

Hunting Bill

[AS INTRODUCED]

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B I L L

TO

Make provision about hunting wild mammals with dogs; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

OFFENCES

Hunting wild mammals with dogs

- 5 1. An offence is committed by a person who hunts a wild mammal with a dog, unless the hunting is exempt.

Exempt hunting

2. Hunting is exempt if it is within a class specified in the Schedule.

Hunting: assistance

- 10 3.—(1) An offence is committed by a person who knowingly permits land which belongs to that person to be entered or used in the course of the commission of an offence under section 1.

(2) An offence is committed by a person who knowingly permits a dog which belongs to that person to be used in the course of the commission of an offence under section 1.

15 **Hunting: defence**

4. No offence is committed by a person charged with an offence under section 1 in respect of hunting who shows that the hunting was exempt.

PART 2
ENFORCEMENT

Penalty

5. A person guilty of an offence under this Act shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or both; 5
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or both.

Search and seizure

6.—(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. 10

(2) If the constable reasonably believes that evidence of the offence is likely to be found on the suspect, the constable may stop and search the suspect.

(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. 15

(4) A constable may seize and detain a vehicle, animal or other thing if the constable reasonably believes that— 20

- (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 7.

(5) For the purposes of exercising a power under this section a constable may enter— 25

- (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.

Forfeiture 30

7.—(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 the arrest of that person. 35

(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 hunting a wild mammal. 40

(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

5 (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—

10 (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—

15 (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) An offence is committed by a person who fails to—

20 (a) comply with a forfeiture order, or

(b) co-operate with a step taken for the purpose of giving effect to a forfeiture order.

Offence by body corporate

25 **8.**—(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.

(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—

30 (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

Interpretation

35 **9.**—(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

40 (d) any mammal which is living wild.

PART 3

- (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 that person and whether or not under the control or direction of that person). 5
- (3) For the purposes of this Act land belongs to a person if that person—
- (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 that person— 10
- (a) owns it,
 - (b) is in charge of it, or
 - (c) has control of it.
- (5) In this Act “the Minister” means the Minister of Agriculture and Rural Development. 15

Commencement

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

Short title

11. This Act may be cited as the Hunting Act (Northern Ireland) 2010. 20

SCHEDULE

Section 2.

STALKING AND FLUSHING OUT

Stalking and flushing out

5 1.—(1) Stalking a wild mammal, or flushing it out of cover, is exempt hunting if the conditions in this paragraph are satisfied.

(2) The first condition is that the stalking or flushing out is undertaken for the purpose of—

(a) preventing or reducing serious damage which the wild mammal would otherwise cause—

10 (i) to livestock,
(ii) to game-birds or wild birds (within the meaning of the Wildlife (Northern Ireland) Order 1985 (NI 2)),

(iii) to food for livestock,
(iv) to crops (including vegetables and fruit),

15 (v) to growing timber,
(vi) to fisheries,

(vii) to other property, or
(viii) to the biological diversity of an area (within the meaning of the United Nations Environmental Programme Convention on Biological

20 Diversity of 1992),

(b) obtaining meat to be used for human or animal consumption, or

(c) participation in a field trial.

(3) In sub-paragraph (2)(c) “field trial” means a competition (other than a hare coursing event) in which dogs—

25 (a) flush mammals out of cover or retrieve mammals that have been shot (or both), and

(b) are assessed as to their likely usefulness in connection with shooting.

(4) The second condition is that the stalking or flushing out takes place on land—

30 (a) which belongs to the person doing the stalking or flushing out, or

(b) which that person has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

(5) The third condition is that the stalking or flushing out does not involve the use of more than two dogs.

(6) The fourth condition is that the stalking or flushing out does not involve the use of a dog below ground otherwise than in accordance with paragraph 2 below.

(7) The fifth condition is that—

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- (a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found or flushed out the wild mammal is shot dead by a competent person, and
- (b) in particular, each dog used in the stalking and flushing out is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a). 5

Use of dogs below ground to protect birds for shooting

2.—(1) The use of a dog below ground in the course of stalking or flushing out is in accordance with this paragraph if the condition in this paragraph are satisfied. 10

(2) The first condition is that the stalking or flushing out is undertaken for the purpose of preventing or reducing serious damage to game-birds or wild birds (within the meaning of Wildlife (Northern Ireland) Order 1985) which a person is keeping or preserving for the purpose of their being shot.

(3) The second condition is that the person doing the stalking or flushing out— 15

- (a) carries written evidence—
 - (i) showing ownership by that person of the land on which the stalking or flushing out takes place; or
 - (ii) showing that permission to use that land for the purpose has been given by the occupier or, in the case of unoccupied land, by a person to whom it belongs, and 20
- (b) makes the evidence immediately available for inspection by a constable who asks to see it.

(4) The third condition is that the stalking or flushing out does not involve the use of more than one dog below ground at any one time. 25

(5) In so far as stalking or flushing out is undertaken with the use of a dog below ground in accordance with this paragraph, paragraph 1 shall have effect as if for the condition in paragraph 1(7) there were substituted the condition that—

- (a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found the wild mammal is flushed out from below ground, 30
- (b) reasonable steps are taken for the purpose of ensuring that as soon as possible after being flushed out from below ground the wild mammal is shot dead by a competent person,
- (c) in particular, the dog is brought under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (b), 35
- (d) reasonable steps are taken for the purpose of preventing injury to the dog, and
- (e) the manner in which the dog is used complies with any code of practice which is issued or approved for the purpose of this paragraph by the Minister. 40

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Rats

3. The hunting of rats is exempt if it takes place on land—
- (a) which belongs to the hunter, or
 - (b) which the hunter has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

Rabbits

4. The hunting of rabbits is exempt if it takes place on land—
- (a) which belongs to the hunter, or
 - (b) which the hunter has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

Retrieval of hares

5. The hunting of a hare which has been shot is exempt if it takes place on land—
- (a) which belongs to the hunter, or
 - (b) which the hunter has been given permission to use for the purpose of hunting hares by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

Falconry

- 6.—(1) Flushing a wild mammal from cover is exempt hunting if—
- (a) undertaken for the purpose of enabling a bird of prey to hunt the wild mammal, and
 - (b) undertaken on land which belongs to the hunter or which the hunter has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs, and
 - (c) the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that the flushing from cover does not involve the use of more than two dogs.

Recapture of wild mammal

- 7.—(1) The hunting of a wild mammal which has escaped or been released from captivity or confinement is exempt if the conditions in this paragraph are satisfied.
- (2) The first condition is that the hunting takes place—
- (a) on land which belongs to the hunter,
 - (b) on land which the hunter has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs, or
 - (c) with the authority of a constable.
- (3) The second condition is that—

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- (a) reasonable steps are taken for the purpose of ensuring that as soon as possible after being found the wild mammal is recaptured or shot dead by a competent person, and
 - (b) in particular, each dog used in the hunt is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a). 5
- (4) The third condition is that the wild mammal—
- (a) was not released for the purpose of being hunted, and]
 - (b) was not, for that purpose, permitted to escape.

Rescue of wild mammal 10

8.—(1) The hunting of a wild mammal is exempt if the conditions in this paragraph are satisfied.

(2) The first condition is that the hunter reasonably believes that the wild mammal is or may be injured.

(3) The second condition is that the hunting is undertaken for the purpose of relieving the wild mammal's suffering. 15

(4) The third condition is that the hunting does not involve the use of more than two dogs.

(5) The fourth condition is that the hunting does not involve the use of a dog below ground. 20

(6) The fifth condition is that the hunting takes place—

- (a) on land which belongs to the hunter,
- (b) on land which the hunter has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs, or 25
- (c) with the authority of a constable.

(7) The sixth condition is that—

- (a) reasonable steps are taken for the purpose of ensuring that as soon as possible after the wild mammal is found appropriate action (if any) is taken to relieve its suffering, and 30
- (b) in particular, each dog used in the hunt is kept under sufficiently close control to ensure that it does not prevent or obstruct achievement of the objective in paragraph (a).

(8) The seventh condition is that the wild mammal was not harmed for the purpose of enabling it to be hunted in reliance upon this paragraph. 35

Research and observation

9.—(1) The hunting of a wild mammal is exempt if the conditions in this paragraph are satisfied.

(2) The first condition is that the hunting is undertaken for the purpose of or in connection with the observation or study of the wild mammal. 40

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(3) The second condition is that the hunting does not involve the use of more than two dogs.

(4) The third condition is that the hunting does not involve the use of a dog below ground.

- 5 (5) The fourth condition is that the hunting takes place on land—
- (a) which belongs to the hunter, or
 - (b) which the hunter has been given permission to use for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs.

10 (6) The fifth condition is that each dog used in the hunt is kept under sufficiently close control to ensure that it does not injure the wild mammal.