

HUNTING ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Offences

Section 1: Hunting wild mammals with dogs

5. *Section 1* makes it an offence for a person to hunt a wild mammal with a dog unless the hunting is exempt.

Section 2: Exempt hunting

6. *Subsection (1)* provides that the classes of hunting which are exempt from the offence in *section 1* are specified in *Schedule 1*. *Subsection (2)* confers a power on the Secretary of State to vary a class of exempt hunting by order, which under *section 14* may not be made unless a draft has been approved by a resolution of each House of Parliament.

Section 3: Hunting: assistance

7. *Section 3* makes it an offence for a person knowingly to permit land which belongs to him to be entered or used, or to permit a dog which belongs to him to be used, in the commission of an offence under *section 1*.

Section 4: Hunting: defence

8. *Section 4* provides that it is a defence for a person charged with an offence under *section 1* to show that he reasonably believed that the hunting concerned was exempt under *section 2*.

Section 5: Hare coursing

9. *Section 5* prohibits hare coursing events. *Subsection (1)* makes it an offence for a person to participate in, attend or knowingly facilitate a hare coursing event or to permit land which belongs to him to be used for a hare coursing event. Under *subsection (2)* when a dog participates in a hare coursing event an offence is committed by any person who enters the dog for the event, who permits the dog to be entered for the event or who controls or handles the dog in the course of or for the purposes of the event.

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.

Part 3: General

Section 11: Interpretation

16. *Section 11* defines a number of expressions which appear in the Act. *Subsection (1)* defines wild mammal, *subsection (2)* concerns what constitutes hunting a wild mammal with a dog, and *subsections (3)* and (*4*) set out the circumstances in which land or a dog belong to a person for the purposes of the Act.

Section 14: Subordinate legislation

17. *Section 14* concerns the making of subordinate legislation. It provides that an order made by the Secretary of State under *section 2(2)* of the Act cannot be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

Section 15: Commencement

18. *Section 15* provides that the Act shall come into force three months after it receives Royal Assent.