

Game Laws (Amendment) Act, 1960

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ARRANGEMENT OF SECTIONS

Section

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CHAPTER 36

An Act to make better provision for the prevention of poaching. [2nd June, 1960]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A police constable may arrest a person found on any land committing an offence under section one or section nine of the Night Poaching Act, 1828 (which sections relate to persons trespassing in pursuit of game by night). Power of police in respect of persons trespassing in pursuit of game.

(2) The powers exercisable under section thirty-one of the Game Act, 1831 (which provides that occupiers of land and certain other persons may require any person found in pursuit of game in the daytime to quit the land and give his name and address and, if he fails to do so, may apprehend him), shall also be exercisable by a police constable, and accordingly, in that section, after the words "any person authorised by either of them" there shall be added the words "or for any police constable".

(3) Subsection (1) of this section shall be without prejudice to the general power of arrest conferred in respect of indictable offences committed in the night by section eleven of the Prevention of Offences Act, 1851.

2.—(1) Subject to the provisions of subsection (3) of this section, a police constable who has reasonable grounds for suspecting that a person is committing an offence on any land under section one or section nine of the Night Poaching Act, 1828, or under section thirty or section thirty-three of the Game Act, 1831 (which relate to persons trespassing in pursuit of game in the daytime), may enter on the land for the purpose of exercising any power conferred on him by the foregoing section. Power of police to enter on land.

(2) In this section, as well as in the foregoing section, the word "land" includes land belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster or in Her private capacity, and land belonging to the Duchy of Cornwall, and land belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, and, subject to subsection (3) of this section, this section shall be binding on the Crown.

(3) The power of entry conferred by subsection (1) of this section shall not be exercisable in relation to land occupied by or under the management of—

- (a) the Admiralty, the Secretary of State for War, or the Secretary of State for Air, or
- (b) the Minister of Aviation, or
- (c) the United Kingdom Atomic Energy Authority.

Amendment
of Poaching
Prevention
Act, 1862.

3.—(1) The Poaching Prevention Act, 1862, shall be amended as follows.

(2) In section two of the said Act (which empowers police constables to search persons suspected of poaching and to seize game, guns and other articles, and provides for their forfeiture) the words "or nets or engines used for the killing or taking game" shall cease to have effect but that section shall apply—

- (a) in relation to cartridges and other ammunition, and
- (b) in relation to nets, traps, snares and other devices of a kind used for the killing or taking of game,

as it applies in relation to any gun or part of a gun; and in section one of the said Act (which relates, amongst other things, to jurisdiction in respect of offences under the said section two) for the words "net, snare, or engine after mentioned" there shall be substituted the words "or other article to which section two of this Act applies".

(3) Where a person is convicted under the said section two the court convicting him may, if it thinks fit, direct that any game, gun or other article duly seized under that section which was in his possession or which was being carried by him in any cart or other conveyance shall (whether or not the offence of which he was convicted concerned that game, gun or other article) be forfeited; and in the said section the words from "and shall forfeit such game" to the end of the section shall cease to have effect.

(4) A person who, by the written direction of a justice of the peace, sells any game seized under the said section two shall not be liable to any penalty for the sale; and if no conviction takes place under that section, the game or other thing seized, or the value thereof, shall be restored to the person from whom it was seized.

(5) In this section the word "game" has the same meaning as in the Poaching Prevention Act, 1862.

4.—(1) Where a person is apprehended under section one of this Act, or under section two of the Night Poaching Act, 1828, or under section thirty-one of the Game Act, 1831, a police constable by or in whose presence he was apprehended may search him and may seize and detain any game or rabbits, or any gun, part of a gun or cartridges or other ammunition, or any nets, traps, snares or other devices of a kind used for the killing or taking of game or rabbits, which are found in his possession. Further provisions as to seizure and forfeiture.

(2) Where the person so apprehended is convicted of an offence under either of the said Acts the court by or before whom he is convicted may, if it thinks fit, direct that any game or rabbit, or any gun or other article, duly seized under this section which was in his possession shall (whether or not the offence of which he was convicted concerned that game, rabbit, gun or other article) be forfeited.

(3) The provisions of this section shall be without prejudice to any other power which a police constable has to search a person whom he has arrested, and to detain things found in his possession, and shall also be without prejudice to the provisions of section thirty-six of the Game Act, 1831 (which authorises gamekeepers and others to take game found in the possession of trespassers).

(4) Subsection (4) of the last foregoing section shall apply in relation to things seized under this section.

(5) For the purposes of this section the word "game" shall be deemed to include hares, pheasants, partridges, grouse, heath or moor game, black game, bustards, woodcocks and snipes.

5.—(1) In section thirty of the Game Act, 1831 (which provides that a person who trespasses on any land in the daytime in search of game shall be liable to a fine not exceeding two pounds or, if he is one of five or more persons so trespassing, five pounds), for the words "two pounds" there shall be substituted the words "twenty pounds", and for the words "five pounds" there shall be substituted the words "fifty pounds". Increase of certain penalties.

(2) In section thirty-three of the said Act (which provides for a fine not exceeding two pounds in the case of a person who, in search of game, trespasses in the daytime in any forest, park, chase or warren belonging to Her Majesty) for the words "two pounds" there shall be substituted the words "twenty pounds".

(3) In section two of the Poaching Prevention Act, 1862, for the words "five pounds" there shall be substituted the words "fifty pounds".

(4) This section shall not apply in relation to any offence committed before the commencement of this Act.

Short title,
interpretation,
extent and
commence-
ment.

6.—(1) This Act may be cited as the Game Laws (Amendment) Act, 1960.

(2) References in this Act to the Night Poaching Act, 1828, are to that Act as extended by the Night Poaching Act, 1844 (which concerns poaching on public rights of way).

(3) This Act shall not extend to Scotland or Northern Ireland.

(4) This Act shall come into force on the expiration of a period of two months beginning with the day on which it is passed.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Night Poaching Act, 1828	9 Geo. 4. c. 69.
Game Act, 1831	1 & 2 Will. 4. c. 32.
Night Poaching Act, 1844	7 & 8 Vict. c. 29.
Prevention of Offences Act, 1851	14 & 15 Vict. c. 19.
Poaching Prevention Act, 1862	25 & 26 Vict. c. 114.

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