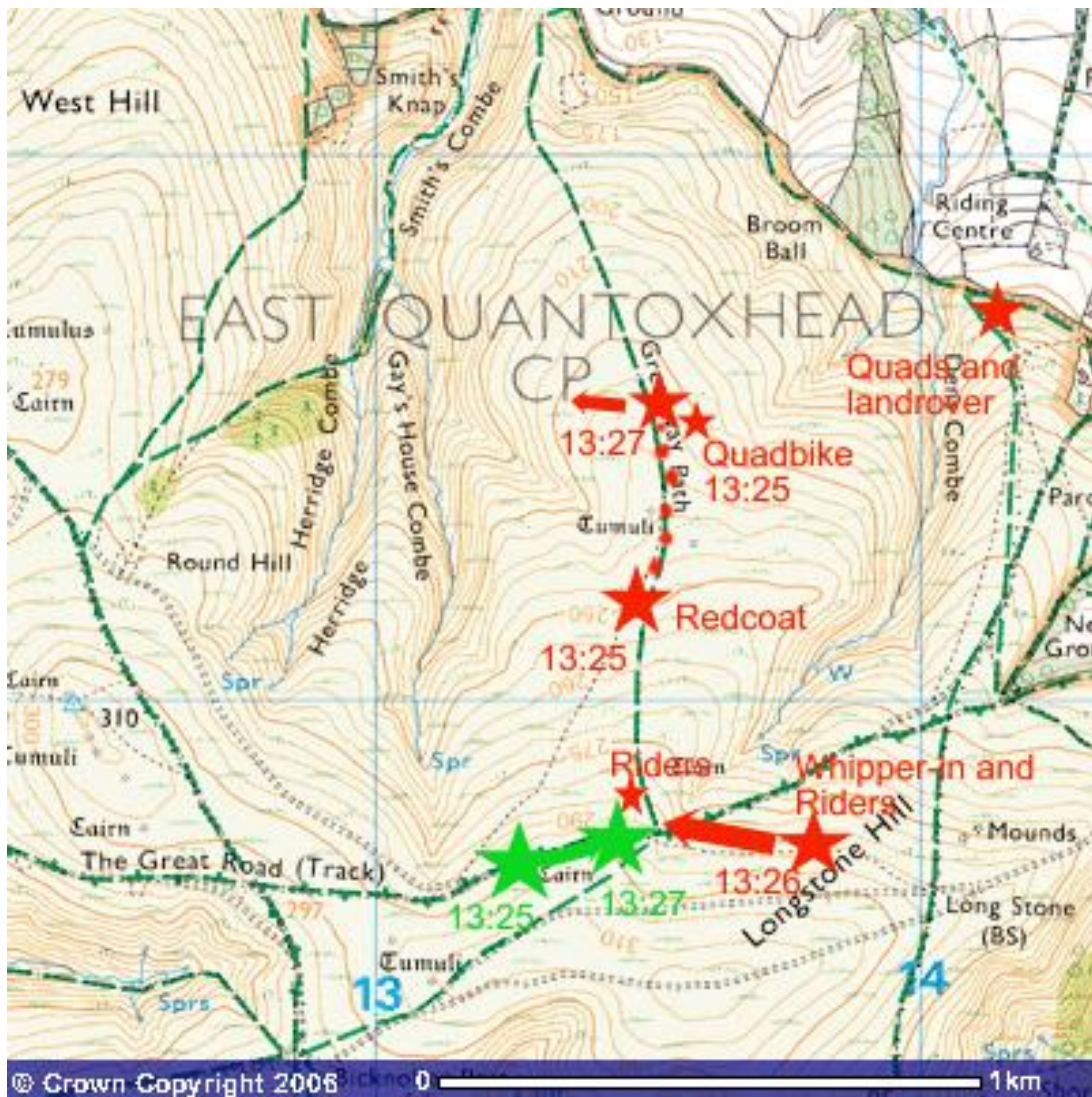


Figure 32: Map used in the evidence package of the Quantock Staghounds case, showing the position of the monitors and hunters, at different times. ©LACS

13:29. After driving a few metres, investigators record two herds of deer running east (first herd containing one stag and nine hinds, second herd, closer to investigators, containing eleven hinds). Two hounds chase the second herd while the huntsman watches from a distance of about half a kilometre. Riders close to the investigators make some noise, the whipper-in stops by to watch and, after some time, the deer and hounds disappear south, followed by the huntsman and many riders.



Figure 33: Young stag running from the hounds during the Quantock Staghounds' case. ©LACS



Figure 34: Proof that the hounds are chasing a herd of deer as part of the evidence of the Quantock Staghounds' case (the arrows show landscape features useful for comparison). ©LACS



Figure 35: Images of the Huntsman in different locations as part of the evidence package of the Quantock Staghounds' case. ©LACS



Figure 36: Images of the whipper-in as part of the evidence package of the Quantock Staghounds' case. ©LACS

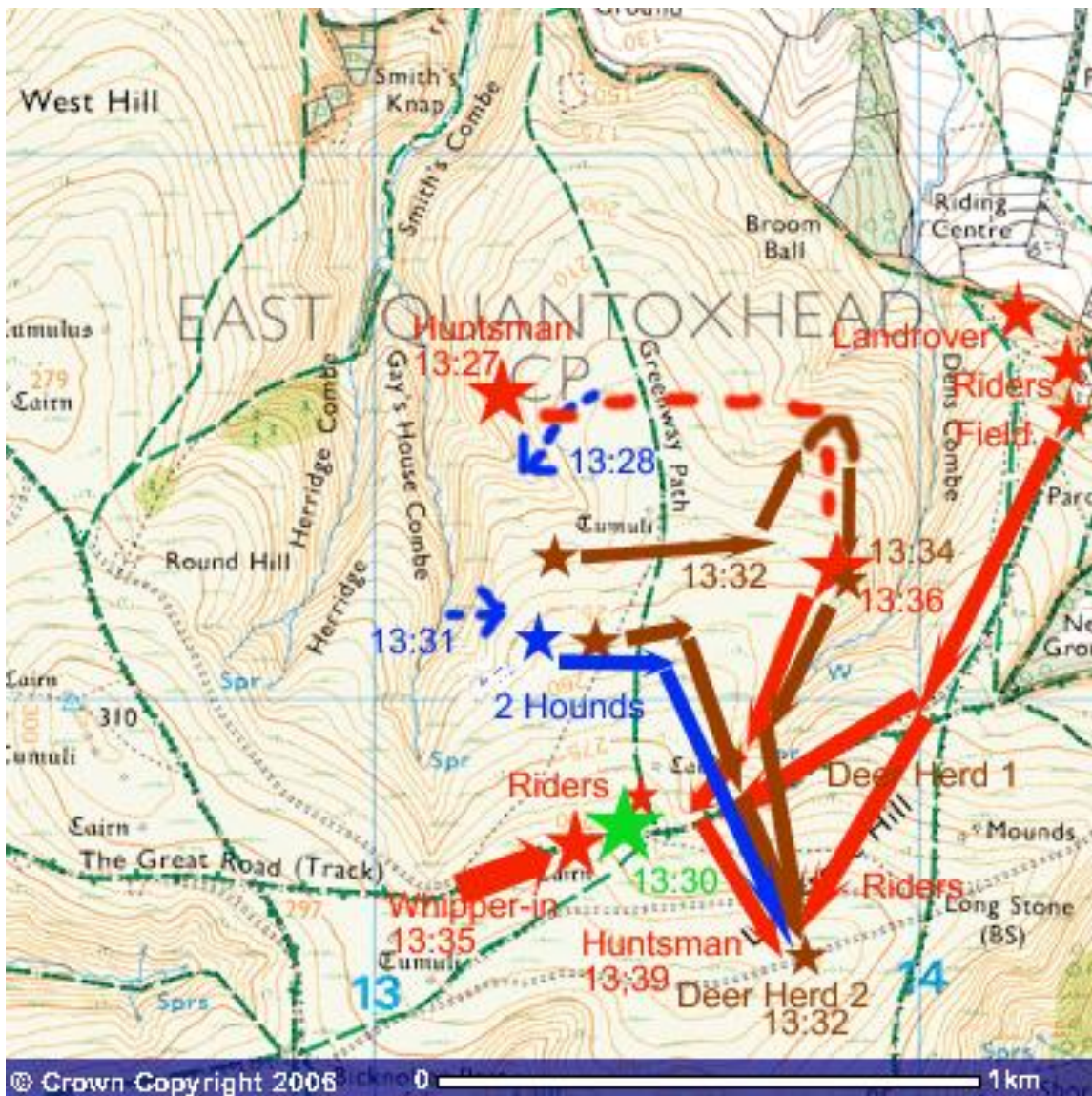


Figure 37: Map used in the evidence package of the Quantock Staghounds 2006 case, showing the position of the monitors, the deer, the hounds and hunters, at different times. ©LACS

13:47. While driving towards New Ground, investigators hold a conversation with two National Trust workers who agree that hunting is taking place. An explanation of the conversation is recorded.

13:57. Investigators drive to the League's Sanctuary at Alfoxton and walk to memorial pines on NT land, where they record five hunt supporters' vehicles. From there, more vehicles at Higher Hare Knap are recorded.

14:35. Investigators hear two shots.



## *The allegations*

On that day, the League Against Cruel Sports alleged that organised hunting of wild deer with dogs (at least two hounds) was undertaken by Richard Down (Huntsman) and Adrian Pillivant (Whipper-in) of the Quantock Staghounds. The allegation stated that if the two suspects were to claim that the hunting was exempt, the following breaches of the conditions of exempt hunting had occurred:

If 'Flushing out from cover' was to be claimed by the defence, then its fifth condition had been breached:

*(7) The fifth condition is that-*

*(a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found or flushed out the wild mammal is shot dead by a competent person, and*

*(b) in particular, each dog used in the stalking or flushing out is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a).*

If 'Research and Observation' was to be claimed by the defence, then its fifth condition had been breached:

*(6) The fifth condition is that each dog used in the hunt is kept under sufficiently close control to ensure that it does not injure the wild mammal.*

If 'Rescue of Wild Mammal' was to be claimed by the defence, then its sixth condition had been breached:

*(7) The sixth condition is that-*

*(a) reasonable steps are taken for the purpose of ensuring that as soon as possible after the wild mammal is found appropriate action (if any) is taken to relieve its suffering, and*

*(b) in particular, each dog used in the hunt is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a).*

## *The response of the authorities*

This case was compiled for prosecution by Jordi Casamitjana on behalf of the League Against Cruel Sports. As the CPS refused to take the case, a decision was made to prosecute the suspects privately. During the first two years of the hunting ban there had been many allegations of illegal hunting. There was, however, also a perception that the authorities were not interested in investigating such allegations or those involved. The League Against Cruel Sports therefore determined to undertake the first prosecutions under the Hunting Act 2004 privately. This stag hunt case was the second of such prosecutions, which took place at Taunton Magistrates' Court on the 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> May 2007, and at Bristol Magistrates Court on the 7<sup>th</sup> June.

District Judge David Parsons found Richard Down (Huntsman) and Adrian Pillivant (Whipper-in) guilty of breaching Section 1 of the Hunting Act 2004. The judge declared the defence's argument

'disingenuous'. Both men were fined £500 and ordered to pay £1,000 each as a contribution towards costs.<sup>96</sup>

In his written sentencing notes, the judge stated the following regarding the 'stalking and flushing out' exemption: *'Parliament clearly did not wish to exempt hunting that involved a chase of a quarry. Each condition is limited to stalking out. The objective of shooting the wild mammal as soon as possible after being found or flushed does not envisage that after being flushed it is permissible to chase the deer with dogs. A chase is incompatible with the policy objectives of the Act... I considered the evidence, this hunt took place over two and three quarter hours, at least some of the deer at the end of the chase were there at the beginning. I cannot accept that you should look at each flush separately ... On both the evidence of the two and three quarter hour hunt or on the defence account of slightly over 60 minutes from last flush to kill I am not satisfied when considering the whole range of unpredictable factors that reasonable steps were taken, to ensure that as soon as possible, the deer was shot dead by a competent persons.'*

On the issue of the lack of control of the hounds (part of the fifth condition of the 'stalking and flushing out' exemption) the judge stated the following: *'The hounds pursued the deer, I was able to watch the pursuit, some of these deer had been flushed and chased on at least three occasions, Mr. Pivillant at 13:33 could have intervened and called the hounds off, he chose not to. Exempt hunting does not allow for a chase, there was no sign of the deer being shot, in fact it was not possible for them to be shot and Mr. Pillivant did not call the hounds off. It was obvious to him that the deer were not as soon as possible going to be shot. They should have been called off, they were not. The dogs were not under proper control and neither the first or second part of the fifth condition are satisfied. Consequently the conditions for exempt hunting are not satisfied'*.

This case was appealed in October 2007 but the convictions were upheld by Mr Justice Wyn Williams at Taunton Crown Court.<sup>97</sup>

### **3.4.2. The Quantock Staghounds 'rescue of wild mammal' case**

A few years after the 2007 conviction, another incident of illegal hunting occurred involving the Quantock Staghounds. Initially investigated by the League Against Cruel Sports, this case was taken on by the police and prosecuted by the CPS.

#### ***The facts of the case***

Video footage taken by League Against Cruel Sports investigators<sup>98</sup> showed the stag being pursued over open land by three hounds. In the end, the investigators heard two gunshots. Following are details of what they described:

On Monday 21<sup>st</sup> September 2009 two League Against Cruel Sports staff monitored the Quantock Staghounds who were meeting at Crowcombe Park Gate on the Quantock Hills.

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<sup>96</sup> <http://news.bbc.co.uk/1/hi/england/somerset/6729983.stm>

<sup>97</sup> <http://news.bbc.co.uk/1/hi/england/somerset/7053016.stm>

<sup>98</sup> <https://www.youtube.com/watch?v=wfTuODxieuE>



Figure 38: Map used in the evidence package of the Quantock Staghounds 2009 case (CPS prosecution), showing the position of the monitors, the deer, the hounds and huntsman. ©LACS

12.37.17: a rider who was stationary on the far side of the combe had a hound next to him, and another hound close by. Monitor 1 recognised him, while looking through his binoculars as Richard Down the huntsman of the Quantock Staghounds. Two hunt supporters on foot ran down into Dens Combe from the Great Track. There was a third man on foot close by. Meanwhile, horn calls could be heard coming from the huntsman. These were long drawn out calls recognised by Monitor 1 as a call used by the huntsman to call up hounds and gather them to him. Richard Down continued to use the horn to gather the hounds to him. He had now collected 5 hounds at his feet. The hounds were lined up directly behind him, as is usual when hounds are awaiting instructions from the huntsman.

12.40.52: the huntsman Richard Down slowly rode down into Dens Combe with the five hounds towards where the stag was last seen. This small patch of the combe was now surrounded by hunt supporters on horseback, on foot and in vehicles. The huntsman and hounds dropped down into the combe and out of sight. The hounds were then heard speaking. Speaking is a hunting term used to describe the sound that hounds make when they are on a scent. Hunt supporters were then heard shouting and some of them moved east. This was the same shouting as had been heard a few minutes earlier and not the shouts that are heard when trying to call hounds off a scent, which is also accompanied by whip cracking and shouts of “leave it”. The supporters began to ride and drive across the moorland. The sounds of the hounds became stronger.

12.42.50: the stag ran out of Dens Combe, crossed the Great Track and ran onto the National Trust land at Longstone Hill towards Monitor 1. A hound, which was speaking and on a scent, was just seconds behind the stag, and running the same route as the stag.

People were shouting at the stag and some riders appeared to be riding towards it. Again no attempts were made to call the hounds off the stag. With the hounds so close to the stag the hunt would need to be shouting “leave it” and cracking their whips in order to stop the hounds. Richard Down was now close to the Great Track, riding fast over the moorland. He then rode east along the track until he went out of sight.

The stag appeared very tired as it was not running quickly and had its mouth open and was foaming a little at the mouth. The camcorder that was set on a tripod was below Monitor 1’s eye level so he was able to see more than what the camcorder was able to film. The stag was running through a dip in the ground, but the camcorder was able to film it’s antlers as it ran towards Monitor 1.

12.43.14: another two hounds crossed the Great Track and took the same route as the stag. The hounds were speaking as they chased the stag. As the hounds came closer to Monitor 1 he was able to follow their progress across the moor by watching their tails, which were upright as they chased the stag. They continued to take the same route as the stag. Three hounds were seen chasing the stag.

The supporters continued to come out onto the Great Track. They rode along it and then up the track towards the pines on eastern edge of Longstone Hill, in the same direction as the stag and hounds.

The stag ran towards Monitor 1, and was only two metres away from him as it passed to the right of him. He could not move the camera round to film the stag as it ran past him for fear of giving his position away. He could hear the stag as it ran close to him as it was breathing

very heavily. This was picked up by the camcorder and can be heard on the footage. The hounds could also be heard as they ran past Monitor 1. The stag and the three hounds ran across the National Trust owned land at Longstone Hill in a south easterly direction towards Willoughby Cleeve and Hodder's Combe. The supporters continued to travel along the Great Track in the same direction as the stag and the hounds.

12.50.53: Monitor 1 said on film that he heard two gunshots. At 12.53.58 Monitor 2 switched his camera back on and stated that he had heard gunshots from just over the hill. The gunshots came from the Hodder's Combe area. This is the area that the stag was last seen running in.

12.57 – 13.09: Monitor 1 saw a number of hunt supporters were back on the Great Track. This included fourteen vehicles and a rider, who was riding at a leisurely pace. One of the vehicles was a green Land Rover Defender which had at least three hounds in the back. Most of the supporters headed west, which would be the route to go back to the meet in a vehicle.

12.59 – 12.24 Monitor 2 saw three vehicles driven by hunt followers past his position from the moor towards Holford.



Figure 39: Image of the stag running away from the hounds as part of the video footage presented as evidence in the Quantock Staghounds 2009 case (CPS prosecution).

### *The allegations*

The witnesses alleged that the huntsman of the Quantocks staghounds committed an offence under section 1 of the Hunting Act 2004, and that the hunting he was participating in was not exempted under Schedule 1 of the Act.

It was alleged that not all the conditions to apply the Stalking and Flushing out exemption had been fulfilled: Five hounds were taken into the combe where the stag had run and three were seen

pursuing the stag; the hounds were not under sufficiently close control, as one hound was seen running on the moor just north of the stag at 12.35 and the three hounds in pursuit of the deer as it ran onto Longstone Hill were not under the close control of the huntsman.

It was alleged that not all the conditions to apply the Recapture a Wild Mammal exemption had been fulfilled: No reasonable steps were taken to recapture or shoot dead, and hounds were not kept under sufficiently close control.

### *The response of the authorities*

The case was given to the police and the CPS charged the huntsman of the Quantock Staghounds, Richard Down, who claimed to be using the 'rescue of wild mammal' exemption, arguing that he had hunted an injured stag to relieve its suffering. In November 2010, Richard Down was again convicted at Taunton Magistrates court of hunting a wild mammal with a dog. He was the first huntsman to be convicted twice under the Hunting Act 2004.

Prosecutor Kerry Barker said the chase caused the stag 'great distress' and District Judge Martin Brown said Down was 'in control of the dogs and could have called them back'. Down was fined £375, £15 victim surcharge and £2,530 costs.

### **3.4.3. Devon and Somerset Staghounds 'research and observation' case 1 (2013)**

On the 14<sup>th</sup> September and 24<sup>th</sup> October 2013 League Against Cruel Sports investigators filmed the Devon and Somerset Staghounds hunt and kill at least one stag. The police investigated and the suspects were charged despite claiming that they were hunting legally under the 'research and observation' exemption on both days.<sup>99</sup> The case was later dropped by the CPS.<sup>100</sup>

### *The facts of the case*

On the 14<sup>th</sup> September 2013 the Devon and Somerset Stag Hounds (DSSH) met at Warren Farm, Simonsbath, in Somerset. The hunt meet had been advertised publicly on the stag hunt's website. The following are excerpts of what the investigators from the League Against Cruel Sports witnessed, extracted from the evidence packaged produced for the case:

11.36. Investigators saw about nine riders on the hill in the Warren Farm direction to the south-west of them, slowly moving towards their location. Three of the riders were wearing red coats and two of them were leading the group of riders. Two red coats were recognised as David Greenwood, one of the hunt masters of the Devon and Somerset Staghounds, and John Arnold.

11.47. Investigators noticed another group of riders approximately two kilometres ahead of them to the west and coming down over Trout Hill from the south-west. The group consisted of three riders wearing red coats, approximately eleven other riders and two dogs. They came

<sup>99</sup> <http://www.bbc.co.uk/news/uk-england-somerset-27157334>

<sup>100</sup> <http://www.bbc.co.uk/news/uk-england-somerset-30058876>

to a halt at the north end of Trout Hill and stood with the dogs. One of the red-coated riders was carrying a distinctive white whip and the investigators took him to be the whipper-in for the hunt.

11.53. A red quad bike arrived from a northerly direction and a person who investigators believed to be male got off the quad bike, spoke to one of the red-coated riders and pointed to the north. Soon afterwards the rider returned to the red quad bike and went back in the direction he came from. Immediately, the red-coated rider with the white whip followed the quad bike, together with a rider on a white horse who I believe was male. At 11.57.05 the remaining two red-coated riders together with the two dogs and seven of the riders also moved off in a northerly direction while the two of the riders headed off back in a south-west direction.

12.06. Investigators saw a Red Deer stag running in a westerly direction, which ran between the quad bikes and the people. At 12.08 a group of three Red Deer hinds and two calves running on the north side of East Pinford and heading north were also seen, and two stags running from north to south.

12.12. A red-coated rider and two dogs on Great Buscombe, close to the where the two stags had run, were seen.

12.17. Four stags running from west to east were seen. At 12.18 at least fourteen foot followers and eleven riders were seen. Some of them were pointing in the direction of the four stags.



Figure 40: Image of four stags running away from the hounds as part of the video footage presented as evidence in the DSSH September 2013. ©LACS

12.20. On the northern end of East Pinford, David Greenwood, one of the three DSSH join-Masters, and four other riders who were stationary on their horses were seen. One of the males pointed over to the east and a short while later he pointed again to the south east as if

he had seen something. Investigators immediately panned their camera round to the spot and saw the two dogs hunting.



Figure 41: Image of DSSH Joint-Master David Greenwood and Field riders as part of the video footage presented as evidence in the DSSH September 2013. ©LACS

12.21. There was a red-coated rider in the distance to the investigators left moving at speed from west to east and going past the foot followers that were located at that spot. David Greenwood and other riders were recorded crossing the combes and following in the direction of the two dogs, going east. Just after this another red-coated rider, believed to be the Joint-Master Rupert Andrews, was recorded on the same track as David Greenwood and the other riders and was heading in the same direction.



Figure 42: Image of DSSH Joint-Master Rupert Andrews as part of the video footage presented as evidence in the DSSH September 2013. ©LACS



12.23. Investigators spotted the four stags standing close behind them on the east side of the fence they were beside. The stags appeared to be exhausted and two of them had their mouths open and their tongues were out. The high pitched sound of dogs barking excitedly was heard and immediately afterwards the two dogs that were chasing them appeared. They were barking with excitement and were only a few metres away from the stags. The stags ran off with the barking dogs in very close pursuit. The stags and the dogs headed north westerly disappeared down in the first combe.



Figure 43: Image of hounds chasing stags as part of the video footage presented as evidence in the DSSH September 2013. ©LACS

12.24. Just to the west a red coat on his horse was recorded. He was using his radio and tracking the stags and the two dogs. This was the same man, Rupert Andrews, who had been recorded a couple of minutes earlier. David Greenwood now heading back in a north westerly direction with all the other riders was also recorded. At 12.25 another red-coated rider, recognised as the whipper-in Peter Heard, was recorded on East Pinford riding at speed from south to north and while looking into the combe where the stags had gone. David Greenwood and many other riders were all heading back in a north westerly direction as they crossed East Pinford.

12.25. Investigators heard a lot of shouting coming from the northern end of East Pinford as they were recording the red-coated rider with the peaked jockey hat and some other riders. The shouting came from somewhere north of the combe that I had last seen the stags heading for. It was the sort of shouting stag hunt supporters use to separate off a selected stag from the other stags, and immediately afterwards a single large stag running north west across East Pinford was seen, and two dogs coming out of the combe where the stag and the shouting had come from followed, initially, the direction of the stag. The two dogs continued running south west across East Pinford and did not follow the stag that I had seen running north-west.

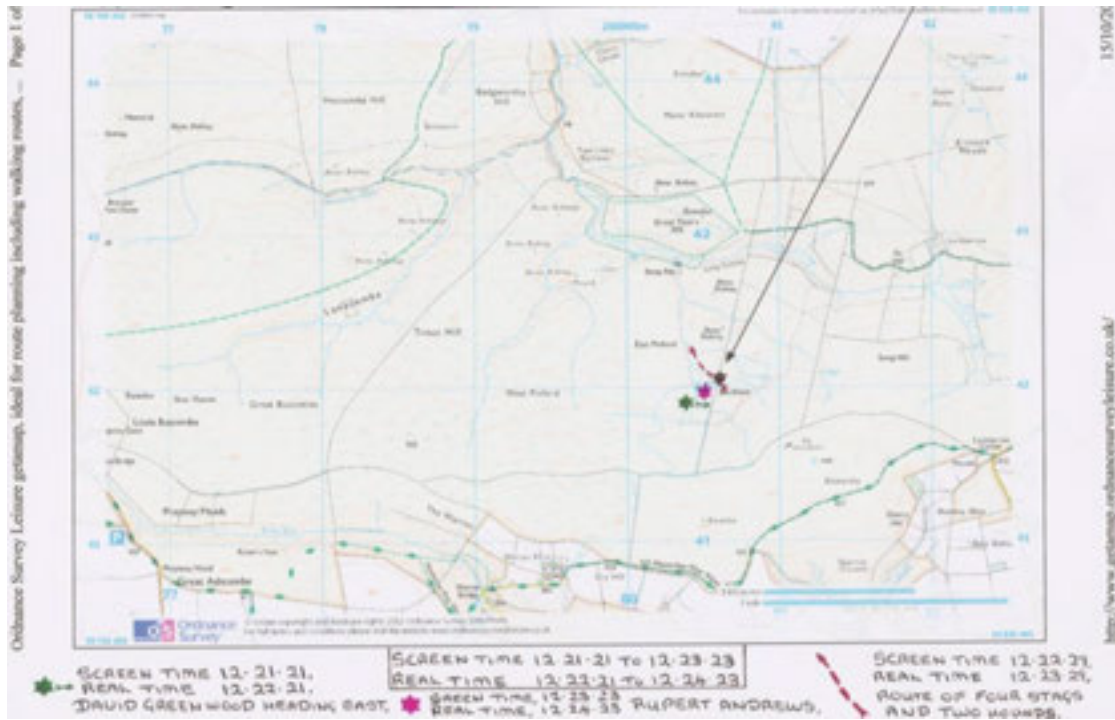


Figure 44: Map of the movements of deer, hounds and hunt staff as part of the video footage presented as evidence in the DSSH September 2013. ©LACS

12.26. Some riders stopped the hounds and investigators heard shouts including someone shouting “Hold up” or similar, which was believed to be a ‘check’. In stag hunting a ‘check’ is where a hunt official or knowledgeable supporter (usually on horseback) stops the hunting hounds when it is clear they are following the wrong line (scent trail) and puts them on the right line. The single stag had run north-west across East Pinford at the same spot where at 12.07.18 other deer running had been recorded. David Greenwood arrived and also assisted in stopping (checking) the dogs with his whip. David Greenwood and these other riders then took the two dogs along the scent line of the single stag. Peter Heard came back from tracking the stag and again the dogs broke away slightly to the left and they were again corrected and eventually they settled and followed the scent of the single stag. With that, the three red-coated riders present and a large number of riders followed on behind the two dogs and the single stag.

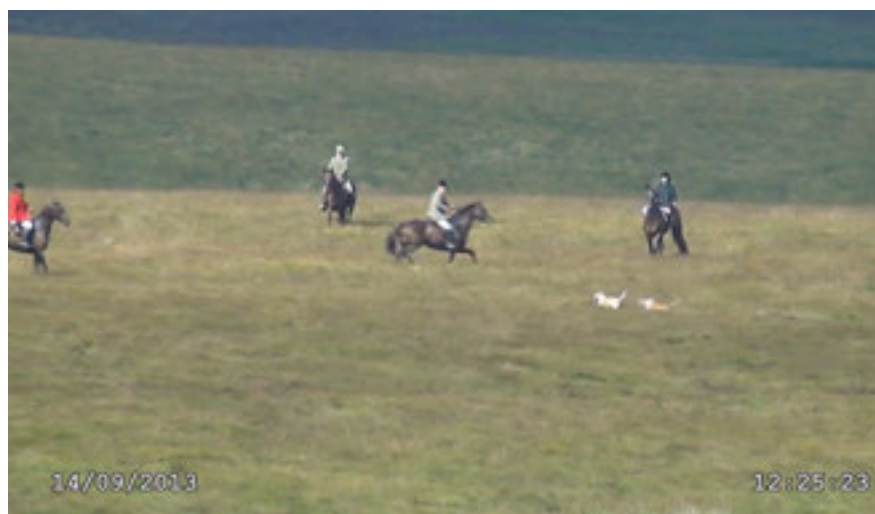


Figure 45: Image of hounds being directed by hunt members as part of the video footage presented as evidence in the DSSH September 2013. ©LACS

12.30. Investigators recorded the two hunting dogs now about a kilometre away at the northern end of Trout Hill, close to Toms Hill and that was the last they saw of them and the stag.

On the 24<sup>th</sup> October 2013 the Devon and Somerset Staghounds met at Copleham in Somerset at 11 am. The hunt meet had been advertised publicly on the DSSH website. The incident was monitored by four investigators from the League Against Cruel Sports. Investigators kept in contact with each other over the course of the day using mobile telephones (although poor reception made this difficult) and were in possession of good-quality magnified optical and video-recording equipment. The following are extracts from the evidence package produced for the case:

15.30. Several League's investigators started to hear the activities of a hunt, including the sound of hunting dogs barking excitedly as they do when following a scent, voice calls and shouting coming from the west side of the River Exe near Helebridge. The witnesses kept in contact with each other using mobile telephones although poor reception made this difficult. They were in possession of good-quality magnified optical and video-recording equipment.

15:46. As the four witnesses are travelling down Bury Hill they saw two red coated riders and two hunting dogs on the hill just to the north of Helebridge Farm.

15.47. A rider was recorded riding at speed down the hill to the right of the road and is heading towards the bridge in front of the white building. Another rider wearing a red coat on white horse was recorded following on behind and there is a white dog with them. As they approached the road a red coated rider came out on the road near the bridge. A red coated rider come out onto the road at Helebridge and was pointing north. The red coated rider on the white horse was now on the other side of the river and starts to head along the river before going out of sight. Meanwhile the red coated rider rode up the B3222 at speed and onto the A396 behind the witnesses' vehicle. This red coated rider was recognised as the huntsman Donald SUMMERSGILL.

15.49. Donald SUMMERSGILL and the rider wearing the tweed coat and large riding hat had come to a stop on the left side of the road where a small group of people are gathered. There were also a number of vehicles parked up on the verges on both sides of the road. The rider wearing the tweed coat dismounted from his horse and went over to the edge of the grass verge where there is a steep drop down to the River Exe below. He was holding a gun in his left hand and crouches down on the edge to the verge and looks down towards the river.

15.51. In the field on the other side of the river a number of hunt riders lined up along the edge of the field and facing towards the river. One of the riders is wearing a red coat.

15.52. Some of the riders were shouting, and there was also shouting and the sound of vehicles horns coming from the direction of the road (to deter the stag from running onto League land which was on the other side of the road). The red coated rider was recognised as David GREENWOOD, one of the joint masters of the hunt. A rider wearing a tweed coat and a bowler hat was using his whip to point at something in or near the river ahead of him. There was another red coated rider riding a white horse. The shouting and whooping and vehicle horns being blasted could still be heard coming from the road and gets louder. One Investigator then saw the stag running through a thin strip of woodland between the river and the A396.



Figure 46: Hunt Master David Greenwood seen at the beginning of the DSSH October 2013 case. ©LACS

15.57. A loud, high-pitched shout could be heard coming from the north. This high-pitched shout is known in hunting terms as a 'holloa' and is traditionally made by hunt supporters to alert the huntsman that they have spotted the quarry, in this case a stag.

15.58. The sound of a barking dog could be heard coming from the direction of Helebridge Wood, on the other side of the river. This is the distinctive sound a hunting dog makes when it is following a scent.

16.02. Vehicle horns and shouting could be heard: this is done to deter the stag from crossing the road and going into the league owned land. Investigators record the stag on the other side of the river in front of them. The stag had its mouth open.



Figure 47: Stag hunted during the DSSH October 2013 case. ©LACS

16.04. A red coated rider and a rider wearing a tweed coat rode quickly down the road in a southerly direction. Several quad bikes are following on behind the two riders.

16.05. The sound of a dog barking could be heard again and was coming from the wood on the other side of the river. Shortly afterwards a barking dog came into view as it headed north along the side of the river near to where the stag was seen. The dog then ran around a confined area, still barking excitedly; two hunt riders appeared from the south. The barking dog went off south again through the wood and the hunt riders also started to head south after it.

16.06. Loud, high pitched shouting can be heard near the investigators location. Investigators saw the stag and suddenly loud shouting, whip cracking and vehicle horns were heard

16.06. A series of vehicles, including two motor bikes and a total of twelve quad bikes come into view as they head south down the road (the shouting and blasting of vehicle horns is to prevent the stag from crossing the road onto land owned by the League). A number of 4x4 vehicles parked on the left hand side of the road pull out and head south down the road. The huntsman Donald SUMMERSGILL and the gunman appeared on the road as they headed south down the road behind the hunt vehicles. Donald SUMMERSGILL was using a hand-held radio as he rode down the road and is looking out towards the river. The gunman is recognised as Kevin HEARD. More hunt vehicles head south down the road.



Figure 48: Huntsman and hunt followers pursuing the stag during the DSSH October 2013 case. ©LACS

16.10. A loud gunshot was heard

16.12. Two men wearing tweed jackets stood on the opposite side of the river, behind a tree; they were pulling a dead stag out of the river onto the river bank. Just below the river bank to the left of the tree there appeared to be blood in the water. A dog was standing next to them shaking itself dry. Shortly afterwards, a female hunt rider come into view and is recognised as Francesca BELL, a former master of the Devon and Somerset Staghounds.



Figure 49: Hound recorded close to the stag during the DSSH October 2013 case. ©LACS

16.13. A red coated rider could be seen in the wood near the river. He was identified as Peter HEARD the hunts whipper-in.

16.15. David GREENWOOD, wearing a red coat, could be seen on horseback in the wood. Peter HEARD was on foot to the right of him. David GREENWOOD and two riders wearing tweed (one on horseback and one holding a horse by the reigns) were positioned next to the dead stag.

16.15. A red quad bike stopped near the group of riders. Three men then loaded the dead stag onto the quad bike.



Figure 50: Dead stag being placed on a quadbike during the DSSH October 2013 case. ©LACS

16.16. Peter HEARD was walking away from the scene with the dog tied to his whip.

16.17. A blue Land Rover, registered number WG12 PFV, was recorded with four staghounds in the back. The Land Rover headed off in the direction of Helebridge Wood.

16.18. Another blue Land Rover, registration number WJ13 NRU, came into view as it was being driven along the road towards the A396 from Helebridge. As the Land Rover passed the witnesses' location the sound of dogs could be heard coming from the back of the vehicle.

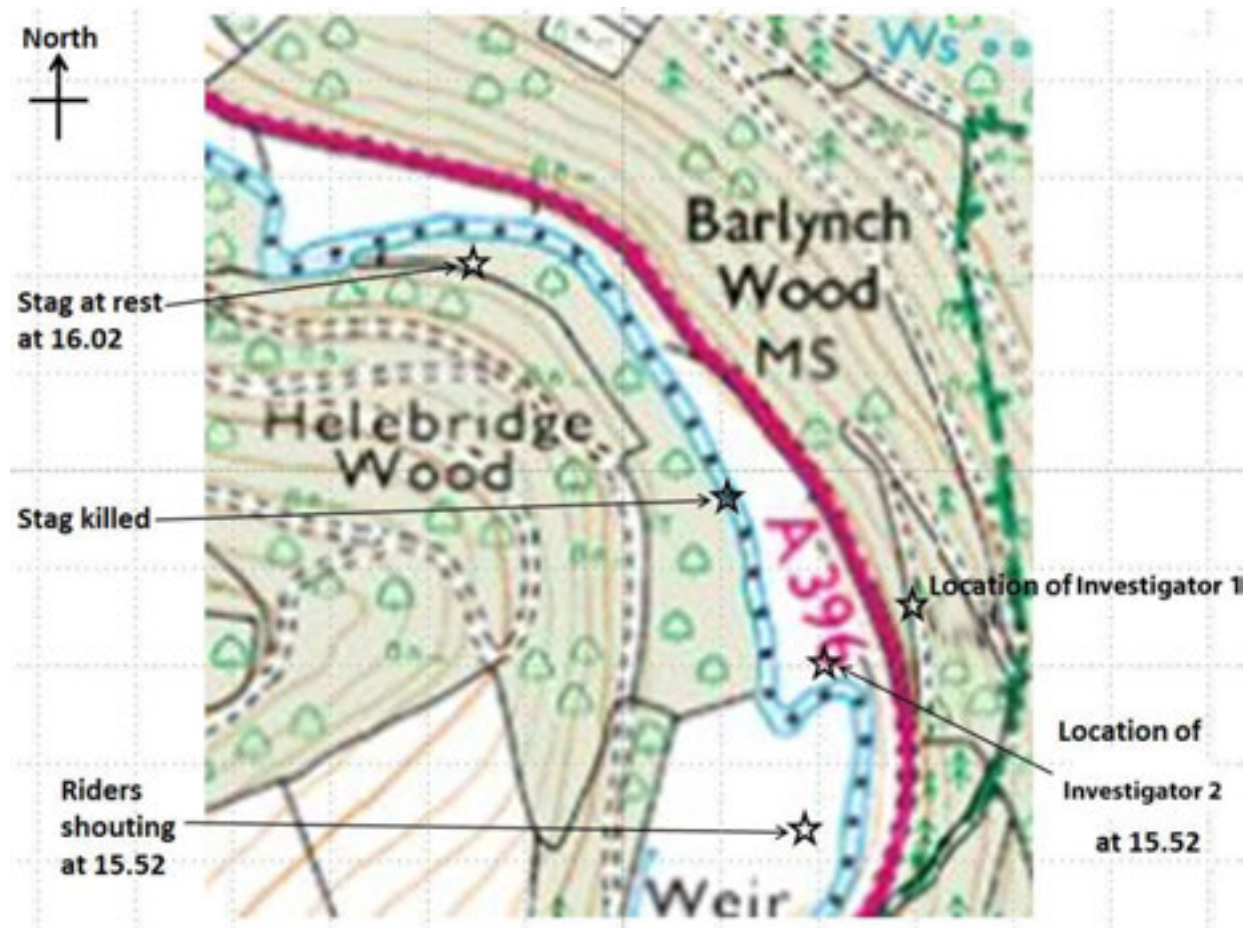


Figure 51: Map showing the location of key people part of the DSSH October 2013 case. ©LACS

### *The allegations*

The League gave the evidence gathered during the course of the alleged incidents to the Police. The following hunt members were individually identified by the investigators whilst they engaged and participated in traditional hunting of a red deer stag, using dogs under their control: Donald Summersgill (huntsman of the DSSH); Peter Heard (known to be the whipper-in); David Greenwood (joint master of the DSSH); Kevin Heard (who was in possession of a shotgun and accompanied the huntsman during the incident); Francesca Bell (former joint master of the DSSH); and an unknown male hunt supporter. Two dogs were seen chasing the deer in the September incident and at least one dog was seen to chase a stag in the October incident, in which there is evidence that the stag was killed.

## *The response of the authorities*

Once in receipt of the evidence, the police charged Huntsman Donald Summersgill and Joint Hunt Masters Rupert Andrews and David Greenwood with a total of four charges. Mr Greenwood denied two charges relating to alleged incidents of hunting with dogs on 14<sup>th</sup> September and 24<sup>th</sup> October. Mr Andrews' charge related to the September incident and Mr Summersgill to the other.<sup>101</sup> The case was eventually dropped by the CPS and it had many elements in common with a 2015 case another organisation was working on (the fourth case study in this report). Extracts from the legal advice from a barrister who had been involved in assessing the 2013 League's case serves to illustrate the response of the authorities:

*In 2013 monitors acting on behalf of the League Against Cruel Sports (the League) obtained apparently compelling evidence against the Devon and Somerset Staghounds (DSS) in relation to acts which appeared to amount to unlawful hunting. The evidence was referred to the CPS who issued summonses against three members of the DSS, Donald Summersgill, David Greenwood and Rupert Andrews for four allegations of unlawful hunting on 14 September and 24 October 2013.*

*Subsequently however on November 13 2014 the Crown Prosecution Service abandoned the prosecution, on the receipt of material provided by the defendants supporting the proposition that what they were doing amounted to research and observation into deer, or that they reasonably believed that to be the case. (...)*

*On 26 September, the defence wrote to the CPS providing a witness statement from MW<sup>102</sup>. She describes herself as an agriculture, conservation and wildlife consultant. (...) She says that the DSS have assisted in her research by providing observation data regarding the health and behaviour of deer on Exmoor for over 20 years. In particular, she says that in the early 1990's she assisted with a project investigating densities of Ixodes ricinus, a type of tick, on moorland vegetation communities. She says she acquired ticks from culled deer carcasses provided by the DSS in order to facilitate an investigation into the spread of Lyme Disease (...).*

*MW said that she is involved in an ongoing project to investigate the health and condition of Exmoor deer. The project is being carried out on behalf of the Exmoor and District Deer Management Society and has been funded by the Exmoor National Park Partnership Fund, the Exmoor Trust and the Badgworthy Trust. The aim of the project is to develop a database of information relating to health and condition indicators in deer.*

*In particular, she says that the DSS provides the most substantial part of the data. The DSS are called out to deal with casualty deer and are in a unique position to supply information about sick and injured deer from all areas of the moor all year round.*

*She says that the DSS provide observations from a number of knowledgeable individuals who watch the deer in each local area, and they are able to supply information about the behaviour of live deer, indicative of an animal's state of health and wellbeing, and a valuable supplement to information from culled deer. She says that the continued input of the DSS is particularly important to the project. (...)*

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<sup>101</sup> <http://www.bbc.co.uk/news/uk-england-somerset-27157334>

<sup>102</sup> The name of the researcher has been replaced by her initials



*In a letter of representations to the CPS accompanying the statement of MW, Foster and Griffin, solicitors for Summersgill and Greenwood made a number of observations. They noted that Section 4 of the Hunting Act 2004 contains a statutory defence that a defendant reasonably believed that the hunting was exempt. (...)*

*The reasonableness of the defendants' belief, it was said, was based on the fact that the DSS had contributed for many years to MW's ongoing research project; that they had previously had proceedings against them dropped on two occasions, leading them to believe that what they were doing was lawful. Foster and Griffin concluded that no court properly directed would be able to find that it was unreasonable for the Defendants to believe that their activities were covered by the exemption.*

*The CPS were apparently relying on the proposition that research and observation needed to be the primary purpose of the hunting in order to benefit from the exemption, following the case of Down & Pillivant. Foster & Griffin asserted that the primary purpose argument only applied to a situation where the exemption being relied on was that of flushing to guns (as in Down & Pillivant). They said that the flushing to guns exemption requires as a first condition that the hunting is undertaken for various purposes as set out in the exemption. They said that the research and observation exemption did not restrict hunting by requiring it to be solely undertaken for the purpose of observation or study, since the language used was wider allowing the hunting to be undertaken "for the purpose of or in connection with" the observation or study of the wild mammal.*

*Foster and Griffin also argued that the hounds were kept under sufficiently close control to ensure they do not injure the deer being pursued, and that the CPS's arguments that the hounds were not under close control did not matter since the closeness of the control required amounted to no more than such a degree as was necessary to prevent the injury of the deer.*

*Finally, they argue that the defendants were not pursuing the deer in order to shoot them, but that they were pursuing deer in order to observe them. The shooting, they said, was unconnected with the pursuit and was not covered by the Hunting Act. They said that there was no evidence connecting the actions of any individual who shot the deer on that day with the pursuit activities.*

*In a letter to the League on 21 November 2014, the CPS confirmed that the police had spoken to M W. Howard Phillips, the Senior Crown Prosecutor concluded that her study was a long-running and bona fide study collecting information from a number of sources, and that the DSS had submitted data on both days when alleged hunting had taken place. (...)*

*As a result of these factors, the CPS concluded that the evidential part of the two stage test was not met, and the prosecution was discontinued.*

#### **3.4.4. Devon and Somerset Staghounds 'observation and research' case 2 (2015)**

On 4<sup>th</sup> April 2015 the Devon and Somerset Staghounds (DSSH) met at Cuzzicombe, North Devon, as advertised in their public diary website. Between officials of the DSSH (joint-masters, huntsman, whipper-in and others), horse riders following the hunt ('the field'), and hunt supporters following the hunt with vehicles, around 400 people participated in this event. Two teams of investigators surveyed the hunt's activities from the meet until the hunt ended, one team in a covert role observing the hunt from a long distance and the second team in an undercover role posing as hunt supporters (having paid the cap to attend the hunt),

observing the hunt from a relatively close distance. After an assessment of the evidence, it was decided to bring the case to the authorities to seek prosecution for illegal hunting. After some delay the police investigated the case, but the CPS decided not to prosecute.

### *The facts of the case*

The following is a detailed account of what I believe took place on 4<sup>th</sup> April 2015 based on the evidence obtained by investigators:

11:39:38 More than 40 riders are recorded in the Cuzzicombe area in Exmoor, at approximately 51.059495, -3.702241 WGS84 coordinates.



Figure 52: Map showing the location of the meet as part of the evidence packages of the DSSH 2015 case. The arrow shows the direction the hunt went. Copyright background map: Map data @2015 Google

11:40:49 Many riders (at least 45) moving south.



Figure 53: Image of more than 50 riders from the Field seen moving south from the meet, as part of the evidence packages of the DSSH 2015 case (hence the arrows and grid).

11:48:12 Many vehicles parked in the moor area.

11:52:25 Six riders, among them #91, #93, #118, #119, by a horse's trailer parked on the moor close to Ridgway Cross, in Molland Common, a few metres behind the investigators vehicle.

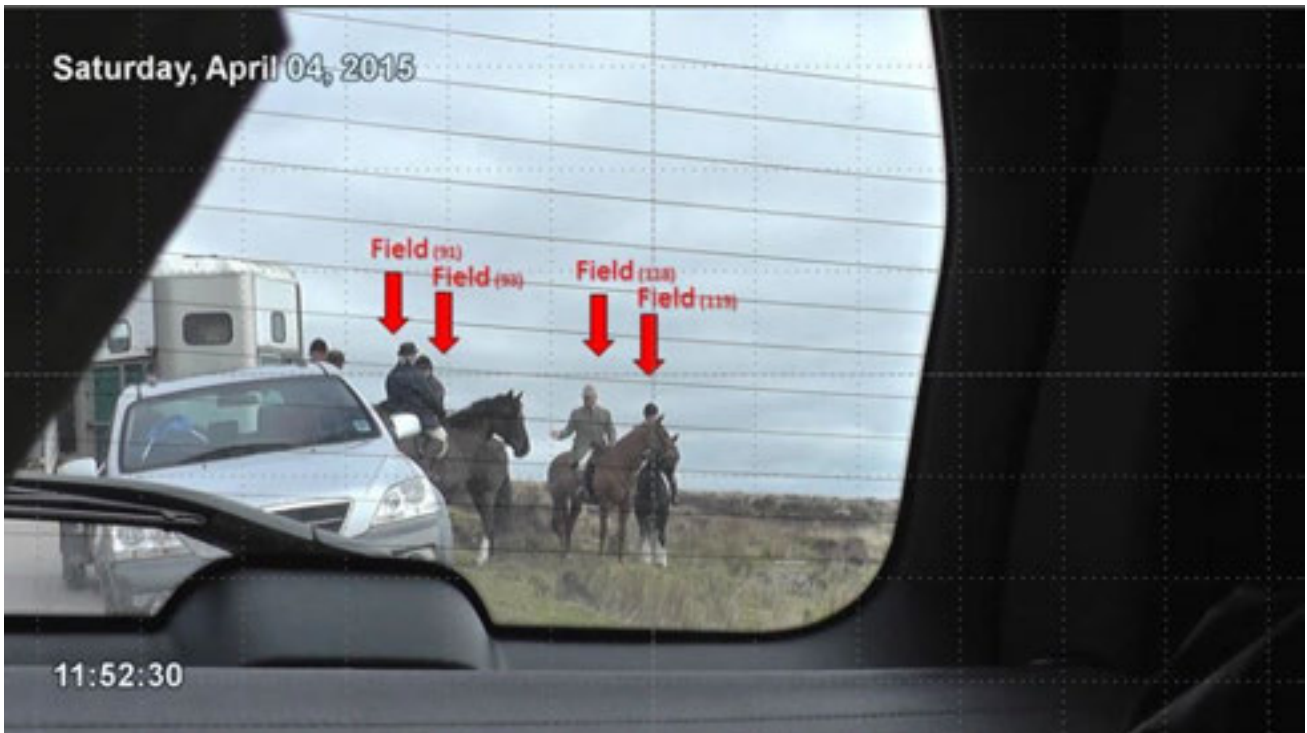


Figure 54: Image of several members of the Field around the surveillance vehicle close to the meet, including one of the hunt's Joint Secretaries, moving south, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

11:55:41 Nick Weber (Secretary N) passes by the investigators' vehicle going south, and we see some close ups of the other riders from behind.

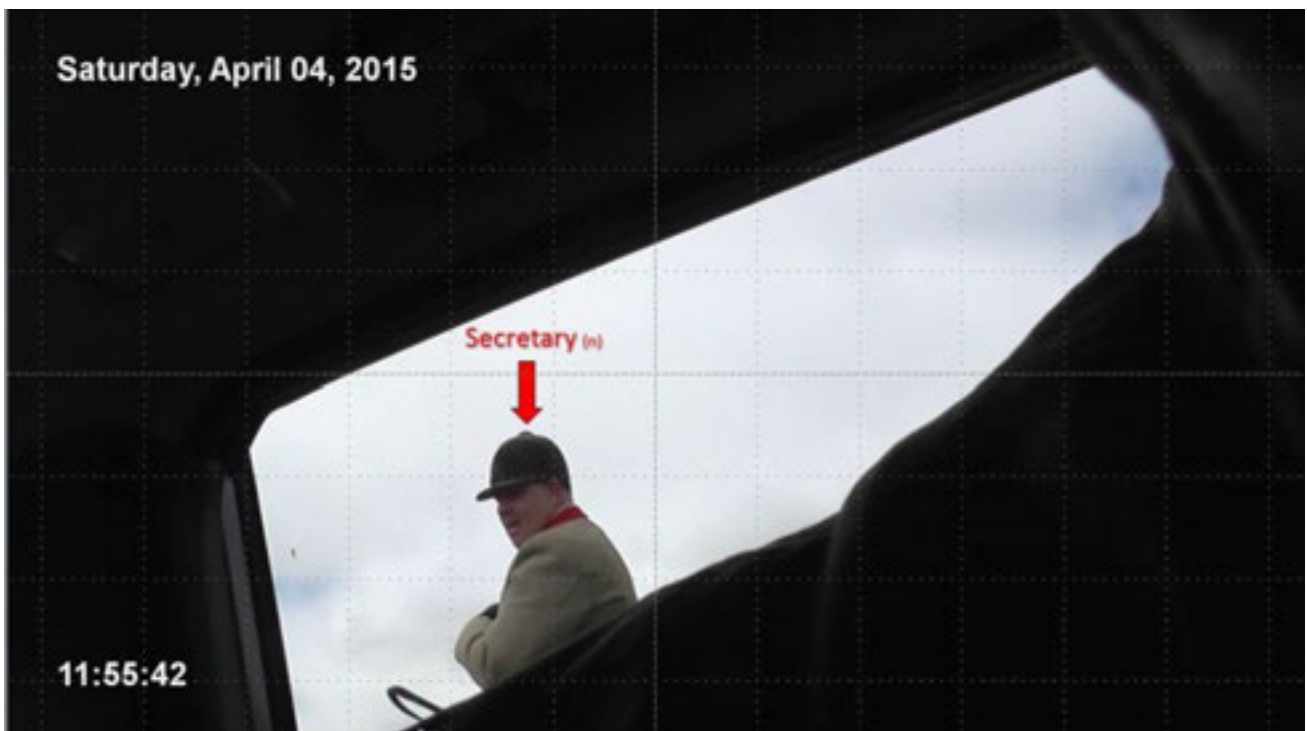


Figure 55: Image of one of the hunt's Joint Secretary, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:03:15 Several horse' trailers, vehicles and riders at Ridgway Cross, most of them facing south.



Figure 56: Image of some Field members and horses vehicles in the meet, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:06:38 A long distance from the meet in the south, a rider on a white horse (#127) stationary "on point" on a slope at approximately 51.035525, -3.721650 WGS84 coordinates, facing Natty Cleave Wood.

12:07:35 Three or four riders, among them a red coat (Donald Summersgill, Huntsman of the DSSH) approaching an opening in the corner of a field in West Molland Lane at approximately 51.043133, -3.713731 WGS84 coordinates, and stopping before entering it looking south.

12:08:10 One of the riders in the group enters the field but stops after a few steps.



Figure 57: Image of several riders 'on point' close to Molland Wood, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:11:19 The rider on the white horse begins moving downhill towards the woods.

12:15:39 Three or four people are seen stationary at the southern corner of Nitty Cleave Woods, at approximately 51.034135, -3.729238 WGS84 coordinates. A red-coated rider (Peter Heard, the Whipper-in) among them. A vehicle with a white roof is possibly parked close by.

12:16:02 The three people and the red-coated rider remain at the southern corner of Nitty Cleave Woods.

12:16:09 People at that corner slowly move away from the woods, in a south easterly direction.

12:18:07 The rider on the white horse moves up hill (east) in the same place he was before, followed by another rider on a dark horse.



Figure 58: Image of several riders 'on point' and hunt followers close to Molland Wood, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:18:16 The riders at the West Molland Lane spot remain in the same place, including the Huntsman.

12:18:29 The rider on the white horse and the other rider now riding side by side, still going east.



Figure 59: Image of white horse rider moving north east and red coat seen further north, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:18:50 Investigator briefly sees a stag running alongside a thick hedge in an easterly direction towards West Ansty Common, disappearing into a thick hedge.

12:18:51 Camera operators says "stag running". Camera moves trying unsuccessfully to record the stag.

12:19:39 A red coat rider (Whipper-in) riding at speed to the east on the Great Woods Road towards the Great Woods Farm, at approximately 51.031353, -3.720437 WGS84 coordinates. Investigator states that the rider was moving in the same direction as the stag he saw.



Figure 60: Map showing the meet and red coat riders the first time the stag is spotted, as part of the evidence packages of the DSSH 2015 case. Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

12:21:21 Huntsman with another rider on a brown horse also riding east at speed on West Molland Lane, at approximately 51.043002, -3.711767 WGS84 coordinates.



Figure 61: Image showing the first red coat rider (Huntsman) going east to Molland, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:22:16 Huntsman and a rider are in a field further east.

12:32:53 Huntsman and rider are now stationary at the corner of a field further east, at approximately 51.048057, -3.693084 WGS84 coordinates, looking at the moor.



Figure 62: Image showing the first red coat rider (Huntsman) stationary close to White Moor, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:36:06 Back at the meet area, four vehicles (including #9, #10, #21) going east and vehicle #81 (green Land Rover Defender with white top) going east, passing vehicle #12 which is facing west



Figure 63: Image showing a Land Rover Defender moving east close to the meet area, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:37:09 Field riders #122, #123, #124, #125, #126 are now going back east to where they came from earlier, gradually leaving the road and moving south east on the White Moor.



Figure 64: Image showing hunt supporters and riders going east close to the meet area, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).



12:40:47 Investigators' vehicle is now in the convoy to the east, on the Ridge Road. Quadbike #7 with no number plate passing by the investigators vehicle to the east, and stopping behind vehicle #121.



Figure 65: Image showing the procession of hunt supporters going east, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:40:49 In an area of White Moor, in the southern half of Molland Common, a large group of more than 40 field riders is on the highest point, looking towards south west, at approximately 51.055451, -3.687013 WGS84 coordinates.

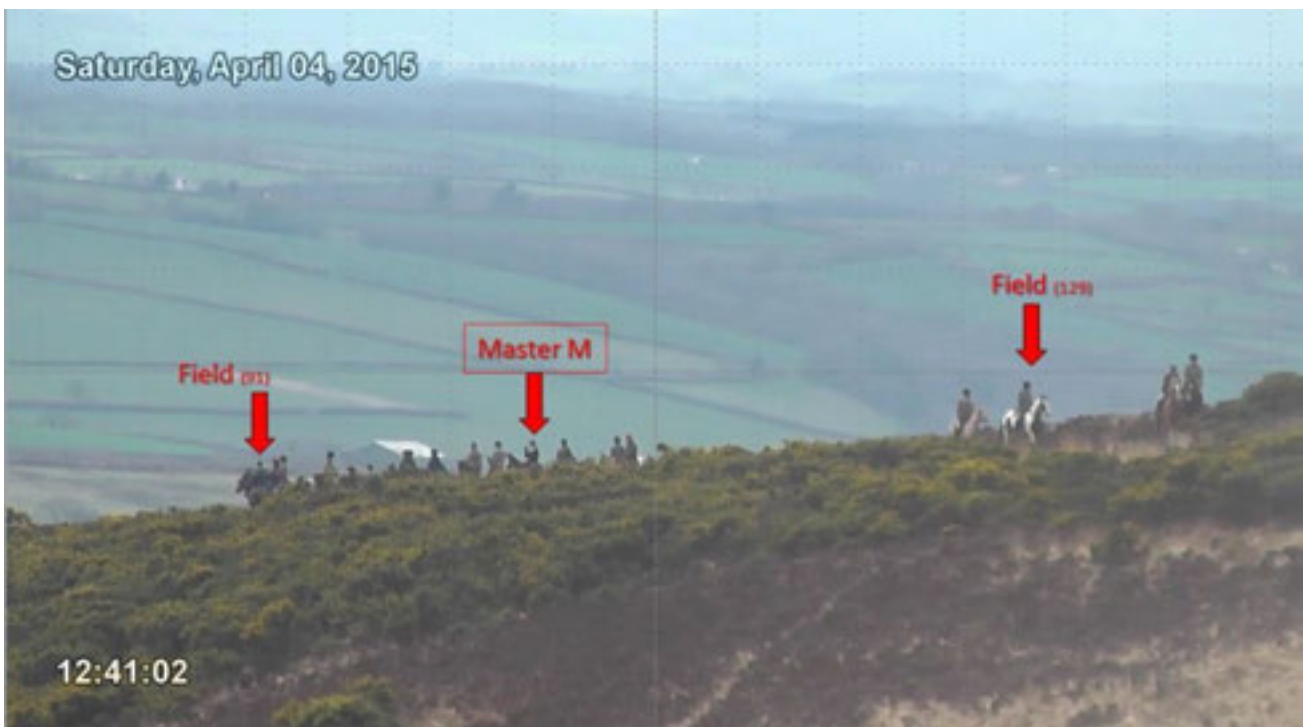


Figure 66: Image showing a large group of riders, including a Joint Master M, on a ridge at a south west point from the meet, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:41:05 Master M (Miss Loveday Miller, Joint-Master of the DSSH) and riders #91, #129, #73, #74, #59, #45 are among the large group of Field riders.



Figure 67: Map showing the movement of the large group of riders, including a Joint Master M, from a ridge at a south west point from the meet, as part of the evidence packages of the DSSH 2015 case. Copyright background map: Imagery ©2015 Getmapping plc, Map data ©2015 Google

12:41:27 The entire field group moving downhill at speed, towards north west.

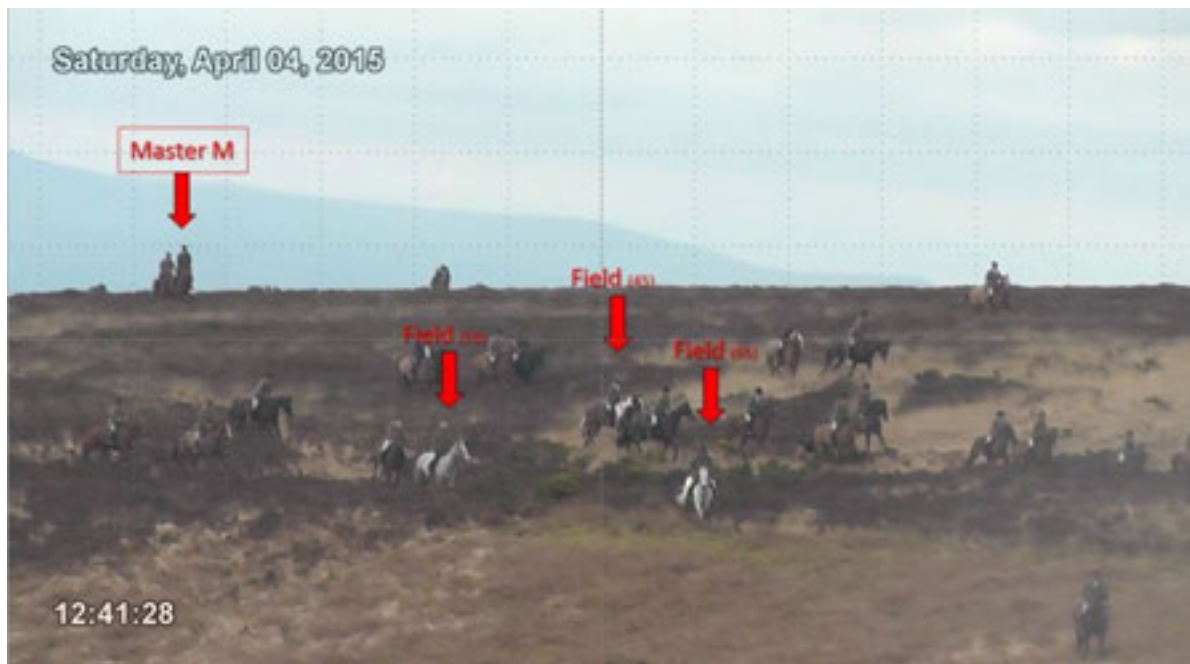


Figure 68: Image showing the large group of riders, including a Joint Master M, descending from a ridge, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:42:46 A Land Rover Defender with white top (vehicle #46) going east closely followed by another one (vehicle #22) with two dark spotted hounds inside.

12:43:14 A red-coated rider with longer hair on a brown horse (Field Master John Arnold) is galloping close to camera in an easterly direction.



Figure 69: Image showing the Field Master as part of the large group of riders passing by the investigators vehicle, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:43:25 Riders #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30, #31, #32, #33, #34, #35 and #36 pass close to camera, galloping in an easterly direction.

12:44:04 Riders #38, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #52, #53, #54, #55, #56, #57, #58, #59, #60, #61, #62, #63, #64, #65, #66, #67, #68, #69, #70, and #71 pass close to camera, galloping in an easterly direction.



Figure 70: Image showing some of the Field riders passing by the investigators vehicle, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:44:59 Riders #71, #72, #73, #74, #75, #76, #77, #78, #79, #80, #81, #82, #83, #84, #85, #86 and #87 pass close to camera, galloping in an easterly direction.

12:45:46 Land Rover Defender with white top (vehicle #28) with three hounds in it (two of them Hound W and Hound B, a pale and dark hound respectively), going east. A motorbike (#123) follows.



Figure 71: Image showing a vehicle carrying three hounds going south east, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:46:11 Master M (#90) and riders #89, #90, #91, #92, #93, #94, #95, #96, #97, #98, #99, #100, #101, #102, #103, #104, #105, #106, #107, #108, #109, #110, #111, #112, #113 and #114 pass close to camera, galloping in an easterly direction.

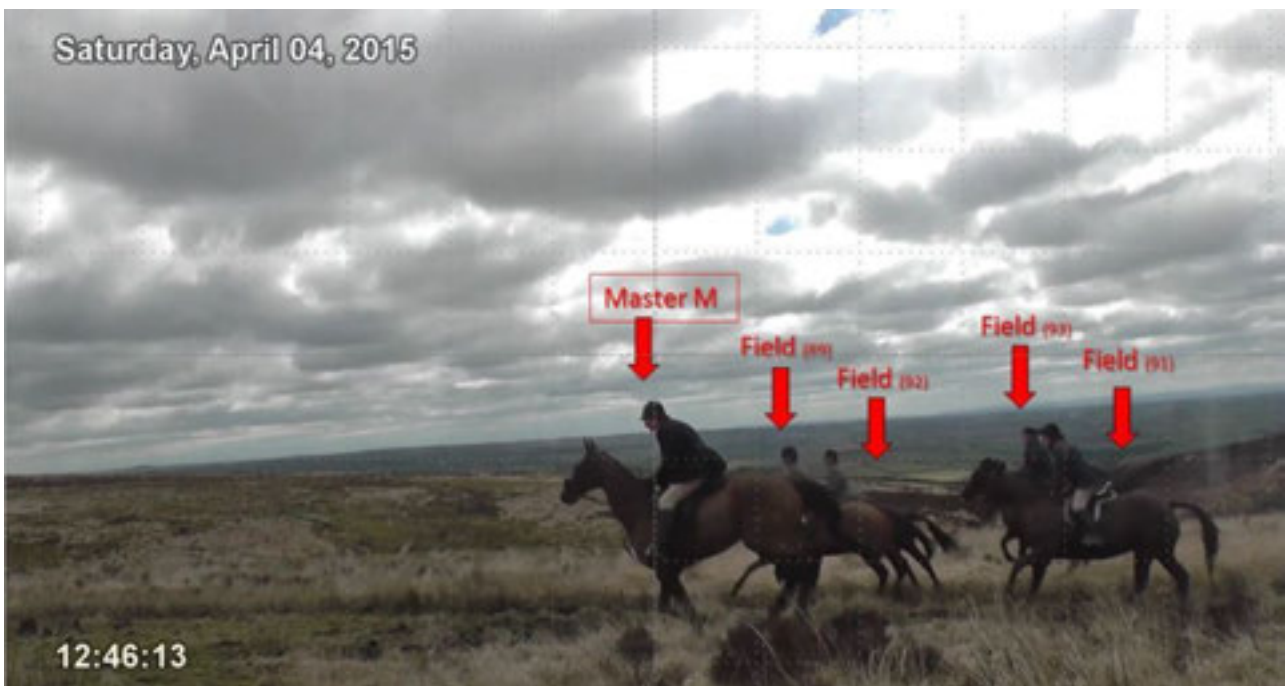


Figure 72: Image showing some of the Field riders passing by the investigators vehicle, including Master M, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:47:53 Secretary J (Janet Ackner) (#115), #116 and #117 pass close to camera, galloping in easterly an direction.



Figure 73: Image showing secretary J passing by the investigators vehicle, including Master M, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

12:56:43 Investigator's vehicle, behind vehicle #76, arriving at Anstey Gate, where many vehicles with horse trailers are parked. They continue driving east on Ridge Road in West Anstey Common.



Figure 74: Image showing investigators vehicle moving towards Anstey Gate, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:04:40 Many riders (at least 48) stationary at a slope around Long Stone, at approximately 51.051313, -3.641858 WGS84 coordinates. Among them Master M (#90) and riders #21, #6, #112, #85, #86, #117, #116 and #98.



Figure 75: Map showing the new position of the investigators vehicle (and its visibility), and the groups of riders on a hill close to West Anstey Common, as part of the evidence packages of the DSSH 2015 case. Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google.

13:08:13 Field Master can be seen now among the Field group.

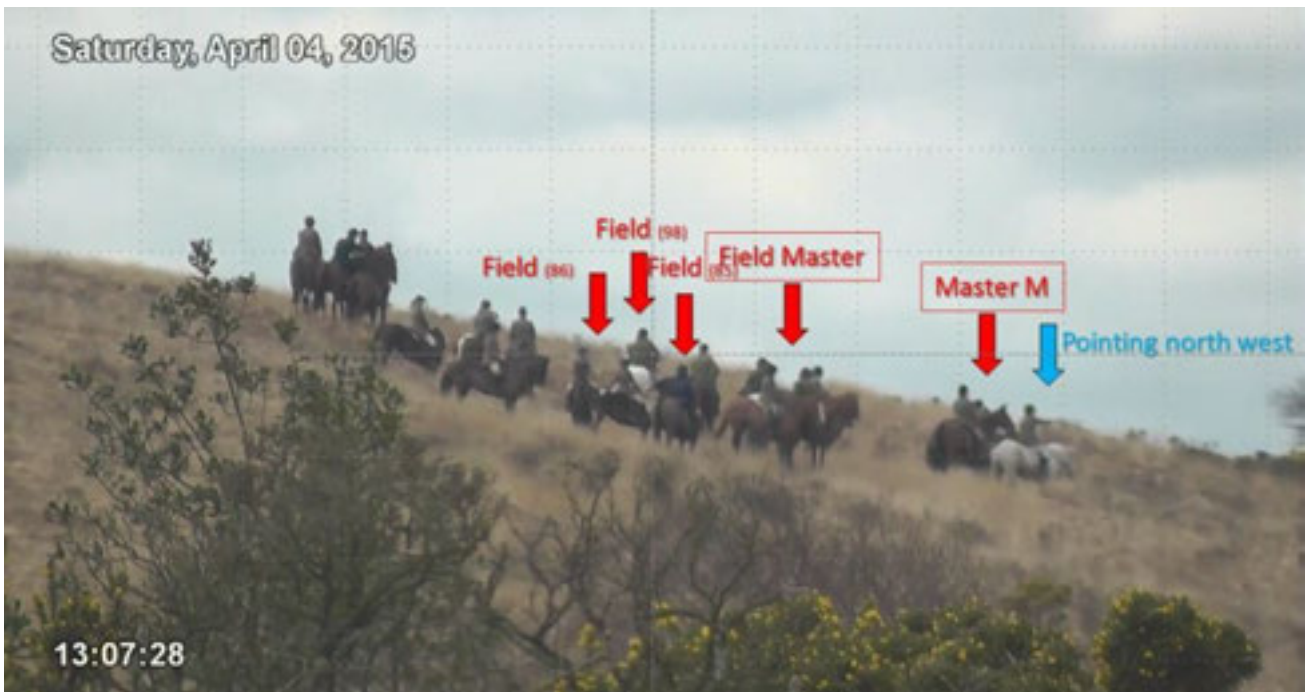


Figure 76: Image showing and the groups of riders on a hill close to West Anstey Common, including the Filed master and Master M, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:08:15

Field master and the rest of the Field move slowly north west.



Figure 77: Map showing the movement of the groups of riders on a hill close to West Anstey Common, as part of the evidence packages of the DSSH 2015 case. Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

13:09:00

Eight riders at a distance, including #98, at approximately 51.055561, -3.645748 WGS84 coordinates, at Anstey Rhiney Moor. First one is a red coated rider on a black horse (Huntsman). He has two hounds with him, a pale one (Hound W) and a dark one (Hound B). All move north.



Figure 78: Image showing the huntsman and Master M with two loose hounds and some Field members at the north side of West Anstey Common going north, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:09:05 Huntsman joins a second red coated rider on a light brown horse (Master A), who was stationary further north.

13:09:07 Huntsman carries on north, while Master A moves south west a few steps, followed by the hounds.



Figure 79: Image showing the huntsman passing Master M who takes control of the two hounds, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:09:11 Huntsman now joins three more Field riders.



Figure 80: Map showing the movement north of the huntsman and Master M with two loose hounds (B and W) and some Field members at the north side of West Anstey Common going north. The Field scattered in the open area. Numbers and letters in symbols represent particular people/vehicles that may have been seen at other locations during the day.



13:09:16 Master A now moves north taking the hounds with him. Some Field riders are in-between him and the Huntsman.

13:09:19 Both hounds are sniffing the grass searching for a scent. Master A has five riders with him, while the Huntsman, a further 50 metres or so north, has six.



Figure 81 Enhanced image showing the Master M with the two hounds and the huntsman further north, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:09:23 Hound B appears to have found a scent and moves faster towards north, followed by Hound W.

13:09:27 Hound B is by the Huntsman who now moves further north, and the Field follows.

13:09:34 Huntsman and Master A are now together again with the hounds, going north. A bush partially obscures the view.

13:09:40 Two hounds together ahead of everyone else, which follow them north towards Dane's Brook.

13:10:50 Herd of at least 10 deer seen going north west at Zeal Brake on the north side of Dane's Brook, at approximately 51.059607, -3.640119 WGS84 coordinates.



Figure 82: Image showing a herd of deer going north west at Zeal Brake on the north side of Dane's Brook, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:10:53 A group of riders are around the area the hounds and red-coated riders disappeared into the brook.



Figure 83: Image showing the direction the huntsman and hounds went to reach Dane's Brook, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:12:55 Master A and Hound W going north uphill on the northern bank of Dane's brook, at Zeal Brake, at approximately 51.058390, -3.645913 WGS84 coordinates.



Figure 84: Enhanced image showing the huntsman moving west and Master A and one hound now going further north uphill having crossed the brook, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:13:25 Master A continues going uphill at Zeal Brake, while the Huntsman is still at Anstey Rhiney Moor.

13:13:49 The herd of deer which went north west turn and proceed south west, stopping at the edge of the woods where Master A and at least Hound W are heading.



Figure 85: Image showing the herd of deer that went north west at Zeal Brake turned and went south west stopping at the edge of the woods where Master A and a hound are heading, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:14:35 A red-coated rider on a black horse (Huntsman), moving from east to west towards a group of 9 riders (among them #122, #123, #124 and #125) stationary on the open moor at West Anstey Common.

13:15:09 The Huntsman has now reached the group, and waits there facing north, at approximately 51.056347, -3.646822 WGS84 coordinates.

13:14:55 Huntsman blows his horn.

13:15:03 Riders and Huntsman move north.



Figure 86: Map showing the movement of the deer, the huntsman and Master M with one hound, as part of the evidence packages of the DSSH 2015 case. Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

13:15:55 Huntsman moving further north west.



Figure 87: Image showing the huntsman without any hound moving north west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:16:44      Huntsman disappearing downhill at Dane's Brook



Figure 88: Image showing the direction the huntsman reach Dane's Brook again, this time further west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:16:49      Field riders do not follow him.

13:18:11      Group of nineteen Field riders (among them #59) led by a red-coated rider on a dark brown horse (Whipper-in), at approximately 51.053431, -3.644516 WGS84 coordinates, slowly moving north.



Figure 89: Image showing a large group of Field riders led by the Whipper-in heading north west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:28:42 Group of six riders, with the Whipper-in in the middle, now going north west at speed.



Figure 90: Image showing the Whipper-in with a dark hound moving at speed north west followed by some riders, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:28:43 A dark hound running by the Whipper-in.



Figure 91: Image showing a closer view of the Whipper-in with a dark hound moving at speed north west followed by some riders, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:32:04 At least sixteen riders stationary, close to the road to the Anstey Gate, the Field Master among them, at approximately 51.056338, -3.661625 WGS84 coordinates.



Figure 92: Image showing the Whipper-in with a dark hound moving at speed north west and the Field master with a cluster of riders close to Anstey Gate, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:32:43 Field Master and Riders moving west towards the gate.



Figure 93: Image showing the Field master with a cluster of riders close to Anstey Gate, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:32:46 Many field riders together in a cluster (27 riders), among them the Whipper-in, at approximately 51.056719, -3.647852 WGS84 coordinates.

13:35:34 Whipper-in, hound and field move fast with a dark hound towards north west.



Figure 94: Image showing the Whipper-in with a dark hound resuming their way following the steps of the huntsman towards the brook, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).



13:36:09 Whipper-in, hound and field disappearing in the valley where Dane's Brook is, at approximately 51.059227, -3.649960 WGS84 coordinates.



Figure 95: Image showing the position the Whipper-in with a dark hound reached the brook, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:49:29 Investigators' vehicle is driving close to a sign by Dane's brook.

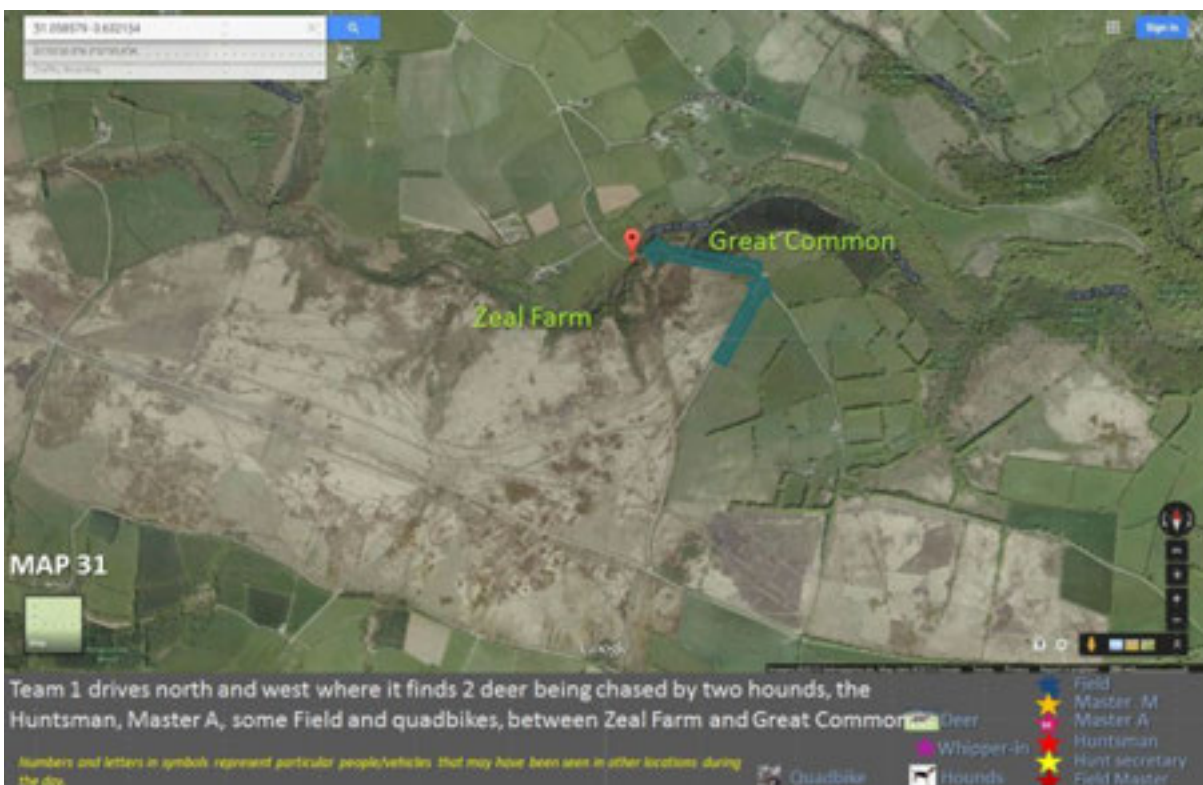


Figure 96: Map showing the movement of the investigators' vehicle first north and then west, where they meet two deer chased by two hounds as part of the evidence packages of the DSSH 2015 case. Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

13:49:30 Driver of investigators' vehicle sees a large stag, with antlers approximately two feet long, ahead along the line of the road and onto the field to the west of it, followed by a hind. Both had leapt across the hedge from the track that leads to Zeal Farm and were running south east along the line of the road. Investigator states that the two animals appear to be distressed and that the stag had the sheen of sweat on his flanks, his tongue was out and he appeared to be breathing heavily.

13:49:33 Investigators' vehicle crosses the brook's bridge and investigators see a wood on the left, by the brook.

13:49:40 Investigators' vehicle stops, goes back a few metres, and stops again.

13:50:04 Investigators see two deer running up hill in the woods towards north east, the first one definitely a stag, at approximately 51.058105, -3.632131 WGS84 coordinates.



Figure 97: Enhanced image showing two deer, the first a young stag, running uphill in the woods, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:50:42 Pale hound (Hound W) jumping a fence at approximately 51.058724, -3.635282 WGS84 coordinates, and running north east in the direction the deer took.

13:51:09 Second hound (Hound B) runs following Hound W, both going towards the woods. According to the driver, both hounds broke through the hedge at almost exactly the same position as where he had seen the stag and hind.



Figure 98: Image showing two hounds running on line in the direction of the deer, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 13:51:14      Both hounds are now out of view in the brook area. Hound cries are heard.
- 13:51:42      Hounds running up hill in the woods.
- 13:51:49      Hounds now go south east.
- 13:51:54      Hounds turn and are now back going north east, following the line of the deer ('on line').



Figure 99: Image showing the two hounds already in the woods (Devon side) making their way uphill, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:52:18 A red-coated rider on a black horse (Huntsman) and Field rider #65 appear galloping down the road (Slade Lane) south east at approximately 51.059221, -3.633674 WGS84 coordinates, following the hounds direction.

13:52:25 Huntsman gets closer, stops talking on the radio. More riders appear behind him (among them #13 and #12).



Figure 100: Image showing the huntsman appearing on the road from Old Barrow Down galloping in the direction taken by the deer and hounds, and using his radio, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:52:30 Huntsman talking on the radio. His voice can be heard, but it is not intelligible. He passes by the investigators' vehicle.



Figure 101: Image showing the huntsman on the road from Old Barrow Down galloping in the direction taken by the deer and hounds, followed by riders and a quadbike, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:52:32 Quadbike #14 follows them, followed by Land Rover Defender #81.

13:52:34 Huntsman and rider #65 pass by the investigators' vehicle and go to open a gate to negotiate a cattle grid, at approximately 51.058682, -3.631918 coordinates.

13:52:36 Huntsman opens the gate.



Figure 102: Image showing riders, quadbikes and a Land Rover seen in the convoy close to the meet earlier, following the huntsman, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:52:41 Vehicle #42 follows.

13:52:47 Huntsman crosses the bridge and goes up hill following, east on the road to Great Common, while the rest of Field turns left before the bridge to follow the alternative route by the river, which still eventually heads east on the lower ground.



Figure 103: Image showing the huntsman going uphill now in Somerset after having crossed the brook bridge, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 13:53:13 Three more riders follows, among them #64.
- 13:53:23 Vehicle #84 follows.
- 13:53:32 Rider #82 follows, followed by vehicle #83.
- 13:53:39 Riders #8, #91 and #9 follow, followed by Quadbike #19.



Figure 104: Image showing more Field members and quadbikes following the huntsman, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 13:53:48 Vehicle #86 follows.
- 13:53:51 Vehicle #124 follows.
- 13:53:59 Vehicles #59 and another follow.
- 13:54:05 Green Land Rover Defender with white top (vehicle #87) follows, followed by another similar Land Rover (vehicle #112).



Figure 105: Image showing a Land Rover Defender seen in the convoy close to the meet earlier, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).



Figure 106: Image showing another Land Rover Defender seen in the convoy close to the meet earlier, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:54:20 A red-coated rider on a light brown horse (Master A) with his left hand in his jacket appears, galloping down the road (Slade Lane) south east at approximately 51.059221, -3.633674 WGS84 coordinates, following everybody else's direction.



Figure 107: Image showing Master A following the route the huntsman and other riders took, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:54:33 Master A, wearing five buttons in his jacket (which normally indicates that he is a Master who also controls the hounds), waves to the investigators when passing by their vehicle



Figure 108: Image showing Master A following the route the huntsman and other riders took, waving to the investigators, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

13:54:34 Master A arrives to negotiate the gate. His face can be seen when he briefly turns.

13:54:35 Rider #132 and #133 follow.



Figure 109: Map showing the movement of the two deer chased by two hounds followed by the huntsman, Field members and Master A, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015

Google



- 13:54:39 Vehicle #88 follows.
- 13:54:40 Vehicles #88, #90, #91 and a motorbike follow, followed by rider #137.
- 13:54:43 Riders #132 and #133 follow.
- 13:54:49 Vehicle #89 follows.
- 13:54:51 Master A takes the Field route.
- 13:54:56 Rider #138 and two more riders follow.
- 13:54:40 Vehicles #93 and #94 follow.
- 13:54:56 Quadbike #31 comes downhill from the route the Huntsman took, in the opposite direction to everyone else.
- 13:55:09 Vehicles #88, #90, #91 and a motorbike follow, followed by rider #137 and others.
- 13:55:44 Vehicles #89, #93 and #94 follow.

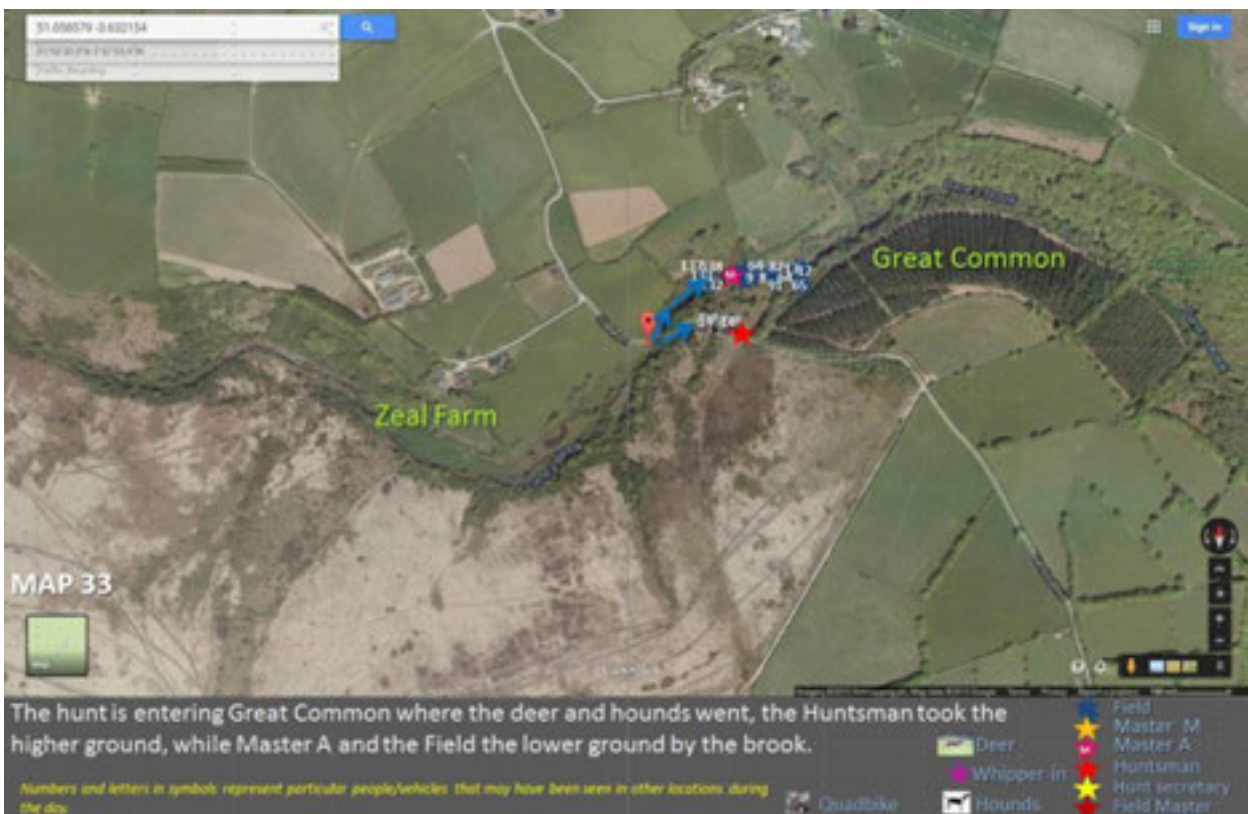


Figure 110: Map showing the movement of huntsman, Field members and Master A after having passed the investigators' vehicle, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

- 14:06:23 Investigators' vehicle relocate to a position ahead of the hunt, close to Hinam farm.

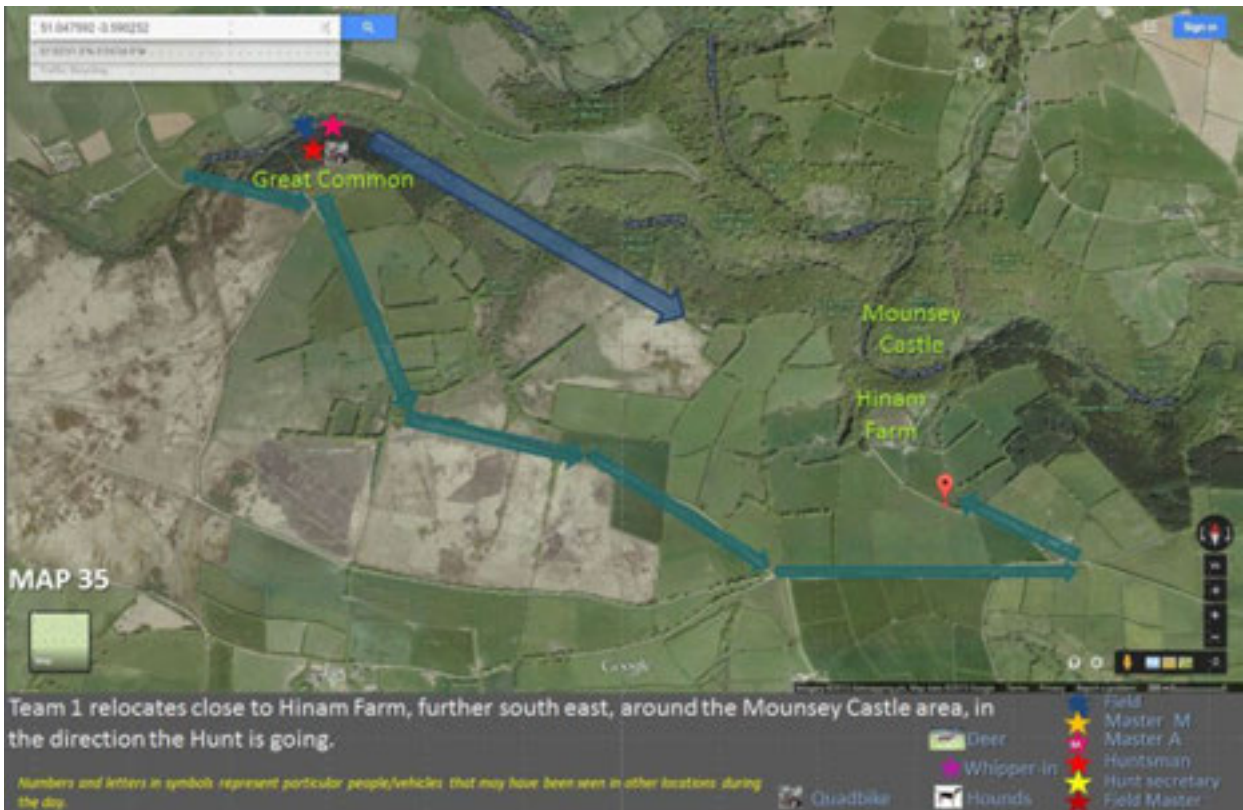


Figure 111: Map showing the relocation of the investigators' vehicle to Hinam Farm around the Mounsey Castle area, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

14:07:41 Four riders are stationary in a field, at approximately 51.052593, -3.601196 WGS84 coordinates, with two more joining them from the west.

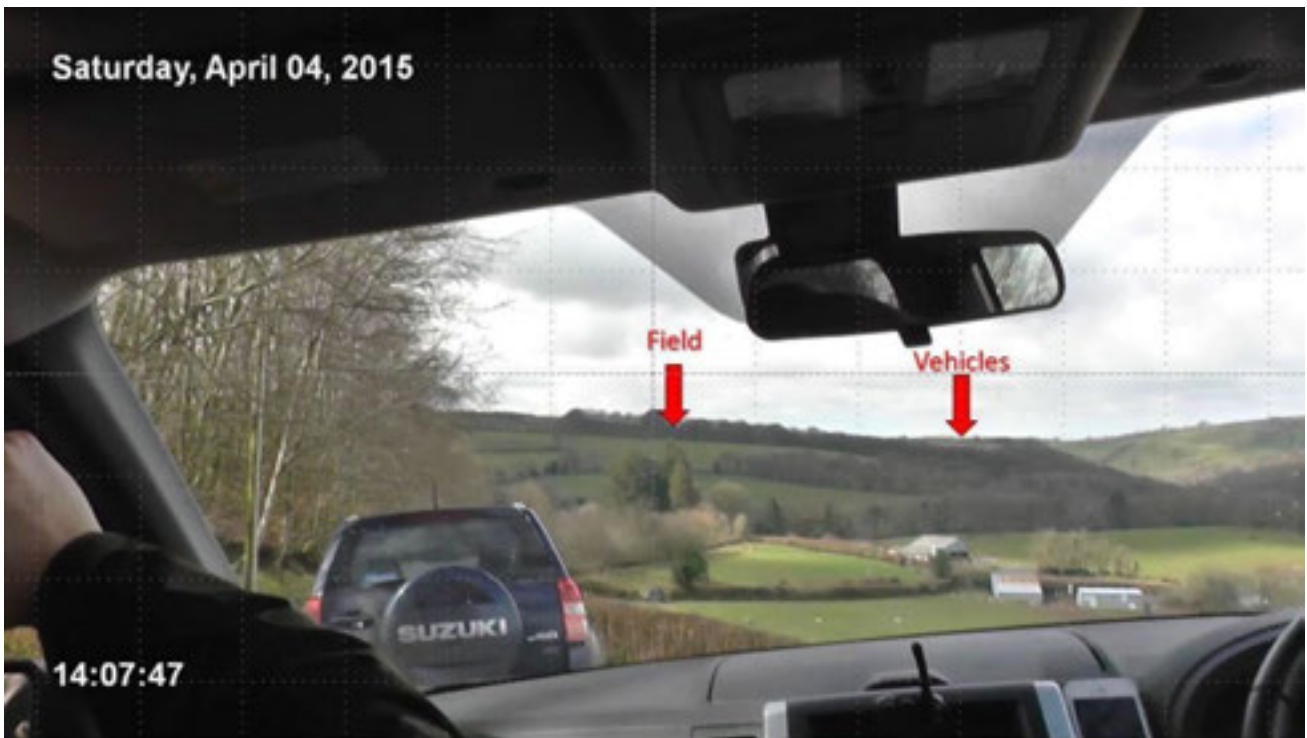


Figure 112: Image showing Field rider coming from Whiterocks Down area, and vehicles stationary further north west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:07:51 Two other riders join them.

14:09:36 Land Rover Defender (vehicle #22) passes by, heading north west with two dark spotted hounds in it.



Figure 113: Image showing vehicle with two hounds, the same seen at 12:42, passing the investigators' vehicle, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:10:19 More Field riders coming from the west.

14:10:49 Huntsman with Hound W and Hound B enter the field from the north, with some Field followers, behind a tree line, going south west.



Figure 114: Image showing huntsman with two hounds and some Field riders appearing from the river and moving south west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:11:03 Master A appears from the west, and both he and some Field riders move east.



Figure 115: Image showing a closer view of huntsman with two hounds and some Filed riders moving south west, with Master A appearing from the east, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:11:13 Closer view of the hounds running and sniffing the ground.

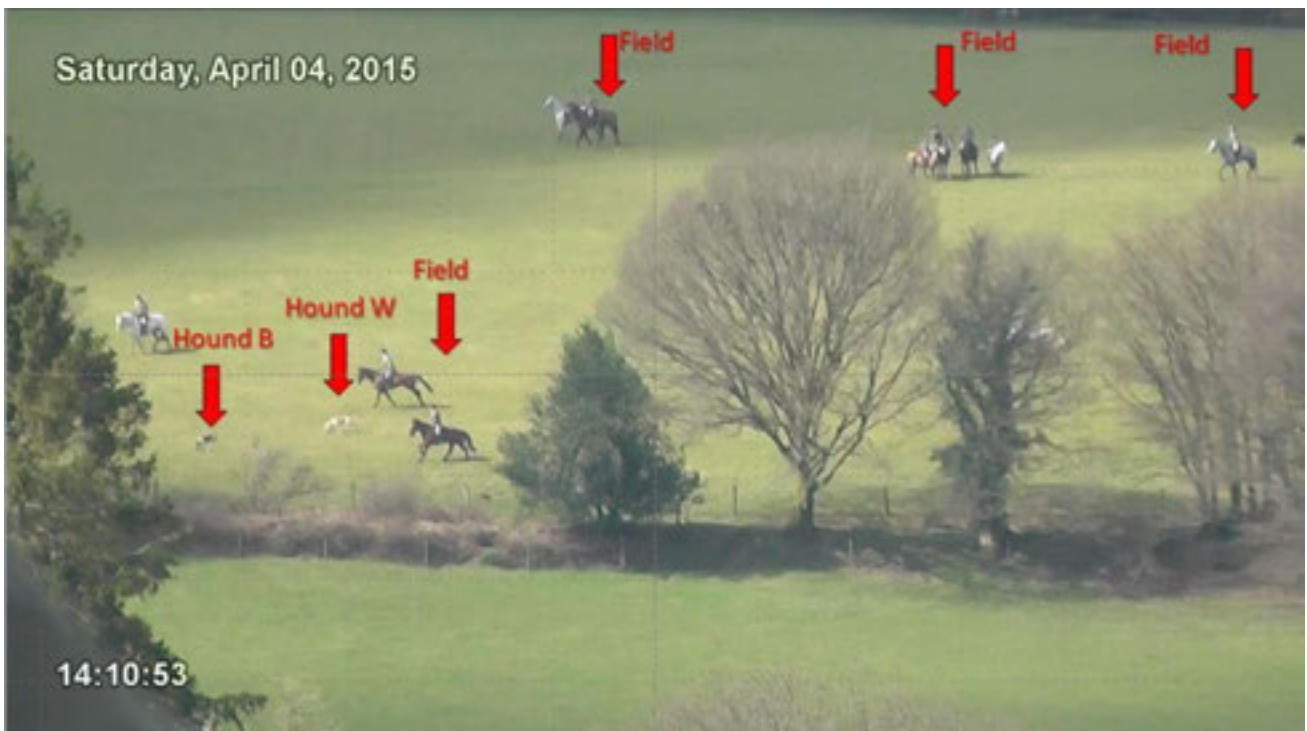


Figure 116: Image showing a closer view of the two hounds and some Filed riders moving south west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:11:19 Hounds seem to pick up the scent and run a bit, but then slow down and sniff again.

14:11:23 Huntsman and Field following hounds.



Figure 117: Image showing a closer view of huntsman and some Filed riders moving south west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 14:11:50      Field riders follow the Huntsman and hounds.
- 14:12:29      Quadbikes #10 and #20 pass the investigators towards south east.
- 14:12:46      Quadbikes #21, #16 and #22 and motorbike #95, pass by going south east.
- 14:13:28      A Land Rover (vehicle #96), motorbike and another quadbike follow.
- 14:14:30      Riders #118 and #119 come from west, on the road, and pass the investigators' vehicle.
- 14:13:40      Quadbike #23 follows.
- 14:14:17      Vehicle #41 passes by, heading in the opposite direction (north west).
- 14:14:32      Riders #118 and #119 follow.
- 14:15:03      At a distance some more Field riders are coming from the west into the fields of Hinam Farm.
- 14:15:19      Quadbike #14 on the road following the others. A motorbike follows.
- 14:16:15      Vehicle #41 returns and follows everyone (south east).
- 14:17:45      Quadbike #24 follows.
- 14:18:52      Quadbike #32 is parked in front of the investigator's vehicle. The occupant has dismounted and is looking north east.
- 14:19:14      Vehicle #24 passes by the unmounted quadbike which has two supporters by it. Quadbikes #25 and #26 pass by.

14:20:28 Vehicle #97 follows.

14:22:53 Huntsman is stationary close to the woods by Zeal Farm, at approximately 51.050240, - 3.590050 WGS84 coordinates, facing north west. View partially obscured by vegetation.



Figure 118: Image showing the huntsman 'on point' on the slope of a field, looking north west, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:24:51 Huntsman talks on the radio.

14:24:53 Huntsman turns towards the woods.

14:25:00 Huntsman moves to the left (west).

14:25:03 Huntsman talks on the radio again.

14:25:04 Huntsman moves to the left (west) and stops.

14:25:12 Huntsman blows his horn.



Figure 119: Image showing the huntsman 'on point' on the slope of a field, looking north west, and blowing his hunting horn, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:25:15 Huntsman puts his horn back in his jacket.

- 14:25:20 Huntsman talks on the radio.
- 14:25:26 Hound W appears down the road, followed by Master A at approximately 51.048671, -3.593075 WGS84 coordinates.
- 14:25:34 Hound W and Master A are closely followed by Master M, Rider #133 and another rider.
- 14:25:37 Hound B appears, now in view as part of the group.
- 14:25:38 Close up shot of Hound W, Hound B, Master A and Master M.



Figure 120: Image showing the two hounds, Master A, master M and Field members appearing up the road, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 14:25:38 The dismounted quadbike rider points in the direction of the woods by the brook, north east.
- 14:25:39 Master A has a radio in his left hand.
- 14:25:44 Master A turns left and leads the hounds and the Field towards where the quadbike rider pointed.
- 14:25:45 Four more riders join the group coming from north west on the road (#139, #140, #141, and #142).



Figure 121: Image showing the two hounds and Master A turning towards the quadbike riders have pointed to, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:26:05 Hounds, Master A and Master M are in a field going north at speed. Other riders (including #133) follow.

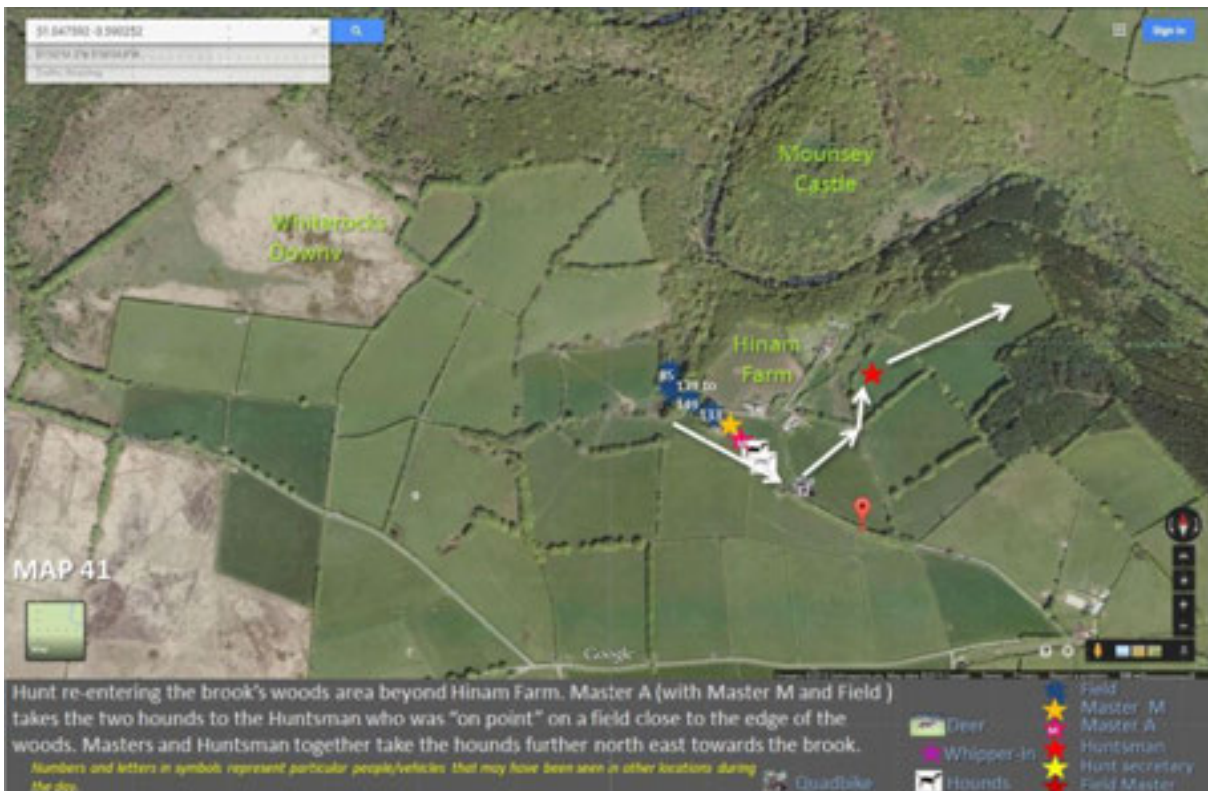


Figure 122: Map showing the hunt re-entering the brook's woods area beyond Hinam farm, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

14:26:08 Rider #139, #140 and #141 stay behind by the quadbike.

14:26:35 Master A and hounds reach the edge of the field.



14:26:37 Master A and hounds are now in the adjacent field, followed by Master M and other riders.

14:26:43 Master A going uphill with his whip out and the hounds follow.



Figure 123: Image showing the two hounds and Master A crossing the field in the direction of the huntsman, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:26:49 Master M and other riders follow.

14:26:55 Huntsman still in the same spot, now approached by Master A and hounds.

14:27:01 Both red-coated riders (Huntsman and Master A) about to meet.

14:27:11 Rider #85 arrives joining the quadbike group for a few seconds.

14:27:11 Rider #85 U-turns and goes back to where he came from.

14:27:13 Red-coated riders (Huntsman and Master A) now together. Both move north east.



Figure 124: Image showing the two hounds, Master A and the huntsman now together, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:27:49 The other three riders follow rider #85.

14:27:54 Horn call can be heard.

14:28:09 Hounds and Huntsman arrive at one point where several stationary riders are waiting. They all join the group moving east along the edge of the woods.

14:28:09 Hound W is seen now following Hound B.



Figure 125: Image showing the huntsman galloping north with the hounds, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

14:28:10 Master A is riding behind.

14:28:12 Four more stationary Field riders now join the moving party.

14:28:25 Hounds are still behind the Huntsman.



Figure 126: Image showing the huntsman galloping north with the hounds, and some Field members joining them, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 14:28:35 Rider #143 and #144 join the dismounted quadbike, waiting with them, facing the woods.
- 14:28:39 A quadbike passes by heading south east.
- 14:28:40 Group no longer in sight.
- 14:29:05 Five new riders (#143, #144, #146, #147, #149) join the dismounted quadbike for a moment but they continue down the road, passing the investigators' vehicle.
- 14:30:39 Vehicle #98 passes by heading north west.
- 14:30:51 Numerous cars can be seen on top of a hill, at Hawkridge Ridge. Three of them are Land Rover Defenders.



Figure 127: Image showing vehicles parked close to Draydon Farm, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 14:31:53 Rider #118 and #119 in a field, galloping towards the woods.
- 14:32:06 These riders open a gate to enter the woods, at approximately 51.049165, -3.586674 WGS84 coordinates.



Figure 128: Image showing some Field members entering the woods from the south, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 14:33:45      Convoy of vehicles (including #100, #101, #99, and #102) behind the investigator's vehicle going further south east, with some Field (including #150) riders among them.
- 14:31:47      Rider #118 and #119 galloping in a field towards the woods.
- 14:41:59      Camera scans across the area. The camera operator states "Everybody is looking at it in the backside of that pine".
- 14:42:59      The camera operator states: "Hounds can be heard".
- 14:47:30      Investigators hear a sound, possibly a gunshot.
- 14:49:20      The camera operator states "Howling going on".
- 14:50:20      Many vehicles are still on the same road.
- 14:51:32      Investigator comments "A lot of noise coming from the hounds".
- 14:51:40      Another investigator replies "One of them is really barking".
- 15:01:58      Vehicles parked in Hawridge Ridge, at a distance, among them a Land Rover Defender, begin to move.



Figure 129: Image showing vehicles parked close to Draydon Farm beginning to leave, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:09:00      Investigators' vehicle relocates, heading towards Five Cross Ways.

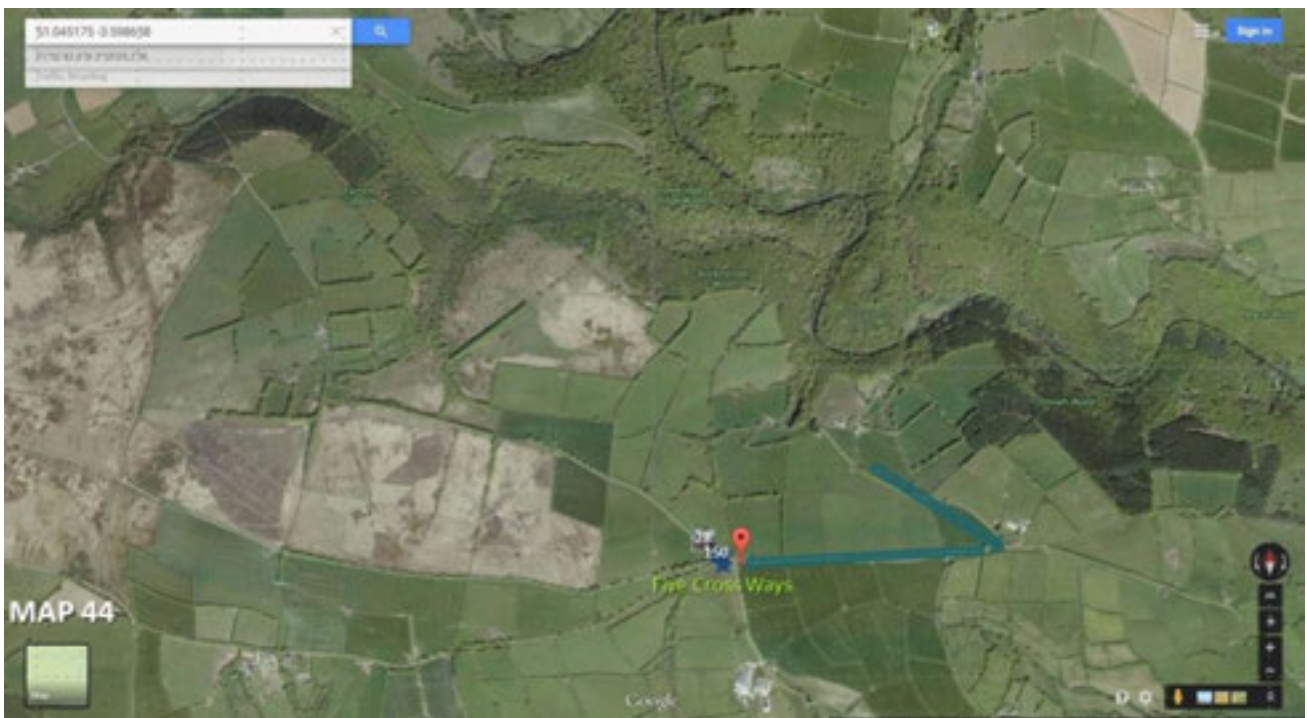


Figure 130: Map showing investigators moving away towards Five Cross Ways after believing they have heard a single shot, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

- 15:10:04 The camera operator states: "Going Home".
- 15:10:42 Quadbike #28 passes a junction.
- 15:10:43 Big lorries (#125 and #106), with which to carry horses, are parked at a junction.
- 15:11:46 Rider #150 on foot pulling two horses towards the junction.
- 15:12:00 Rider #150 talks to someone and says "Thanks Marion".
- 15:12:07 Woman on foot appears and has a short conversation with rider #150.



Figure 131: Image showing some Field members who had a conversation regarding the stag being shot, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 15:12:41 Man picks up a jacket that had fallen on the road.
- 15:12:41 Vehicle #104 at the junction, #105 passes by.
- 15:12:44 Investigator states "That lady is just saying to the guy there, did they get it, and he said yes".
- 15:25:00 Investigator went to the rear of Land Rover Defender #90 (registration number WG14 YDK), which had blood running from its rear door, and saw a dead stag on the ground, which he believed was the same one he had seen running across the fields with the hind earlier. He stated he could see a large single entry wound in the centre of its chest between its front legs.
- 15:32:17 Red pick-up car at Five Cross Ways junction, at approximately 51.045140, -3.599050 WGS84 coordinates. Some riders passing behind it.



Figure 132: Map showing investigators at Five Cross Ways where they see a vehicle with the dead stag and Master A arriving, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

15:33:21 Master A on foot, walking about at the junction.

15:33:32 Master A on foot entering a field at the junction (which he had passed earlier, so he must have U-turned).



Figure 133: Image showing Master A arriving at the carving site, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 15:33:33 Rider #151 still on horseback, passing by the camera.
- 15:33:59 Master A leaves the field.
- 15:34:00 Master A moves along the road at the junction in the same direction as before.
- 15:45:41 Looking through a hedge investigators record many vehicles, people and some horses at a corner of a closed field, at approximately 51.045496, -3.599407 WGS84 coordinates. A red-coated rider, perhaps the Field Master, is leaving.

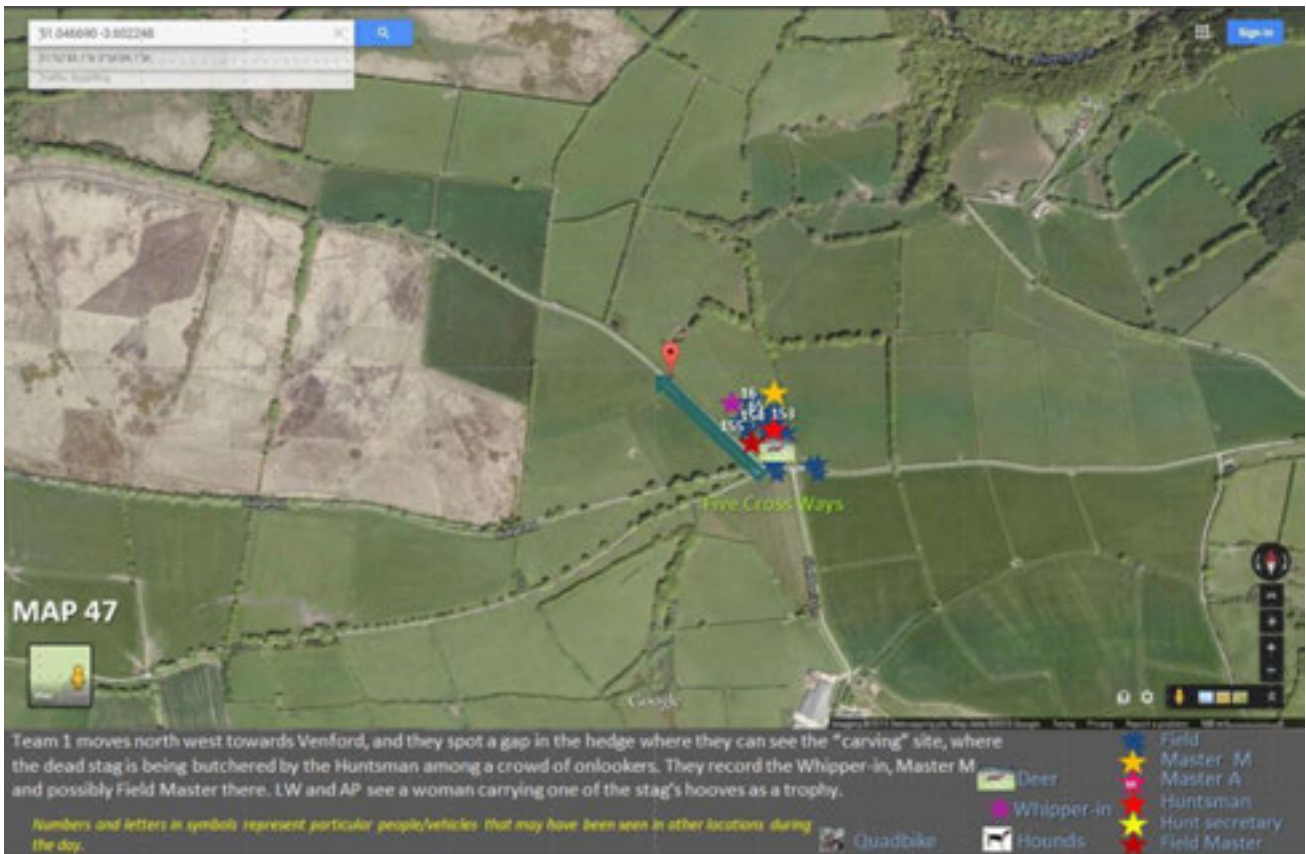


Figure 134: Map showing investigators moving north towards Venford and finding a spot where they can observe the carving, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

- 15:45:57 More than 40 people standing in the field close to each other, together with ten horses and six Land Rover Defenders.





Figure 135: Image showing the carving site and perhaps the Field Master leaving, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:46:10 A dead stag lies on the floor in front of Vehicle #111, surrounded by many people (one rider, #153 still mounted) at approximately 51.045496, -3.599407 WGS84 coordinates.



Figure 136: Image showing the carving site with the huntsman without his jacket carving the stag, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:46:12 Huntsman with no jacket stands by the dead deer.

- 15:46:28 Huntsman bends over and manipulates the dead stag.
- 15:47:13 Huntsman drinking from a metallic cup, then gives it to someone else.
- 15:48:58 Three Field riders (#16, #65, #154) arrive.
- 15:49:50 Huntsman turns around.
- 15:49:56 Huntsman moves to the right of the scene.
- 15:50:06 Someone is pulling the stag's leg.
- 15:50:19 Panning right, Huntsman in recorded again, with something small in his hand.
- 15:50:27 Whipper-in approaches and gives something to the Huntsman.



Figure 137: Image showing the carving site with the huntsman giving something to the whipper-in, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 15:50:41 The faces of the Whipper-in and Huntsman are visible now.
- 15:50:51 Good view of the dead stag, whose hooves have been removed.
- 15:51:07 Good view of the stag's antlers.
- 15:51:10 Huntsman is back with the stag's body.
- 15:51:30 Huntsman bends over the body.
- 15:51:51 Master M is on the scene talking to Field rider #152.



Figure 138: Image showing the carving site with Mater M talking to a Field member, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:52:10 Good view of the stag's antlers.



Figure 139: Image showing the carving site with a good view of the stag's head, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:52:22 Good view of Master M by the stag's body.



Figure 140: Image showing the carving site with the huntsman dragging the dead stag by its head, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:52:25 Huntsman leaves parts of the stag's body (entrails) on the ground.

15:52:35 Huntsman pulls the stag's head. Others help.



Figure 141: Image showing the carving site with another view of huntsman dragging the dead stag by its head, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:52:48 Huntsman moves towards horse.

15:53:06 Huntsman moves in front of the Land Rover (#111).

15:53:48 Huntsman returns to the body.

15:53:49 Huntsman's face can be seen.



Figure 142: Image showing the carving site with the huntsman and Master M side-by-side, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

15:53:53 Huntsman picks up a knife from the floor and takes it to a pile of remains by the other wheel of the vehicle.

15:54:12 Huntsman returns to the body.

15:54:31 Another Land Rover (#112) begins to back up towards the body.

15:54:36 Vehicle #112 stops.

15:54:41 Huntsman hands something to different people.

15:54:56 Vehicle #112 with its back door open.

15:57:01 Some people leaving. Good view of Huntsman.

15:57:10 Master M is by the dead body.

15:57:20 Huntsman and others pick up the body to place it in vehicle #112.



Figure 143: Image showing the carving site with the stag's body being lifted to be placed in a vehicle, as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

- 15:57:21      Number plate of vehicle #111 visible. Field rider #155 still on her horse.
- 15:59:44      Rider #118 and #119 walking with their horses, passing by parked vehicle #110.



Figure 144: Image showing most Filed members passing by (which had been seen at the meet earlier), as part of the evidence packages of the DSSH 2015 case (hence the grid, arrows and label numbers).

16:00:00 The investigators notice a young woman, white, approximately twenty years of age, five feet-six inches tall and of medium build, with shoulder high brown hair that was in a ponytail, wearing a tweed riding jacket, white jodhpurs and riding boots, and she was standing at the rear of a vehicle's near the entrance to the field holding one of the stags hooves, covered in blood.

16:05:00 The investigators left the scene and the operation ended.

As a summary, the following map shows the locations where the deer, hounds and hunt staff were spotted during the day:

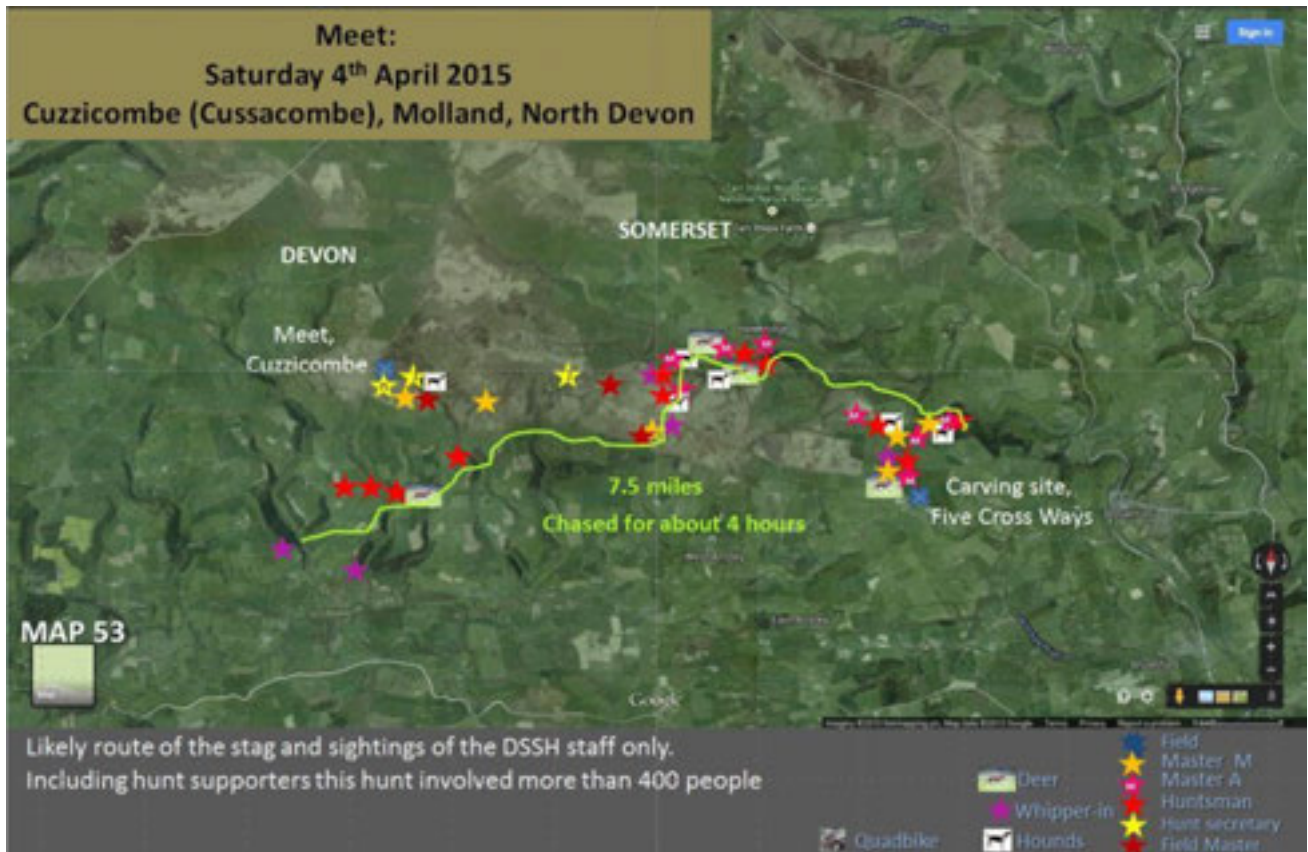


Figure 145: Map showing the likely route of the stag and sightings of the DSSH staff, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

The following map also shows the locations where Field members and quadbikes were spotted during the day:

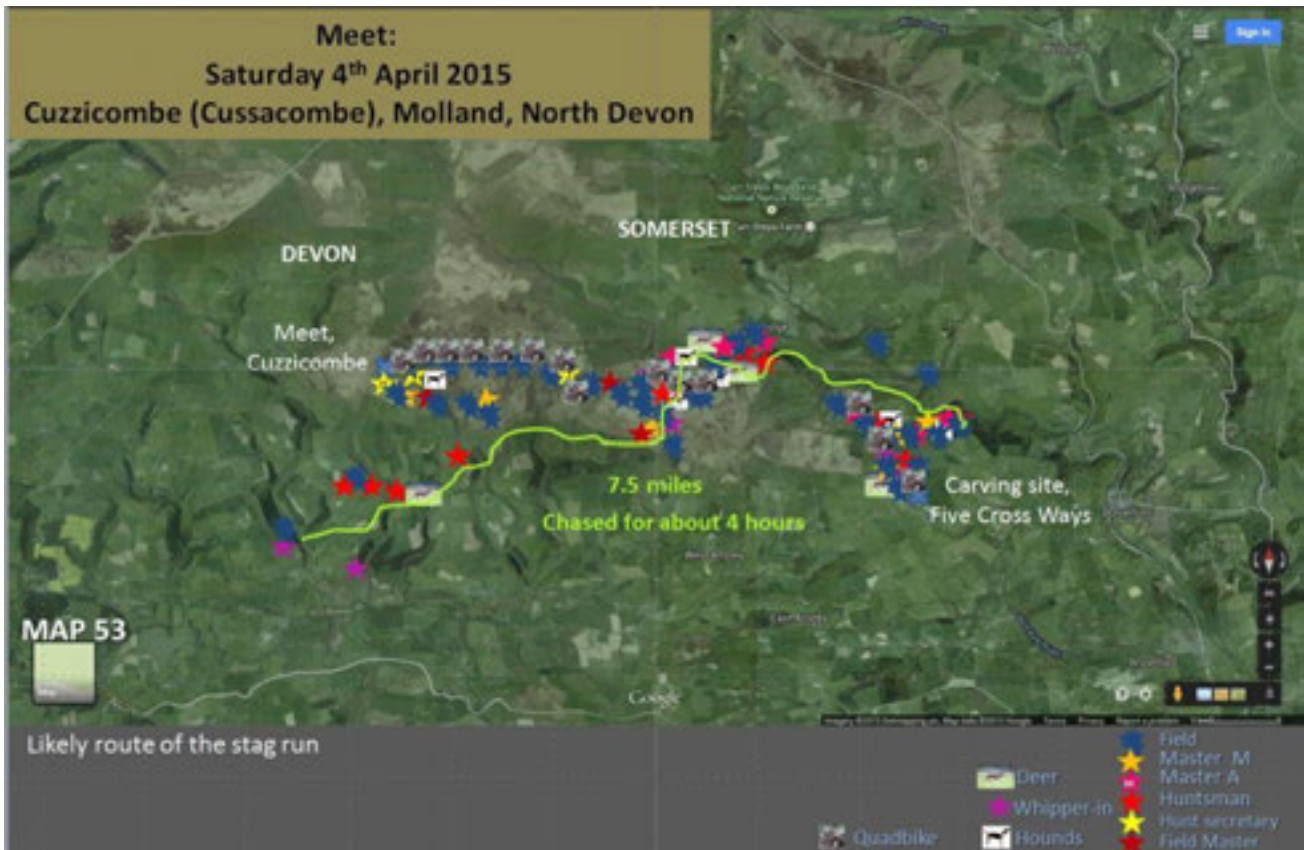


Figure 146: Map showing the likely route of the stag and sightings of the DSSH staff, Field members and quadbikes, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

### *The allegations and arguments*

This case was strongly supported by a wealth of evidence, comprised of original footage in High Definition video (over nine hours and 47 minutes), enhanced videos, sworn written statements from witnesses, maps, stills from videos, notebooks, evidence logs and video processing logs.

The combined video footage produced by all investigators, as well as the written witness statements, were analysed and processed by Jordi Casamitjana, who compiled the case and claimed that there was sufficient evidence for the following allegations to be made to the Devon and Cornwall Police first on 30<sup>th</sup> July 2015, and later again on 11<sup>th</sup> September 2015:

#### Allegation 1

On the basis of the evidence obtained by Wildlife Crime Investigators it is alleged that on the 4<sup>th</sup> April 2015, **Mr Donald Summersgill**, Huntsman of the Devon & Somerset Staghounds, and **Mr Rupert Andrews**, Joint-Master of the Devon & Somerset Staghounds, committed offences under **Section 1 of the Hunting Act 2004**. The alleged offences were “*Hunting a wild mammal with a dog when the hunting was not exempt, by engaging or participating in the pursuit of a wild mammal, and by failing to comply with the conditions stipulated in Paragraph 1(7)(a), 1(7)(b), 8(2), 8(7)(a), 8(7)(b), and 9(6), of the Schedule 1 of the Hunting Act 2004*”. This is to say that if the defendants use a section 4 defence which states “*It is a defence for a person charged with an offence under section 1 in respect of hunting to show that he reasonably believed that the hunting was exempt*”, we allege that they have failed to comply with the fifth condition of the “*stalking and flushing out*” exemption if that one is claimed, or the first and sixth



conditions of the “Rescue of a wild mammal” exemption if that one is claimed, or the fifth condition of the “Research and observation” exemption if that one is claimed.

### Allegation 2

On the basis of the evidence obtained by Wildlife Crime Investigators, and the likely defence the accused of allegation 1 above will use, it is alleged that on the 4<sup>th</sup> April 2015, **Mr Donald Summersgill**, Huntsman of the Devon & Somerset Staghounds, **Mr Peter Heard**, Whipper-in of the Devon & Somerset Staghounds, **Mr Rupert Andrews**, Joint-Master of the Devon & Somerset Staghounds, and **Miss Loveday Miller**, Joint-Master of the Devon & Somerset Staghounds, committed offences under **Section 3 of the Animals (Scientific Procedures) Act 1986**. The alleged offences were “Applying a regulated procedure to a protected animal under the Animals (Scientific Procedures) Act 1986 without holding a personal licence qualifying them to apply a regulated procedure of that description to an animal of that description”. In this context a “protected animal” is “any living vertebrate other than man” and a “regulated procedure” is “any experimental or other scientific procedure applied to a protected animal which may have the effect of causing that animal pain, suffering, distress or lasting harm”.

The quality of the evidence (high definition footage from several cameras with GPS readings in each shot) provided by professional investigators (most ex-police officers) allowed determination of who did what, when and where on most of the occasions. Although several of the suspects wore similar clothes, the video footage allowed to differentiate of individual hunt participants.



Figure 147: Image showing the elements that enabled the differentiation between red coat riders, as part of the evidence packages of the DSSH 2015 case .Copyright background map: Imagery @2015 Getmapping plc, Map data @2015 Google

It was also possible to distinguish between the different hounds used and to individually identify them by their markings (see figure 149).

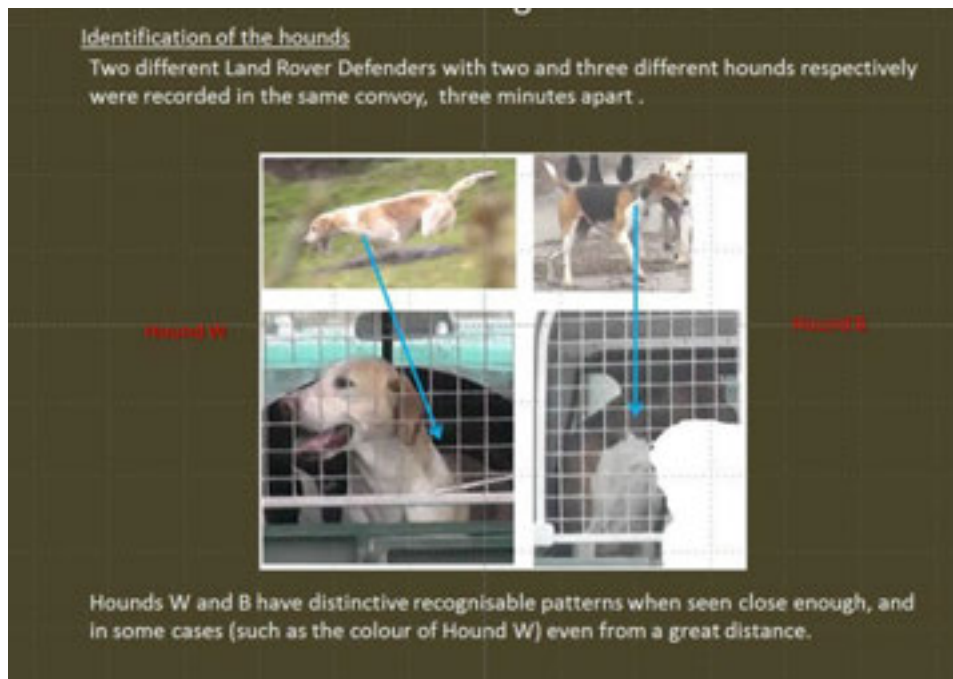


Figure 148: Image showing the elements that enabled the differentiation between different hounds, as part of the evidence packages of the DSSH 2015 case.

I claimed that the evidence of the DSSH’s hunting activities obtained from that day could be used to attempt to prove in a court of law the following facts (the supporting images with text used below formed part of the evidential package given to the authorities to support the allegations):

1. The accused of allegation 1 engaged or participated in the pursuit of a wild mammal (an identifiable red deer stag) with dogs in England for at least one hour but as much as four, over a distance of at least 2 miles but as much as approximately 7.5 miles, and at least two dogs were pursuing a wild mammal, in this case a red deer stag.



Figure 149: Image showing how the two hounds were indeed chasing the two deer (the blue arrow shows a particular tree branch), as part of the evidence packages of the DSSH 2015 case.

These two dogs belong to the Devon and Somerset Staghounds and on that day were controlled by Huntsman Mr Donald Summersgill and Joint-Master Mr Rupert Andrews.



Figure 150: Image showing the two same hounds being controlled by the huntsman and Master A in different occasions, as part of the evidence packages of the DSSH 2015 case.

The traditional role of the Huntsman is to control the hounds (and this is why he uses the horn) and displays five buttons in his jacket so to be identified by the Field.

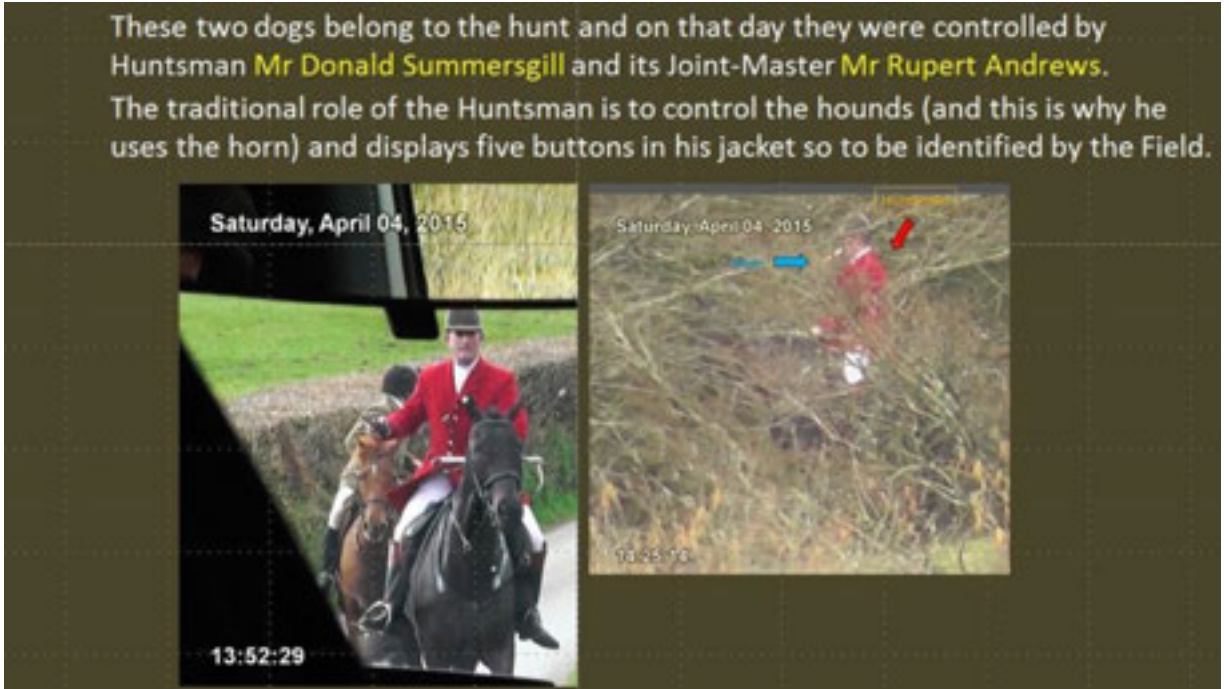


Figure 151: Image showing the huntsman attire and horn, as part of the evidence packages of the DSSH 2015 case.

Occasionally a Master may also play the role of controlling the hounds, and he will use the whip for this and would also have five buttons on his jacket for that day.



Figure 152: Image showing the Master A attire (with the extra button) and whip, as part of the evidence packages of the DSSH 2015 case.

When these two dogs were recorded pursuing the stag, Mr Donald Summersgill and Mr Rupert Andrews were also engaged in the pursuit and took no action to stop the hounds (no voice or horn calls were used to stop or call the hounds back).



Figure 153: Image showing the huntsman and Master A participating in the pursuit of the deer, as part of the evidence packages of the DSSH 2015 case.

From the moment the stag was recorded being pursued by the hounds to the likely time it was shot, the chase would have lasted at least an hour over a distance of at least 2 miles.



Figure 154: Image showing the minimum time and distance the pursuit of the deer by the hounds occurred, as part of the evidence packages of the DSSH 2015 case.

Counting from the moment the stag was likely to have been first chased to the likely moment it was killed, the chase could have lasted up to four hours over a distance of approximately 7.5 miles.

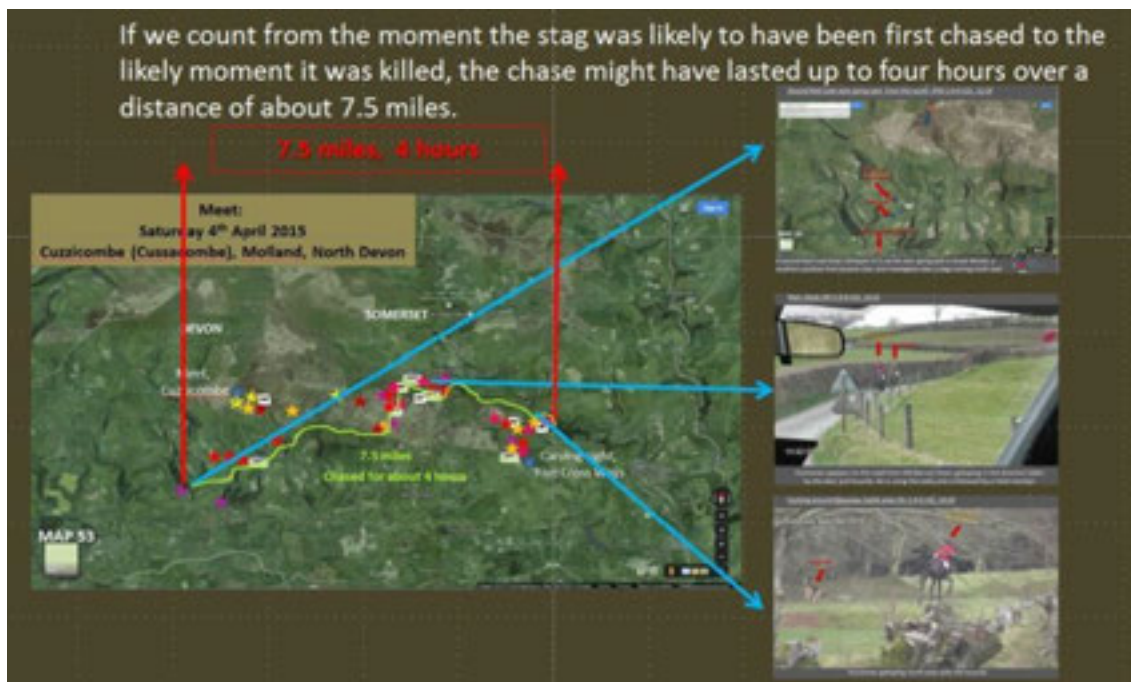


Figure 155: Image showing the maximum time and distance the pursuit of the deer by the hounds occurred, as part of the evidence packages of the DSSH 2015 case.

The repeated sightings of the DSSH hunt officials, Field members and vehicles during the entire day suggest this was a single hunt as opposed to a series of separate hunts.



Figure 156: Image showing the different sightings of hunt officials, riders and followers in several maps, as part of the evidence packages of the DSSH 2015 case.



Figure 157: Image showing the different sightings of key vehicles, as part of the evidence packages of the DSSH 2015 case.

A chase involving such long distances over a prolonged period of time is by no means unusual in stag hunting. The selection of the stag to be hunted is normally made before the hunt begins, and the “harbourer” initiates the chase before the meet begins.

2. This hunting was not exempt under the ‘stalking and flushing out’ exemption because no reasonable steps were taken for the purpose of ensuring that as soon as possible after being found or flushed out the wild mammal was shot dead by a competent person.

During the entire day there was no evidence of any gunmen strategically positioned to use their guns ready to shoot a flushed out stag. None of the riders of the 32 quadbikes observed appear to carry any gun or gun case, and only three of the quadbikes had big enough boxes where it is conceivable a gun ready to shoot may have been kept inside (although there was no indication of any of these were being positioned ready to shoot the stag).

During the long chase there must have been many occasions where the stag was no longer in cover and had been already found or flushed (especially when crossing the West Antsey Common which is open moor). Nevertheless, it was not shot until much later (up to four hours later).

3. This hunting was not exempt under the 'rescue of wild mammal' exemption because no person could reasonably believe that the wild mammal was or may be injured at the time of the pursuit.

There were no signs that the stag had any injury or disease which would have manifested in the form of a limp or erratic behaviour. On the contrary, the stag appeared to be running long distances, through uneven and steep terrain, without showing any sign that any reasonable person could interpret as injury or disease. The fact that it was running at the same speed and ability as the deer behind it confirms this.

4. This hunting was not exempt under the 'research and observation' exemption because on at least one occasion two dogs used in the hunt were not kept under sufficiently close control to ensure that the wild mammal was not injured by either dog.

There is evidence that from at least 13:50 to 13:53 Mr Donald Summersgill and the Joint-Master Mr Rupert Andrews had let their two dogs out of control so they could no longer be prevented from injuring the stag. Neither of the accused could see the dogs or the stag they were chasing during this period and could not know exactly where both were, due to the distances and the geographical barriers between them.

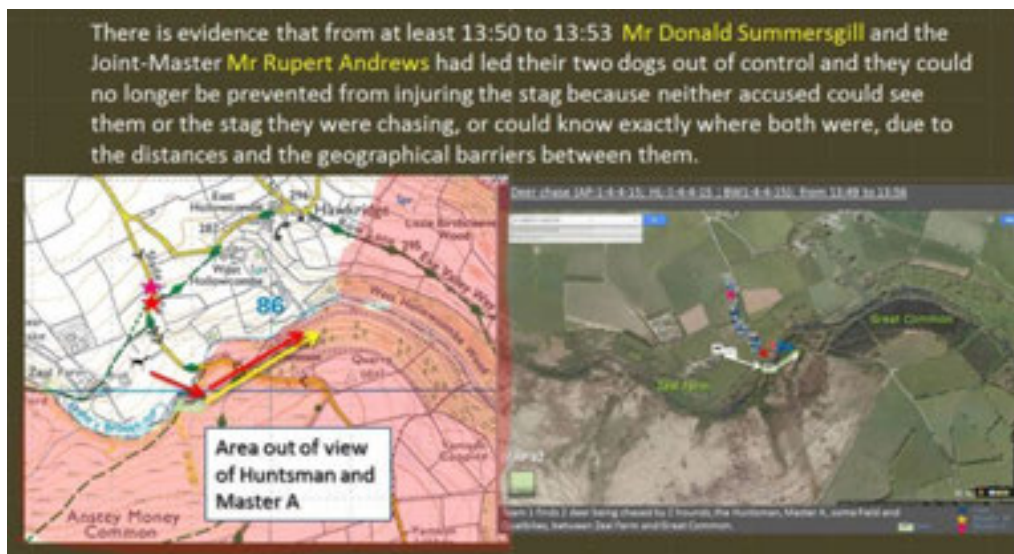


Figure 158: Image showing the area hunt staff could not see when their dogs were out of sight chasing the deer, as part of the evidence packages of the DSSH 2015 case.

Counting the timings of the video footage appearances of the stag, hounds and Hunt staff before the Huntsman reached the brook, the distance between the hounds and the staff can be calculated and it is almost as long as the distance between the Huntsman and the hounds. If the stag had stopped to recover its breath after running up hill, or fell and injured itself, the hounds could have easily reached it before either the Huntsman or Master A could have stopped them.

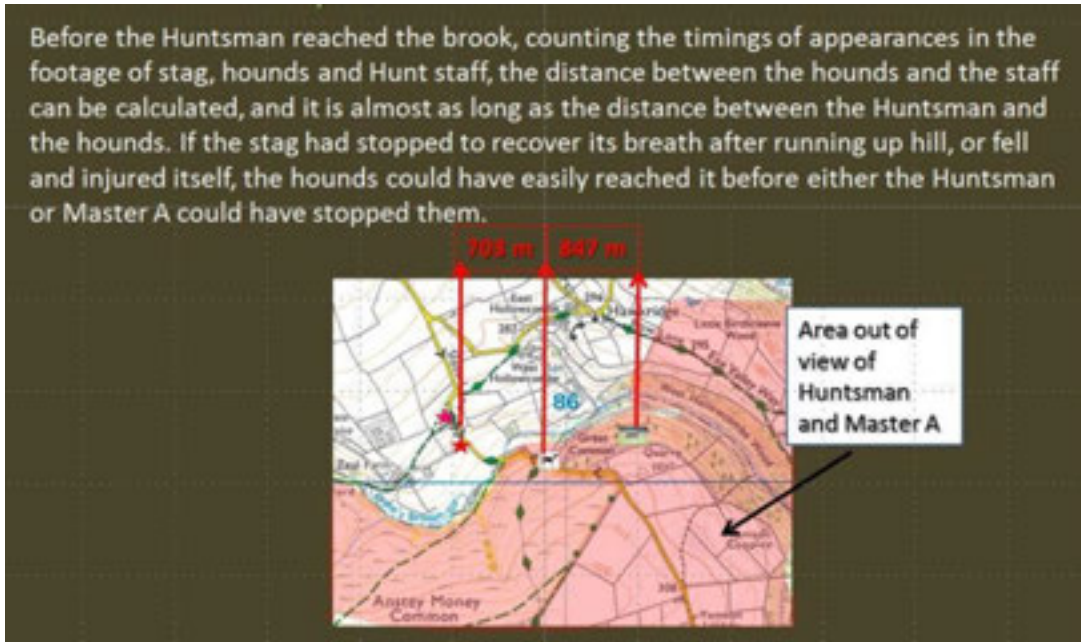


Figure 159: Image showing the minimum distances between hunt staff, hounds and deer when the dogs were out of sight chasing the deer, as part of the evidence packages of the DSSH 2015 case

Furthermore, the Huntsman stops the pursuit for a moment to negotiate the cattle grid before the bridge over the brook, which makes him lose 14 seconds during which the hounds could have moved 106 metres further away from him (possibly reaching over 800 metres apart, which cannot be seen as ‘close’ control). Master A, on the other hand, does not cross the brook, which will increase the distance between him and the hounds even more, reducing any chance for him to stop them injuring the stag.

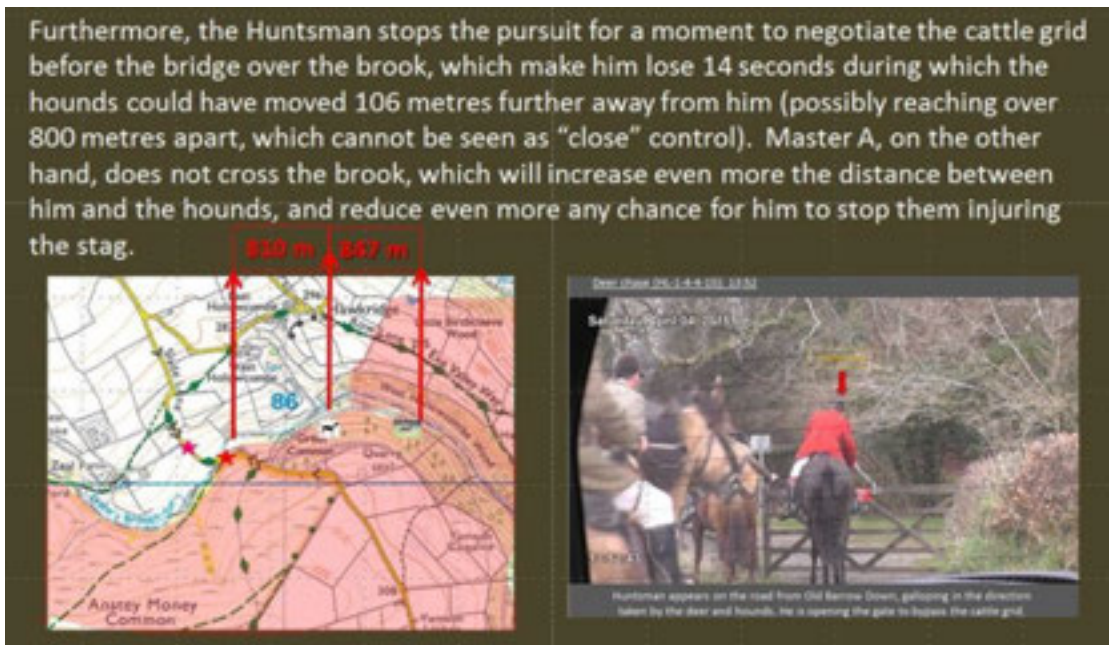


Figure 160: Image showing the minimum distances between hunt staff, hounds and deer when the dogs were out of sight chasing the deer, after the huntsman stopped, as part of the evidence packages of the DSSH 2015 case

Due to the inaccessible nature of the area around the brook, the lack of control of the hounds is likely to have continued for up to fifteen minutes more, since the investigators record the Huntsman having regained control of the hounds again when leaving the brook area temporarily fifteen minutes later.



Section 4 of the Hunting Act states “It is a defence for a person charged with an offence under section 1 in respect of hunting to show that he reasonably believed that the hunting was exempt.” If the accused claim they believe that they were hunting under the ‘research and observation’ exemption, they must know that they need to keep their dogs under sufficient close control at all times for that exemption to be valid. Allowing their dogs to be out of control and not calling them back when they know they are chasing a stag and could have caught it, is therefore a deliberate action which shows intent to break the law.

In addition to a breach of Paragraph 9(6) of Schedule 1 of the Hunting Act 2004 referring to out of control dogs, we also believe there is enough evidence to question the suspects as to whether more than two dogs were used during the hunt of the 4<sup>th</sup> April 2015, in contravention to Paragraph 9(3) of Schedule 1 of the Hunting Act 2004 which states “The second condition is that the hunting does not involve the use of more than two dogs”.

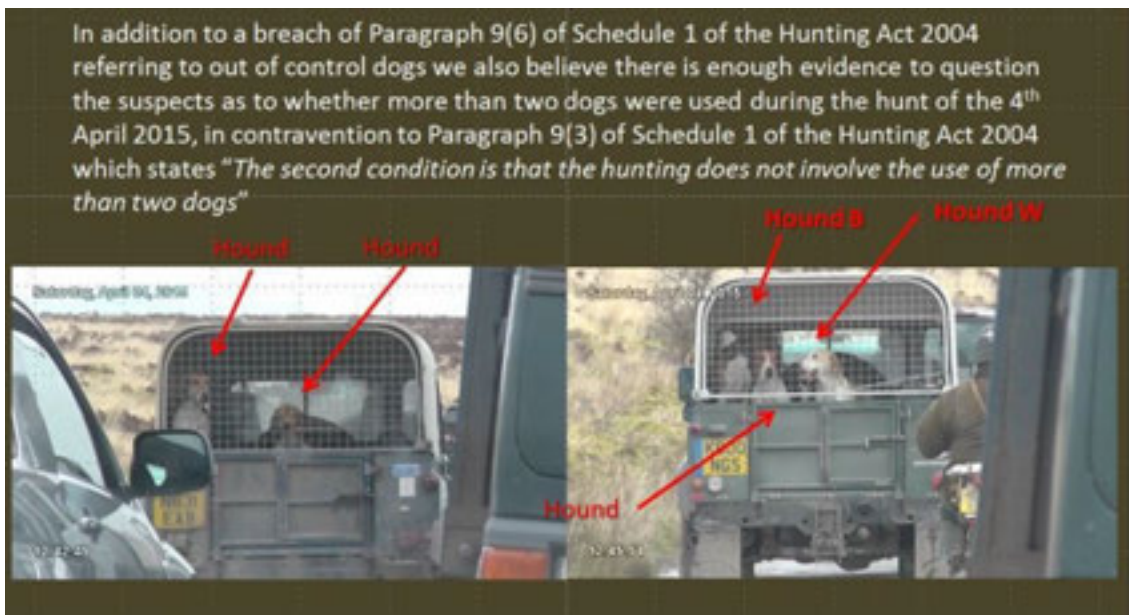


Figure 161: Image showing the different hounds seen during the day, as part of the evidence packages of the DSSH 2015 case

5. No other exemption in the Hunting Act 2004 Schedule 1 is applicable to stag hunting.

None of the remaining Hunting Act 2004 exemptions are applicable to stag hunting for obvious reasons: Use of dogs below ground to protect birds for shooting; Rats; Rabbits; Retrieval of hares; Falconry; Recapture of wild mammal.

6. The accused of allegation 1 have claimed in the recent past that when the Devon and Somerset Staghounds go out hunting, this is lawful hunting since it is done under the ‘research and observation’ exemption due to the fact they are supplying observation data to the researcher who has been conducting research on the health and behaviour of deer on Exmoor.

In 2013 Mr Donald Summersgill and the Joint-Master Mr Rupert Andrews were accused, with other defendants, of breaching the Hunting Act 2004 in a public prosecution from the League Against Cruel Sports evidence (a case which was eventually dropped by the CPS). The defence the accused used was ‘research and observation’ exempt hunting. The CPS said the case was dropped because new evidence came to light. Such evidence was the statement of the researcher claiming that the DSSH have assisted in her research by providing observation data regarding the health and behaviour of deer on Exmoor for over 20 years.

Part of this claim has been made public: ‘At the costs hearing in Yeovil the DSSH’s lawyer, Jamie Foster of Foster and Griffin, argued that LACS was responsible for the costs of the failed prosecution. He said LACS knew that the DSSH were taking part in a study of deer in the area,

where LACS's own land, as the animal welfare group had been invited to participate in the study and its own stalker had taken part.<sup>103</sup>

Due to the way Paragraph 9(2) of Schedule 1 of the Hunting Act 2004 is worded (“*The first condition is that the hunting is undertaken for the purpose of or in connection with the observation or study of the wild mammal*”), if the accused claim that they were loosely involved in ‘observation’ instead of actually participating in the ‘research’ that led to the regulated procedure being undertaken, such interpretation should not be accepted, as doing so would allow any hunting situation where people are capable of observing and passing information to anyone interested in the animals they hunt could claim they were complying with paragraph 9(2). We believe this would obviously make this paragraph redundant and be against the spirit of the Hunting Act. We believe that in the spirit of the Hunting Act 2004 claiming hunting under the ‘research and observation’ exemption equates to being directly involved in a scientific study of a wild mammal, regardless of whether or not it is done or supervised by academics, and therefore that it is under the scrutiny of any law which regulates the use of animals in research.

The police involved in the investigation of this case confirmed to me that when interviewed the suspects put forward the ‘observation and research’ defence, and that as in the 2013 case they put forward the same researcher that justified the exemption.

7. Red deer are a “ Protected Animal” under the Animals (Scientific Procedures) Act 1986

The current definition of ‘Protected Animal’ under the Animals (Scientific Procedures) Act 1986 as amended by the Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012, is:

*1 Protected Animals*

*(1) Subject to the provisions of this section, “a protected animal” for the purposes of this Act means any living vertebrate other than man and any living cephalopod.*

*(2) Any such vertebrate in its foetal, larval or embryonic form is a protected animal only from the stage of its development when—*

*(a) in the case of a mammal, bird or reptile, two thirds of the gestation or incubation period for the relevant species has elapsed; and*

*(b) in any other case, it becomes capable of independent feeding.*

*(2A) Any living cephalopod in its embryonic form is not a protected animal.*

*(3) The Secretary of State may by order—*

*(a) extend the definition of protected animal so as to include any description of invertebrates other than cephalopods;*

*(b) alter the stage of development specified in subsection (2) above;*

*(c) make provision in lieu of subsection (2) above as respects any animal which becomes a protected animal by virtue of an order under paragraph (a) above.*

*(4) For the purposes of this section an animal shall be regarded as continuing to live until the permanent cessation of circulation or the destruction of its brain.*

*(5) In this section “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.*

Red deer (*Cervus elaphus*) falls entirely under this definition, as it is a living vertebrate.

<sup>103</sup> <http://www.westernmorningnews.co.uk/Hunt-members-wrongly-accused-League-Cruel-Sports/story-25531739-detail/story.html>

8. Forcing a wild red deer to flee by setting dogs to chase it over a long time and distance either to observe its reaction or to exhaust it so it can be safely approached, killed and examined, is a regulated procedure based on how the Animals (Scientific Procedures) Act 1986 defines 'regulated procedures'.

The current definition of 'Regulated Procedure' under the Animals (Scientific Procedures) Act 1986 as amended by the Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012, is:

## *2 Regulated Procedures*

*(1) Subject to the provision of this section, "a regulated procedure" for the purposes of this Act means any procedure applied to a protected animal for a qualifying purpose which may have the effect of causing the animal a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with good veterinary practice.*

*(1A) A procedure is applied to an animal for "a qualifying purpose" if—*

*(a) it is applied for an experimental or other scientific purpose (whether or not the outcome of the procedure is known); or*

*(b) it is applied for an educational purpose*

*(2) A procedure applied to an animal for a qualifying purpose is also a regulated procedure if—*

*(a) it is part of a series or combination of procedures (whether the same or different) applied to the same animal; and*

*(ab) each of the other procedures in the series or combination is applied for a qualifying purpose; and*

*(b) the series or combination may have the effect mentioned in subsection (1) above; and*

*(c) the animal is a protected animal throughout the series or combination or in the course of it attains the stage of its development when it becomes such an animal.*

*(...)*

*(7) Killing a protected animal is a regulated procedure only if—*

*(a) it is killed for experimental or other scientific use;*

*(b) the place where it is killed is—*

*(i) a place that is specified in a licence granted under section 2C, or*

*(ii) a place that is specified in a project licence by virtue of section 5(3), and*

*(c) the method employed to kill the animal is not—*

*(i) a method that is appropriate to that description of animal under Schedule 1, or*

*(ii) in a case within paragraph (b)(i), a method that is specified as being appropriate to that description of animal in the licence granted under section 2C.*

*(8) Notwithstanding anything in this section, the following are not regulated procedures—*

*(a) non-experimental agricultural practices;*

*(b) non-experimental clinical veterinary practices;*

*(c) practices undertaken for the purposes of recognised animal husbandry;*

*(d) the administration of any substance or article to an animal for research purposes in accordance with an animal test certificate granted under the Veterinary Medicines Regulations 2011(6);*

*(e) the ringing, tagging or marking of an animal, or the application of any other humane procedure for the primary purpose of enabling an animal to be identified, provided that it causes only momentary pain or distress (or none at all) and no lasting harm.*

*(8A) References in this section to “a procedure” include both invasive and non-invasive procedures.*

Forcing a wild red deer to flee by setting dogs to chase it for a long time and distance may have the effect of causing the deer a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with good veterinary practice.

The fact that deer suffer during hunting, regardless of whether it is killed or not in the end, has been scientifically proven through research conducted by Professor Sir Patrick Bateson, Professor of Ethology (animal behaviour) at the University of Cambridge and Fellow of King's College, Cambridge. His study concluded that hunted deer experience a level of suffering comparable to that sustained by an animal that loses a limb in a road accident.<sup>104</sup>

Forcing a wild red deer to flee by setting dogs to chase it for a long time and distance either to observe its reaction or to exhaust it so it can be safely approached, killed and examined is a procedure applied to a protected animal for an experimental or other scientific purpose, which is neither a non-experimental agricultural practice, a non-experimental clinical veterinary practice or a practice undertaken for the purposes of recognised animal husbandry.

The Oxford English Dictionary defines ‘experimental’ as ‘relating to scientific experiments’, which are ‘scientific procedures undertaken to make a discovery, test a hypothesis, or demonstrate a known fact’. This would fit with what the Devon and Somerset Staghounds claim is the purpose of their exempt hunting (apparently to provide observation data for the research on the health and behaviour of deer on Exmoor).

Hunting stags with dogs (including shooting them) is not an agricultural practice since it does not involve the cultivation of animals, plants, fungi, and other life forms for food, fibre, biofuel, medicinal and other products used to sustain and enhance human life; it is not a clinical veterinary practice since it is not undertaken by qualified veterinarians using veterinarian methods; and it is not a recognised animal husbandry procedure since it relates wild animals, not captive animals.

9. On 4<sup>th</sup> April 2015 Mr Donald Summersgill, Mr Peter Heard, Mr Rupert Andrews and Miss Loveday Miller, consciously and collectively forced a wild red deer stag to flee by setting dogs to chase it for a long time and distance. They also arranged for the stag to be killed.

The two Joint-Masters present that day, Mr Rupert Andrews and Miss Loveday Miller, are in effect in equal overall charge of the hunt and they would have taken the decision to apply the regulated procedure of ‘forcing a wild red deer stag to flee by setting dogs to chase it for a long time and distance’ to a stag on Exmoor close to Cuzzicombe on the 4<sup>th</sup> April 2015, and to kill it. They were both present during the entire day and supervised all the proceedings up close, including the procedures with the dead stag.

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<sup>104</sup> Bateson, P. FRS., Behavioural and Physiological Effects of Culling Red deer, Report to the Council of the National Trust, March 1997

The two Joint-Masters present that day are effectively the employers of the Huntsman and Whipper-in. Although the Joint-Masters may have operational command on the day's proceedings, the Huntsman and Whipper-in would nevertheless still be expected to follow their employer's instructions, should they choose to give them any.



Figure 162: Image showing the presence of the two Joint Masters during the day, as part of the evidence packages of the DSSH 2015 case.

Mr Rupert Andrews, the Joint-Master in control of hounds that day, Mr Donald Summersgill, the Huntsman in control of hounds that day and any other hunting day, and Mr Peter Heard, his assistant who also normally control the hounds, were the three people who actually set the hounds to chase wild red deer on the 4<sup>th</sup> April 2015 at Exmoor, and encourage them to continue such chase for a long time and distance until one particular stag would be exhausted enough so it could be approached and shot.

The evidence obtained that day shows that each of these three people had overall control of at least one hound for a period of time, and that on each of these occasions they chose to engage the hounds to find and/or chase wild deer as part of the overall regulated procedure set up by the Masters.

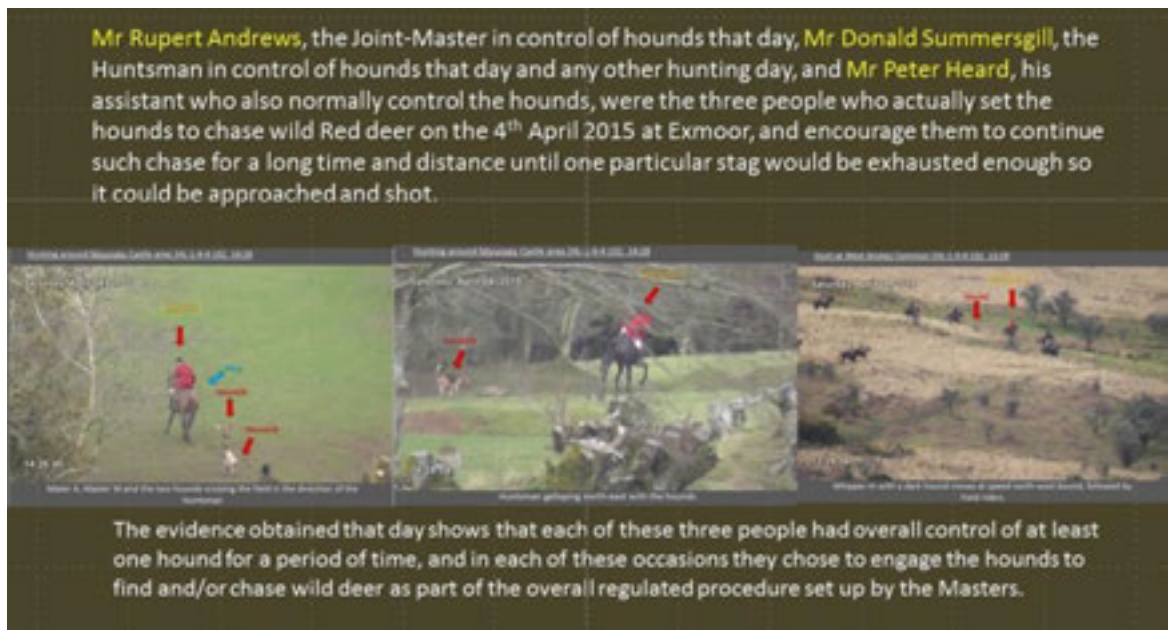


Figure 163: Image showing the huntsman and Master A controlling the hounds, as part of the evidence packages of the DSSH 2015 case

10. The Secretary of State did not grant a personal licence under the Animals (Scientific Procedures) Act 1986 to any of these members of the Devon and Somerset Staghounds

Due to the restrictions that the Animals (Scientific Procedures) Act 1986 imposes on the Secretary of State on granting personal licences, we believe it is very unlikely any of the accused hold one. Such restrictions include the following:

#### *4 Personal Licences*

*(1) A personal licence is a licence granted by the Secretary of State qualifying the holder to apply specified regulated procedures to animals of specified descriptions at a specified place or specified places.*

*(2) An application for a personal licence shall be made to the Secretary of State in such form and shall be supported by such information as he may reasonably require.*

*(3) Except where the Secretary of State dispenses with the requirements of this subsection any such application shall be endorsed by a person who—*

*(a) is himself the holder of a personal licence or a licence treated as such a licence by virtue of Schedule 4 to this Act; and*

*(b) has knowledge of the biological or other relevant qualifications and of the training, experience and character of the applicant;*

*and the person endorsing an application shall, if practicable, be a person occupying a position of authority at a place where the applicant is to be authorised by the licence to carry out the procedures specified in it.*

*(4) No personal licence shall be granted to a person under the age of eighteen.*

*(4A) The Secretary of State shall not grant a personal licence to a person unless he is satisfied that the person—*

*(a)has appropriate education and training (including instruction in a relevant scientific discipline) for the purpose of applying the regulated procedures to be specified in the licence; and*

*(b)is competent to apply those procedures in accordance with the conditions which are to be included in the licence and to handle and take care of laboratory animals.]*

*(5)A personal licence shall continue in force until revoked but the Secretary of State shall review each personal licence granted by him at intervals not exceeding five years and may for that purpose require the holder to furnish him with such information as he may reasonably require.*

Had the case not being discontinued by the CPS, whether or not the accused did indeed hold a personal license under the Animals (Scientific Procedures) Act 1986 would have easily been determined during police investigations or questioning in Court, but our conversation with the police about this case suggests to us that they do not seem to have any evidence the suspects hold such licences.

### ***The response of the authorities***

On 30<sup>th</sup> July 2015, after the evidence had been thoroughly analysed to ensure that there was a case to answer, the Devon and Cornwall Police was called to report the case and issue the allegations. The call was made via the force contact centre and all the relevant details were given to a member of staff (uniform number 56826). This officer did not create an incident number but stated that an e-mail with all the details would be sent to the 'wildlife section'.

On 4<sup>th</sup> August, having not been contacted by the police, another call was made to the force centre and an incident number, Log-549-04-08-15, was created.

Still not having been contacted, on 2<sup>nd</sup> September 2015 we wrote to Devon and Cornwall Police Superintendent Andrew Munday making him aware of the case and the lack of response. On 3<sup>rd</sup> September we made another call to the Police asking them to contact us as soon as possible.

On the 5<sup>th</sup> September Superintendent Munday replied with the following email:

*"Thank you for your letter dated 2nd September 2015 which I received yesterday. I have today allocated the matter to PC Martin Beck, based at Lynton Police Station, North Devon. Martin is an experienced Wildlife Crime officer and will get in touch with you in the near future to take details of the allegations you wish to register about potential Hunting Act offences. We will also look into why you haven't had a response to your previous reports, which resulted in you having to write to me."*

PC Beck (4970), Wildlife Crime and Neighbourhood Beat Manager at Lynton (West Exmoor), contacted me after that email and we arranged for a meeting on 11<sup>th</sup> September at which we presented in detail the case to him and other colleagues. I gave him all the evidence we had, including the written statements from investigators, detailed maps, key images, all original and processed footage, evidence logs and a list of all vehicles sighted. He later informed me that they would take the case (now re-coded as CR/63903/15) and that they would request interviews with some of the suspects. I was informed that the police only had until the 4<sup>th</sup> October to charge any

suspect as there is a limit of six months from the date the offence was committed, after which time charges cannot be brought.

On 28<sup>th</sup> September PC Beck confirmed that he had interviewed some of the suspects and he wrote to me the following:

*'To let you know that Mr Summersgill and Mr Andrews were both interviewed today. As I think you were expecting they both admitted being out that day but using the exemption of research and observation. The next stage of this investigation is to take the available evidence and place it before a decision maker who will decide if there is sufficient evidence to gain a successful prosecution. As soon as that final decision is made I will let you know. If you have any further questions in the meantime please let me know.'*

On 8<sup>th</sup> October 2015, four days after the six month limit to charge had expired, PC Beck called me to let me know that the CPS had decided not to charge anyone for any of the alleged offences, so the case would be dropped. PC Beck sent the following communication the next day:

*'Good to speak to yesterday. I appreciate your understanding with the result and hope that you feel I have taken this matter as far as I could within the available time. I certainly appreciate the time and effort which you spent examining evidence supplied by your investigators and preparing the case package.'*

*Although there was not enough to tempt [sic] a prosecution there was evidence that the hunt was out that day and they did take a stag. As we know there was much to gain from an interview with the hunt but the statement they provided plus the no comments to the questions we wanted answering just didn't get it to the level required by the CPS to take the matter further.*

*I do not feel all is lost. They certainly are aware that they are being monitored and will be challenged if the opportunity arises. I have asked Superintendent Munday to review the circumstances around the initial lack of contact you had from the police but I hope you feel reassured that from when we saw you, and the allegation, the matter has been taken seriously and dealt with as expeditiously as possible. It may take Supt Munday a while to get back to you as I know he is away for a couple of weeks.*

*As mentioned I also see benefit referring the allegation around the Animal (SP) Act 1986 to the Home Office Animal in Science regulation unit for review. I do not know if they will take the review on or how long that will take but I will contact them and make the referral. If I get a response from them I will let you know. I believe a decision by them will benefit all parties involved.'*

On 25<sup>th</sup> October 2015 Superintendent Munday telephoned and sent the following email:

*'I am aware PC Martin Beck has updated you with regard the criminal investigation into the allegations of illegal hunting committed by members of the Devon and Somerset Staghounds. In addition to the criminal investigation the circumstances around how the various calls for service about the matter were dealt with. It would appear a command and control log was not created on 30th July 2015, and when a further call was made on 4th August 2015 an incident was created on the control system, log 549 4th August 2015 refers. It was attached to a location near Honiton, not the actual hunt location in North Devon. The log was then closed without being allocated to an officer. The oversight was only realised when enquiries started being made following receipt of Mr Edgell's letter of 2nd September 2015. I would like to apologise for this failure in service, it falls below the*



*standards set by Devon and Cornwall Police. I have asked that the matter is further reviewed by the Chief Inspector in charge of the Force Control Room to find out not only exactly what happened in this case but also to make sure any processes are changed to prevent it happening again. On completion of the work I will make sure you are consulted and provided with a full explanation’.*

On 9<sup>th</sup> December 2015 I received a call from Chief Inspector Melanie Simmons who had been put in charge of investigating the complaint about our initial calls to the force which were not properly handled. She apologised again and explained that she would now listen to the tapes, analyse the case, get back to me in within a month and address the problems identified.

On 12<sup>th</sup> February 2016 I received a call from Chief Inspector Melanie Simmons to report to us the results of the investigation about the delay in the police response. She concluded that initially the call handler spelled the name of the place of the alleged offence incorrectly which created the first failure to log the call. After the second call the electronic tag that needed to be created for each incident was created, but the wildlife unit did not pick it up (and she did not know why). Chief Inspector Simmons also stated that, as there had not been any other reported cases where an electronic tag had not been picked up by the wildlife unit, she did not believe that the failure to pick the email up was intentional. She said corrective measures would be put in place.

On 21<sup>st</sup> May 2016 I sent PC Beck the following email:

*‘After a few months since our last communication I wanted to check with you about any progress of the thee [sic] points that were pending regarding the DSSH case, which you said you would look into. Namely...*

- 1. The review of the circumstances around the initial lack of contact from the police when we first reported the allegation*
- 2. The referring of the allegation around the Animal (SP) Act 1986 to the Home Office Animal in Science regulation unit for review*
- 3. Contacting again the witness MW<sup>105</sup>, the researcher put forward to justify the Observation and Research exemption, so you could check the data sent to her by the DSSH from the date of the allegation, which she did not produce in the first interview*

*Regarding number 1, I have had several calls and emails from Supper [sic] Intendent Munday and Chief Inspector Simmons telling me what have they [sic] done about it. I am now satisfied that such review did take place, and that their conclusions have been communicated to me. Therefore, I consider this first point closed.*

*So, what has been the progress in the other two points?’*

On 9<sup>th</sup> June 2016 PC Beck wrote back the following:

*‘My apologies for my delay to your email, I have been away and just reached your email. A decision about the referral to the ASRU has only just been made.*

*I remember you explaining good luck to me when I mentioned my intention to try to get a review and decision from them. I spent every month after the investigation emailing and phoning the unit but they decline to reply to me. I placed the matter before Supt Munday as I wanted to have a clear decision for future cases which would assist all parties. From a*

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<sup>105</sup> In this report the actual name of the researcher has been replaced by its initials

*force perspective I understand that I unable to progress an official request to them and I do not have a process to require the unit reply.*

*With regards to the work and data held by MW. The data was seen by police and was the data presented to her from the Stag hound [sic].*

*I understand your disappointment which [sic] the challenge we face reaching an evidential standard for prosecution.*

*If I can be any further assistance to you please contact me.'*

On 10<sup>th</sup> June 2016 I wrote to Exmoor National Park Authority under the Freedom of Information Act asking for the following:

- 1. Detailed information about any grant, funding or research project the Exmoor National Park Authority (or the Exmoor National Park Partnership Fund) has granted or commissioned to MW<sup>106</sup> since 1st January 2007, including dates, amount, purpose of the research, and resulting publications*
- 2. Any correspondence from 1st January 2012 to today (10th June 2016) between the Exmoor National Park Authority (or the Exmoor National Park Partnership Fund) and MW, in connection with research involving deer*
- 3. Any data of research involving deer which MW provided to the Exmoor National Park Authority (or the Exmoor National Park Partnership Fund) since 1st January 2012.*
- 4. Any data or information MW has provided to the Exmoor National Park Authority (or the Exmoor National Park Partnership Fund) in relation to the activities of the Devon and Somerset Staghounds in 2015 and 2016.*

On 14<sup>th</sup> June 2016 I wrote to Devon and Cornwall Police under the Freedom of Information Act asking the following:

*'Could you please send me, as a Freedom of Information request, any data or information regarding research involving Red Deer obtained in connection to allegations of illegal stag hunting made in 2012, 2013, 2014 and 2015.'*

On 16<sup>th</sup> June 2016 I received an email from Exmoor National Park Authority with several attachments and the following text:

*Further to your request below please find documents attached:*

*The Health and Condition of Exmoor Deer 2010-12*

*Exmoor Deer Health Database -Report 2011*

*Partnership Fund Submission Letter 13 March 2013*

*Letter to the Badgworthy Land Company relating to Exmoor Red Deer Monitoring – MW has a part interest in this contract*

*Letter to MW confirming Partnership Fund Grant*

*Partnership Fund Application*

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<sup>106</sup> In this report the actual name has been replaced by its initials.

*Partnership Fund Application Appraisal*

*Financial records show a payment made to MW:*

*In April 2013 for £[XX] for 'Health and Condition Exmoor Deer'*

*In May 2011 for £[XX] for 'Exmoor Deer Health'*

*I trust this meets your request but should you have any further queries please let me know.*

*Kind regards*

*Rachel Oxenham  
Head of Personnel and Corporate Support  
Exmoor National Park Authority*

The attached documents sent by Exmoor National Park Authority show that MW did indeed claim that she has used the Devon and Somerset Staghounds information for her research in the past.

According to a 2011-2012 grant application for the project 'Exmoor Deer Health and Condition Monitoring System', the project was set to 'build and develop a database of information relating to health and condition indicators in Exmoor deer. The collation of information relating to culled deer from a wide number of deer managers would build into a resource that could offer a greater understanding of the health, condition and fecundity of deer on Exmoor. It could provide a valuable early warning system of any potential problems in the herd. It will offer a useful resource for deer managers and others interested in deer who will benefit from the new knowledge gleaned and, ultimately, it will benefit the deer'. In the application MW also states "Information regarding culled deer will be sought from deer managers operating across Exmoor. This would include the British Deer Society, the Deer Initiative, the National Trust, the Forestry Commission, the Devon and Somerset Stag Hounds, the Quantock Stag Hounds and a number of individual deer stalkers. Their inputs to the project would be key to its success and they would be offered access to the results.'

A letter dated from November 2014 to the Badgworthy Land Company (a company known to be associated with the Devon and Somerset Staghounds<sup>107</sup>) provides the following details of the deer monitoring project:

*'Further to our recent discussion, I am writing to confirm that Exmoor National Park Authority would like the Badgworthy Land Company to carry out deer monitoring on Exmoor, over the next five years (2015 – 2019 inclusive), for the sum £[XX] per year, as set out below,*

- Organise the annual deer count, involving approximately 240 people, to be carried out in early spring each year,*
- Provide insurance for the count,*
- Analyse the data and provide statistics and graphs of population trends,*
- Organise and run the annual count meeting to be held in late spring each year*
- Present the count information at the count meeting*

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<sup>107</sup> Ian Pedler. *Save our Stags. The long Struggle against Britain's most Controversial Blood Sport*. Black Daps Press, Eastbourne, 2008

- Manage and update the deer health database*
- Report on deer health issues at the count meeting.*

There is no indication within any of the attachments sent to us by the Exmoor National Park Authority that any individual involved in the red deer research referenced therein holds a licence under the Animals (Scientific Procedure) Act 1986.

On 29<sup>th</sup> June 2015 I wrote to the Home Office's Animals in Science Regulation Unit with the following question:

*'Could you please inform me about which type of licences would be required to undertake a research project involving lethal procedures on British wild mammals, which are captured from the wild and the procedures are applied on the field where they were found?'*

On 15<sup>th</sup> July 2015 I received the following reply from the Home Office:

*Thank you for your letter of 29<sup>th</sup> June regarding procedures carried out on animals captured in the wild.*

*In order to undertake this work you would likely require establishment, project and personal licences acquired from the Animal in Science Regulation Unit. More information available on our website: [www.gov.uk/guidance/research-and-testing-using-animals](http://www.gov.uk/guidance/research-and-testing-using-animals).*

*We have this week published a new advice note on working with wild animals. I have attached a copy to this letter for you or you can access it in our website here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/535574/working-with-wild-animals-160706.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535574/working-with-wild-animals-160706.pdf)*

*In the advice note, I believe sections 4 and 5 are particular relevant to your query*

*If you require any further information our licensing team should be able to help you. They are contactable on : [aspa.london@homeoffice.gsi.gov.uk](mailto:aspa.london@homeoffice.gsi.gov.uk)*

*Yours sincerely*

*Eleanor Richman*

*Senior Policy manager*

*Animals in Science Regulation Unit.*

In response to our Freedom of Information request to the Devon and Cornwall police<sup>108</sup>, I received the following on 12<sup>th</sup> July 2016:

*'Thank you for your request for information which was received on 14/06/2016. We can confirm that the Devon and Cornwall Police hold information falling within the terms of your request.*

*The Freedom of Information Act 2000 obliges us to respond to requests promptly and in any case no later than 20 working days after receiving your request. By the 20th working day, an authority must state whether the requested information is held and where it is appropriate provide that information to the requester, subject to exemptions within the Act. However, when a qualified exemption is considered to be engaged by the requested*

<sup>108</sup> The police force has 20 working days to reply to any Freedom of Information requests.

*information and a decision as to where the public interest lies, in favour of disclosure or non-disclosure, has not been reached, on the 20th working day section 17(2)(b) states that a Public Authority must state whether the information is held and provide an estimate of when a decision is likely to be reached.*

*Unfortunately, in your case we have not yet reached a decision on where the balance of the public interest lies in respect of section 1(1)(b) of the Act which is the duty to provide the information. We estimate that it will take an additional 20 working days to make a decision on where this balance lies. Therefore, we plan to let you have a response by 26/07/2016. If it appears that it will take longer than this to reach a conclusion, you will be kept informed.'*

Finally, on 20<sup>th</sup> July 2016 I received the following response from Devon and Cornwall Police:

*'Your request for information has now been considered and I am not obliged to supply the information you have requested. In accordance with the Section 17(1) of the Freedom of Information Act 2000 this letter acts as a Refusal Notice for your request. I can confirm that Devon & Cornwall Police holds the information you have requested.*

*The exemptions of the Freedom of Information Act 2000 applied are:*

- *Section 30(1)(a) – Information held for the purposes of a criminal investigation*
- *Section 41 – Information provided in confidence*

*Section 41 is a class based absolute exemption which means there is no requirement to identify the harm or consider the public interest in disclosure.*

*Section 30 requires the application of a Public Interest Test before the exemption can be claimed.*

*Section 30(1)(a) exempts, as a class, any information held at any time by a public authority for the purposes of a criminal investigation conducted by it.*

*It is the view of the Information Commissioner (decision notice FS50556313) that the phrase 'at any time' means that information is exempt under section 30(1) if it relates to an ongoing, closed or abandoned investigation.'*

Therefore, I still do not know whether any relevant data obtained on the 4<sup>th</sup> April 2016 by the Devon and Somerset Staghounds was sent to the researcher MW or the Badgworthy Land Company to justify the use of the 'research and observation' exemption that day.

This case was also presented to the RSPCA to assess whether they could take a private prosecution. However, considering that the CPS had dropped a similar case based on the 'research and observation' exemption coupled with the pressure the charity had had been under for prosecuting hunts, leading to a review of their prosecution activity (the Wooler review<sup>109</sup>), the RSPCA decided not to take the case.

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<sup>109</sup> <http://www.rspca.org.uk/webContent/staticImages/Downloads/WoolerReviewFinalSept2014.pdf>

## 4. SOLUTIONS

Since the enactment of the Hunting Act 2004 most of the UK stag hunts have been trying to circumnavigate the hunting ban by exploiting the Act's exemptions. Stag hunt members claiming the 'stalking and flushing out' and the 'rescue of a wild mammal' exemptions have been successfully prosecuted for illegal hunting in court. The use of the 'research and observation' exemption, however, has been far more effective at providing hunters protection from prosecution and is therefore the one most commonly used today.

As several attempts to prosecute stag hunters using the 'research and observation' exemption have been dropped before going to Court, it is reasonable to expect both the CPS and organisations such as the RSPCA to be reluctant to take forward future cases where such a defence is used. We believe that it is fair to say that, at this point, stag hunts have found a viable loophole within the Hunting Act 2004 which effectively allows them to continue chasing and killing deer, with near impunity, much as they did before the ban. Given the reluctance to prosecute either publicly or privately (which can be very expensive for NGOs), the only feasible way left to stop the defiant exploitation of this loophole is to **amend the Hunting Act to remove the 'research and observation' exemption in its entirety.**

We do not believe that the removal of the 'research and observation' exemption would affect genuine research undertaken with wild mammals. For example, genuine researchers do not tend to employ dogs to flush the mammals they study out of cover (a disruptive practice which would interfere with the observation). More importantly, however, if researchers did genuinely use dogs to flush their subjects of study out of cover (with no chase), which resulted in the killing of the animal for the purposes of research, we believe the activity would have to be licensed under the Animals (Scientific Procedures) Act 1986. The burden and scrutiny of the associated regulations under this Act would likely make researchers look for less intrusive methods and would prevent non-researchers from attempting such procedures. In the highly unlikely case that researchers wishing to use dogs to flush wild mammals and who were licensed to kill those mammals under the Animals (Scientific Procedures) Act 1986 were accused of illegal hunting, such activity could be defended in Court for falling outside the scope of the Hunting Act 2004 (arguing that if dogs did not give chase to the mammal, no hunting took place), without the need of the existence of a specific exemption.

The ability of stag hunts to successfully claim the 'research and observation' exemption as a cover for hunting raises serious concerns as to whether the Hunting Act 2004 in its current form is truly fit for purpose. Difficulties with prosecution exist with other types of hunting also, such as fox hunting. In March 2015 the RSCPA discontinued a fox hunting case against members of the Cattistock hunt, even though it was believed to be a strong case with evidence sufficient to demonstrate illegal hunting. However, the huntsman used 'trail hunting' as a defence and the case was dropped.

The case against the Cattistock hunt was the latest in a series of cases where the prosecution hinged on evidence which animal protection groups believe showed clear evidence of illegal hunting, but which the prosecution claimed was legal trail hunting or exempt hunting. Although for years the League Against Cruel Sports, the RSPCA and others have stated that the Hunting Act is enforceable in its current form (as long as the enforcement agencies take it seriously), the recent successful use of trail hunting and 'research and observation' as false alibies in Court has consequently forced these organisations to change their traditional stance. We now believe that it is time to call for a number of necessary amendments to the Act to address the clear enforcement problems illustrated within this report and others.

Since 2015 animal protection groups have been calling for the following changes to the Hunting Act to ensure that those who illegally chase or kill deer, foxes, or hares with hounds are successfully prosecuted:

1. The introduction of a recklessness clause to prevent ‘trail hunting’ from being used as a false alibi;
2. The removal of the ‘observation and research’ exemption, which has been abused by stag hunts to avoid prosecution for illegal hunting;
3. An increase in the penalty for illegal hunting to include custodial sentences, in line with other wildlife crime legislation.
4. Removal of the exemption that permits hunting underground

At the end of 2015 the ‘Trail of Lies’<sup>110</sup> report exposing how fox hunts used trail-hunting as a false alibi for fox hunting was published. ‘Trail of Lies’ provided evidential support to the first amendment suggested. This report on stag hunting presents the evidential support to the second amendment suggested, so the political debate to secure such amendments can now begin.

It should be noted, however, that once the ‘research and observation’ exemption is removed from the Hunting Act, the three remaining stag hunts do not need to disband as they could convert to drag hunting or bloodhound hunting (not to be confused with ‘trail hunting’<sup>111</sup>). These activities have never been used as alibis against allegations of illegal hunting, and ‘accidents’ are very rare.<sup>112</sup>



Figure 164: Foxhounds picking up the scent of the drag in a drag hunt

<sup>110</sup> <http://www.ifaw.org/sites/default/files/2015-IFAW-Trail-of-Lies-full-report.pdf>

<sup>111</sup> <http://www.ifaw.org/united-kingdom/news/trail-hunting-not-drag-hunting>

<sup>112</sup> As ‘trail hunting’ involves laying an animal scent for the dogs to chase, fox hunters using trail hunting as a false alibi for illegal hunting can claim that any chase and/or subsequent death of a fox during the hunt was caused by the dogs ‘accidentally’ picking up the scent of a live animal whilst chasing the scent laid for the trail hunt.



Figure 165: Full pack of bloodhounds with their huntsman

## 5. DISCUSSION

In 2004 hunting with dogs was banned in England. Unfortunately, there have been numerous problems with the enforcement of the ban; too many allegations of illegal hunting are not investigated and not enough illegal hunters are prosecuted. The hunting fraternity has always been defiant against the Hunting Act 2004, and since its enactment the calls for its repeal, backed by powerful political parties, have never ceased. Stag hunting in particular has been, and continues to be, one of the strongholds of such defiance and, since 2005, have attempted to keep hunting while trying to avoid prosecution. Perhaps given the relatively small area in Devon and Somerset where the three remaining registered staghounds are located, the geographic isolation is making them more reluctant to accept the new animal protection values of the UK population and therefore more hostile to a ban imposed from Westminster.

In addition to claiming the false alibi of “trail hunting”, over the years stag hunts have tried different methods of circumvent the ban with mixed results. Initially they tried using the ‘stalking and flushing out’ exemption, but a successful prosecution against members of the Quantock Staghounds determined the claim disingenuous as deer were hunted over an extended period of time, rather than being shot as soon as possible as required in the Act. Stag hunts subsequently tried employing the ‘rescue of a wild mammal’ exemption of the Act and, although they achieved partial success by persuading the National Trust to remove the ban on entering their land in cases when such exemption could be claimed, another successful prosecution against members of the Quantock Staghounds claiming this exemption showed that this was a far from effective loophole.

Finally, stag hunts have tried using the ‘research and observation’ exemption, as the weak wording of this exemption has allowed for the possibility of different interpretations. To date, this has proved an effective defence as no hunt using this exemption has been successfully prosecuted. Although there have been several recent attempts to prosecute members of the Devon and Somerset Staghounds who use this exemption as a defence, the CPS has decided to drop such cases rather than press them into court in order to make the necessary clarifications and close the loophole. We believe the two ‘research and observation’ cases presented in this report should have gone to court



as there was good quality evidence obtained by professional investigators from the League Against Cruel Sports and others. The evidence, summarised in this report, not only allows the identification of individual suspects, clearly showing what actions they took, where and when, but also shows how similar the hunts activities are today to that from before the Hunting Act. Target animals continue to be selected by the harbourer, hounds continue to be used to separate the target from the herd, and the deer continue to be chased to exhaustion for many miles over a prolonged period until finally being shot. These activities proceed under the watch of the same hunt staff, hunt officials, field riders and hunt followers, engaging in the same procedures, practices and traditions as before the ban, including the carving of the stag's body and the taking of trophies.

We believe that the response of the authorities to the 2015 Devon and Somerset Staghounds case was very poor, despite the fact that this case contained much more evidence than other similar cases and was presented in a format which should have helped prosecutors to easily develop the case. Firstly, the Devon and Cornwall Police delayed for 44 days before investigating the case. Secondly, they failed to secure the relevant data from the 'researchers' (who were supposedly benefiting from the data gained from the hunt), before the deadline for charging the suspects expired. The Home Office was not forthcoming in assisting the police in addressing the Animals (Scientific Procedures) Act 1986 allegations, while the CPS failed to charge any suspects despite all the evidence and the desperate need to close the loophole exposed by the current 'research and observation' exemption. Finally, the police demonstrated a clear lack of transparency in their reluctance to release the 'research data' supposedly obtained from the hunt. Had it been possible to confirm whether any relevant data was gathered on the day of the alleged offence, and if so, what, this might have been enough to secure a conviction.

Had the evidence of the 2015 case outlined in this report been presented in a court of law, it would have helped to challenge the 'research' the stag hunts currently claim justifies the hunting, chasing and killing of deer. It seems difficult to reconcile how it can be necessary to apply for several Home Office licences under the Animals (Scientific Procedures) Act 1986 in order to prick an octopus with needle once, yet for there to be no similar requirement when forcing deer to flee for four hours over 7.5 miles. Bateson and Harris' research<sup>113</sup> confirms this would have caused the deer great suffering before finally being shot dead. If the suspects were to argue that such licenses were not needed for the purposes of 'observation' only, there would still be an opportunity for the authorities to challenge this defence given that this apparent observation lead to the killing of the animal observed.

As demonstrated through the case studies presented in this report, the activities and practices of stag hunts do not reflect the intentions of the Hunting Act. Chasing deer with dogs over long periods of time and distance, pursued by hundreds of people on horses, cars and bikes, until the exhausted, terrified deer is shot, cannot with all reason be considered acceptable as genuine observation and research activity. Considering that stag hunts are meeting twice a week for most weeks of the year, year after year, over 200 adult stags, young stags and hinds (some of which are pregnant) are literally being 'observed to death'. This is surely not behaviour which the UK Parliament considers to be exempt from the intentions of the Hunting Act 2004.

Furthermore, it is one thing to conduct research on a deer which has already been killed, another entirely to kill a deer for the purpose of research. We believe that the killing of a deer for the purpose of research falls under the Animals (Scientific Procedures) Act 1986 and that the response from enquiries to the Home Office on the matter seems to confirm this. Although we do not have the data (if it exists) which was meant to have been collected on the day of the alleged offence of the 2015

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<sup>113</sup> Patrick Bateson and Roger Harris (2000). The effects of hunting with dogs in England and Wales on the welfare of deer, foxes, mink and hare. Report of Committee of Inquiry into Hunting with Dogs in England & Wales.

DSSH case (as the police refuse to send it), we do have information about the sort of research researchers involved with the DSSH have carried out in the past.

Previous research appears to be mostly concerned with assessing deer populations and their state of health. Crucially, however, according to documents sent by the Exmoor National Park Authority, one of the clear premises of the research is that it is conducted on already culled deer, not on deer which are culled for the purpose of research. The activities of the Devon and Somerset Staghounds in the cases from 2013 and 2015 would not fall under the scope of such research as the deer were chased and then killed. If the purpose of chasing and killing the exhausted deer is considered research, this research should either be licensed or prohibited on the grounds of being unethical. Alternatively, if the research did not involve the chasing and killing of the exhausted deer to obtain data, then such chasing and killing would be illegal hunting, outside the purpose of the exemption. Under the current wording of the ‘research and observation’ exemption, however, the defence could claim that it is in fact neither because “*purpose*” is irrelevant; only the part of the condition that states “*or in connection with*” applies.

Had the evidence of these dropped cases been shown in a court, it would have provided the opportunity to clarify uncertainties regarding the wording of this exemption (i.e. the precise definition of ‘observation’, ‘in connection with’, ‘close control of the hounds’ etc.) and the legality of ‘relay hunting’. However, the weak response from the authorities to allegations of illegal hunting defended by the use of the ‘research and observation’ exemption has now created a situation in which it is difficult to prosecute stag hunts (both publicly and privately) as suspects can now say they truly reasonably believed their ‘lethal observation’ hunting to have been exempt. It is important to note that the main suspects of the 2015 case are the same individuals from the 2013 case. Successfully evading a prior prosecution under the ‘research and observation’ exemption has only emboldened stag hunts to continue to use the same exemption, effectively hiding under section 4 the Hunting Act 2004 which states that “*It is a defence for a person charged with an offence under section 1 in respect of hunting to show that he reasonably believed that the hunting was exempt*”.

The culmination of this is that those individuals participating in illegal stag hunting are able to do so unpunished and the law is being made a mockery of by those who believe they are allowed to choose which laws do and do not apply to them. Unless this situation is decisively addressed, deer will continue to suffer greatly and unnecessarily against Parliament’s will and the will of the majority of the UK population.

## 6. CONCLUSION

The problem of illegal stag hunting is current and widespread. The cases exposed in this report show that attempting to exploit exemptions of the Hunting Act to avoid prosecutions for illegal hunting is not an isolated phenomenon. It has been taking place since the hunting ban came into effect and most (if not all) stag hunts have been doing this. Huntsmen who have been convicted more than once for hunting illegally are still in charge of their staghounds today and those who have previously been accused of exploiting the ‘research and observation’ exemption continue hunting in the same way today.

In fact, it is evident from the case studies in this report that, as far as the hunted deer is concerned, the ban does not seem to have made any difference. They are selected to be killed for the same reasons in the same way, they continue to be chased by hounds to exhaustion over long distances, and are shot dead in the same way at the end of the chase. All this is carried out by the same people as before the ban. The only operational difference between stag hunting before and after the ban is relay hunting: now the pack of hounds is divided in groups of two hounds to chase the deer in turns.

After trying to employ each of the exemptions of the Hunting Act 2004 which are applicable to stag hunting, the ‘research and observation’ exemption now seems to provide an effective cover against allegations of illegal stag hunting. Claiming this exemption is the equivalent of a ‘get out of jail free’ card for illegal stag hunters, to be added to the already effective claim of the false alibi of “trail hunting”.

The defiant attitude of stag hunts, the existence of a weak ‘research and observation’ exemption, and the poor response of the authorities when addressing those suspects claiming such exemption, have created an effective loophole which now desperately needs closing.

As the authorities do not appear willing to enforce this law properly (having had over 10 years to do so), the only effective way to solve the problem of enforcement is to amend the Hunting Act 2004 to remove the ‘research and observation’ exemption in its entirety, and prevent “trail hunting” to be used as a cover for illegal hunting.

We recommend that such legislative change takes place as soon as is politically possible and hope that this will show the stag hunting community that infractions of the ban will not be tolerated and that the only open avenue ahead is that of converting to truly harmless country sports such as draghunting or bloodhound hunting.<sup>114</sup>

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<sup>114</sup> Not to be confused with trail hunting which is primarily a false alibi to avoid prosecutions of illegal hunting created when the Hunting act was enacted, in which hounds are set to follow a trail of an artificial scent made of the urine of the animals they normally hunt, laid in areas where such animals can normally be found, while not telling those who control the hounds where the trail has been laid so they cannot stop the hounds if they pursue the scent of a live mammal instead, and therefore they can claim that such chase was an ‘accident’.

## 7. ACKNOWLEDGEMENTS

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Hounds Off

All hunt monitors

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