

# HUNTING ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2: Enforcement

##### *Section 6: Penalty*

10. A person found guilty of an offence under the Act is liable on conviction in a magistrates' court to a fine not exceeding level 5 on the standard scale (currently £5,000).

##### *Section 7: Arrest*

11. *Section 7* authorises a constable to arrest without warrant a person who he reasonably suspects to have committed, to be committing or to be about to commit an offence of unlawful hunting (*section 1*), participating in or attending a hare coursing event (*section 5(1)(a)* and *(b)*) or entering, permitting to enter or controlling or handling a dog in a hare coursing event (*section 5(2)*). A warrant will be required in cases where a person commits an offence of knowingly permitting land which belongs to him to be entered or used for unlawful hunting (*section 3(1)*), knowingly permitting a dog which belongs to him to be used for unlawful hunting (*section 3(2)*), knowingly facilitating a hare coursing event (*section 5(1)(c)*) or permitting land which belongs to him to be used for a hare coursing event (*section 5(1)(d)*).

##### *Section 8: Search and seizure*

12. *Section 8* confers powers of search and seizure without a warrant where a constable reasonably suspects that a person is committing or has committed an offence under the Act. *Subsections (2)* and *(3)* authorise the constable to stop and search that person and any vehicle, animal or other thing in his possession or control, while *subsection (4)* authorises the constable to seize and detain any vehicle, animal or other thing if he reasonably believes that it may be used as evidence in criminal proceedings for an offence under the Act or may be subject to a forfeiture order under *section 9*.
13. *Subsection (5)* provides that for the purpose of exercising these powers of search and seizure a constable may enter land, premises other than a dwelling or a vehicle.

##### *Section 9: Forfeiture*

14. *Subsections (1)* and *(2)* give the court power to make an order for the forfeiture of any relevant dog, vehicle or hunting article against a person convicted of an offence under the Act. "Hunting article" is defined in *subsection (3)*. *Subsections (4)* to *(6)* make further provision in respect of forfeiture orders and the destruction, disposal or return of dogs, vehicles and hunting articles.
15. Under *subsection (7)* a person commits an offence if he fails to comply with a forfeiture order or fails to co-operate with a step taken to give effect to a forfeiture order.