



Hunting Act 2004

2004 CHAPTER 37

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.

Status: Point in time view as at 18/02/2005.

Changes to legislation: There are currently no known outstanding effects for the Hunting Act 2004, Part 2. (See end of Document for details)

- (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.

Status: Point in time view as at 18/02/2005.

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- (2) The officer, as well as the body, shall be guilty of the offence.
- (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.

Status:

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Changes to legislation:

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