



Game Licences Act 1860

1860 CHAPTER 90 23 and 24 Vict

F1

An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes. [13th August 1860]

Textual Amendments

- F1 Act repealed: (E.W.) (1.8.2007) by [Regulatory Reform \(Game\) Order 2007 \(S.I. 2007/2007\)](#), **art. 3**; and (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), **Sch. Pt. 2** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(l)(ii) (as amended by S.S.I. 2011/287, art. 2)

Modifications etc. (not altering text)

- C1 Short title “The Game Licences Act 1860” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act extended by [Customs and Inland Revenue Act 1893 \(c. 7, SIF 4:3\)](#), **s. 2**; saved by [Finance Act 1937 \(c. 54\)](#), s. 5, **Sch. 2**
- C3 Words of enactment and certain other words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- C4 Acts cited or referred to by their short titles under authority of [Statute Law Revision Act 1893 \(c. 14\)](#), **s. 3**

1 F2

Textual Amendments

- F2 S. 1 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

2 **In lieu of Duties repealed, the Duties herein-named to be levied.**

.....^{F3} there shall be granted, charged, and paid for and upon the several licences and certificates to take or kill game, and licences to deal in game herein-after mentioned, the respective duties or sums of money herein-after expressed or denoted; (that is to say,)

Changes to legislation: There are currently no known outstanding effects for the Game Licences Act 1860. (See end of Document for details)

£ s. d.

For a licence in Great Britain or a certificate in Ireland to be taken out by every person who shall use any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe

or any conies, or any deer, or shall take or kill by any means whatever or shall assist in any manner in the taking or killing by any means whatever of any game, or any woodcock, snipe,

, or any coney, or any deer:

If such licence or certificate shall be taken out after the fifth day of April and before the first day of November,

To expire on the fifth day of April in the following -year [F56 0 0]

To expire on the thirty-first day of October in the same year [F54 0 0]
in which the licence or certificate shall be taken out

If such licence or certificate shall be taken out on or after the first day of November,

To expire on the fifth day of April following [F54 0 0]

Provided always, that any person having the right to kill [F54 0 0]
game on any lands in England or Scotland shall be entitled to take out a licence to authorize any [F6 male servant employed by him] as a gamekeeper, to kill game upon the same lands, upon payment of the duty of

And for every licence to deal in game in England, Scotland, [F54 0 0]
or Ireland, to be granted under this Act

Textual Amendments

- F3** Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)
F4 Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), **Sch. 6**
F5 Fees substituted by [S.I. 1968/120](#)
F6 Words substituted by [Finance Act 1937 \(c. 54,SIF 4:3,88:3\)](#), s. 5, **Sch. 2**

Modifications etc. (not altering text)

- C5** S. 2 amended with the substitution for the fifth day of April of the thirty-first day of July by [Customs and Inland Revenue Act 1883 \(c. 10,SIF 4:3\)](#), s. 4
C6 Power to amend s. 2 given by [Local Government Act 1966 \(c. 42,SIF 81:1\)](#), s. 35(2), **Sch. 3 Pt. II** and [Local Government \(Scotland\) Act 1966 \(c. 51\)](#), s. 42(2), **Sch. 4 Pt. II**

[F7 3 ^{X1}† **Duties granted to be Excise duties under the Commissioners of Inland Revenue.**

The duties by this Act granted shall be F8 Excise duties F8 .]

Changes to legislation: There are currently no known outstanding effects for the Game Licences Act 1860. (See end of Document for details)

Editorial Information

X1 A dagger appended to a marginal note means that it is no longer accurate

Textual Amendments

F7 S. 3 repealed (S.) by [Local Government \(Scotland\) Act 1966 \(c. 51, SIF 103:2\)](#), ss. 44(1), 48(2), [Sch. 6](#)

F8 Words repealed by [Customs and Excise Act 1952 \(c. 44\)](#), [Sch. 12 Pt. I](#)

Modifications etc. (not altering text)

C7 Functions of Commissioners of Inland Revenue to levy duties on licences for dealing in game or for killing game now exercisable by councils of districts, councils of London boroughs and Common Council of City of London: [Finance Act 1908 \(c. 16, SIF 4:3\)](#), [s. 6](#), S.R. & O. 1908/844 (Rev. XII, p. 635: 1908, p. 470), [Customs and Excise Act 1952 \(c. 44\)](#), [ss. 1\(2\)](#), 313, S.I. 1952/2205 (1952 II, p. 1579) and [Local Government Act 1972 \(c. 70\)](#), [s. 213\(1\)\(2\)](#)

4 Licence to be taken out for taking or killing of game in Great Britain. Penalty for neglect.

Every person, before he shall in Great Britain take, kill, or pursue, or aid or assist in any manner in the taking, killing, or pursuing by any means whatever, or use any dog, gun, net, or other engine for the purpose of taking, killing, or pursuing any game, or any woodcock, snipe^{F9} or any coney, or any deer, shall take out a proper licence to kill game under this Act, and pay the duty hereby made payable thereon; and if any person shall do any such act as herein-before mentioned in Great Britain without having duly taken out and having in force such licence as aforesaid, he shall forfeit the sum of [^{F10}twenty pounds][^{F10}level 2 on the standard scale].

Textual Amendments

F9 Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 6](#)

F10 Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#), [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [ss. 1](#), 156 and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

5 Exceptions and exemptions.

The following exceptions and exemptions from the duties and provisions of this Act are hereby made and granted; (that is to say,)

Exceptions

- (1) The taking of woodcocks and snipes with nets or springes in Great Britain.
- (2) The taking or destroying of conies in Great Britain by the proprietor of any warren or of any inclosed ground whatever, or by the tenant of lands, either by himself or by his direction or permission.
- ^{F11}[(3) [^{F12}The pursuing and killing of hares respectively by coursing with greyhounds, or by hunting with beagles or other hounds.]]
- ^{F11}(4) [^{F12}The pursuing and killing of deer by hunting with hounds.]]

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- (5) The taking and killing of deer in any enclosed lands by the owner or occupier of such lands, or by his direction or permission.

Exemptions

- (1) Any of the Royal Family.
- (2) Any person appointed a gamekeeper on behalf of Her Majesty by the Commissioners of Woods, under the authority of any Act of Parliament relating to the land revenues of the Crown.
- (3) Any person aiding or assisting in the taking or killing of any game, or any woodcock, snipe,^{F13} or coney, or any deer, in the company or presence and for the use of another person who shall have duly obtained, according to the directions of this Act, and in his own right, a licence to kill game, and who shall by virtue of such licence then and there use his own dog, gun, net, or other engine for the taking or killing of such game, woodcock, snipe,^{F13}, coney, or deer, and who shall not act therein by virtue of any deputation or appointment.
- (4) And, as regards the killing of hares only, all persons who, under the provisions of the ^{M1}Hares Act, 1848 and the ^{M2}Hares (Scotland) Act 1848 respectively, are authorized to kill hares in England and Scotland respectively, without obtaining an annual game certificate.

Textual Amendments

- F11** S. 5: exceptions 3 and 4 repealed (S.) (1.8.2002) by [2002 asp 6, s. 11, Sch. para. 2](#); S.S.I. 2002/181, [art. 2](#)
- F12** S. 5: exceptions 3 and 4 repealed (E.W.) (18.2.2005) by [Hunting Act 2004 \(c. 37\), s. 15, Sch. 2 paras. 2, 3](#) (with [s. 12](#))
- F13** Words repealed by [Protection of Birds Act 1954 \(c. 30\), Sch. 6](#)

Modifications etc. (not altering text)

- C8** Functions of Commissioners of Woods now exercisable by Crown Estate Commissioners: [Forestry \(Transfer of Woods\) Act 1923 \(c. 21\), s. 4](#), S.R. & O. 1924/1370 (Rev. V p. 443: 1924, p. 228), [Crown Estate Act 1956 \(c. 73\), s. 1](#) and [Crown Estate Act 1961 \(c. 55\), s. 1\(1\)](#)

Marginal Citations

- M1** 1848 c. 29.
- M2** 1848 c. 30.

6 Nothing herein to alter 11 & 12 Vict. c. 29, and 30., except that “Game Certificate” in said Acts, and also in 1 & 2 W. 4. c. 32., shall be read as “Licence to kill Game.”

Provided always, that nothing herein contained shall extend to repeal, alter, or affect any of the provisions of the ^{M3}Hares Act, 1848 ^{M4} and Hares (Scotland) Act 1848, further than that the term “game certificate” in the said Acts respectively used shall be construed to mean a licence to kill game under the provisions of this Act, and shall be so read accordingly; and that the term “game certificate” used in the ^{M5}Game Act, 1831, shall be construed and read in like manner; and that wherever in the said last-mentioned Act the duty of three pounds thirteen shillings and sixpence on a game

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certificate is mentioned the duty of three pounds on a licence to kill game shall be read in lieu.

Marginal Citations

- M3 1848 c. 29.
- M4 1848 c. 30.
- M5 1831 c. 32.

7 Licences may be taken out on behalf of Assessed Servants acting as Gamekeepers for Persons having Right to kill Game, or under Deputations from Lords of Manors.

Any person having the right to kill game on any lands in England or Scotland [^{F14}employing any male servant as a gamekeeper] whether deputed or appointed or not, and any person granting a deputation or appointment in Great Britain to the [^{F14}male servant of any other person] with power and authority to take or kill any game, shall respectively be at liberty to take out a licence to kill game on behalf of any such servant on payment of the duty of [^{F15}four pounds] for the year ending on the fifth day of April; and such licence shall exempt the servant named therein during his continuance in the same capacity and service, and on his quitting such service shall also exempt any servant who shall succeed him in the same service and capacity, or who shall succeed to the deputation of the same manor or royalty or lands within the year for which the licence is granted, during the remainder of such year; and no such servant on whose behalf a licence shall have been duly obtained as aforesaid shall be required to obtain a licence for himself, or be liable to any penalty by reason of not obtaining a licence in his own name.

Textual Amendments

- F14 Words substituted by [Finance Act 1937 \(c. 54,SIF 4:3,88:3\)](#), s. 5, [Sch. 2](#)
- F15 Fees substituted by [S.I. 1968/120](#)

Modifications etc. (not altering text)

- C9 S. 7 amended with the substitution for the fifth day of April of the thirty-first day of July by [Customs and Inland Revenue Act 1883 \(c. 10\)](#), s. 4
- C10 Power to amend s. 7 given by [Local Government Act 1966 \(c. 42,SIF81:1\)](#), s. 35(2), [Sch. 3 Pt. II](#) and [Local Government \(Scotland\) Act 1966 \(c. 51\)](#), s. 42(2), [Sch. 4 Pt. II](#)

8 On change of gamekeeper, or Revocation of Deputation, &c. licence may be continued to successor.

Every such licence to kill game taken out on behalf of any such servant as aforesaid shall, upon the revocation of any such deputation or appointment, or on his quitting the service of the master by whom such licence shall have been taken out, be from thenceforth of no further effect as to the person named therein as such servant, or so deputed or appointed as aforesaid; but if within the year for which such licence was granted the said master, on the quitting of such servant, shall employ [^{F16}another male servant] as gamekeeper in his stead, or the person by whom such deputation or appointment was made shall on the revocation thereof make a new deputation or appointment to any [^{F16}male person in his service, or in the service of the same master]

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the officer by whom such licence was granted, or the proper officer appointed by the Commissioners in that behalf, shall renew such licence for the remainder of that year, on behalf of the fresh servant or the person so newly appointed, as the case may be, without payment of any further duty, by indorsing on such licence the name and place of abode of the said last-mentioned servant, or the person to whom such last-mentioned deputation or appointment shall have been granted, and declaring the same to be a renewed licence free of duty.

Textual Amendments

F16 Words substituted by [Finance Act 1937 \(c. 54, SIF 4:3,88:3\)](#), s. 5, [Sch. 2](#)

Modifications etc. (not altering text)

C11 The reference to Commissioners of Inland Revenue to be construed as a reference to Commissioners of Customs and Excise: [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 4 para. 1](#)

C12 S. 8 restricted (E.) (16.11.2000) by [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)

9 Such licences not available for acts done out of limits of the Manor or lands for which the Parties are appointed Game-keepers.

Provided always, that no such licence taken out for or on behalf of any person, being such servant or acting under a deputation or appointment as aforesaid, shall be available for such person in any suit or prosecution where proof shall be given of his doing or having done any act for which a licence is required under this Act on land on which his master had not a right to kill game.

10 Persons doing any act requiring a licence to kill game, to produce the same, on demand, or declare their names, places of residence, &c. Penalty for refusal.

If any person shall be discovered doing any act whatever in Great Britain in respect whereof a licence to kill game is required under this Act, by any officer of Inland Revenue, or by any lord or gamekeeper of the manor, royalty, or lands wherein such person shall then be, or by any person having duly taken out a proper licence to kill game under this Act, or by the owner, landlord, lessee, or occupier of the land on which such person shall then be, it shall be lawful for such officer or other person aforesaid to demand and require from the person so acting the production of a licence to kill game issued to him; and the person so acting is hereby required to produce such licence to the person so demanding the production thereof, and to permit him to read the same, and (if he shall think fit) to take a copy thereof or of any part thereof; or in case no such licence shall be produced to the person demanding the same as aforesaid, then it shall be lawful for the person having made such demand to require the person so acting forthwith to declare to him his christian and surname and place of residence, and the place at which he shall have taken out such licence; and if such person shall, after such demand made, wilfully refuse to produce and show a licence to kill game issued to him, or in default thereof as aforesaid to give to the person so demanding the same his christian and surname and place of residence, and the place at which he shall have taken out such licence, or if he shall produce any false or fictitious licence, or give any false or fictitious name or place, or if he shall refuse to permit any licence which he may produce to be read, or a copy thereof or of any part thereof to be taken, he shall forfeit the sum of [^{F17}twenty pounds][^{F17}level 2 on the standard scale].

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Textual Amendments

- F17** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#), [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [ss. 1, 156](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

Modifications etc. (not altering text)

- C13** The reference to any Officer of Inland Revenue to be construed as a reference to any Officer of Customs and Excise: [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 4 para. 1](#)

11 Licence to be void if person be convicted of any offence under 1 & 2 W. 4. c. 32, or 2 & 3 W. 4. c. 68.

If any person, having obtained a licence to kill game under this Act, shall be convicted of any offence under section thirty of the Game Act, 1831, or under the Game (Scotland) Act, 1832, the said licence shall thenceforth be null and void.

12 Commissioners to publish lists of persons licensed to kill game.

The Commissioners of Inland Revenue shall, when and as they shall see fit, cause lists of the names and residences of the several persons to or for whom licences to kill game have been granted under this Act to be inserted in such newspapers or published in such other manner as to them shall seem proper, distinguishing in such lists the persons acting under any deputation, appointment, or authority from others, and the manors, royalties, or lands for which deputations, appointments, or authorities have been granted, and also distinguishing the rate of duty paid for such licences.

Modifications etc. (not altering text)

- C14** The reference to Commissioners of Inland Revenue to be construed as a reference to Commissioners of Custom and Excise: [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 4 para. 1](#)

13 Provisions of 1 & 2 Will. 4. c. 32 and 2 & 3 Vict. c. 35., relating to licences to deal in game to be in force throughout the United Kingdom.

All the clauses and provisions of the two several Acts passed respectively in the first and second years of King William the Fourth, chapter thirty-two, and the second and third years of Her present Majesty, chapter thirty-five, relating to the granting of licences by justices of the peace to deal in game, and to the holding of special sessions by such justices in their respective divisions or districts for the purpose of granting such licences, and also all the clauses, provisions, and penalties contained in the said Acts or either of them relating to dealers in game, and to the selling of game, either by or to such dealers or others, shall, so far as the same are consistent with the express provisions of this Act, and as the same are altered or amended by this Act, extend to and be of full force and effect in and throughout the whole of the United Kingdom, and shall be observed, applied, and enforced as if the same, so altered or amended and made consistent with the express provisions of this Act, had been herein repeated and specially enacted: Provided always, that no person shall be authorized to sell game to any licensed dealer unless he shall have taken out a [^{F18}six pound] licence under this Act.

Changes to legislation: There are currently no known outstanding effects for the Game Licences Act 1860. (See end of Document for details)

Textual Amendments

F18 Fees substituted by S.I. 1968/120

Modifications etc. (not altering text)

C15 Power to amend s. 13 given by [Local Government Act 1966 \(c. 42, SIF 81:1\)](#), s. 35(2), **Sch. 3 Pt. II** and [Local Government \(Scotland\) Act 1966 \(c. 51\)](#), s. 42(2), **Sch. 4 Pt. II**

C16 *S. 4 of the Act 2 & 3 Vict. c. 35 (which Act was repealed by [Revenue Act 1869 \(c. 14\)](#), s. 39) enacts as follows:* And whereas by the Game Act 1831 it is enacted that the justices of the peace of every county, riding, division, liberty, franchise, city or town shall hold a special session in the division or district for which they usually act, in the month of July in every year, for the purpose of granting licences to deal in game: And whereas it is expedient that the said justices of the peace should be empowered to hold a special session for the purpose aforesaid, not only in the month of July, but also at any subsequent period of the year; be it therefore enacted that from and after the passing of this Act it shall be lawful for the said justices of the peace to hold in their respective divisions or districts a special session for the purpose of granting licences to deal in game, not only in the month of July, but also at any time and from time to time as often as they shall think fit after the said month of July in every year; and it shall also be lawful for the majority of the said justices (not being less than two), assembled at any such session or at any adjournment thereof, to grant licences to deal in game, in the manner directed by the said last-recited Act, and under and subject to the provisions and regulations thereof; provided always, that of the holding of any such special session seven days notice shall be given to each of the justices acting for the division or district in which such session is intended to be held; provided also, that every licence to deal in game, at whatever time the same hath been or shall be granted, shall continue in force from the granting thereof until the first day of July then next following, and no longer; any thing in the said last-recited Act or in such licence, to the contrary notwithstanding.

14 Persons licensed by the justices to deal in game, to pay for and obtain a licence under this Act.

Every person who shall have obtained any licence to deal in game ^{F19}. . ., under the provisions of the said two several Acts in the preceding clause mentioned, shall annually, and during the continuance of such licence, and before he shall be empowered to deal in game under such licence, obtain a further licence to deal in game under this Act, on payment of the duty hereby charged thereon, and if any person ^{F20}. . . shall purchase or sell or otherwise deal in game before he shall obtain a licence to deal in game under the provisions of this Act, he shall forfeit the sum of [^{F21}twentypounds][^{F21}level 2 on the standard scale].

Textual Amendments

F19 Words in s. 14 repealed (1.4.1996) by [1994 c. 19](#), s. 66(6)(8), [Sch. 16 para. 2](#), **Sch. 18**; S.I. 1996/396, [art. 4](#), **Sch. 2**

F20 Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

F21 Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 31, [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), ss. 1, 156 and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

Changes to legislation: There are currently no known outstanding effects for the Game Licences Act 1860. (See end of Document for details)

15 Licences to deal in game under this Act to be granted only to those who have obtained licences from the justices. List of persons licensed to be kept for inspection.

Provided always, that no licence to deal in game shall be granted under the provisions of this Act to any person, except upon the production of a licence for the like purpose duly granted to him by the justices of the peace as aforesaid, and then in force; and every officer appointed or authorised to grant licences to deal in game under this Act shall in each year make out a list, to be kept in his possession, containing the name and place of abode of every person to whom he shall have granted or issued a licence to deal in game under this Act, and such officer shall at all seasonable hours produce such list to any person making application to inspect the same, and shall be entitled to demand and receive for such inspection the sum of one shilling.

16 By whom licences shall be granted, and Form thereof. Duration and expiration of licences.

All licences and certificates to kill game and to deal in game respectively, under the provisions of this Act, shall be in such form as the Commissioners of Inland Revenue shall from time to time provide in that behalf, and shall denote the amount of duty charged thereon respectively, and shall be granted, signed, and issued at the chief office of Inland Revenue in London, Edinburgh, . . . ^{F22}respectively, and by the several supervisors of Excise in their respective districts, or by such other officers of Inland Revenue and at such places as the said Commissioners shall think fit to employ and appoint respectively in that behalf; and every such licence shall contain the proper christian and surname and place of residence of the person to whom the same shall be granted, with any other particulars which the Commissioners of Inland Revenue may direct to be inserted therein, and shall be dated on the day when the same was actually issued, and shall have effect and be in force upon the day of issuing thereof, and shall expire on the day therein mentioned for the termination thereof.

Textual Amendments

F22 Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. VI](#)

Modifications etc. (not altering text)

C17 The reference to Commissioners of Inland Revenue to be construed as a reference to Commissioners of Customs and Excise: [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 4 para. 1](#)

[^{F23}16A Provision as to foreign game.

The provisions of this Act relating to excise licences to deal in game and the dealing in and selling of game without an excise licence shall extend and apply to the dealing in and selling of hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards, imported from foreign parts into Great Britain.]

Textual Amendments

F23 S. 16A inserted (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 2 para. 4](#)

Changes to legislation: There are currently no known outstanding effects for the Game Licences Act 1860. (See end of Document for details)

17 5 & 6 Vict c.81 relating to game certificates in Ireland to continue in force.

All the clauses, powers, provisions, and regulations, pains and penalties, contained in or imposed by the Act passed in the fifth and six years of Her Majesty’s reign, chapter eighty-one, relating to certificates to kill game in Ireland, shall be of full force and effect and shall be applied in Ireland to the certificates to be granted under this Act and the duties hereby imposed thereon, as fully and effectually as if the same were herein repeated and specially enacted in reference to such last-mentioned certificates and duties.

Modifications etc. (not altering text)

C18 The text of s. 17, now spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

18 Licences and certificates to be available throughout the United Kingdom.

F24

Textual Amendments

F24 S. 18 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. VI**

19 F25

Textual Amendments

F25 S. 19 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Game Licences Act 1860.