

Consultation on Proposals to Prohibit Trail Hunting in England and Wales

Question 1: Would you like your response to this consultation to be confidential in the event of an access to information request (see confidentiality and data protection above)?

Yes

Question 2: Provide your full name

Rob Espin

Question 3: Provide your email address or, alternatively, your full postal address

info@alaw.org.uk

Question 4: In what capacity are you completing this consultation

As a representative of a non-governmental organisation (NGO) or other non-profit public interest group.

Question 5: If you are responding on behalf of an organisation, what is the name of that organisation?

UK Centre for Animal Law (ALAW)

Question 6: This consultation is for proposals that would apply only in England and Wales. Where are you, or the organisation you are representing, located? (required)

England

Proposed legislative approach

For the purposes of the legislation, we propose to use the following definition of “trail hunting”:

“Trail hunting” is the activity in which a dog is directed to find and follow an animal-based scent which has been laid for that purpose.

“Animal-based scent” means: a scent which is derived from a wild mammal, or a scent which mimics, replicates or resembles the scent of a wild mammal (or which is designed to do so), whether or not that scent is derived wholly or in part from artificial ingredients.

Question 7: Do you agree with this proposed definition of “trail hunting”?

To ensure that ‘trail hunting’ does not continue to be effectively permitted, as was the case due to the relevant exemptions and the lack of definitions in the Hunting Act 2004 (‘HA04’), the definition of trail hunting needs to be adequately wide so as not to allow other forms of activities with dogs to act as a ‘smoke screen’ for illegal hunting.

To this end, we propose the below minor amendments to the two relevant limbs of ‘trail hunting’. Our greater concern is that the definition of ‘animal-based scent’ is overly limited. We understand that hounds bred for hunting may follow non-animal-based scents as part of drag or clean boot hunting and, while we do not object to these traditional countryside sports, these must not be used by wrongdoers to veil illegal trail hunting of animals. We would therefore propose changing this defined term to ‘trail scent’.

*“Trail hunting” is the activity in which a dog is **either: (i) directed to find and follow an animal-based trail scent which has been laid for that purpose; or (ii) otherwise provided with access to a trail scent either intentionally or recklessly.***

*“Animal-based **Trail** scent” means: a scent **intended or with the potential to encourage dogs to find and pursue any wild animal, be it derived** from a wild mammal, or a scent which mimics, replicates or resembles the scent of a wild mammal (or which is designed to do so), whether or not that scent is derived wholly or in part from artificial ingredients.*

Our proposed ban on trail hunting would mean that it would be an offence to engage or participate in trail hunting. We also intend to include offences for conduct which would assist unlawful trail hunting to take place.

Question 8: What types of conduct should be covered by ‘engagement’ or ‘participation’ in trail hunting?

The types of conduct covered by ‘engagement’ and ‘participation’ in trail hunting must be sufficiently wide to capture all activities which perpetuate illegal trail hunting. We would therefore encourage a non-exhaustive definition to be given to ‘engagement’ and ‘participation’.

Inspiration can be drawn from existing animal welfare protections, especially section 8 of the Animal Welfare Act 2006 (‘AWA06’) relating to animal fighting. Taking precedent from this provision, engagement and participation should include (but not be limited to) the below actions, with additions beyond the AWA06 provided in square brackets:

- a) causing trail hunting to take place, or attempting to do so;
- b) knowingly receives money [or other benefits in kind] for admission to a trail hunt;

- c) knowingly publicises or promotes a proposed trail hunt;
- d) provides information about a trail hunt to another with the intention of enabling or encouraging attendance at the trail hunt;
- e) makes or accepts a bet on the outcome of a trail hunt or on the likelihood of anything occurring or not occurring in the course of a trail hunt;
- f) takes part in a trail hunt;
- g) has in his or her possession anything designed or adapted for use in connection with a trail hunt with the intention of its being so used;
- h) keeps or trains an animal for use in connection with a trail hunt;
- i) is present at a trail hunt [or otherwise watches a trail hunt] without lawful authority or reasonable excuse; or
- j) without lawful authority or reasonable excuse, that person knowingly supplies, makes, facilitates or publishes, shows or possesses a video or audio recording of a trail hunt.

The offences in respect of video material concerning a trail hunt should be subject to exemptions, similar to the AWA06 offence, for trail hunts happening before the commencement date of the relevant legislation, for inclusion in programme services, or for provision to relevant law enforcement agencies as part of wildlife crime reporting.

Note that suggested point (g) would be similar in framing to the hare coursing provisions of the Police, Crime, Sentencing and Courts Act 2022, Section 64.

Question 9: In relation to offences or conduct which would assist unlawful trail hunting to take place, we intend that it should be an offence for the owner or occupier of land to knowingly cause or permit another person to engage or participate in trail hunting on that land. Do you agree?

Yes

Please explain the reasons for your answer

This is already the case for other animal welfare offences in the equivalent Scottish legislation; see section 2(1) of the Hunting with Dogs (Scotland) Act 2003 ('HDSA03').

Availability of land is fundamental to trail hunting taking place; therefore, making it an offence for a landowner, occupier or manager knowingly to cause or permit others to use their land for trail hunting creates an adequate deterrent against those who would otherwise be one step removed from committing an offence, even when their acts or omissions directly facilitate such criminality.

There is also an arguable case that causing or permitting others to use their land would constitute aiding or abetting the criminal offence of trail hunting, or in more structured and organised cases, joint enterprise in respect of that offence. The League Against Cruel Sports and the Time for Change Coalition have demonstrated how trail hunts can sprawl over into innocent bystanders' private property and land, damaging such property and attacking domesticated or agricultural animals present.

This considered, there would likely be instances where permitting land a person owns or controls to be used for trail hunting amounts to the criminal offence of public nuisance under section 78 of the Police, Crime, Sentencing and Courts Act 2022 ('PCSCA22').

While these ancillary offences could be used to prosecute landowners and occupiers who facilitate illegal trail hunting, uncertainty would remain for landowners, law enforcement agencies and prosecutors. Given that the principle that such owners and occupiers should face sanction is already impliedly possible and therefore accepted, England should follow Scotland's example by expressly making it a criminal offence to cause or permit one's land to be used for trail hunting.

Unlike HDSA03, however, defences should not be provided where a person reasonably believes the alleged trail hunting is exempt, as there should be no exemptions for trail hunting.

Question 10: In relation to offences or conduct which would assist unlawful trail hunting to take place, we intend that it should be an offence for the owner or person responsible for a dog to knowingly cause or permit another person to use the dog for trail hunting. Do you agree?

Yes

Please explain the reasons for your answer

As above for the use of land, this is already the case for other animal welfare offences in the equivalent Scottish legislation; see section 2(2) of HDSA03. Again, providing dogs to persons to permit them to undertake trail hunting could be construed as aiding and abetting a separate trail hunting offence, or even joint enterprise in more serious cases. Both uncertainty and the inability to bring to justice those who facilitate illegal trail hunting

through the provision of dogs would be reduced by making this a specific criminal offence. This should be made subject to sufficient safeguards, including requiring knowledge of (or recklessness in respect of) the person's intentions in respect of those dogs.

Unlike HDSA03, however, defences should not be provided where a person reasonably believes the alleged trail hunting is exempt, as there should be no exemptions for trail hunting.

Question 11: Are there any other forms of conduct which should be considered as possible offences in relation to offences or conduct which would assist unlawful trail hunting to take place?

Yes

Please explain the reasons for your answer

The wide meaning of 'engagement' and 'participation' proposed above should cover all the relevant conduct which should be criminalised. For convenience, as set out above, this includes:

- a) causing trail hunting to take place, or attempting to do so;
- b) knowingly receives money [or other benefits in kind] for admission to a trail hunt;
- c) knowingly publicises or promotes a proposed trail hunt;
- d) provides information about a trail hunt to another with the intention of enabling or encouraging attendance at the trail hunt;
- e) makes or accepts a bet on the outcome of a trail hunt or on the likelihood of anything occurring or not occurring in the course of a trail hunt;
- f) takes part in a trail hunt;
- g) has in his or her possession anything designed or adapted for use in connection with a trail hunt with the intention of its being so used (note, this would be similar in framing to the hare coursing provisions of the Police, Crime, Sentencing and Courts Act 2022, Section 64);
- h) keeps or trains an animal for use in connection with a trail hunt;

- i) is present at a trail hunt [or otherwise watches a trail hunt] without lawful authority or reasonable excuse; or
- j) without lawful authority or reasonable excuse, that person knowingly supplies, makes, facilitates or publishes, shows or possesses a video or audio recording of a trail hunt.

Question 12: Do you consider that any other legislative changes are necessary to ensure that a ban on trail hunting is effective?

Uncertain

Please explain the reasons for your answer

We note that it is uncertain how the proposed ban would be brought into force, save by primary legislation. We would prefer the HA04 to be repealed in its entirety and replaced with a new, comprehensive piece of legislation.

Ideally, we would like to see a wholesale reform of wildlife protection law into one single statute which consolidates and updates England's piecemeal wildlife welfare regime (as suggested by the Law Commission). We note, however, that such codification is outside the scope of this consultation, even if this Government's Animal Welfare Strategy discusses updating wildlife crime laws and, in particular, penalties, which would be best achieved through consolidation.

Question 13: Do you think that it is possible for dogs to be appropriately trained for specific purposes other than trail hunting without the use of either animal based scents or artificial scents which mimic an animal based scent?

Yes

Please explain the reasons for your answer

Dogs can be trained for many purposes without animal-based scents or artificial scents that mimic animals. Examples include dogs trained for detection of explosives, drugs, and other specific non-animal chemical compounds. These disciplines are well established and effective, showing there is no evidence that dog training requires animal-based scents. The use of animal scents, or animal mimic scents, only increases the likelihood for the trained dog to pursue a wild animal.

Question 14: Do you think that it should remain lawful, in certain circumstances, for animal based scents, or scents which mimic animal based scents, to be used in training dogs for certain purposes?

No

Please explain the reasons for your answer

Maintaining any exemption for dogs to be trained for pursuing such scents risks permitting another 'smoke screen' for illegal hunting to survive law reform, making it difficult for law enforcement to properly enforce the new rules.

We want to ensure that the legislation to ban trail hunting should not inadvertently affect other activities such as drag hunting or 'clean boot hunting' where they do not present the same risk to wild mammals as trail hunting.

Question 15: We understand that drag hunting is an equestrian sport where an artificial non-animal based scent trail, which does not mimic an animal based scent, is laid along a pre- determined route for hounds to follow. Do you agree that this is an accurate description of drag hunting?

Yes

Please explain the reasons for your answer and, if you wish, propose a different description.

This matches our understanding of drag hunting.

Question 16: Do you think that there is a risk that dogs engaged in drag hunting will deviate from the pre-laid trail by the scent of a wild mammal and then pursue the wild mammal?

Yes

Please explain the reasons for your answer

Where dogs are chasing anything through the countryside where wild animals, such as foxes, deer, badgers and others, live, there is a risk that if the dogs encounter these animals, they will chase them. That said, we understand that, where drag hunting is done properly (to that end, see our comments on the importance of the definition of 'animal scent' or 'trail scent' to prevent drag hunting being used as a screen for illegal trail hunting), this risk is minimised as much as possible.

We also note that there is some risk of wildlife being chased wherever people take their dogs into rural areas; however, dog walking in rural areas is not criminalised where those

dogs chase wildlife. Whilst this is beyond the scope of this consultation, we would suggest further reform to make it an offence for a person intentionally or recklessly to permit a dog to chase, disturb or harm any wild animal, not just protected species.

Question 17: We understand ‘clean boot’ hunting is an activity where hounds hunt human runners who neither wear nor drag any form of artificial scent enhancement. Do you agree that this is an accurate description of ‘clean boot’ hunting?

Yes

Please explain the reasons for your answer and, if you wish, propose an alternative description:

This matches our understanding of clean boot hunting.

Question 18: Do you think there is a risk that dogs engaged in clean boot hunting will deviate from their pursuit of human runners to the pursuit of wild mammals?

Yes

Please explain the reasons for your answer

As above for drag hunting.

Question 19: Do you think that a new law to ban trail hunting would need to include any additional provisions in relation to drag hunting or clean boot hunting?

Yes

Please explain the reasons for your answer

If the terms for trail hunting and animal/trail scent are adequately defined then additional provisions should not be required. One possible approach we have seen discussed is to require drag and clean boot hunt organisers to be licensed by their relevant local authorities (likely local councils).

While this would provide some oversight of the activities of such hunts as a safeguard against this being used to conceal trail hunting, we note the administrative and financial burdens on both local authorities and hunts in requiring this. Moreover, it is questionable whether requiring licensing would provide a material safeguard and we note that very few other countryside sports are so regulated, therefore we do not strongly recommend this.

Question 20: Are there any equestrian activities other than drag hunting, for example point to pointing, which you think are at risk from being affected by the proposed ban on trail hunting?

No

Please explain the reasons for your answer

If the definition of 'trail hunting' is properly drafted, this should not have any impact on equestrian activities which do not involve pursuing an animal-based or animal-mimicking scent.

Question 21: How do you think the introduction of a ban on trail hunting will affect dogs used for trail hunting? For example, will they be able to be re-directed to other activities?

Work by organisations such as Protect the Wild has demonstrated that trail hunts often euthanise hounds no longer required for hunting, because they are too slow or for other reasons. Indeed as part of the Countryside Alliance's response to the Burns Inquiry, it was admitted that hunts kill up to 10% of hound pups.

Dogs do not need to be culled when no longer required by hunts; instead, these animals can be rehomed with the support of shelters and adopters. Precedent exists to support this for animals used for 'sports', as work by organisations such as Dogs Trust and the Greyhound Trust shows that greyhounds can be successfully rehomed, even when the industry itself previously said this was not feasible on a large scale.

Moreover, banning trail hunting will have a beneficial effect on the welfare of dogs used in hunts. Work by organisations like the League Against Cruel Sports has shown that hounds (and horses) are placed in dangerous situations and injured as part of trail hunting, with 110 examples being reported in the 2025/26 season. This includes dogs being whipped, hounds suffering injuries from trying to jump fences and being left behind, being trampled by horses, being sent out in a heatwave, and being hit by passing motorists and trains when hunts go across busy roads or railway lines. When not hunting, dogs may be kept in poorly run kennels where they may suffer neglect through the failure of their keepers adequately to safeguard their welfare, judged against the Five Freedoms model of animal welfare.

Stopping trail hunting immediately would protect dogs (and horses) from further suffering, injury and death from being made to take part in hunts.

We would recommend that Defra coordinate an implementation group to ensure the welfare of hounds and, where possible / in their interests, support their rehoming or, where not possible, their humane euthanasia by veterinarians. The Welsh Government set up something similar in connection with greyhound racing when they announced their ban. This was smaller scale but it brought together charities that could potentially help with

spaces and the industry. It is important that anything similar for hounds is led by Defra to help mitigate any issues. Serious consideration would also need to be given to how to rehome hounds responsibly and ethically into a home setting given that they're used to living in large packs, probably won't have experienced a domestic home environment, and are used to roaming freely, rather than walking on a lead. It would be vital to include appropriate dog behaviour expertise on any such group so that decisions can be made that are genuinely best for the dogs. Given the substantial numbers involved and consequent logistics, it is important this is all factored into the implementation of a ban.

Question 22: Do you think that there should be a transition period following the introduction of a ban on trail hunting and if so, how long should that period be?

There should be no transition period for the introduction of the ban. Hunting is already unlawful, and work from many organisations, as recognised by wildlife crime police chiefs, demonstrates that trail hunting continues to be used as a screen for illegal hunting. Every day that passes without action means that more wild animals are killed by hunts.

With the preservation of drag and clean boot hunting, those currently involved in trail hunting, whether recreationally or as paid employees, can pivot into these activities to help continue countryside tradition in a safe and moral way.

If the Government decides that a transition period should be provided, this should be kept to the shortest period required. Consideration also should be given to whether a transition period with appropriate conditions might carry with it an obligation to rehome any dogs that might otherwise be put down.

Community and social impacts

Question 23: Do you think that the proposed legislation to ban trail hunting in England and Wales will affect people and/or communities more widely?

Yes

Please explain the reasons for your answer including, if applicable, which groups of people/communities could be affected and in what way

Rural communities throughout England and Wales will be positively impacted by the ban on trail hunting. Polling has consistently shown that a significant majority of people who live in the countryside support a ban. Currently trail hunting has been shown by the work of organisations such as the League Against Cruel Sports to cause damage, disruption and distress to rural communities. This includes documented and reported examples of:

- Hunts interfering with busy roads and trespassing on railways, leading to fatal accidents, congestion and unneeded risk to road and rail users;
- Trespass on land, including farmland and private housing, as out of control dogs and persons on horseback pursuing trails go through private land, sometimes on multiple occasions, causing damage and disruption to their land without their consent;
- Livestock or domesticated animal worrying, where hunt members or hounds have caused sheep, cows, pigs, chickens, horses or companion animals to become distressed through chasing them, or in some cases attacking these animals; and
- Threatening and aggressive behavior of members of the hunting party threatening or being violent against bystanders or those who try to record and report the actions of hunting groups to the relevant authorities.

When trail hunting is prohibited, rural communities will be spared from the worry, cost and damage posed by such havoc associated with trail hunting.

Furthermore, wildlife crime enforcement agencies (primarily the police) will face less time and cost expense in trying to enforce the existing, unclear laws on trail hunting to bring those who hunt illegally to justice. They will also be under less pressure to investigate the types of antisocial behavior mentioned above.

Additionally, people under the age of 18 are often present attending or taking part in trail hunts, which violates United Nations Convention on the Rights of the Child (UNCRC) General Comment No. 26. This directs that children must be protected from exposure to violence, including violence against animals. Such a ban will ensure children are not exposed to such violence, preventing trauma and normalisation of violence against animals during their formative years.

Question 24: How do you think the proposed ban on trail hunting might affect the income and activities of the hunts currently involved in this activity?

Some hunts may cease operating altogether, while others could transition to lawful alternatives such as drag hunting and trail free equestrian events. There should be no imperative to protect income derived from illegal hunting carried out under the 'smokescreen' of trail hunting.

Question 25: How do you think the proposed ban on trail hunting might affect the income and activities of businesses directly linked with hunts which currently engage in trail hunting?

Businesses relying on illegal practices for their income should naturally anticipate a loss of revenue upon the proper enforcement of the law. Economic viability cannot be used as a justification to sustain illegal activities. Overall the operational and economic impact of these legislative changes is expected to be minimal, provided that hunts transition to lawful activities.

Question 26: Do you think that the proposed ban on trail hunting in England and Wales might affect other businesses not directly linked with hunts?

Yes

Please explain the reasons for your answer including, if appropriate, which types of businesses you think might be affected and how.

As explained in our response to Question 23 above, the overwhelming majority of local businesses that do not support trail hunting, including farmers, tourism accommodation providers and operators, and hospitality and retail businesses, will face less disruption and fewer potential threats from unruly trail hunts once trail hunting is made illegal.

Question 27: How do you think that the proposed ban on trail hunting could affect the environment or wildlife?

Yes

Please explain the reasons for your answer

Trail hunting presents the below threats and challenges to conservation and wildlife protection, including ensuring biodiversity. Therefore prohibiting trail hunting would remove such risks to wildlife:

Direct harm to wildlife and other animals: as discussed above, trail hunts often end in wild animals being chased, injured and even killed, notwithstanding that they are not the intended target of the hunt itself. This can include endangered species protected by legislation such as the Conservation of Habitats and Species Regulations.

Disturbance and damage to habitats: hunting activity is shown frequently to occur across and disturb sensitive and protected sites, including nature reserves, conservation areas and Sites of Special Scientific Interest. This activity disrupts natural habitats, damages sheltering places for threatened fauna, and tramples protected and recovering flora.

Question 28: Are there any other matters, including possible alternatives to primary legislation, which you feel should be taken into account in developing the legislation to ban trail hunting?

Yes

Please explain the reasons for your answer

Possible alternatives to primary legislation

To properly address the problems posed by trail hunting, we believe there are no alternatives to primary legislation.

Proper deterrents

Under the HA04, persons who currently commit an offence face a maximum penalty of an unlimited fine. This does not pose an adequate deterrent against such an offence, nor does it properly punish those convicted of activities which cause animal cruelty. As a fine alone, businesses which operate trail hunts can simply 'price in' the cost of conducting repeated illegal hunts.

Consistency with other wildlife crime

The limitation of punishment to only a fine is also inconsistent with the penalties for other animal cruelty offences which cause the same amount of suffering to animals. Following the Animal Welfare (Sentencing) Act 2021, penalties for offences such as animal cruelty and animal fighting under AWA06 go up to a maximum of five years' imprisonment. This same maximum penalty is reflected in HDSA03 in Scotland for offences of hunting with dogs. Therefore, we would encourage the penalty for illegal trail hunting to mirror this maximum of five years.

Facilitating investigation and proper prosecution

Enforcement should also be strengthened by extending the time limits for bringing prosecutions for wildlife crime offences, including illegal hunting and trail hunting. At present, offences under the HA04 are punishable only on summary conviction, with proceedings generally subject to the six-month time limit in section 127 of the Magistrates' Courts Act 1980. That period is often inadequate for complex wildlife investigations, where evidence may depend on video footage, expert review, multi-agency enquiries, and the identification of participants over time. Consideration should therefore be given to adopting an extended prosecution window for hunting offences, similar to the approach in section 31 of the AWA06, so that proceedings may be brought within a longer period from the offence and/or from the point at which sufficient evidence comes to the prosecutor's knowledge.

Corporate liability and responsibility

New legislation should include a clearer and broader corporate liability provision than currently exists in the HA04 so that a hunt may be prosecuted where an employee, officer, agent or other person acting for the hunt commits a hunting offence in the course of that activity. Reliance only on consent or connivance at officer level, as is the basis of current corporate liability under the HA04, leaves an accountability gap in practice, particularly where unlawful conduct is embedded in the way a hunt operates but senior individuals seek to distance themselves from direct involvement.

Notifiable offence

Currently as a summary only offence, illegal hunting is not a notifiable offence for different police forces across the UK. This means that police forces are not required to compile and report data on those charged with hunting offences. This creates difficulty in understanding the true scale of hunting offences across the country, as well as providing an information deficit when it comes to coordinating wildlife crime enforcement resources to best tackle wildlife crime, where there is no centralised and regularly updated information on hunting trends. Therefore trail hunting and associated offences should be made notifiable.

Question 29: Is there any other evidence you would like us to consider?

No.