



Department  
for Environment  
Food & Rural Affairs

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**Our ref:** RFI 6438

**Date:** 10<sup>th</sup> April 2014

Dear [REDACTED]

**REQUEST FOR INFORMATION: HUNTING WITH DOGS AND THE HUNTING ACT 2004**

Thank you for your request for information about the flushing out of foxes for hunting and the Hunting Act 2004, which we received by email on 19<sup>th</sup> March 2014. We are handling your request under the Freedom of Information Act 2000 (FOIA).

You specifically ask for:

**All submissions from Defra officials to Defra Minister/s, and Minister's responses to those submissions, regarding the Hunting Act 2004, or the flushing out of foxes for hunting, between 1<sup>st</sup> September 2013 and 31 December 2013.**

**All correspondence, either letters or emails, between Defra officials and/or ministers and the officials and/or ministers at the Cabinet Office and No10, between 1<sup>st</sup> January 2014 and 19 March 2014 regarding the Hunting Act 2004, or the flushing out of foxes for hunting.**

**All advice that has been provided by Defra legal regarding the Hunting Act 2004 since 1/1/14**

With regard to your first question, a search of our records has shown that one submission has been sent up from policy officials to Defra Ministers regarding the research study on using a pack of hounds vs a pair of hounds to flush out foxes for predator control, by J.R.J. Naylor and J. G. Knott. A copy of the submission can be seen in Annex A. No response was received from Private Office.

Your second question asks for all correspondence, either letters or emails, between Defra officials and/or ministers and the officials and/or ministers at the Cabinet Office and No10, between 1/1/14 and 19/3/14 regarding the Hunting Act 2004, or the flushing out of foxes for hunting. I can confirm that there has been no correspondence exchange between these parties during this time.



Your third question asks for all advice that has been provided by legal regarding the Hunting Act since January 2014. The information you requested is being withheld as it falls under the exemption at section 42 of the FOIA, which relates to information that is subject to legal professional privilege (LPP).

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning any advice that has been provided by Defra legal regarding the Hunting Act 2004.

There is a public interest in public authorities being accountable for the quality of their decision making. Where Government decisions need to be taken in a fully informed legal context, ensuring that decisions have been made on the basis of good quality legal advice is part of that accountability. Transparency in the decision making process and access to the information upon which decisions have been made can enhance accountability.

On the other hand, however, there is a strong public interest in withholding information comprising confidential communications between lawyers and their clients that is subject to LPP. Legal advisers need to be able to present government departments with high quality comprehensive legal advice for the effective conduct of their business. This advice needs to be given with a full appreciation of the facts and can include arguments which consider various options. Without comprehensive advice the quality of the government's decision making would be much reduced because it would not be fully informed and this would be contrary to the public interest.

In addition, the disclosure of legal advice has a high potential to prejudice the government's ability to defend its legal interests - both directly, by unfairly exposing its legal position to challenge, and indirectly by diminishing the reliance it can place on the advice having been fully considered and presented without fear or favour. In this case it has been necessary to consider some complex legal issues requiring the advice and input of our professional legal advisers.

Therefore, we have concluded that in all the circumstances of the case, the information, which is subject to LPP (advice privilege), should be withheld in accordance with the exemption at section 42 of the FOIA.

If you have any queries about this letter please contact us at [rural.communities@defra.gsi.gov.uk](mailto:rural.communities@defra.gsi.gov.uk)

Yours,

Defra, Rural FOI Team