

This information is subject to change.

Introduction

On 18 November 2004 hunting with dogs was banned in England and Wales with the passing of the Hunting Act 2004. The ban on hunting with dogs became law three months later on 18 February 2005. The Protection of Wild Mammals (Scotland) Act 2002 pre-dated legislation on hunting in the rest of Britain by two years. Before the Hunting Act came into effect many hunters announced their intention to flout the law. A 'Hunting Declaration', founded by Prof Roger Scruton, accumulated over 50,000 signatures from people prepared to break the law in the event of a hunting ban. This was the culmination of many years of campaigning by the International Fund for Animal Welfare (IFAW), the RSPCA and the League Against Cruel Sports, along with other groups and individuals. A 2008 Ipsos-Mori poll showed that three out of every four people in Britain (75%) thought that fox hunting should remain illegal and 71% of those in rural areas do not want fox hunting legalised. Since the implementation of the Hunting Act, professional hunt monitors have continued to document the activities of hunts. IFAW, the League and the RSPCA are now working closely with enforcement bodies and their evidence has led to public and private prosecutions being initiated. This website has been produced for police officers and the Crown Prosecution Service as a means of sharing the wealth of expertise that has been built up on the enforcement of the Act.

A typical day out

The following is a generalised account of a pre-ban fox hunt :

Prior to a hunt the Master or huntsman would usually contact farmers and landowners in the area to agree where the hunt could go. The night before, or early on the day of the hunt, efforts were made to block up the entrances to fox earths, badger setts and places such as drains to prevent foxes going underground once the hunt has started. The Protection of Badgers Act 1992 had permitted "soft" stopping of badger setts, although this is now illegal. Usually, riders, hounds and followers met at about 11:00 am. The huntsman, hunt staff and hounds would go to the agreed starting point. The mounted field led by the Field Master, would follow at a distance. Followers would set off, in vehicles and on foot, to watch the hunt. The hounds would be encouraged to search for a fox in coverts, woods or rough ground. Once the hounds found a scent they would bark excitedly and follow the scent trail. Sometimes the hounds would catch a fox quickly and kill it before it could run. Other times, the hounds would pursue the fox. Often, the hounds would lose the scent so they might have to search in order to find it again. If the hounds were successful in their pursuit they would catch it, kill it and tear it apart. Some chases took just a couple of minutes whilst others could last half an hour or more. After a kill the huntsman or woman would call off the hounds, and then the tail of the fox, and sometimes its feet, would be removed and given to

the followers. Several sessions of trying to search, pursue and kill foxes would be carried out during the hunting day. Often the fox would go underground, commonly referred to as 'going to ground'. It might be dug out by a terrierman and killed if the farmer or landowner had requested this. It was not considered good practice for a fox to be hunted again after being dug out. However, it was not unusual for a fox to be bolted from its underground refuge and hunted again by placing a terrier below ground.

Some hunts operated on foot, particularly in areas where the terrain was unsuitable for riding. These hunts operated in generally the same way as described above except that there would be no riders and the hounds could be much further away from the huntsman. Cub hunting would take place in August or September. The huntsman and others on foot or horseback would surround a covert or other place where foxes might be found. Hounds would be sent in to either kill the young foxes or flush them out and pursue them. Those surrounding the covert would try and stop the foxes from escaping by making noise. The purpose of cub hunting included the training of young, inexperienced hounds.

Who does what?

There are a number of clearly defined roles in a traditional fox hunt. Hunts have said that they wish to maintain their infrastructure so these roles can apply to hunts claiming to trail hunt or those engaging in other forms of hunting.

Huntsman

The huntsman was (and still is) in charge of the hunt; he was a hunt servant. In most hunts, the hunt servants would wear a red coat, though other colours, especially green, were also used. Since the introduction of the Hunting Act some hunt staff have decided not to wear these garments as this singles them out from the rest of the hunt.

The huntsman controlled the pack of hounds and the rest of the staff, and decided which coverts would be drawn, meaning where they will disperse the hounds to search for a fox, although he would have discussed the general plans for the day's hunting in advance with the Master. He would also decide which fox would be hunted if more than one fox was found, and which foxes would not be pursued e.g. if the fox was close to a busy road such as a motorway or land where access had not been granted to the hunt. Thus the huntsman was (and continues to be) in control of the day's hunting and has ultimate responsibility for the decisions that are made during the day and the success of the day's hunting.

The Whipper-in

The huntsman was (and continues to be) assisted by one or two whippers-in, who were also hunt servants. Their job was to assist the huntsman, particularly in keeping the pack together and resolving any problems that occurred during the day's hunting. As a general rule, when a fox is being actively hunted, the whipper-in was some distance from the huntsman (sometimes a long way off), collecting lost hounds. His primary role was keeping the pack together and rounding up missing animals. When the pack was

stopped or called off, the whipper-in would be with the huntsman to help stop the pack from pursuing a fox.

Terriermen

A terrierman would follow the hunt, either on a quad bike or in a vehicle; he would generally carry one or more terriers, often in a box on the back of a quad bike, and implements for digging out a fox that had gone to ground and blocking fox earths, badger setts and other possible escape routes.

Since the Hunting Act has come into effect monitors have reported an increase in the number of terriermen present at hunts.

The Master(s)

A hunt had (and continues to have) one or more Masters. These people were jointly responsible for the overall management and conduct of the hunt, and the hunt servants acted on their orders. The huntsman would meet with one or more of the Masters prior to a day's hunting to agree how the day would be conducted. However, all the Masters would not necessarily attend every day of hunting, but at least one would act as the Field Master each day. The Field Master is in charge of the mounted field (those people who follow on horseback); his/her prime function was to stop the field over-running the hounds, hindering the hounds while they work, prevent the field going to areas where access has been refused, and minimising damage to crops and fences.

The Hunt Secretary

The other key officer for a hunt was and continues to be the honorary secretary. He/she was responsible for calling and minuting Committee meetings, liaising with the Masters, collecting subscriptions and dealing with all the financial issues relating to the hunt, including the payment of the wages. Thus he/she was the key person in the management and day-to-day running of the hunt.

The Field

The other people who attended the hunt (the mounted field and foot followers) were and continue to be observers, and generally play no active role other than occasionally indicating to the huntsman the direction taken by the hunted fox. This could take several forms: generally the follower would give a call (the "view halloo"), or stand with his/her cap held high, sometimes on a stick.

Other Types of Hunt

Fox hunting arguably received the most amount of media coverage, however other forms of hunting with hounds were banned and these are outlined below.

Deer hunting

In stag hunting the intention was to select, hunt and kill a particular stag. The huntsman accompanied by a small number of hounds would flush the stag from cover. The animal would then be given a head start then the whole pack of hounds would pursue it. If hinds were to be hunted the huntsman would try to separate one from a group to be pursued.

Most chases lasted for about three hours and covered ten miles or more though some could go on all day. If the hounds were successful in pursuing the deer it would eventually stop and face them or just lie down. The animal would then be shot using either a short-barrelled shotgun or humane killer.

Hare hunting (also called beagling)

Hunts which hunted hares would use beagles, bassets and harriers. Some of these hunts operated on foot, others were mounted and the methods were very similar to those used in fox hunting. Hares try to stay in the relatively small area of their home range and do not go underground so terriermen were not used in hare hunting.

Hare coursing

The object was to test the skills of greyhounds in a competition. Coursing would involve a number of greyhounds competing against each other, two at a time, in a series of knockout rounds. The dogs were awarded points for their speed and skill in making the hare turn and a point was awarded if the dog caught a hare.

Beaters, namely people using instruments, such as plastic bags, to flush hares from cover, would drive hares on to the coursing field one at a time from surrounding fields.

The slipper, positioned in a shy, would hold two greyhounds on a leash and release them when the hare was at least 80 yards past the dogs. The hounds would chase the hares, gaining on it quickly. The hare would try and evade the dogs by turning rapidly.

The hounds would sometimes lose the hare if it had found cover. The chase would generally only last around half a minute. One or more judges would assess the skill of the greyhounds and identify the winner of the pair.

Hare coursing is not a field trialling activity and is therefore not exempt from the Hunting Act.

Mink hunting

Mink hunting started when the practice of otter hunting was banned. It was carried out on foot along river banks and was carried out along the lines of other types of hunting with hounds. Because mink sometimes go to ground a terrierman might have accompanied the hunt in order to bolt it or dig it out.

The Hunting Act 2004 Explained

This section aims to explain what activities are illegal under the Hunting Act and what points need to be proved in order to substantiate claims that an offence took place. It also provides advice to investigators, including questions that will assist with an investigation. This section should be used in conjunction with the Hunting Act.

Part 1: The Hunting Act

Section 1 - Hunting Wild Mammals with Dogs

S.1 - It is an offence to hunt a wild mammal with a dog unless the hunting is exempt

A wild mammal includes mammals that have:

- Been bred or tamed
- Kept in captivity or confinement
- Escaped or been released from captivity or confinement
- Or are living wild

Hunting a wild mammal with a dog includes, in particular, where a person engages or participates in the pursuit of a wild mammal and one or more dogs are employed in that pursuit. Hunting should be understood in its ordinary English meaning, which includes searching for wild mammals, chasing them, or pursuing them with the intention of catching or killing them (see http://www.defra.gov.uk/rural/hunting/brief_guide.htm).

Remember, this section also covers the use of dogs underground (terrier-work, for example).

Points to Prove

The following elements of the offence must be proved to win a conviction:

- That a wild mammal (but not a rat, rabbit, or a shot and injured hare) was hunted. In practice it may be necessary to show that a wild mammal was present to prove this, unless other compelling evidence is available such as an admission. Note that it is not necessary for the wild mammal to have been killed.
- One or more dogs were used to hunt the wild mammal.
- The defendant was involved in the hunting of the wild mammal. The question will usually be: was that person “engaging or participating” in the pursuit of the wild mammal? It is not necessary to show that the person was actually using a dog, or had a dog under his or her control or direction. But a person will not be convicted of an offence under s.1 if his or her involvement was purely accidental or inadvertent.
- Where the accused person can raise a credible argument that the hunting was exempt under Schedule 1, then in order to prove an offence under s. 1 the prosecution would be well advised to be in a position to show that the hunting was not exempt. However, where the defendant relies on the section 4 “reasonable belief” defence, it is for him to show that he or she reasonably believed his or her hunting was exempt.

Advice to investigators

As a defence alleged hunters may claim that they were engaged in 'trail hunting'. Trail hunting did not exist before the Hunting Act 2004. It is a new activity meant to involve the pursuit of an artificial or animal-based scent by a pack of dogs and a mounted field of riders. The trail should be laid by someone in front of the hunt with a 'duster' such as a scented sock tied to the end of a whip. Hunts claim that they are trying to replicate pre-ban hunting as closely as possible. Many did not want to convert to drag hunting as they wanted their dogs to retain the scenting ability for wild quarry in the hope that the Hunting Act would be repealed.

Those investigating alleged reports of illegal hunting need to consider whether genuine trail hunting is taking place or whether this activity is being used as a guise for illegal activities. The following points should be considered (though please note this list is not exhaustive):

Laying a trail

- Does the footage or reports show/describe a trail being laid?
- Was there trail laying equipment at the scene?
- Was the trail laid before any animal was seen?
- Do the dogs follow the line of the trail or the line of scent left by a wild mammal?
- Could a trail have been laid in the habitat where the alleged offence took place?
- Has the hunt trespassed onto land or traversed roads where a trail would not have been laid?

Voice commands and horn calls

- If there is a report of a wild mammal being pursued is there evidence to show that the dogs were called off, either by a voice command, a horn call or by physically intervening (see horn calls and voice commands section for more information)?
- Is there any evidence that voice commands or horn calls were used to encourage the dogs to pursue the animals?
- Is there any evidence that anyone from the hunt indicated the presence of a wild mammal to the hunters? (this could be done via a "holloa" or by putting a cap on a stick.

Terriermen

Terriermen before the ban were responsible for flushing out foxes that could be chased for a prolonged period by the hunt and retrieving and killing any foxes that went below ground. They were also responsible for ensuring that badger and fox setts remained blocked throughout the days hunting, in order that foxes could not escape below ground.

Terriermen can still flush foxes from cover under the gamekeepers exemption, however they would have no role at a genuine trail hunt.

Is there evidence of terriermen present at the scene of the alleged offence?

Terriermen are usually found on quad bikes or on foot with spades to dig out foxes and block setts or earths and with terriers often in boxes on the back of a quad bike.

Badger setts or fox earths blocked

There is no need for a genuine trail hunt to 'stop' or block badgers' setts or fox earths, indeed it is illegal now to stop up badger setts. Is there any evidence of badgers' setts or fox earths being stopped the night before or on the day of the hunt?

Searching

- Is there evidence of the hunt searching through areas of wild mammal habitat, for foxes this would include hedgerows and woods?
- Is a wild mammal subsequently flushed from cover? Is this animal chased by one or more dogs?
- If the wild mammal was killed was this reported to the police, and if so was the hunt aware it had been monitored?

'Accidents'

Some hunts are claiming that any kills which take place are accidents.

- Is the hunt in question reporting all 'accidents' to the police when they happen or when an independent person has witnessed the kill?
- Does the hunt have a history of having repeated 'accidents'?
- Has the hunt switched to an artificial scent to avoid the likelihood of this happening?
- Has the hunt taken other measures to avoid coming into contact with a wild mammal (such as ensuring they do not search through areas of fox habitat)?

Section 2 - Exempt Hunting

S.2 - Hunting is exempt if it is within a class specified in Schedule 1

For points to prove and points to consider when carrying out an investigation in relation to cases where the defence claim their hunting is exempt see Part 2.

Section 3 - Hunting Assistance

S.3(1) - It is an offence knowingly for a person to permit land which he owns to be entered or used for hunting unless the hunting is exempt

Land belongs to a person if he:

- Owns an interest in it
- Manages or controls it
- The hunting is exempt

Points to Prove

The following elements of the offence must be proved to win a conviction:

- That a wild mammal (but not a rat, rabbit, or a shot and injured hare) was hunted. In practice it may be necessary to show that a wild mammal was present to prove this, unless other compelling evidence is available such as an admission. Note that it is not necessary for the wild mammal to have been killed.

- One or more dogs were used to hunt the wild mammal.
- In the course of that pursuit, someone involved in it entered or used land belonging to the defendant.
- The defendant gave someone permission to enter or use the land, knowing that the purpose of using or entering it was to carry out that pursuit.
- Where the accused person can raise a credible argument that the hunting was exempt under Schedule 1, then in order to prove an offence under s. 1 the prosecution would be well advised to be in a position to show that the hunting was not exempt. However, where the defendant relies on the section 4 “reasonable belief” defence, it is for him to show that he or she reasonably believed his or her hunting was exempt.

S.3(2) - It is an offence for a person, knowingly, to permit a dog that belongs to him to be used for hunting unless the hunting is exempt:

A dog belongs to a person if he:

- Owns it
- Is in charge of it
- Has control of it

Points to Prove

- The following elements of the offence must be proved to win a conviction:
- That a wild mammal (but not a rat, rabbit, or a shot and injured hare) was hunted. In practice it may be necessary to show that a wild mammal was present to prove this, unless other compelling evidence is available such as an admission. Note that it is not necessary for the wild mammal to have been killed.
- One or more dogs were used to hunt the wild mammal.
- In the course of that pursuit, someone involved in it used a dog belonging to the defendant
- The defendant gave someone permission to use the dog, knowing that the purpose of using it was to carry out that pursuit.
- Where the accused person can raise a credible argument that the hunting was exempt under Schedule 1, then in order to prove an offence under s. 1 the prosecution would be well advised to be in a position to show that the hunting was not exempt. However, where the defendant relies on the section 4 “reasonable belief” defence, it is for him to show that he or she reasonably believed his or her hunting was exempt.

Section 4

Hunting Defence

S.4 - It is a defence in respect of Section 1 for a person to show that he reasonably believed the hunting to be exempt.

Section 5 - Hare Coursing

S.5(1) - It is an offence to participate in, attend or knowingly facilitate a hare coursing

event or permit land that you own to be used for hare coursing

It is important to note that ALL hare coursing is illegal under the Hunting Act, whereas before only certain types of hare coursing were outlawed.

Points to Prove

- The following elements of the offence must be proved to win a conviction:
- That a competition took place in which dogs were assessed as to their hunting skills by the use of live hares
- That the defendant participated in or knowingly facilitated the event, or permitted land that belonged to him to be used for the event.
- Owns an interest in it.
- Manages or controls it.
- Occupies it.
-

S.5(2) - It is an offence to enter or permit a dog to be entered in a coursing event, or control or handle a dog for the purpose of such an event

Points to Prove

It is necessary to prove the following points:

- A competition took place in which dogs were assessed as to their hunting skills by the use of live hares.
- The defendant entered a dog or permitted one to be entered, or permitted land that belonged to him to be used for the event, or the defendant controlled or handled a dog for the purpose of hare coursing at the event.

S.5(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

Advice to Investigators

Hare coursing is the pursuit of hares by two dogs, predominantly greyhounds. The dogs are released from leads by a man called a 'slipper' to chase the hare, and judges assess their skill in making the hare 'turn' as it flees.

Those investigating alleged reports of hare coursing need to consider whether the activities mentioned resemble pre-ban hunting. The following points should be considered (though please note this list is not exhaustive):

- Shy – was a shy erected? A shy is a structure which hides the 'slipper', the person holding the two greyhounds on leads, from the hare as it is urged forward into the field.
- Beaters – are there 'beaters', people walking on foot usually holding objects that serve to scare the hare, such as plastic bags, moving line by line through a field driving hares towards the shy?
- Greyhounds - are the dogs chasing the hare greyhounds, or a similar breed traditionally bred for the purpose of coursing?
- Slipper – is there a person stood in the shy with two dogs on a slip lead? Does

he release the dogs after the hare has run past the shy?

- Spectators – are there spectators watching the event? Are some of the spectators betting on which dog will win the course?
- Finish line – is there a clear finish line where the course ends?
- Judges – is there one or more judges who are assessing the skill of the grey hounds in coursing the hare?

Please note that hare coursing is not a field trialling activity. Please see the field trail exemption for further information on field trialing.

Be careful not to confuse hare coursing with other illegal activities such as Section 1 hunting or poaching.

Section 6 - Penalty

The penalty for committing an offence under this Act is a fine not exceeding level 5 on the standard scale.

This is a summary offence and is therefore subject to a six month statutory period by when a decision must be made on whether to charge or summon the defendant.

Section 7 - Power of Arrest

S.7 - A constable, without warrant, may arrest a person whom he reasonably suspects to have committed, or be committing or about to commit an offence under S.1 or S.5(1) (a), (b) or (c)

Repealed by Serious Organized Crime and Police Act 2005. Police and Criminal Evidence Act 1984 applies.

Section 8 - Search & Seizure

- S.8(1),(2), and (3) - Where a constable reasonably suspects that a person is committing or has committed an offence under Sections 1, 3 or 5 he may stop and search that person if he reasonably believes evidence of the offence is likely to be found on him. In addition, the constable may also stop and search any vehicle, animal or other thing which that person appears to be in possession or control of.
- S.8(4) - A constable may seize and detain a vehicle, animal or other thing if he reasonably believes that it may be used as evidence in criminal proceedings for offences under Sections 1, 3 or 5, or may be made subject of an order under Section 9
- S.8(5) - For the purposes of exercising a power under Section 8 a constable may enter land, premises other than a dwelling, or a vehicle without a warrant
- Section 9 - Forfeiture
- S.9(1) - A court which convicts a person under Part 1 may order the forfeiture of any dog or hunting article which was used in the commission of the offence, or was in the possession of the person at the time of his arrest
- S.9(2) - A court which convicts a person under Part 1 may order the forfeiture of any vehicle which was used in the commission of the offence

- S.9(3) - Hunting article means anything designed or adapted for use in connection with hunting a wild mammal or hare coursing

Section 10 - Offence by Body Corporate

- S.10(1) and (2) - Where an offence is committed by a body corporate with the consent or connivance of an officer of the body the officer, as well as the body, shall be guilty of an offence
- S.10(3) - An officer of a body corporate includes: a director, manager or secretary; or a person purporting to act as such, and, if the affairs of the body are managed by its members, a member

Advice to investigators

It is advisable to check whether a hunt is a corporate body. One way this can be done is by looking at their constitution.

In order for a prosecution to succeed, it would be necessary to show that an officer of the company consented or connived in the commission of the offence. The knowledge would have to be proved in relation to a company, or a person acting on behalf of a company, in the same way as it would in relation to an individual. Official Report, Standing Committee F, 25/2/03, col 1185

Connivance requires more than mere specificity. It requires an active knowledge and some other act to show that there was implicit consent to use the land or someone's dogs. Connivance is about an offence for which knowledge plus something else is required. Official Report, Standing Committee B, 6/2/01, col 345

Schedule 1: Exempt Hunting

Stalking and flushing out

Stalking and flushing to hounds is lawful provided ALL the following conditions apply:
Condition 1

A) it is done for the purpose of preventing or reducing serious damage to:

- Livestock
- Game or wild birds (as defined by S.27 Wildlife and Countryside Act 1981)
- Food for livestock
- Crops
- Growing timber
- Fisheries • Other property
- The biological diversity of an area

or

B) it is done to obtain meat to be used for human or animal consumption

or

C) it is in the participation of a field trial i.e. a competition other than hare coursing in

which dogs flush animals out of cover or retrieve animals that have been shot and are assessed as to their likely usefulness in connection with shooting. Dogs traditionally used in field trials include pointers and retrievers.

Condition 2

The stalking or flushing out takes place on land which belongs to the person doing the stalking or flushing out or permission to use the land for that purpose has been given by the owner or occupier.

Land belongs to a person if he:

- owns an interest in it
- manages or controls it
- occupies it

Condition 3

The stalking or flushing out does not involve the use of more than two dogs.

Condition 4

The stalking or flushing out does not involve the use of a dog below ground otherwise than in accordance with paragraph 2 below.

Condition 5

Reasonable steps are taken to ensure that as soon as possible after being found or flushed out the wild mammal is shot dead by a competent person and, in particular, each dog used is kept under sufficiently close control to ensure it does not prevent or obstruct the achievement of this.

Note: The flushing must be done from cover (woodland, scrub etc.) and the guns must be positioned so that the wild mammal is shot dead as soon as possible. The dogs must not continue to pursue the wild mammal after it has left cover.

If any of these five conditions are not satisfied the exemption cannot be claimed so the hunting will be illegal.

Advice to Investigators

If hunters claim they are hunting under an exemption the following points should be considered (though please note this list is not exhaustive):

- Pursuit – Was the animal pursued after it was flushed from cover (i.e. was it pursued in the open)? Was there a long pursuit? Was it possible for the animal to escape from the cover (n.b. cub hunting activities are designed to prevent the animal escaping from cover)?
- Dogs – Are more than two dogs being used? Are some of the dogs being replaced by others from the pack effectively leading to relays of pairs of hounds so that it appeared only two dogs were being used? Is/are the dog/s under close control?
- Guns – Are there enough/any guns placed near enough to ensure the wild

mammal will be shot as soon as possible? Is the fire arm used able to kill the mammal so it will be shot dead as soon as possible?

- Purpose of the event – Is it possible to demonstrate that the purpose of the event was pest control or another exemption? Was there evidence that the animal had caused serious damage to crops? Was the purpose of the event for sport and recreation? Was the hunt advertised?

Use of dogs below ground to protect birds for shooting

Dogs may be used below ground in the course of stalking or flushing out for this purpose provided the following conditions are satisfied:

Condition 1

Must be only be done for the purpose of preventing or reducing serious damage to game birds or wild birds (as defined by S.27 Wildlife and Countryside Act 1981) that are being kept or preserved for shooting.

Condition 2

1. The person doing the stalking or flushing out:

Has with him written evidence that :

a. the land belongs to him, or b. he has been given permission by the occupier or, in the case of unoccupied land, by the landowner.

2. Must make the evidence immediately available for inspection by a constable on demand.

Note: Land belongs to a person if he:

- owns an interest in it
- manages or controls it
- occupies it

Condition 3

Only one dog to be used underground at any one time.

Condition 4

- Reasonable steps are taken to ensure that the wild mammal is flushed out as soon as possible after being found
- Reasonable steps are taken to ensure the wild mammal is shot dead by a competent person as soon as possible after being flushed out
- In particular, the dog is brought under sufficiently close control to ensure it does not prevent or obstruct the mammal being shot as soon as possible
- Reasonable steps are taken to prevent injury to the dog, and
- The manner in which the dog is used complies with any code of practice issued or approved by the Secretary of State.

Note: The wild mammal must not be pursued by the dog that flushed it out or any other

dog.

If any of these four conditions are not satisfied the exemption cannot be claimed so the hunting will be illegal.

Advice to Investigators

If hunter claims they are trail hunting or hunting under an exemption the following points should be considered (though please note this list is not exhaustive):

- Trail hunting activity – Is this activity taking place in conjunction with a trail hunt (i.e. are there terriermen at a trail hunt with terriers and spades)? N.B. This activity is completely independent of trail hunts.
- Pursuit – Was the animal pursued after it was flushed from cover (i.e. was it pursued in the open)? Was there a long pursuit?
- Dogs – Is there more than one dog being used? Is the dog under close control?
- Guns – Are there enough/any guns placed near enough to ensure the animal will be shot as soon as possible?
- Purpose of the event – Is it possible to demonstrate that the purpose of the event was pest control? Is there evidence of prior serious damage to game birds being kept for shooting?

Rats, rabbits and the retrieval of hares

The hunting of rats and rabbits or a hare that has been shot is exempt provided it takes place on land that:

- belongs to the hunter, or
- he has been given permission by the occupier or, in the case of unoccupied land, by the landowner.

Note: Land belongs to a person if he:

- owns an interest in it
- manages or controls it
- occupies it

Note: there is no limitation to the number of dogs that may be used.

Advice to Investigators

If hunters claim they are hunting under an exemption the following points should be considered (though please note this list is not exhaustive):

- Type hunting activity – Do the activities taking place resemble any pre-ban hunting activities, such as mink hunting, hare coursing or hare hunting? Is there evidence of a long pursuit (rabbits tend to drive back to their warrens rather than try to out run their pursuer)?
- Retrieving hares – If hunters claim they are retrieving a shot hare is there evidence of a shoot taking place at the time?
- Falconry

Condition 4

The hunting takes place on land that:

- Belongs to the hunter, or
- he has been given permission by the occupier or, in the case of unoccupied land, by the landowner.

Note: Land belongs to a person if he:

- owns an interest in it,
- manages or controls it, or
- occupies it.

Condition 5

Each dog used is kept under sufficiently close control to ensure it does not injure the wild mammal.

If any of these four conditions are not satisfied the exemption cannot be claimed so the hunting will be illegal.

Advice to Investigators

If hunter claims they are hunting under an exemption the following points should be considered (though please note this list is not exhaustive):

- Pursuit – Was the animal pursued after it was flushed from cover (i.e. was it pursued in the open)? Was there a long pursuit
- Dogs – Are more than two dogs being used? Are some of the dogs being replaced by others from the pack effectively leading to relays of pairs of hounds so that it appeared only two dogs were being used? Is/are the dog/s under close control
- Guns – Are there enough/any guns placed near enough to ensure the animal will be shot as soon as possible? Is the fire arm used able to kill the animal so it will be shot dead as soon as possible
- Purpose of the event – Is there evidence of a research project being carried out at the time? Was the purpose of the event for sport and recreation? Was the hunt advertised? Are there hunt followers present? Is there a kill and if so is this celebrated (i.e. by celebratory calls)?
- Terriermen – Are there terriermen present? N.B. there would be no role for traditional terriermen in a research project.

Consequential amendments

The following amendments to other enactments have been made:

Game Act 1831

In S. 35 of the Game Act 1831 the provision allowing trespass has been amended such that the words "to any person hunting or coursing upon any lands with hounds or greyhounds, and being in fresh pursuit of any deer, hare or fox already started upon any

other land, nor" cease to have effect.

Game Licences Act 1860

S. 5 exceptions 3 and 4 (hares and deer) cease to have effect.

Protection of Animals Act 1911

In S. 1(3)(b) (offences of cruelty) a reference to hare coursing or hunting does not now include reference to:

- Participation in a hare coursing event, or
- The coursing or hunting of a wild mammal with a dog.

Protection of Badgers Act 1992

S. 8(4) to (9), the exemption allowing badger setts to be blocked in the course of fox hunting, ceases to have effect.

Wild Mammals Protection Act 1996

S.2 the hunting of a wild mammal with a dog is now only lawful if and only if it is exempt hunting.

Prosecutions

At least 63 people have been found guilty of breaking the Hunting Act, while a further 15 individuals are awaiting trial for alleged traditional hunting offences.

Listed below is a brief summary of cases that have been reported in the press.

Pending Cases

1. The Crown (Avon & Somerset CPS) v Scott, Heard and Summersgill (Devon and Somerset Staghounds)
2. The League Against Cruel Sports v Trousdale, Butcher, Thom and Purcell (Isle of Wight Fox Hounds)
3. The Crown (N Yorks CPS) v Easterby, Shaw, Lund-Watkinson, Gibson and Teal, charged with illegal hare coursing.
4. IFAW v Dickson-Wright and Prescott, charged with illegal hare coursing.
5. The Crown (Gloucestershire & Thames Valley CPS) v Barnfield (Heythrop Foxhounds).

JAN 2009: Three men were convicted at Basingstoke Magistrates Court on Monday, December 15. Each defendant was fined £200 and ordered to pay £100 costs. The court also ordered the forfeiture of their lurcher dogs.

DEC 2008: A Norfolk landowner has been convicted under the Hunting Act 2004 of allowing her property to be used for hare coursing during two organised events, following a prosecution based on footage taken by animal welfare groups including the International Fund for Animal Welfare (IFAW) and brought by the RSPCA.

Mary Birbeck, of Little Massingham House, was found guilty yesterday of permitting

land at Little Massingham to be used for hare coursing on 12 November 2007, and 8 January 2008, at King's Lynn Magistrates Court.

Les Anderson, of Lodge Road, Feltwell, was also convicted of two charges of attending a hare coursing event and three of knowingly facilitating such an event. Anderson is chairman of the Kimberly and Wymondham Greyhound Club, which organised the two events at Little Massingham.

MAY 2008: A man from Penrith and another from Skipton have been fined £200 each after hunting a fox with a dog and causing a dog to enter a badger sett. John Joseph Bowman, 19, of Lakeland View, Greengill, Penrith and William Smith, 27, of Keighley Road, Skipton pleaded guilty to both charges before Carlisle magistrates. Both men were prosecuted by the RSPCA under the Hunting Act 2004 after admitting their motivation for visiting the land with the dogs had been to find a fox.

JANUARY 2008: Huntsman William Goffe and Whipper-in Gary Bradley of the Minehead Harriers pleaded guilty to illegal hunting in a private prosecution brought by the League. Both were fined £300 and each asked to pay £500 towards legal costs. Gary Bradley, who rode a horse at a monitor, also pleaded guilty to a public order charge and has been fined £100.

DECEMBER 2007: Robert Smith and Watson admitted to illegally hunting with dogs. Each defendant was fined £100, with £60 costs.

OCTOBER 2007: A gang of seven men: Daniel Dooley, Darren Fairclough, Michael Smith, John Weeder and Paul Hoffman from Liverpool, Adam McIlvenna from Halewood and Kevin Walton from Knowsley were found guilty of hunting rats with dogs. Each was fined £400 and ordered to pay £65 court costs at St. Helen's Magistrates Court.

AUGUST 2007: Three men and a teenager pleaded guilty to illegally hunting foxes and badgers with dogs. Peter Blackhall, Thomas Bell, Adam Pengilley were fined £250 each with £80 costs, and ordered the immediate forfeiture of the Land Rover and the hunting equipment. The 17 year old teenager, who can not be named for legal reasons, was given a conditional discharge for 12 months with £80 costs. A 20-year-old man was given a caution.

JULY 2007: William Armstrong, Terrierman for the Flint and Denbigh Hunt in Wales, was found guilty of hunting a wild animal with dogs. He was fined £200 with £60 legal costs.

JULY 2007: James Rooney from High Wycombe was convicted of coursing for hares in Northamptonshire and was fined £200 with £250 costs.

JUNE 2007: Richard Down and Adrian Pillivant from Somerset were convicted of hunting deer with hounds and each fined £500 with £1000 costs. Their appeal has been unsuccessful.

FEBRUARY 2007: John Greenwood and Daniel Graves, both of Nelson in Lancashire were found guilty of hunting rabbits with lurchers. Greenwood was fined £100 with £95 costs and Graves was fined £50 with £95 costs.

JANUARY 2007: William Winter from Cambridge pleaded guilty at Bury St Edmunds Magistrates Court after being accused of chasing and killing a hare at Wickfield, near Stowmarket, Suffolk. He was fined £500 with £60 costs. [East Anglian Daily Times, 5/3/07]

OCTOBER 2006: Mark Walsh and Terence Williams from Liverpool pleaded guilty in Chester Magistrates Court of hunting for foxes. Williams was fined £500 and Walsh was fined £500 with £2,896.07 costs payable to the RSPCA who prosecuted him. The court also ordered the forfeiture of one dog plus spades and collars.

In November, Paul Kelly of Liverpool pleaded guilty for the same offence and was fined £500 with £2,846.09 costs and also had his terrier confiscated.

In March 2007, Paul McMullen of Bootle was convicted for the same offence and was fined £750, ordered to pay £5,000 in costs and ordered to hand two dogs into RSPCA care.

AUGUST 2006: Tony Wright, huntsman with the Exmoor Foxhounds, was found guilty of illegal hunting in a private prosecution taken out by the League. He appealed the verdict and was later acquitted.

OCTOBER 2005: Adam Pengilley was charged with offences against the Hunting Act 2004 and pleaded guilty at South Sefton Magistrates Court on the 6 October 2005. He admitted that he had been hunting rabbits on the estate without permission from the landowners and therefore his hunting with dogs was not exempt. He was fined £155 with £35 costs.

[Successful prosecutions under the Protection of Wildlife Mammals \(Scotland\) Act.](#)

MARCH 2004: Stephen Scott, from Hawick, was fined £300 at Jedburgh Sheriff Court for sending two terriers into a fox earth and using a lurcher to pursue and kill the fox. He was fined £300.

DECEMBER 2003: David Murray from Dundee was found guilty after using two dogs to lure foxes into a trap. He was fined £150.

[Successful convictions for hare coursing:](#)

Six men have pleaded guilty to charges of hare coursing at Harlow Magistrates' Court. Alfred Harris, 21, George Stevens, 20, Danny Harris, 21, Robert Harris, 22, Sam Harris, 20, all from South East London, and Shaun Clark, 37, from Basildon.

Five of the men were ordered to pay a £275 fine, £100 in costs and £15 victim surcharge payment and the sixth, Clark, received a £350 fine, £100 costs and £15 victim

surcharge. The car used at the scene will be crushed by police.

JANUARY 2006: Alec Reid of Croy, near Nairn, and Stephen Stewart of Inverness pleaded guilty to deliberately hunting hares with dogs in a field at Alves, near Forres. Reid and Stewart were each fined £250.

DECEMBER 2005: Colin Stewart, who was already in prison for an earlier offence, had 60 days added to his sentence. Booth and Leslie were sentenced to 80 hours' community service while Sim was fined £300 and Stewart was put on probation for a year.

SEPTEMBER 2005: Kevin Leslie of Aberdeen, Steven Booth, Michael Sim, Colin Stewart and Donald Stewart all pleaded guilty at Stonehaven Sheriff Court of hare coursing.

JUNE 2005: James MacDonald, Samuel MacDonald and Shaun Mahon from Kirkcaldy were convicted of hare coursing in September 2004. James MacDonald was banned from keeping dogs for three years at Perth Sheriff Court and was ordered to carry out 100 hours of community service. Samuel Macdonald and Shaun Mahon were fined £250 each.

