



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 4

OTHER PROVISIONS

Offences relating to hares etc

62 Increase in penalty for offences related to game etc

- (1) Section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose) is amended in accordance with subsections (2) to (4).
- (2) The existing text becomes subsection (1).
- (3) In that subsection—
 - (a) after “conviction” insert “to imprisonment for a term not exceeding 51 weeks,”, and
 - (b) for “not exceeding level 3 on the standard scale” substitute “or to both”.
- (4) After that subsection insert—

“(2) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.”

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- (5) Section 30 of the Game Act 1831 (trespass in daytime in search of game etc) is amended in accordance with subsections (6) to (8).
- (6) The existing text becomes subsection (1).
- (7) In that subsection—
 - (a) for the words from “conviction”, in the first place it occurs, to “seem meet”, in the second place it occurs, substitute “summary conviction, be liable to imprisonment for a term not exceeding 51 weeks, to a fine or to both”, and
 - (b) for “each of the two offences” substitute “the offence”.
- (8) After that subsection insert—
 - “(2) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.”
- (9) In section 4A of the Game Laws (Amendment) Act 1960 (forfeiture of vehicles), in subsection (1), omit “as one of five or more persons liable under that section”.
- (10) The amendments made by this section have effect only in relation to offences committed on or after the day on which this section comes into force.

63 Trespass with intent to search for or to pursue hares with dogs etc

- (1) A person commits an offence if they trespass on land with the intention of—
 - (a) using a dog to search for or to pursue a hare,
 - (b) facilitating or encouraging the use of a dog to search for or to pursue a hare, or
 - (c) enabling another person to observe the use of a dog to search for or to pursue a hare.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the trespass mentioned in that subsection.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.

64 Being equipped for searching for or pursuing hares with dogs etc

- (1) A person commits an offence if they have an article with them in a place other than a dwelling with the intention that it will be used in the course of or in connection with the commission by any person of an offence under section 63 (trespass with intent to search for or to pursue hares with dogs etc).
- (2) Where a person is charged with an offence under subsection (1), proof that the person had with them any article made or adapted for use in committing an offence under section 63 is evidence that the person had it with them with the intention that it would

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be used in the course of or in connection with the commission by any person of an offence under that section.

- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.
- (5) In this section—
 - “article” includes a vehicle and, except in subsection (2), an animal;
 - “dwelling” means—
 - (a) a building or structure which is used as a dwelling, or
 - (b) a part of a building or structure, if the part is used as a dwelling,and includes any yard, garden, garage or outhouse belonging to and used with a dwelling.

65 Recovery order on conviction for certain offences involving dogs

- (1) This section applies where—
 - (a) a person is convicted of an offence within subsection (5) which was committed on or after the day on which this section comes into force,
 - (b) a dog was used in or was present at the commission of the offence, and
 - (c) the dog was lawfully seized and detained in connection with the offence.
- (2) The court may make an order (a “recovery order”) requiring the offender to pay all the expenses incurred by reason of the dog’s seizure and detention.
- (3) Any sum required to be paid under subsection (2) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (4) Where a recovery order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (5) The following offences are within this subsection—
 - (a) an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose);
 - (b) an offence under section 30 of the Game Act 1831 (trespass in daytime in search of game etc);
 - (c) an offence under section 63 (trespass with intent to search for or to pursue hares with dogs etc);
 - (d) an offence under section 64 (being equipped for searching for or pursuing hares with dogs etc).

66 Disqualification order on conviction for certain offences involving dogs

- (1) This section applies where—
 - (a) a person is convicted of an offence within subsection (9) which was committed on or after the day on which this section comes into force, and
 - (b) a dog was used in or was present at the commission of the offence.

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- (2) The court may make an order (a “disqualification order”) disqualifying the offender, for such period as the court thinks fit, from—
 - (a) owning dogs,
 - (b) keeping dogs, or
 - (c) both.
- (3) The disqualification order may specify a period during which the offender may not make an application under section 68 to terminate the order.
- (4) The court may, where it appears to the court that the offender owns or keeps a dog, suspend the operation of the disqualification order for such period as it thinks necessary for enabling alternative arrangements to be made in respect of the dog.
- (5) Where a court makes a disqualification order, it must—
 - (a) give its reasons for making the order in open court, and
 - (b) cause them to be entered in the register of its proceedings.
- (6) A person who breaches a disqualification order commits an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where a disqualification order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (9) The following offences are within this subsection—
 - (a) an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose);
 - (b) an offence under section 30 of the Game Act 1831 (trespass in daytime in search of game etc);
 - (c) an offence under section 63 (trespass with intent to search for or to pursue hares with dogs etc);
 - (d) an offence under section 64 (being equipped for searching for or pursuing hares with dogs etc).
- (10) In section 171 of the Sentencing Code (offences relating to animals), after subsection (2) insert—
 - “(3) See section 66 of the Police, Crime, Sentencing and Courts Act 2022 (disqualification order on conviction for certain offences involving dogs) for orders relating to disqualification in the case of offences involving dogs under that Act, the Night Poaching Act 1828 and the Game Act 1831.”

67 Seizure and disposal of dogs in connection with disqualification order

- (1) Where, on a court making a disqualification order, it appears to the court that the person to whom the order applies owns or keeps a dog contrary to the order, the court may order that the dog be taken into possession.
- (2) Where a person is convicted of an offence under section 66(6) by reason of owning or keeping a dog in breach of a disqualification order, the court by which the person is convicted may order that all dogs owned or kept in breach of the order be taken into possession.

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- (3) An order under subsection (1) or (2), so far as relating to any dog owned by the person to whom the disqualification order applies, must make provision for disposal of the dog.
- (4) Any dog taken into possession in pursuance of an order under subsection (1) or (2) that is not owned by the person subject to the disqualification order is to be dealt with in such manner as an appropriate court may order.
- (5) But an order under subsection (4) may not provide for the dog to be—
 - (a) destroyed, or
 - (b) disposed of for the purposes of vivisection.
- (6) A court may not make an order for disposal of the dog under subsection (4) unless—
 - (a) it has given the owner of the dog an opportunity to be heard, or
 - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (7) Where a court makes an order under subsection (4) for the disposal of the dog, the owner of the dog may appeal against the order to the Crown Court.
- (8) In this section—

“appropriate court” means—

 - (a) the magistrates’ court which made the order under subsection (1) or (2), or
 - (b) another magistrates’ court acting for the same local justice area as that court;

“disqualification order” has the same meaning as in section 66.
- (9) In this section references to disposing of a dog do not include—
 - (a) destroying it, or
 - (b) disposing of it for the purposes of vivisection.

68 Termination of disqualification order

- (1) A person who is subject to a disqualification order may apply to an appropriate court for the order to be terminated.
- (2) No application under subsection (1) may be made—
 - (a) before the end of the period of one year beginning with the date on which the disqualification order was made,
 - (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined, or
 - (c) before the end of any period specified under section 66(3), or subsection (5), in relation to the order.
- (3) On an application under subsection (1), the court may—
 - (a) terminate the disqualification order,
 - (b) vary the order so as to make it less onerous, or
 - (c) refuse the application.
- (4) When determining an application under subsection (1), the court is to have regard to—

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- (a) the character of the applicant,
 - (b) the applicant's conduct since the disqualification order was made, and
 - (c) any other relevant circumstances.
- (5) Where the court refuses an application under subsection (1) or varies a disqualification order on such an application, it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.
- (6) The court may order an applicant to pay all or part of the costs of an application.
- (7) In this section—
- “appropriate court” means—
 - (a) the magistrates' court which made the disqualification order, or
 - (b) another magistrates' court acting for the same local justice area as that court;
- “disqualification order” has the same meaning as in section 66.

69 Section 67: supplementary

- (1) The court by which an order under section 67 is made may—
- (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require any person who has possession of a dog to which the order applies to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order;
 - (d) confer additional powers (including power to enter premises where a dog to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the person who committed the offence in relation to which the order was made, or another person, to reimburse the expenses of carrying out the order.
- (2) A person who fails to comply with a requirement imposed under subsection (1)(b) commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Directions under subsection (1)(c) may—
- (a) specify the manner in which a dog is to be disposed of, or
 - (b) delegate the decision about the manner in which a dog is to be disposed of to a person appointed under subsection (1)(a).
- (5) In determining how to exercise its powers under section 67 and this section the court is to have regard (amongst other things) to—
- (a) the desirability of protecting the value of any dog to which the order under section 67 applies, and
 - (b) the desirability of avoiding increasing any expenses which a person may be ordered to reimburse.
- (6) In determining how to exercise a power delegated under subsection (4)(b), a person is to have regard, amongst other things, to the things mentioned in subsection (5)(a) and (b).

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- (7) If the owner of a dog ordered to be disposed of under section 67 is subject to a liability by virtue of subsection (1)(e), any amount to which the owner is entitled as a result of sale of the dog may be reduced by an amount equal to that liability.
- (8) Any sum ordered to be paid under subsection (1)(e) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (9) In this section references to disposing of a dog do not include—
 - (a) destroying it, or
 - (b) disposing of it for the purposes of vivisection.

70 Disqualification orders: appeals

- (1) Nothing may be done under an order under section 66 or 67 with respect to a dog unless—
 - (a) the period for giving notice of appeal against the order has expired,
 - (b) the period for giving notice of appeal against the conviction on which the order was made has expired, and
 - (c) if the order or conviction is the subject of an appeal, the appeal has been determined or withdrawn.
- (2) Where the effect of an order is suspended under subsection (1)—
 - (a) no requirement imposed or directions given in connection with the order have effect, but
 - (b) the court may give directions about how any dog to which the order applies is to be dealt with during the suspension.
- (3) Directions under subsection (2)(b) may, in particular—
 - (a) authorise the dog to be taken into possession;
 - (b) authorise the dog to be cared for either on the premises where it was being kept when it was taken into possession or at some other place;
 - (c) appoint a person to carry out, or arrange for the carrying out of, the directions;
 - (d) require any person who has possession of the dog to deliver it up for the purposes of the directions;
 - (e) confer additional powers (including power to enter premises where the dog is being kept) for the purpose of, or in connection with, the carrying out of the directions;
 - (f) provide for the recovery of any expenses in relation to the removal or care of the dog which are incurred in carrying out the directions.
- (4) A person who fails to comply with a requirement imposed under subsection (3)(d) commits an offence.
- (5) A person guilty an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Any sum directed to be paid under subsection (3)(f) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.