



# Game Act 1831

1831 CHAPTER 32 1 and 2 Will 4

An Act to amend the Laws in England relative to Game.

[5th October 1831]

## Editorial Information

- X1** This Act is not necessarily in the form in which it has effect in Northern Ireland

## Modifications etc. (not altering text)

- C1** Short title “The Game Act 1831” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2** Act amended with the substitution for references to the term “game certificate” of references to a licence to kill game by [Game Licences Act 1860 \(c. 90\)](#), **s. 6**; amended (S.) by Game Laws Amendment (Scotland) Act 1877 (c. 28 SIF 4:3),s. 10 ; extended as to certain provisions by [Game Licences Act 1860 \(c. 90\)](#), **s. 13**
- C3** Preamble repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)
- C4** Certain words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#) and remainder omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), **s. 3**

## Commencement Information

- I1** Act wholly in force at 1.11.1831 see [s. 1](#) (now repealed)

[1.] ..... <sup>F1</sup>

## Textual Amendments

- F1** [S. 1, Sch.\(B.\)](#) repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

## 2 What shall be deemed Game.

The word “game” shall for all the purposes of this Act be deemed to include hares, pheasants, partridges, grouse, heath or moor game, black game . . . <sup>F2</sup>; and the words “lord of a manor, lordship, or royalty, or reputed manor, lordship, or royalty,” shall throughout this Act be deemed to include a lady of the same respectively.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Game Act 1831. (See end of Document for details)*

#### Textual Amendments

F2 Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 6](#)

### 3 Days and Seasons during which Game shall not be killed. Penalty for laying poison to kill game.

If any person whatsoever shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of killing or taking any game, on a Sunday or Christmas Day, such person shall, on conviction thereof before two justices of the peace, forfeit and pay for every such offence such sum of money, not exceeding [<sup>F3</sup>level 1 on the standard scale], as to the said justices shall seem meet, . . . <sup>F4</sup>; and if any person whatsoever shall kill or take any partridge between the first day of February and the first day of September in any year, or any pheasant between the first day of February and the first day of October in any year, or any black game (except in the county of Somerset or Devon, or in the New forest in the county of Southampton,) between the tenth day of December in any year and the twentieth day of August in the succeeding year, or in the county of Somerset or Devon, or in the New forest aforesaid, between the tenth day of December in any year and the first day of September in the succeeding year, or any grouse commonly called red game between the tenth day of December in any year and the twelfth day of August in the succeeding year, or any bustard between the first day of March and the first day of September in any year, every such person shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every head of game so killed or taken such sum of money, not exceeding [<sup>F5</sup>level 1 on the standard scale], as to the said justices shall seem meet, . . . <sup>F4</sup>; and if any person, with intent to destroy or injure any game, shall at any time put or cause to be put any poison or poisonous ingredient on any ground, whether open or inclosed, where game usually resort, or in any highway, every such person shall, on conviction thereof before two justices of the peace, forfeit and pay such sum of money, not exceeding [<sup>F6</sup>level 1 on the standard scale], as to the said justices shall seem meet, . . . <sup>F4</sup>.

#### Textual Amendments

F3 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

F4 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. 1](#)

F5 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

F6 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

#### Modifications etc. (not altering text)

C5 [S. 3](#) excluded by [Agriculture Act 1947 \(c. 48\)](#), [s. 98\(2\)](#)

### 4 <sup>X2†</sup> <sup>X2</sup> Possession of Game illegal after Ten Days in Dealers, and Forty Days in other Persons, from the Expiration of the Season.

If any person licensed to deal in game by virtue of this Act as herein-after mentioned shall buy or sell, . . . <sup>F7</sup>, any bird of game [<sup>F8</sup>(except live birds for rearing or exhibition purposes or for sale alive)] after the expiration of ten days (one inclusive and the other exclusive) from the respective days in each year on which it shall become unlawful to

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kill or take such birds of game respectively as aforesaid; or if any person, not being licensed to deal in game by virtue of this Act as herein-after mentioned, shall buy or sell any bird of game [<sup>F8</sup>(except live birds for rearing or exhibition purposes or for sale alive)] after the expiration of ten days (one inclusive and the other exclusive) from the respective days in each year on which it shall become unlawful to kill or take such birds of game respectively as aforesaid, . . . <sup>F7</sup>; every such person shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every head of game so bought or sold, . . . <sup>F7</sup>, such sum of money, not exceeding [<sup>F9</sup>level 1 on the standard scale] , as to the convicting justices shall seem meet, . . . <sup>F10</sup>.

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**Editorial Information**

**X2** A dagger appended to a marginal note means it is no longer accurate

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**Textual Amendments**

**F7** Words repealed by [Game Act 1970 \(c. 13\), s. 1\(1\)\(c\)\(3\)](#)

**F8** Words inserted by [Game Act 1970 \(c. 13\), s. 1\(1\)\(d\)\(3\)](#)

**F9** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

**F10** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\)](#), [Sch. 1 Pt. I](#)

**5 This Act not to affect the existing Laws respecting Game Certificates.**

Nothing in this Act contained shall in anywise affect or alter (except as herein-after mentioned) any Act or Acts now in force by which any persons using any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe . . . <sup>F11</sup>, or any conies, are required to obtain and have annual game certificates; but that all persons who before the commencement of this Act were required to obtain and have such certificates shall after the commencement of this Act be required from time to time to obtain and have the like certificates; and all the powers, provisions, and penalties contained in such Act or Acts shall continue in as full force and effect as if this Act had not been made; and that all regulations and provisions contained in any Act or Acts relative to game certificates, so far as they relate to gamekeepers of manors, and to the amount of duty for game certificates to be charged upon or in respect of gamekeepers of manors in the cases specified in such Act or Acts, shall extend and apply to all gamekeepers of lands appointed under this Act as fully and effectually as if they were gamekeepers of manors, and were expressly mentioned in and charged by such Act or Acts.

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**Textual Amendments**

**F11** Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 6](#)

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**Modifications etc. (not altering text)**

**C6** [S. 5](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)

**6 Every certificated person may kill Game, subject to the Law of Trespass. Proviso as to Game-keepers.**

Every person who shall have obtained an annual game certificate shall be authorised to kill and take game, subject always to an action, or to such other proceedings as

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are herein-after mentioned, for any trespass by him committed in search or pursuit of game: Provided always, that no game certificate on which a less duty than three pounds thirteen shillings and sixpence is chargeable under the Acts relating to game certificates shall authorize any gamekeeper to kill or take any game, or to use any dog, gun, net, or other engine or instrument for the purpose of killing or taking game, except within the limits included in his appointment as gamekeeper; but that in any case where such gamekeeper shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of killing or taking game, beyond such limits as aforesaid, he may be proceeded against under this Act, or otherwise, in the same manner to all intents and purposes as if he had no game certificate whatsoever.

**Modifications etc. (not altering text)**

- C7** S. 6 amended with the substitution for the reference to the duty of three pounds thirteen shillings and sixpence on a game certificate of a reference to the duty of three pounds as a licence to kill game by [Game Licences Act 1860 \(c. 90\), s. 6](#)
- C8** S. 6: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)

**7 Under existing leases the landlord shall have the game except in certain cases.**

In all cases where any person shall occupy any land under any lease or agreement made previously to the passing of this Act, except in the cases herein-after next excepted, the lessor or landlord shall have the right of entering upon such land, or of authorizing any other person or persons who shall have obtained an annual game certificate to enter upon such land, for the purpose of killing or taking the game thereon; and no person occupying any land under any lease or agreement, either for life or for years, made previously to the passing of this Act shall have the right to kill or take the game on such land, except where the right of killing the game upon such land has been expressly granted or allowed to such person by such lease or agreement, or except where upon the original granting or renewal of such lease or agreement a fine or fines shall have been taken, or except where in the case of a term for years such lease or agreement shall have been made for a term exceeding twenty-one years.

**8 This Act not to affect any existing or future agreements respecting game, nor any rights of manor, forest, chase, or warren.**

Provided always, that nothing in this Act contained shall authorize any person seised or possessed of or holding any land to kill or take the game, or to permit any other person to kill or take the game upon such land, in any case where, by any deed, grant, lease, or any written or parol demise or contract, a right of entry upon such land for the purpose of killing or taking the game hath been or hereafter shall be reserved or retained by or given or allowed to any grantor, lessor, landlord, or other person whatsoever; nor shall anything in this Act contained defeat or diminish any reservation, exception, covenant, or agreement already contained in any private Act of Parliament, deed, or other writing, relating to the game upon any land, nor in any manner prejudice the rights . . . <sup>F12</sup>, or of any lord of any manor, lordship, or royalty, or reputed manor, lordship, or royalty, or of any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty.

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**Textual Amendments**

**F12** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [Sch.](#)

**9 This Act not to affect any of His Majesty's Forest Rights, &c.**

Provided also, that nothing in this Act contained shall in any way alter or affect the prerogative, rights, or privileges of his Majesty, . . . <sup>F13</sup>.

**Textual Amendments**

**F13** Words repealed by [Crown Estate Act 1961 \(c. 55\)](#), [Sch. 3 Pt. II](#) and [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [Sch.](#)

**10 Not to affect any Cattlegates or Right of Common. Lord of manor to have the game on the wastes.**

Provided also, that nothing herein contained shall be deemed to give to any owner of cattlegates or rights of common upon or over any wastes or commons any interest or privilege which such owner was not possessed of before the passing of this Act, nor to authorize such owner of cattlegates or rights of common to pursue or kill the game found on such wastes or commons; and that nothing herein contained shall defeat or diminish the rights or privileges which any lord of any manor, lordship, or royalty, or reputed manor, lordship, or royalty, or any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty, may, before the passing of this Act, have exercised in or over such wastes or commons; and that the lord or steward of the crown of every manor, lordship, or royalty, or reputed manor, lordship, or royalty, shall have the right to pursue and kill the game upon the wastes or commons within such manor, lordship, or royalty, or reputed manor, lordship, or royalty, and to authorize any other person or persons who shall have obtained an annual game certificate to enter upon such wastes or commons for the purpose of pursuing and killing the game thereon.

**11 Landlord, having the Game, may authorize others to kill it.**

Where the lessor or landlord shall have reserved to himself the right of killing the game upon any land, it shall be lawful for him to authorize any other person or persons who shall have obtained an annual game certificate to enter upon such land for the purpose of pursuing and killing game thereon.

**12 Where the landlord, &c. has the right to the game, in exclusion of the occupier, the occupier shall be liable to a penalty for killing it.**

Where the right of killing the game upon any land is by this Act given to any lessor or landlord, in exclusion of the right of the occupier of such land, or where such exclusive right hath been or shall be specially reserved by or granted to, or doth or shall belong to, the lessor, landlord, or any person whatsoever other than the occupier of such land, then and in every such case, if the occupier of such land shall pursue, kill, or take any game upon such land, or shall give permission to any other person so to do, without the authority of the lessor, landlord, or other person having the right of killing the game

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upon such land, such occupier shall, on conviction thereof before two justices of the peace, forfeit and pay for such pursuit such sum of money not exceeding [<sup>F14</sup>level 1 on the standard scale] , and for every head of game so killed or taken such sum of money not exceeding [<sup>F15</sup>level 1 on the standard scale] , as to the convicting justices shall seem meet, . . . <sup>F16</sup>.

#### Textual Amendments

- F14** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F15** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)
- F16** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. 1](#)

### 13 Lords of manors may appoint gamekeepers. Powers of gamekeepers of manors.

It shall be lawful for any lord of a manor, lordship, or royalty, or reputed manor, lordship, or royalty, or any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty, by writing under hand and seal, or in case of a body corporate, then under the seal of such body corporate, to appoint one or more person or persons as a gamekeeper or gamekeepers to preserve or kill the game within the limits of such manor, lordship, or royalty, or reputed manor, lordship, or royalty, for the use of such lord or steward thereof, and to authorize such gamekeeper or gamekeepers within the said limits to seize and take for the use of such lord or steward all such dogs, nets, and other engines and instruments for the killing or taking of game as shall be used within the said limits by any person not authorized to kill game for want of a game certificate.

### 14 Lords of Manors may grant Deputations.

It shall be lawful for any lord of a manor, lordship, or royalty, or reputed manor, lordship, or royalty, or any steward of the crown of any manor, lordship, or royalty appertaining to his Majesty, to appoint and depute any person whatever, whether acting as a gamekeeper to any other person or not, or whether retained and paid for as the male servant of any other person or not, to be a gamekeeper for any such manor, lordship, or royalty, or reputed manor, lordship, or royalty, or for such division or district of such manor, lordship, or royalty as such lord or steward of the crown shall think fit, and to authorize such person, as gamekeeper, to kill game within the same for his own use or for the use of any other person or persons who may be specified in such appointment or deputation, and also to give to such person all such powers and authorities as may by virtue of this Act be given to any gamekeeper of a manor; and no person so appointed gamekeeper, and empowered to kill game for his own use or for the use of any other person so specified as aforesaid, and not killing any game for the use of the lord or steward of the crown of the manor, lordship, or royalty, or reputed manor, lordship, or royalty, for which such deputation or appointment shall be given, shall be deemed to be or shall be entered or paid for as the gamekeeper or male servant of the lord or steward making such appointment or deputation, anything in any Act or Acts contained to the contrary notwithstanding.

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**15 Regulations respecting appointment of gamekeepers in Wales.**

It shall be lawful for every person who shall be entitled to kill the game upon any lands in Wales of the clear annual value of five hundred pounds, whereof he shall be seised in fee or as of freehold, or to which he shall otherwise be beneficially entitled in his own right, if such lands shall not be within the bounds of any manor, lordship, or royalty, or if, being within the same, they shall have been enfranchised or alienated therefrom, to appoint, by writing under his hand and seal, a gamekeeper or gamekeepers to preserve or kill the game over and upon such his lands, and also over and upon the lands in Wales of any other person, who, being entitled to kill the game upon such last-mentioned lands, shall by licence in writing authorize him to appoint a gamekeeper or gamekeepers to preserve or kill the game thereupon, such last-mentioned lands not being within the bounds of any manor, lordship, or royalty, or having been enfranchised or alienated therefrom; and it shall be lawful for the person so appointing a gamekeeper or gamekeepers to authorize him or them to seize and take, for the use of the person so appointing, upon the lands of which he or they shall be appointed gamekeeper or gamekeepers, all such dogs, nets, and other engines and instruments for the killing or taking of game as shall be used upon the said lands by any person not authorized to kill game for want of a game certificate.

**16 All appointments of gamekeepers to be registered with the clerk of the peace.**

Provided always, that no appointment or deputation of any person as a gamekeeper by virtue of this Act shall be valid unless and until it shall be registered with the clerk of the peace for the county, riding, division, liberty, franchise, city, or town wherein the manor, lordship, or royalty, or reputed manor, lordship, or royalty, or the lands, shall be situate, for or in respect of which such person shall have been appointed gamekeeper; and in case the appointment of any person as gamekeeper shall expire or be revoked, by dismissal or otherwise, all powers and authorities given to him by virtue of this Act shall immediately cease and determine.

**17 Certificated Persons may sell Game to licensed Dealers. Proviso as to Gamekeepers.**

Every person who shall have obtained an annual game certificate shall have power to sell game to any person licensed to deal in game, according to the provisions herein-after mentioned: Provided always, that no game certificate on which a less duty than three pounds thirteen shillings and sixpence is chargeable under the Acts relating to game certificates shall authorize any gamekeeper to sell any game, except on the account and with the written authority of the master whose gamekeeper he is; but that any such gamekeeper selling any game not on the account and with the written authority of such master may be proceeded against under this Act in the same manner, to all intents and purposes, as if he had no game certificate whatsoever.

**Modifications etc. (not altering text)**

- C9** S. 17 amended with the substitution for the reference to the duty of three pounds thirteen shillings and sixpence on a game certificate of a reference to the duty of three pounds on a licence to kill game by [Game Licences Act 1860 \(c. 90\), s. 6](#)
- C10** S. 17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)

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**18 Justices to hold a special session yearly for granting licences to persons to deal in game. Dealers in game to put up a board.**

[<sup>F17</sup>The justices of the peace of every county, riding, division, liberty, franchise, city, or town shall hold a special session in the division or district for which they usually act, . . . <sup>F18</sup> in every succeeding year in the month of July, for the purpose of granting licences to deal in game, of the holding of which session seven days notice shall be given to each of the justices acting for such division or district; and the majority of the justices assembled at such session, or at some adjournment thereof, not being less than two][<sup>F17</sup>Each islands and district council] , are hereby authorized (if they shall think fit) to grant, under their hands, to any person being a householder or keeper of a shop or stall within [<sup>F19</sup>such division or district][<sup>F19</sup>their area] and not being an innkeeper or victualler, or licensed to sell beer by retail, nor being the owner, guard, or driver of any mail coach or other vehicle employed in the conveyance of the mails of letters, or of any stage coach, stage waggon, van, or other public conveyance, nor being a carrier or higgler, nor being in the employment of any of the above-mentioned persons, a licence according to the form in the schedule (A.) annexed to this Act, empowering the person to whom such licence shall be so granted to buy game at any place from any person who may lawfully sell game by virtue of this Act, and also to sell the same at one house, shop, or stall only, kept by him; provided that every person, while so licensed to deal in game as aforesaid, shall affix to some part of the outside of the front of his house, shop, or stall, and shall there keep, a board having thereon in clear and legible characters his christian name and surname, together with the following words, (that is to say,) “licensed to deal in game” , . . . <sup>F18</sup> and every such licence granted in any . . . <sup>F18</sup> year shall continue in force for the period of one year next after the granting thereof.

**Textual Amendments**

**F17** Words “Each” to “council” substituted for words “The justices” to “two” (S.) by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 3](#)

**F18** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)

**F19** Words “their area” substituted for words “such division or *district*”(S.) by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 3](#)

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**Modifications etc. (not altering text)**

**C11** Functions of justices out of session in relation to licensing of dealers in game now exercisable when arising in an inner London borough by council of the borough, in City of London by Common Council and elsewhere in England and Wales by new district councils: [Local Government Act 1894 c. 73 \(56 & 57 Vict.\), ss. 21\(3\), 27, 32, S.I. 1965/602](#) and [Local Government Act 1972 \(c. 70\), ss. 179\(3\), 213](#)

19 ..... <sup>F20</sup>

**Textual Amendments**

**F20** [Ss. 19, 20](#) repealed by [Game Licences Act 1860 \(c. 90\), s. 1](#)

20 ..... <sup>F21</sup>



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#### Textual Amendments

**F21** Ss. 19, 20 repealed by [Game Licences Act 1860 \(c. 90\), s. 1](#)

### 21 Proviso as to Partners.

Provided always, that persons being in partnership, and carrying on their business at one house, shop, or stall only, shall not be obliged by virtue of this Act to take out more than one licence in any one year to authorize them to deal in game at such house, shop, or stall.

#### Modifications etc. (not altering text)

**C12** [S. 21](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

### 22 Licences When to become Void.

If any person licensed by virtue of this Act to deal in game shall during the period of such licence be convicted of any offence whatever against this Act, such licence shall thereupon become null and void.

#### Modifications etc. (not altering text)

**C13** [S. 22](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

### 23 Penalty for killing game without a certificate. Penalty to be cumulative.

If any person shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of searching for or killing or taking game, such person not being authorized so to do for want of a game certificate, he shall, on conviction thereof before two justices of the peace, forfeit and pay for every such offence such sum of money, not exceeding [<sup>F22</sup>level 1 on the standard scale], as to the said justices shall seem meet, . . . <sup>F23</sup> : Provided always, that no person so convicted shall by reason thereof be exempted from any penalty or liability under any statute or statutes relating to game certificates, but that the penalty imposed by this Act shall be seemed to be a cumulative penalty.

#### Textual Amendments

**F22** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\), s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

**F23** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. 1](#)

#### Modifications etc. (not altering text)

**C14** [S. 23](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

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## 24 Penalty for destroying or taking the Eggs of Game, &c.

If any person not having the right of killing the game upon any land, nor having permission from the person having such right, shall wilfully take out of the nest or destroy in the nest upon such land the eggs of any bird of game, or of any swan, wild duck, teal, or widgeon, or shall knowingly have in his house, shop, possession, or controul any such eggs so taken, every such person shall, on conviction thereof before two justices of the peace, forfeit and pay for every egg so taken or destroyed, or so found in his house, shop, possession, or controul, such sum of money, not exceeding [<sup>F24</sup>level 1 on the standard scale] , as to the said justices shall seem meet, . . . <sup>F25</sup>.

### Textual Amendments

**F24** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

**F25** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

## 25 Penalty for selling Game without Licence, and on certificated Persons selling to unlicensed Persons.

If any person not having obtained a game certificate (except such person be licensed to deal in game according to this Act) shall sell or offer for sale any game to any person whatsoever, or if any person authorized to sell game under this Act by virtue of a game certificate shall sell or offer for sale any game to any person whatsoever, except a person licensed to deal in game according to this Act, every such offender shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every head of game so sold or offered for sale such sum of money, not exceeding [<sup>F26</sup>level 1 on the standard scale] , as to the said justices shall seem meet, . . . <sup>F27</sup>.

### Textual Amendments

**F26** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

**F27** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

## 26 Exceptions as to innkeepers.

Provided always, that it shall be lawful for any innkeeper or tavernkeeper, without any such licence for dealing in game as aforesaid, to sell game for consumption in his own house, such game having been procured from some person licensed to deal in game by virtue of this Act, and not otherwise.

## 27 Penalty on persons buying game except from licensed dealers.

If any person, not being licensed to deal in game according to this Act, shall buy any game from any person whatsoever, except from a person licensed to deal in game according to this Act, or *bonâ fide* from a person affixing to the outside of the front of his house, shop, or stall a board purporting to be the board of a person licensed to deal in game, every such offender shall, on conviction thereof before two justices of the peace, forfeit and pay for every head of game so bought such sum of money, not exceeding [<sup>F28</sup>level 1 on the standard scale] , as to the said justices shall seem meet . . . <sup>F29</sup>.

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*Changes to legislation: There are currently no known outstanding effects for the Game Act 1831. (See end of Document for details)*

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**Textual Amendments**

- F28** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**  
**F29** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

**28 Penalty on licensed dealers buying game from uncertificated persons, or otherwise offending.**

If any person being licensed to deal in game according to this Act shall buy or obtain any game from any person not authorized to sell game for want of a game certificate, or for want of a licence to deal in game; or if any person, being licensed to deal in game according to this Act, shall sell or offer for sale any game at his house, shop, or stall, without such board as aforesaid being affixed to some part of the outside of the front of such house, shop, or stall, at the time of such selling or offering for sale, or shall affix or cause to be affixed such board to more than one house, shop, or stall, or shall sell any game, at any place other than his house, shop, or stall where such board shall have been affixed; or if any person, not being licensed to deal in game according to this Act, shall assume or pretend, by affixing such board as aforesaid, or by exhibiting any certificate, or by any other device or pretence, to be a person licensed to deal in game; every such offender, being convicted thereof before two justices of the peace, shall forfeit and pay such sum of money, not exceeding [<sup>F30</sup>level 1 on the standard scale] , as to the said justices shall seem meet , . . . <sup>F31</sup> .

**Textual Amendments**

- F30** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**  
**F31** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

**29 As to buying and selling Game by the Servants of a licensed Dealer.**

Provided always, that the buying and selling of game by any person or persons employed on the behalf of any licensed dealer in game, and acting in the usual course of his employment, and upon the premises where such dealing is carried on, shall be deemed to be a lawful buying and selling in every case, where the same would have been lawful if transacted by such licensed dealer himself: Provided also, that nothing herein contained shall prevent any licensed dealer in game from selling any game which shall have been sent to him to be sold on account of any other licensed dealer in game.

**30 Penalty on persons trespassing in the day-time upon lands in search of game. Where the Occupier of the Land, not being entitled to the Game, allows any Person to kill it, the Party entitled to the Game may enforce the Penalty.**

. . . <sup>F32</sup> if any person whatsoever shall commit any trespass by entering or being in the daytime upon any land in search or pursuit of game, or woodcocks, snipes, . . . <sup>F33</sup> or conies, such person shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding [<sup>F34</sup>level 1 on the standard scale] , as to the justice shall seem meet, . . . ; and if any persons to the number of five or more together shall commit any trespass, by entering or being in the daytime upon

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any land in search or pursuit of game, or woodcocks, snipes, . . . <sup>F33</sup> or conies, each of such persons shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding [<sup>F35</sup>level 3 on the standard scale] as to the said justice shall seem meet, . . . <sup>F36</sup>. Provided always, that any person charged with any such trespass shall be at liberty to prove, by way of defence, any matter which would have been a defence to an action at law for such trespass; save and except that the leave and licence of the occupier of the land so trespassed upon shall not be a sufficient defence in any case where the landlord, lessor, or other person shall have the right of killing the game upon such land by virtue of any reservation or otherwise, as herein-before mentioned; but such landlord, lessor, or other person shall, for the purpose of prosecuting for each of the two offences herein last before mentioned, be deemed to be the legal occupier of such land, whenever the actual occupier thereof shall have given such leave or licence; and that the lord or steward of the crown of any manor, lordship, or royalty, or reputed manor, lordship, or royalty, shall be deemed to be the legal occupier of the land of the wastes or commons within such manor, lordship, or royalty, or reputed manor, lordship, or royalty.

#### Textual Amendments

- F32** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)
- F33** Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 6](#)
- F34** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)
- F35** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)
- F36** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. 1](#)

#### Modifications etc. (not altering text)

- C15** [S. 30](#) amended by [Game Laws \(Amendment\) Act 1960 \(c. 36\)](#), s. 2

### 31 **Trespassers in search of game may be required to quit the land, and to tell their names and abodes, and in case of refusal may be arrested. Penalty. Persons arrested must be discharged unless brought before a justice within 12 hours.**

Where any person shall be found on any land . . . <sup>F37</sup> in the day-time, in search or pursuit of game, or woodcocks, snipes, . . . <sup>F38</sup> or conies, it shall be lawful for any person having the right of killing the game upon such land, by virtue of any reservation or otherwise, as herein-before mentioned, or for the occupier of the land (whether there shall or shall not be any such right by reservation or otherwise), or for any gamekeeper or servant of either of them, or for any person authorized by either of them, . . . <sup>F39</sup> . . . <sup>F37</sup>, to require the person so found forthwith to quit the land whereon he shall be so found, and also to tell his christian name, surname, and place of abode; and in case such person shall, after being so required, offend by refusing to tell his real name or place of abode, or by giving such a general description of his place of abode as shall be illusory for the purpose of discovery, or by wilfully continuing or returning upon the land, it shall be lawful for the party so requiring as aforesaid, and also for any person acting by his order and in his aid, to apprehend such offender, and to convey him or cause him to be conveyed as soon as conveniently may be before a justice of the peace; and such offender (whether so apprehended or not), upon being convicted of any such offence before a justice of the peace, shall forfeit and pay such sum of money, not exceeding [<sup>F40</sup>level 1 on the standard scale] , as to the convicting justice shall seem meet, . . . <sup>F41</sup>. Provided always, that no person so apprehended shall, on any pretence whatsoever, be detained for a longer period than twelve hours from the time of his apprehension until he shall be brought before some justice of the peace; and that if he cannot, on account

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of the absence or distance of the residence of any such justice of the peace, or owing to any other reasonable cause, be brought before a justice of the peace within such twelve hours as aforesaid, then the person so apprehended shall be discharged, but may nevertheless be proceeded against for his offence by summons or warrant, according to the provisions herein-after mentioned, as if no such apprehension had taken place.

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**Textual Amendments**

- F37** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), **Sch.**
- F38** Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), **Sch. 6**
- F39** Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **Sch. 7 Pt. I**
- F40** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
- F41** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

**[<sup>F42</sup>31A Powers of constables in relation to trespassers.**

The powers conferred by section 31 above to require a person found on land as mentioned in that section to quit the land and to tell his christian name, surname, and place of abode shall also be exercisable by a police constable.]

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**Textual Amendments**

- F42** **S. 31A** inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **Sch. 6 para. 1**

**32 Penalty on Persons found armed using Violence, &c.**

Where any persons, to the number of five or more together, shall be found on any land, . . . <sup>F43</sup>, in the daytime, in search or pursuit of game, or woodcocks, snipes, . . . <sup>F44</sup> or conies, any of such persons being then and there armed with a gun, and such persons or any of them shall then and there, by violence, intimidation, or menace, prevent or endeavour to prevent any persons authorized as herein-before mentioned from approaching such persons so found, or any of them, for the purpose of requiring them or any or them to quit the land whereon they shall be so found, or to tell their or his own christian name, surname, or place of abode respectively, as herein-before mentioned, every person so offending by such violence, intimidation, or menace as aforesaid, and every person then and there aiding or abetting such offender, shall, upon being convicted thereof before two justices of the peace, forfeit and pay for every such offence such penalty, not exceeding [<sup>F45</sup>level 4 on the standard scale], as to the convicting justices shall seem meet . . . <sup>F46</sup>; which said penalty shall be in addition to and independent of any other penalty to which any such person may be liable for any other offence against this Act.

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**Textual Amendments**

- F43** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), **Sch.**
- F44** Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), **Sch. 6**
- F45** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31**, [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 64, 123(6), **Sch. 8 para. 16**

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**F46** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. I](#)

**33** ..... **F47**

**Textual Amendments**  
**F47** S. 33 repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\), Sch.](#)

**34 What to be deemed daytime.**

For the purposes of this Act the daytime shall be deemed to commence at the beginning of the last hour before sunrise, and to conclude at the expiration of the first hour after sunset.

**35 The Provisions as to trespassers not to apply to persons hunting, &c.**

Provided always, that the aforesaid provisions against trespassers and persons found on any land shall not extend 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, . . . <sup>F48</sup> nor to any lord or any steward of the crown of any manor, lordship, or royalty, or reputed manor, lordship, or royalty, nor to any gamekeeper lawfully appointed by such lord or steward within the limits of such manor, lordship, or royalty, or reputed manor, lordship, or royalty.

**Textual Amendments**  
**F48** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\), Sch.](#)

**36 Game may be taken from Trespassers not delivering up the same when demanded.**

When any person shall be found by day or night upon any land, . . . <sup>F49</sup>, in search or pursuit of game, and shall then and there have in his possession any game which shall appear to have been recently killed, it shall be lawful for any person having the right of killing the game upon such land, by virtue of any reservation or otherwise, as herein-before mentioned, or for the occupier of such land (whether there shall or shall not be any such right by reservation or otherwise), or for any gamekeeper or servant or either of them, or . . . <sup>F49</sup> for any person acting by the order and in aid of any of the said several persons, to demand from the person so found such game in his possession, and, in case such person shall not immediately deliver up such game, to seize and take the same from him, for the use of the person entitled to the game upon such land, . . . <sup>F49</sup>

**Textual Amendments**  
**F49** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\), Sch.](#)  
**Modifications etc. (not altering text)**  
**C16** S. 36 saved by [Game Laws \(Amendment\) Act 1960 \(c. 36\), s. 4\(3\)](#)

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**37 Application of penalties for offences against this Act.**

Every penalty and forfeiture for any offence against this Act (the application of which has not been already provided for) shall be paid to some one of the [<sup>F50</sup>overseers] of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; . . . <sup>F51</sup>

**Textual Amendments**

**F50** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [Sch.](#)

**F51** Words repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

**Modifications etc. (not altering text)**

**C17** [S. 37](#) repealed (E.W.) by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt.III](#)

**38** ..... <sup>F52</sup>

**Textual Amendments**

**F52** [S. 38](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#)

**39** ..... <sup>F53</sup>

**Textual Amendments**

**F53** [Ss. 39, 40, 43](#) repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

**40** ..... <sup>F54</sup>

**Textual Amendments**

**F54** [Ss. 39, 40, 43](#) repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

**41 Time for Proceedings, and Mode of enforcing the Appearance of Offenders.**

The prosecution for every offence punishable upon summary conviction by virtue of this Act shall be commenced within three calendar months after the commission of the offence, . . . <sup>F55</sup>

**Textual Amendments**

**F55** Words repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

*Status: Point in time view as at 01/02/1991.*  
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**42 Prosecutor not required to prove a Negative.**

It shall not be necessary in any proceeding against any person under this Act, to negative by evidence any certificate, licence, consent, authority, or other matter of exception or defence; but that the party seeking to avail himself of any such certificate, licence, consent, authority, or other matter of exception or defence, shall be bound to prove the same.

**43** ..... F56

**Textual Amendments**  
F56 Ss. 39, 40, 43 repealed by Statute Law Revision Act 1891 (c. 67)

**44 Appeal to quarter sessions.**

Any person who shall think himself aggrieved by any summary conviction in pursuance of this Act may appeal to the justices at the next general or quarter sessions of the peace . . . F57

**Textual Amendments**  
F57 Words repealed by Statute Law Revision Act 1891 (c. 67)

**Modifications etc. (not altering text)**  
C18 S. 44 repealed (E.W.) by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

**45** ..... F58

**Textual Amendments**  
F58 S. 45 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. XIX

**46 This Act not to preclude actions for trespass, but no double proceedings for the same trespass.**

Provided always, that nothing in this Act contained shall prevent any person from proceeding by way of civil action to recover damages in respect of any trespass upon his land, whether committed in pursuit of game or otherwise, save and except that where any proceedings shall have been instituted under the provisions of this Act against any person for or in respect of any trespass, no action at law shall be maintainable for the same trespass by any person at whose instance or with whose concurrence or assent such proceedings shall have been instituted, but that such proceedings shall in such case be a bar to any such action, . . . F59



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.....  
**Textual Amendments**

**F59** Words repealed by [Statute Law Revision Act 1958 \(c. 46\)](#), [Sch. 3](#)

**47** ..... **F60**

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**Textual Amendments**

**F60** [S. 47](#) repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), [Sch.](#)

**48 Act not to extend to Scotland or Ireland.**

Nothing in this Act contained shall extend to Scotland or Ireland.

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## SCHEDULES

### SCHEDULE (A.)

#### FORM OF LICENCE

[<sup>F61</sup>At a special session of the justices of the peace of the county of [or riding, &c., as the case may be], acting for the division of [or otherwise, as the case may be] in the said county, holden at in the said on the day of in the year , We, , being justices acting for the said assembled at the said special session][<sup>F61</sup>The islands council of . . . (or, as the case may be) the . . . district council] , do hereby authorize and empower A.B. of [here insert the name, description, and place of residence, and if more than one in partnership, say, C.D. of, &c, and E.F. of, &c. being partners] being a householder [or householders], [or keeper (or keepers) of a shop or stall, as the case may be], to buy game from any person authorized to sell game by virtue of an Act passed in the second year of the reign of King William the Fourth, intituled “An Act to amend the laws in England relative to game” ; and we do also authorize and empower the said A.B. [or C.D. and E.F. being partners] to sell at his [or their] house [shop or stall] any game so bought, provided that the said A.B. [or C.D. and E.F. being partners] shall affix to some part of the outside of the front of his [or their] house [shop or stall], and shall there keep, a board having thereon in clear and legible characters his christian name and surname, [or their christian names and surnames], together with the following words, “licence to deal in game.”

**Textual Amendments**

**F61** Words “The islands” to “council” substituted for words “At” to “session”(S.) by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 4](#)

This licence will expire on

(Signed) [<sup>F62</sup>Justice of the peace. Justice of the peace.]

**Textual Amendments**

**F62** Words repealed (S.) by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 4, Sch. 2](#)

### <sup>F63</sup>SCHEDULE (B.)

**Textual Amendments**

**F63** [S. 1, Sch.\(B.\)](#) repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Game Act 1831.