

HUNTING ACT 2004

EXPLANATORY NOTES

SCHEDULES

Schedule 2: Consequential amendments

55. *Paragraph 1* amends section 35 of the Game Act 1831. Section 35 currently provides that various provisions of that Act which relate to penalties on trespassers and persons found on any land shall not apply to a person hunting or coursing on any land with hounds or greyhounds in pursuit of deer, hares or foxes. The amendment removes this exception.
56. *Paragraph 2* amends section 5 of the Game Licences Act 1860. Section 5 currently provides for a number of exceptions from the provisions of that Act and the duties to be paid for game licences. These include exceptions concerning the hunting of deer and hares by dogs and hare coursing, which the amendment removes.
57. *Paragraph 3* relates to the interpretation of section 1(3)(b) of the Protection of Animals Act 1911. Section 1(1) of that Act creates an offence of treating an animal cruelly or causing an animal unnecessary suffering, but section 1(3)(b) provides for an exception for the hunting or coursing of a captive animal. This paragraph provides that this exception shall not apply in respect of participation in a hare coursing event or in the coursing or hunting of a wild mammal with a dog.
58. *Paragraph 4* amends section 8 of the Protection of Badgers Act 1992. Section 3 of that Act currently makes it an offence to interfere with badger setts. Section 8(4) to (9) provides an exception to the offence by allowing for the obstruction of a badger sett entrance for the purpose of hunting foxes with hounds provided certain conditions are met. The amendment removes this exception.
59. *Paragraph 5* relates to the interpretation of section 2 of the Wild Mammals (Protection) Act 1996. Section 1 of that Act makes it an offence to do certain acts (such as mutilating, kicking and beating) to a wild mammal with intent to inflict unnecessary suffering. Section 2 provides exceptions from this offence in relation to certain acts. This paragraph provides that for the purpose of those exceptions the hunting of a wild mammal with a dog shall be treated as lawful only if it is exempt hunting within the meaning of *section 2* of the Act.
60. This amendment means that the only acts during exempt hunting which are excepted from the offence in section 1 of the Wild Mammals (Protection) Act 1996 are the attempted mercy killing or the killing in a reasonably swift and humane manner of a wild mammal injured or taken in the hunting, and acts done by dogs. No other acts involved in hunting with dogs or hare coursing will be excepted from the offence.