

League Against Cruel Sports

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charity in England and Wales (no. 1095234)
and Scotland (no. SC045533)

Design: www.designsolutions.me.uk



LEAGUE
AGAINST CRUEL SPORTS

The League Against Cruel Sports is Britain's leading charity that works to stop animals being persecuted, abused and killed for sport. The League was instrumental in helping bring about the landmark Hunting Act. We carry out investigations to expose law-breaking and cruelty to animals and campaign for stronger animal protection laws and penalties. We work to change attitudes and behaviour through education and manage sanctuaries to protect wildlife.

Find out more about our work at www.league.org.uk

Full report 'Observed' to Death, with all the relevant references, can be found at www.league.org.uk/observedtodeath

Special thanks to Mike Huskisson/AWIS for permission to use pictures of stag hunting used in the recently published book *Outfoxed Take Two*.



Research, Observe – Kill

Hunts in England are chasing and killing stags, even though it was banned in 2004. They claim to be undertaking 'research' – in much the same way Japanese whalers claim that they are killing whales for research. The League believes hunts are cynically exploiting a loophole in the law.

INVESTIGATE | EDUCATE | PROTECT

Executive Summary

Stags are regularly being chased for miles by hunts and their hounds before being killed, despite this 'sport' being banned by the Hunting Act 2004. This is happening because of a loophole in the law, which the stag hunts are being allowed to exploit.

When the Hunting Act was written, an exemption allowed for 'Research and Observation'. The intention of this exemption would have been, in certain cases, to further scientific knowledge. But the spirit of this exemption is being crushed week on week by stag hunts who claim to be undertaking observation for research – while simply chasing and killing stags in exactly the same way that they were doing pre-ban.

The hunts claim that they are observing deer and providing notes to known researchers, but when an FOI request was made to a police force, following a case against a stag hunt being dropped by the CPS, they refused to release any details of these alleged notes.

The pretence that hunting and killing is actually part of 'research' is not unique to English stag hunts. Japanese Whalers have infamously used the same ruse. The public outcry that met their deception should be mirrored by our response to the stag hunts.

Stags under siege

The League Against Cruel Sports owns sanctuary land in Devon, in an area which is prime 'stag hunting country'. We have witnessed hunts consistently chasing deer both before and after the Hunting Act came into force. Over the years, our sanctuary signs have been peppered with bullets as a warning, and we have had to hire military personnel to protect deer on our land.

Hunts can last several hours, and the evidence is compelling that they inflict great suffering on the stag. In the late 1990s the National Trust commissioned and resourced a study into the welfare implications of hunting with hounds.

The report highlighted the physical impacts on deer of being chased over long periods of time, showing 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.'*

Following the release of the report, the National Trust banned stag hunting on its properties the next day. Unfortunately, since then stag hunting has returned to National Trust land. The Trust allows stag hunts on its land to hunt under some of the Hunting Act exemptions, and does not monitor them for potentially illegal activity.



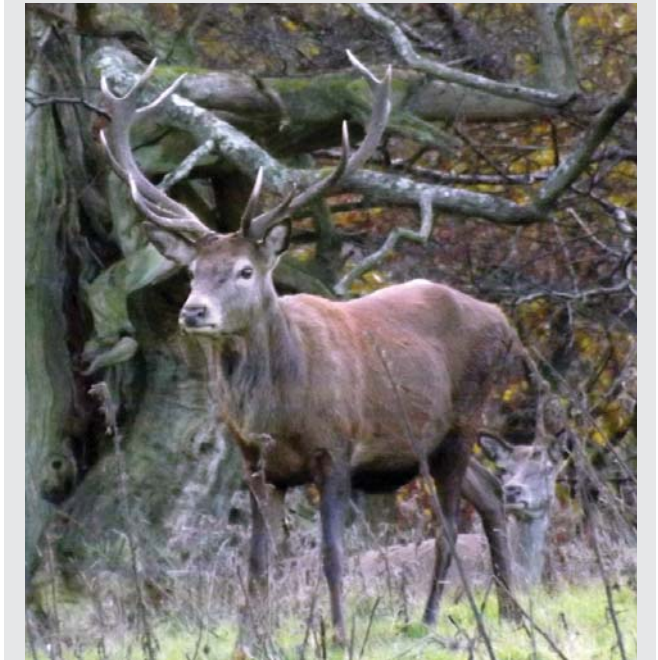
Pre-ban image

Jumping through Loopholes

Under Section One of the Hunting Act 2004, a person commits an offence if he hunts a wild mammal with dogs, although several exemptions were created, including 'Stalking and Flushing Out', 'Rescue a Wild Mammal' and 'Research and Observation', all of which had specific conditions that need to be fulfilled for the hunting to be legal.

Stag hunts have continually tried to circumnavigate the law by exploiting the exemptions, with mixed results. Initially stag hunts tried using the 'Stalking and Flushing Out' and then the 'Rescue a Wild Mammal' exemptions, but in both cases successful prosecutions against them showed that their interpretations of these exemptions would not be allowed.

Finally, the stag hunts tried using the 'Research and Observation' exemption. Although there have been several recent attempts to prosecute members of the Devon and Somerset Staghounds who use this exemption as a defence, the Crime Prosecution Service (CPS) has chosen not to pursue these cases.



Red Alert

A magnificent stag named Red has been a frequent visitor to League sanctuary land in Somerset for several years. A true leader with glorious antlers, Red has earned his legend as the 'master stag' of the area, defending his herd successfully against pretenders to his throne.

But fame comes at a cost, and it became a challenge for local hunters to 'bag' Red so they could mount his proud head on their wall. There has long been a risk that the stag hunts would catch Red. In 2014, we received threats against Red's life so the League employed a team of security guards to protect him. So far, Red has survived, and grows ever more magnificent.

Red's story is a high profile example of the ongoing threat to deer in the south west of England. Not all stags have a name, but they remain equally in danger while hunts can pretend to 'Research and Observe'.

Most breaking the law?

The League Against Cruel Sports believes that stag hunts are routinely breaking the law. Investigators who monitored stag hunts 34 times in the last 10 years believe that they found some evidence of illegality in 94% of cases.

The Research and Observation exemption has proven to be a successful loophole, as no hunt has yet ended up in court to defend it, even though several prosecutions have been attempted. We believe the evidence in this report proves that stag hunts are not abiding by the hunting ban, and that the Research and Observation exemption should be removed from the Hunting Act immediately to prevent further illegal hunting and animal suffering.

In addition, the maximum penalty for Hunting Act offences should be a prison sentence rather than a fine, to bring sentences in line with other wildlife legislation and to send out a strong message that killing animals for 'fun' will not be tolerated.

Polling in 2016 showed that **88% of people in Great Britain** want stag hunting to remain illegal. Because of this loophole, the stag hunts are laughing in the faces of public opinion, and mocking the spirit of British law.

This summary is based on *'Observed' to Death* (Casamitjana, 2017), the first exposé into the exploitation of the Hunting Act by stag hunts, which can be downloaded at <http://www.league.org.uk/observedtodeath>

"The hunts claim that they are observing deer and providing notes to known researchers, but when an FOI request was made to a police force, following a case against a stag hunt being dropped by the CPS, they refused to release any details of these alleged notes."

On the Trail of a Loophole

Stag hunts have cynically and methodically worked their way through the exemptions to the Hunting Act 2004 until they have found one that worked. It is only because of the vigilance of animal welfare charities that they have been caught in the act on more than one occasion. These four case studies show that it now requires government action, backed by effective enforcement, to ensure that the law is respected.

1. Stalking and Flushing Out

On the 16th February, 2006 the League Against Cruel Sports investigators filmed the Quantock Staghounds hunt a stag.

Based on this evidence the League undertook a private prosecution against two suspects, who despite claiming they were hunting legally under the "Stalking and Flushing Out" exemption, were eventually convicted. They subsequently lost their appeal against the conviction.

At Taunton Magistrates' Court and Bristol Magistrates Court District Judge David Parsons said the defence argument was "disingenuous" and fined both men, one of whom was huntsman Richard Down, £500 and ordered them to pay £1,000 each as a contribution towards costs.



2. Rescue a Wild Mammal

A few years later another incident occurred involving the Quantock Staghounds. This was also investigated by the League Against Cruel Sports, but this time the police took the case and the CPS prosecuted.

In November, 2010, huntsman Richard Down was 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. This time Down claimed to be using the "Rescue a Wild Mammal" exemption and had hunted an injured stag to relieve its suffering.

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. Research and Observation (2013)

On 14th September, 2013 and the 24th October, 2013 League Against Cruel Sports investigators filmed the Devon and Somerset Staghounds (DSS) hunt and kill at least one stag.

The police investigated and suspects were charged despite claiming they were hunting legally under the 'Research and Observation' exemption, but later on the CPS dropped the case.

The evidence had been referred to the CPS who issued summonses against three members of the DSS. On 26th September, the defence wrote to the CPS providing a witness statement from a researcher who said she worked in research and consultancy in the field of farming and wildlife conservation, and that the DSS had assisted in her research by providing observation data regarding the health and behaviour of deer on Exmoor for over 20 years. The researcher said that she was involved in an ongoing project to investigate the health and condition of Exmoor deer.

Subsequently the CPS abandoned the prosecution, following the apparent receipt of material provided by the defendants supporting the proposition that what they were doing amounted to Research and Observation of deer, or that they reasonably believed that to be the case.

4. Research and Observation (2015)

On 4th April, 2015, the Devon and Somerset Staghounds (DSS) met at Cuzzicombe, North Devon, with around 400 people participating in the event.

Two teams of wildlife crime investigators surveyed the hunt's activities from the meet until the hunt ended, one team in a covert position observing the hunt from a distance, and the second team in an undercover position posing as hunt supporters. After their evidence was assessed, the case was brought to the authorities to seek prosecution for illegal hunting. After some delay the police investigated the case, but the CPS decided not to prosecute because the defence claimed "Observation and Research" and supported their claim by producing the same researcher as in 2013.

This case was strongly supported by a wealth of evidence, which comprised video footage (nearly ten hours), sworn written statements from witnesses, maps, stills from videos, notebooks, evidence logs and video processing logs, all showing evidence of a stag being chased 7.5 miles for over four hours, and eventually killed and mutilated.

The evidence countered any claims that the DSS could use the 'Stalking and Flushing out' or 'Rescue of a Wild Mammal' exemptions. It also countered claims that the 'Research and Observation' exemption could be used: the exemption carries a clause which states that dogs must be under control to ensure they do not harm a wild animal, but video evidence indicated that this had not been the case at times during the hunt.

An allegation was also made that if the hunt claimed there were involved in 'Research and Observation' then those undergoing the data collection for the 'research' should have had a licence under the *Animals (Scientific Procedures) Act 1986*. If no such licence had been obtained, the hunting would have been illegal. The evidence was given to the Devon and Cornwall Police, but on 8th October 2015, the police revealed that the CPS had decided not to charge anyone for any of the offences alleged, so the case was dropped.

When questioning this decision an FOI was submitted to the Devon and Cornwall Police requesting: "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."

Devon and Cornwall Police declined to send the data because the "Information was held for the purposes of a criminal investigation and the information was provided in confidence". Therefore, it is still not known if any relevant data obtained on the 4th April 2016 by the Devon and Somerset Staghounds was sent to the researcher to justify the use of the 'Research and Observation' exemption that day.



Excuses, Excuses

Saturday, April 04, 2015

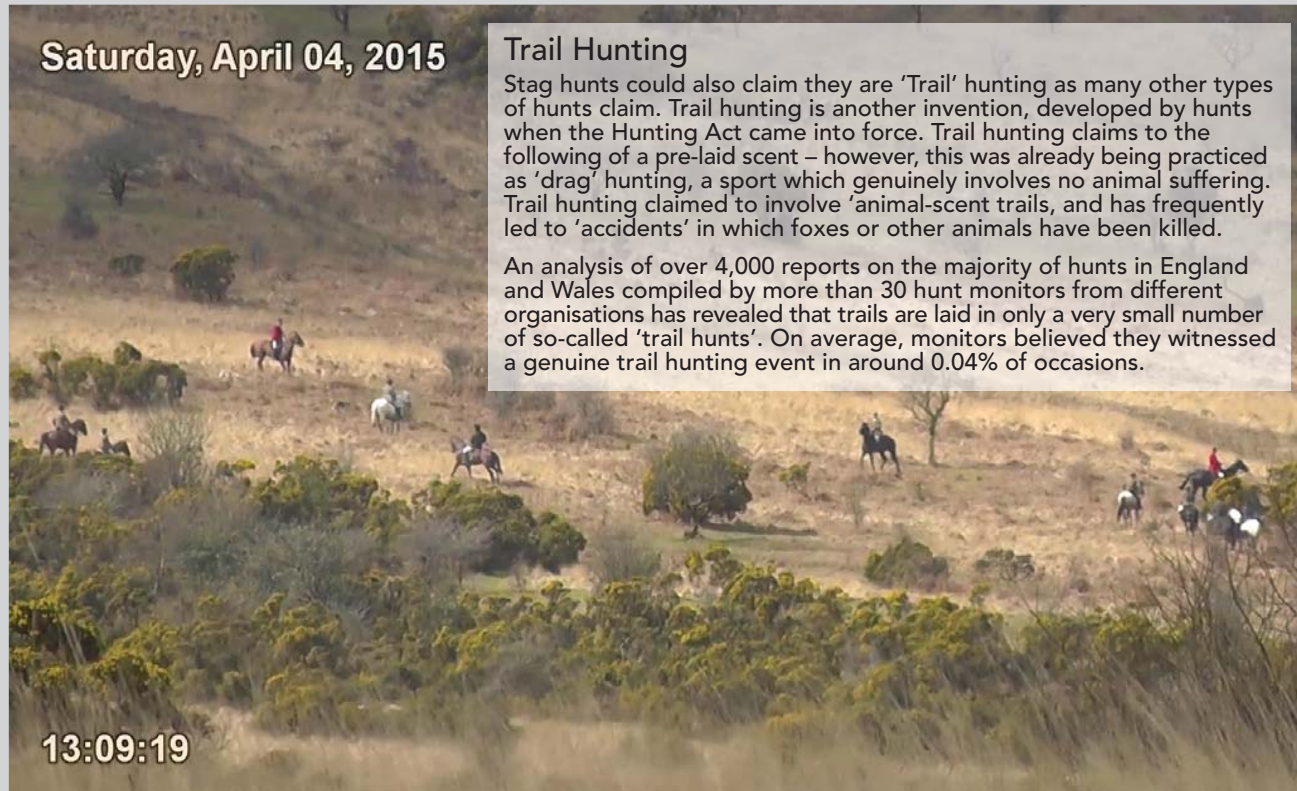


Relay Hunting

In order to exploit the Act's exemptions which limit the number of dogs used to two, the stag hunts invented '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.

Shortly after the hunting ban came into law, the legality of relay hunting was publicly questioned when a letter from Defra Minister Ben Bradshaw stated that "using two hounds in relay to chase, rather than flush, prey was illegal".

Saturday, April 04, 2015



Trail Hunting

Stag hunts could also claim they are 'Trail' hunting as many other types of hunts claim. Trail hunting is another invention, developed by hunts when the Hunting Act came into force. Trail hunting claims to be the following of a pre-laid scent – however, this was already being practiced as 'drag' hunting, a sport which genuinely involves no animal suffering. Trail hunting claimed to involve 'animal-scent trails, and has frequently led to 'accidents' in which foxes or other animals have been killed.

An analysis of over 4,000 reports on the majority of hunts in England and Wales compiled by more than 30 hunt monitors from different organisations has revealed that trails are laid in only a very small number of so-called 'trail hunts'. On average, monitors believed they witnessed a genuine trail hunting event in around 0.04% of occasions.



Conclusions

We believe the response of the authorities to accusations of illegal stag hunting, such as to the 2015 Devon and Somerset Staghounds case, has been inadequate. The case was a missed opportunity to test the interpretation of the Research and Observation exemption.

The League believes that the research used to justify the Research & Observation exemption has used data from the hunts obtained unethically and against Parliament's will. We also question if in fact it was obtained illegally. Hunt monitors have observed hundreds of people on horses, cars and quad bikes, noisily chasing terrified deer for hours across miles of countryside until they are shot dead, in a way that is inconsistent with reputable research.

We know that hunts are taking place twice a week for most weeks of the year, year on year, chasing adult stags, young stags and hinds, some of them pregnant – leading to over 200 deer hunted with hounds to be 'observed' every year.

The League believes that the UK Parliament would not have accepted this definition of 'research' when they were debating the introduction of a Research and Observation exemption. The evidence, summarised in the 'Observed' to Death report, shows how similar hunting activities today are to hunting before the ban, and which Parliament wanted banned, including:

- Selection of the target animal by the 'harbourer'
- The use of hounds to separate the target from the herd
- Hounds and people chasing deer to exhaustion for hours and many miles
- Shooting the exhausted deer
- The carving of the body and the taking of trophies

The response of the authorities to the allegations of illegal hunting defended by the use of the 'observation and research' exemption has now created a situation in which it is difficult to prosecute stag hunts, as suspects can now say they truly believe their 'lethal observation' hunting was exempt, as any attempt to prove otherwise has been abandoned by the authorities.

Those participating in illegal stag hunting can now get away with it unpunished. The law of the land is being made a mockery of by those who believe they should be allowed to choose which laws apply to them. Unless decisive action is taken, deer will continue to suffer greatly and unnecessarily against Parliament's will, and against the will of the clear majority of people in Britain.

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