



# Hunting Act 2004

## 2004 CHAPTER 37

### PART 1

#### OFFENCES

#### **1 Hunting wild mammals with dogs**

A person commits an offence if he hunts a wild mammal with a dog, unless his hunting is exempt.

#### **2 Exempt hunting**

- (1) Hunting is exempt if it is within a class specified in Schedule 1.
- (2) The Secretary of State may by order amend Schedule 1 so as to vary a class of exempt hunting.

#### **3 Hunting: assistance**

- (1) A person commits an offence if he knowingly permits land which belongs to him to be entered or used in the course of the commission of an offence under section 1.
- (2) A person commits an offence if he knowingly permits a dog which belongs to him to be used in the course of the commission of an offence under section 1.

#### **4 Hunting: defence**

It is a defence for a person charged with an offence under section 1 in respect of hunting to show that he reasonably believed that the hunting was exempt.

#### **5 Hare coursing**

- (1) A person commits an offence if he—
  - (a) participates in a hare coursing event,

---

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

---

- (b) attends a hare coursing event,
  - (c) knowingly facilitates a hare coursing event, or
  - (d) permits land which belongs to him to be used for the purposes of a hare coursing event.
- (2) Each of the following persons commits an offence if a dog participates in a hare coursing event—
- (a) any person who enters the dog for the event,
  - (b) any person who permits the dog to be entered, and
  - (c) any person who controls or handles the dog in the course of or for the purposes of the event.
- (3) A “hare coursing event” is a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares.

## 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.

#### <sup>F1</sup>7 Arrest

.....

#### Textual Amendments

- F1** [S. 7](#) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), Sch. 7 para. 37, [Sch. 17](#); [S.I. 2005/3495](#), art. 2(1)(m)

#### 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.

---

*Changes to legislation: There are currently no known outstanding effects for the Hunting Act 2004. (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.

---

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

---

- (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.

## PART 3

### GENERAL

## 11 Interpretation

- (1) In this Act “wild mammal” includes, in particular—
  - (a) a wild mammal which has been bred or tamed for any purpose,
  - (b) a wild mammal which is in captivity or confinement,
  - (c) a wild mammal which has escaped or been released from captivity or confinement, and
  - (d) any mammal which is living wild.
- (2) For the purposes of this Act a reference to a person hunting a wild mammal with a dog includes, in particular, any case where—
  - (a) a person engages or participates in the pursuit of a wild mammal, and
  - (b) one or more dogs are employed in that pursuit (whether or not by him and whether or not under his control or direction).
- (3) For the purposes of this Act land belongs to a person if he—
  - (a) owns an interest in it,
  - (b) manages or controls it, or
  - (c) occupies it.
- (4) For the purposes of this Act a dog belongs to a person if he—
  - (a) owns it,
  - (b) is in charge of it, or
  - (c) has control of it.

## 12 Crown application

This Act—

- (a) binds the Crown, and
- (b) applies to anything done on or in respect of land irrespective of whether it belongs to or is used for the purposes of the Crown or a Duchy.

## 13 Amendments and repeals

- (1) Schedule 2 (consequential amendments) shall have effect.
- (2) The enactments listed in Schedule 3 are hereby repealed to the extent specified.

## **14 Subordinate legislation**

An order of the Secretary of State under this Act—

- (a) shall be made by statutory instrument,
- (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament,
- (c) may make provision which applies generally or only in specified circumstances or for specified purposes,
- (d) may make different provision for different circumstances or purposes, and
- (e) may make transitional, consequential and incidental provision.

## **15 Commencement**

This Act shall come into force at the end of the period of three months beginning with the date on which it is passed.

## **16 Short title**

This Act may be cited as the Hunting Act 2004.

## **17 Extent**

This Act shall extend only to England and Wales.

**Changes to legislation:**

There are currently no known outstanding effects for the Hunting Act 2004.