



Hunting Act 2004

2004 CHAPTER 37

PART 1

OFFENCES

1 Hunting wild mammals with dogs

A person commits an offence if he hunts a wild mammal with a dog, unless his hunting is exempt.

2 Exempt hunting

- (1) Hunting is exempt if it is within a class specified in Schedule 1.
- (2) The Secretary of State may by order amend Schedule 1 so as to vary a class of exempt hunting.

3 Hunting: assistance

- (1) A person commits an offence if he knowingly permits land which belongs to him to be entered or used in the course of the commission of an offence under section 1.
- (2) A person commits an offence if he knowingly permits a dog which belongs to him to be used in the course of the commission of an offence under section 1.

4 Hunting: defence

It is a defence for a person charged with an offence under section 1 in respect of hunting to show that he reasonably believed that the hunting was exempt.

5 Hare coursing

- (1) A person commits an offence if he—
 - (a) participates in a hare coursing event,

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- (b) attends a hare coursing event,
 - (c) knowingly facilitates a hare coursing event, or
 - (d) permits land which belongs to him to be used for the purposes of a hare coursing event.
- (2) Each of the following persons commits an offence if a dog participates in a hare coursing event—
- (a) any person who enters the dog for the event,
 - (b) any person who permits the dog to be entered, and
 - (c) any person who controls or handles the dog in the course of or for the purposes of the event.
- (3) A “hare coursing event” is a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares.

PART 2

ENFORCEMENT

6 Penalty

A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

7 Arrest

A constable without a warrant may arrest a person whom he reasonably suspects—

- (a) to have committed an offence under section 1 or 5(1)(a), (b) or (2),
- (b) to be committing an offence under any of those provisions, or
- (c) to be about to commit an offence under any of those provisions.

8 Search and seizure

- (1) This section applies where a constable reasonably suspects that a person (“the suspect”) is committing or has committed an offence under Part 1 of this Act.
- (2) If the constable reasonably believes that evidence of the offence is likely to be found on the suspect, the constable may stop the suspect and search him.
- (3) If the constable reasonably believes that evidence of the offence is likely to be found on or in a vehicle, animal or other thing of which the suspect appears to be in possession or control, the constable may stop and search the vehicle, animal or other thing.
- (4) A constable may seize and detain a vehicle, animal or other thing if he reasonably believes that—
- (a) it may be used as evidence in criminal proceedings for an offence under Part 1 of this Act, or
 - (b) it may be made the subject of an order under section 9.
- (5) For the purposes of exercising a power under this section a constable may enter—
- (a) land;

- (b) premises other than a dwelling;
 - (c) a vehicle.
- (6) The exercise of a power under this section does not require a warrant.

9 Forfeiture

- (1) A court which convicts a person of an offence under Part 1 of this Act may order the forfeiture of any dog or hunting article which—
- (a) was used in the commission of the offence, or
 - (b) was in the possession of the person convicted at the time of his arrest.
- (2) A court which convicts a person of an offence under Part 1 of this Act may order the forfeiture of any vehicle which was used in the commission of the offence.
- (3) In subsection (1) “hunting article” means anything designed or adapted for use in connection with—
- (a) hunting a wild mammal, or
 - (b) hare coursing.
- (4) A forfeiture order—
- (a) may include such provision about the treatment of the dog, vehicle or article forfeited as the court thinks appropriate, and
 - (b) subject to provision made under paragraph (a), shall be treated as requiring any person who is in possession of the dog, vehicle or article to surrender it to a constable as soon as is reasonably practicable.
- (5) Where a forfeited dog, vehicle or article is retained by or surrendered to a constable, the police force of which the constable is a member shall ensure that such arrangements are made for its destruction or disposal—
- (a) as are specified in the forfeiture order, or
 - (b) where no arrangements are specified in the order, as seem to the police force to be appropriate.
- (6) The court which makes a forfeiture order may order the return of the forfeited dog, vehicle or article on an application made—
- (a) by a person who claims to have an interest in the dog, vehicle or article (other than the person on whose conviction the order was made), and
 - (b) before the dog, vehicle or article has been destroyed or finally disposed of under subsection (5).
- (7) A person commits an offence if he fails to—
- (a) comply with a forfeiture order, or
 - (b) co-operate with a step taken for the purpose of giving effect to a forfeiture order.

10 Offence by body corporate

- (1) This section applies where an offence under this Act is committed by a body corporate with the consent or connivance of an officer of the body.
- (2) The officer, as well as the body, shall be guilty of the offence.

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- (3) In subsection (1) a reference to an officer of a body corporate includes a reference to—
- (a) a director, manager or secretary,
 - (b) a person purporting to act as a director, manager or secretary, and
 - (c) if the affairs of the body are managed by its members, a member.

PART 3

GENERAL

11 Interpretation

- (1) In this Act “wild mammal” includes, in particular—
- (a) a wild mammal which has been bred or tamed for any purpose,
 - (b) a wild mammal which is in captivity or confinement,
 - (c) a wild mammal which has escaped or been released from captivity or confinement, and
 - (d) any mammal which is living wild.
- (2) For the purposes of this Act a reference to a person hunting a wild mammal with a dog includes, in particular, any case where—
- (a) a person engages or participates in the pursuit of a wild mammal, and
 - (b) one or more dogs are employed in that pursuit (whether or not by him and whether or not under his control or direction).
- (3) For the purposes of this Act land belongs to a person if he—
- (a) owns an interest in it,
 - (b) manages or controls it, or
 - (c) occupies it.
- (4) For the purposes of this Act a dog belongs to a person if he—
- (a) owns it,
 - (b) is in charge of it, or
 - (c) has control of it.

12 Crown application

This Act—

- (a) binds the Crown, and
- (b) applies to anything done on or in respect of land irrespective of whether it belongs to or is used for the purposes of the Crown or a Duchy.

13 Amendments and repeals

- (1) Schedule 2 (consequential amendments) shall have effect.
- (2) The enactments listed in Schedule 3 are hereby repealed to the extent specified.

14 Subordinate legislation

An order of the Secretary of State under this Act—

- (a) shall be made by statutory instrument,
- (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament,
- (c) may make provision which applies generally or only in specified circumstances or for specified purposes,
- (d) may make different provision for different circumstances or purposes, and
- (e) may make transitional, consequential and incidental provision.

15 Commencement

This Act shall come into force at the end of the period of three months beginning with the date on which it is passed.

16 Short title

This Act may be cited as the Hunting Act 2004.

17 Extent

This Act shall extend only to England and Wales.