

Status: Point in time view as at 18/02/2005.

Changes to legislation: There are currently no known outstanding effects for the Hunting Act 2004. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W**

Section 2

EXEMPT HUNTING

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),
 - (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—

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- (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).

Use of dogs below ground to protect birds for shooting

- 2 (1) The use of a dog below ground in the course of stalking or flushing out is in accordance with this paragraph 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 preventing or reducing serious damage to game birds or wild birds (within the meaning of section 27 of the Wildlife and Countryside Act 1981 (c. 69)) which a person is keeping or preserving for the purpose of their being shot.
- (3) The second condition is that the person doing the stalking or flushing out—
- (a) has with him written evidence—
 - (i) that the land on which the stalking or flushing out takes place belongs to him, or
 - (ii) that he has been given permission to use that land for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs, and
 - (b) makes the evidence immediately available for inspection by a constable who asks to see it.
- (4) The third condition is that the stalking or flushing out does not involve the use of more than one dog below ground at any one time.
- (5) In so far as stalking or flushing out is undertaken with the use of a dog below ground in accordance with this paragraph, paragraph 1 shall have effect as if for the condition in paragraph 1(7) there were substituted the condition that—
- (a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found the wild mammal is flushed out from below ground,
 - (b) reasonable steps are taken for the purpose of ensuring that as soon as possible after being flushed out from below ground the wild mammal is shot dead by a competent person,
 - (c) in particular, the dog is brought under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (b),
 - (d) reasonable steps are taken for the purpose of preventing injury to the dog, and
 - (e) the manner in which the dog is used complies with any code of practice which is issued or approved for the purpose of this paragraph by the Secretary of State.

Rats

- 3 The hunting of rats is exempt if it 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.

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Rabbits

- 4 The hunting of rabbits is exempt if it 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.

Retrieval of hares

- 5 The hunting of a hare which has been shot is exempt if it takes place on land—
- (a) which belongs to the hunter, or
 - (b) which he has been given permission to use for the purpose of hunting hares by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

Falconry

- 6 Flushing a wild mammal from cover is exempt hunting if undertaken—
- (a) for the purpose of enabling a bird of prey to hunt the wild mammal, and
 - (b) on land which belongs to the hunter or 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.

Recapture of wild mammal

- 7 (1) The hunting of a wild mammal which has escaped or been released from captivity or confinement is exempt if the conditions in this paragraph are satisfied.
- (2) The first 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.
- (3) The second condition is that—
- (a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found the wild mammal is recaptured or shot dead by a competent person, 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).
- (4) The third condition is that the wild mammal—
- (a) was not released for the purpose of being hunted, and
 - (b) was not, for that purpose, permitted to escape.

Rescue of wild mammal

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

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- (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.

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SCHEDULE 2 **E+W**

Section 13

CONSEQUENTIAL AMENDMENTS

Game Act 1831 (c. 32)

- 1 In section 35 of the Game Act 1831 (provision about trespassers: exceptions) the following words shall cease to have effect: “to any person hunting or coursing upon any lands with hounds or greyhounds, and being in fresh pursuit of any deer, hare or fox already started upon any other land, nor”.

Game Licences Act 1860 (c. 90)

- 2 In section 5 of the Game Licences Act 1860 (exceptions) exceptions 3 and 4 (hares and deer) shall cease to have effect.

Protection of Animals Act 1911 (c. 27)

- 3 In section 1(3)(b) of the Protection of Animals Act 1911 (offence of cruelty: exceptions) a reference to coursing or hunting shall not include a reference to—
- (a) participation in a hare coursing event (within the meaning of section 5 of this Act), or
 - (b) the coursing or hunting of a wild mammal with a dog (within the meaning of this Act).

Protection of Badgers Act 1992 (c. 51)

- 4 Section 8(4) to (9) of the Protection of Badgers Act 1992 (exception for hunting) shall cease to have effect.

Wild Mammals (Protection) Act 1996 (c. 3)

- 5 For the purposes of section 2 of the Wild Mammals (Protection) Act 1996 (offences: exceptions) the hunting of a wild mammal with a dog (within the meaning of this Act) shall be treated as lawful if and only if it is exempt hunting within the meaning of this Act.

SCHEDULE 3 **E+W**

Section 13

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Game Act 1831 (c. 32)	In section 35, the words “to any person hunting or coursing upon any lands with hounds or greyhounds, and being in fresh pursuit of any deer, hare or fox already started upon any other land, nor”.
The Game Licences Act 1860 (c. 90)	In section 5, exceptions 3 and 4.

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The Protection of Badgers Act 1992 (c. 51) Section 8(4) to (9).

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