



**PROTECT
THE WILD**



Hunting of Mammals Bill

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An Act to make provision about the prohibition of hunting wild mammals using dogs; to make provision about the prohibition of trail hunting; and for connected purposes.

PART 1: HUNTING A WILD MAMMAL USING A DOG



1. Offence of hunting a wild mammal using a dog

1. A person commits an offence if the person intentionally or recklessly hunts a wild mammal using a dog.
2. Considerations which may be relevant to determining whether a person intended to commit or was reckless as to committing an offence under this section include but are not limited to—
 - a. whether the person encouraged a dog to hunt a wild mammal,
 - b. whether the person failed to take reasonable steps to control a dog which is hunting a wild mammal,
 - c. whether the person took such steps as were reasonable in all the circumstances to avoid hunting a wild mammal,
 - d. whether reasonable efforts are made to control a dog which a reasonable person would consider, in the circumstances, is likely to be hunting a wild mammal,
 - e. the presence at any recreational hunt of any person who has in their possession any equipment or animal which might reasonably be considered to be used for exempt hunting,
 - f. whether an animal was killed during the course of a recreational hunt.

2. Hunting: assistance

1. A person commits an offence if he knowingly causes or permits land which he owns or for which he is responsible to be entered or used in the course of the commission of an offence under section 1(1).
2. A person commits an offence if he knowingly causes or permits a dog for which he is responsible to be used in the course of the commission of an offence under section 1(1).

3. Hare coursing

1. A person commits an offence if he—
 - a. participates in a hare coursing event,
 - 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.
4. The Secretary of State may issue, and from time to time revise, official guidance for the purpose of providing practical guidance for investigating and determining offences under this section.
5. The court and any authority responsible for investigating offences under this section shall in carrying out its functions have regard to any guidance issued by the Secretary of State under subsection (4).

PART 2: TRAIL HUNTING



4. Offences relating to trail hunting

1. A person commits an offence if he engages in trail hunting.
2. In this Part—

“trail hunting” is the activity in which a dog is directed to find and/or follow an animal-based scent,
“animal-based scent” means—

- a. a scent which is derived from a mammal, or
 - b. a scent which mimics, replicates or resembles the scent of a mammal (or which is designed to do so), whether or not that scent is derived wholly or in part from artificial ingredients.
3. A person commits an offence if he—
 1. is an owner or occupier of land, and
 2. knowingly causes or permits another person to engage or participate in trail hunting on that land.
 4. A person commits an offence if he—
 1. owns or is responsible for a dog, and
 2. knowingly causes or permits another person to use the dog for trail hunting.

5. Power to modify meaning of trail hunting

1. The Secretary of State may by regulations modify section 4 so as to include in the definition of trail hunting a scent other than an animal-based scent.
2. The Secretary of State may make regulations under subsection (1) only if they consider that modifying the definition of trail hunting would contribute towards the protection of wild mammals from unlawful hunting using dogs.
3. Regulations made under subsection (1) are subject to the affirmative procedure.
4. Before laying a draft of a statutory instrument containing regulations under subsection (1) before Parliament, the Secretary of State must consult such persons as he considers appropriate.

PART 3: FURTHER PROVISIONS RELATING TO OFFENCES



6. Search and seizure

Enforcement Powers

1. This section applies where a constable reasonably suspects that a person ("the suspect") is committing or has committed an offence under Part 1 or Part 2 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, hand-held mobile telephone 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, hand-held mobile telephone or other thing if he reasonably believes that—
 - a. it may be used as evidence in criminal proceedings for an offence under Part 1 or Part 2 of this Act, or
 - b. it may be made the subject of an order under section 11 (Forfeiture).
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.

7. Power of local authority to prosecute offences

Prosecutions

1. A local authority in England or Wales may prosecute proceedings for any offence under this Act.

8. Offences by organisations and bodies corporate

1. This section applies where an offence under this Act is committed by a relevant organisation and is proved to have been committed with the consent or connivance of or due to any neglect on behalf of the responsible individual.
2. The responsible individual (as well as the relevant organisation) commits the offence.
3. For the purposes of this section—

"relevant organisation" means an organisation listed in the first column of the table in subsection (4),

"responsible individual" means, in relation to a relevant organisation—

- a. an individual falling within the corresponding entry in the second column of the table in subsection (4),
- b. an individual purporting to act in the capacity of an individual falling within the corresponding entry.

4. The table is as follows—

Organisation	Individual
Company as mentioned in section 1 of the Companies Act 2006	Director, manager, secretary or other similar officer, or, where the company's affairs are managed by its members, member
Limited liability partnership	Member
Other partnership	Partner
Any other body or association	Individual who is concerned in the management or control of its affairs

9. Imprisonment or fine

Post-conviction powers

1. A person who commits an offence under this Act is liable—
 - a. on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both),
 - b. on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

10. Deprivation

1. Where a person is convicted of a relevant offence, the convicting court may make an order (in this Part referred to as a "deprivation order") in respect of any dog or horse used in or present at the commission of the offence.
2. A deprivation order is an order—
 - a. depriving a person of possession or ownership (or both) of a dog or horse, and
 - b. for—
 - i. the destruction
 - ii. the sale, or
 - iii. another disposal
 - iv. of the dog or horse
3. The court may not make—
 - a. a deprivation order which involves the destruction of a dog or horse unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the dog or horse,
 - b. any other deprivation order unless it has considered the need to ensure the welfare of the dog or horse.

4. Where the court decides not to make a deprivation order in relation to a relevant offence, it must state its reasons unless it makes a disqualification order under section 12 in relation to the offence.
5. A deprivation order may be made in addition to, or instead of, any other penalty or order which may be imposed in relation to a relevant offence.
6. A deprivation order may make provision in respect of any dependent offspring of a dog or horse to which it applies.
7. A deprivation order may include—
 - a. provision—
 - i. appointing a person who is to secure that the order is carried out,
 - ii. requiring any person possessing a dog or horse to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - b. provision authorising—
 - i. a person appointed under paragraph (a)(i), and
 - ii. any person acting on that person's behalf,
 - iii. to enter any premises where a dog or horse to which the order applies is kept, for the purposes of securing that the order is carried out,
 - iv. such other provision as the court considers appropriate in connection with the order.
8. Provision under subsection (7)(c) may in particular—
 - a. require reimbursement of—
 - i. any expenses reasonably incurred in carrying out the order,
 - ii. if the dog or horse was seized by a constable under section 6(4), any expenses reasonably incurred in relation to it since it was seized,
 - b. relate to the retention of the proceeds of any sale.
9. Before making a deprivation order, the court must give the owner of the dog or horse concerned an opportunity to make representations unless it is not practicable for the court to do so.
10. In this section, "relevant offence" means—
 - a. an offence under section 1(1),
 - b. an offence under section 2(2),
 - c. an offence under section 3(1),
 - d. an offence under section 4(1) or 4(4),
 - e. an offence under section 12(10).

11. Forfeiture

1. Where a person is convicted of an offence under this Act, the convicting court may make an order (in this Part referred to as a "forfeiture order") for the forfeiture of any 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 this section, a “hunting article” means anything designed or adapted for use in connection with—
 - i. hunting a wild mammal, or
 - ii. hare coursing.
4. A forfeiture order—
 - a. may include such provision about the treatment of the vehicle or article forfeited as the court thinks appropriate, and
 - b. to provision made under paragraph (a), shall be treated as requiring any person who is in possession of the vehicle or article to surrender it to a constable as soon as is reasonably practicable.
5. Where a forfeited 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 vehicle or article on an application made—
 - a. by a person who claims to have an interest in the vehicle or article (other than the person on whose conviction the order was made), and
 - b. before the 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. cooperate with a step taken for the purpose of giving effect to a forfeiture order

12. Disqualification

1. Where a person is convicted of a relevant offence, the convicting court may make an order (in this Part referred to as a “disqualification order”) which imposes on the person one or more of the disqualifications specified in subsection (2).
2. Those are disqualification from –
 - a. owning or keeping animals (or both),
 - b. transporting animals,
 - c. working with or using animals (or both)
 - d. providing any service relating to animals (including, in particular, for their care) which involves taking possession of them,
 - e. taking possession of an animal for the purpose of an activity in respect of which a disqualification mentioned in paragraphs (a) to (d) is imposed,
 - f. taking charge of an animal for any, or any other, purpose.
3. For the purposes of subsections (1) and (2), disqualification in respect of an activity includes disqualification from any participation in the activity including in particular—
 - a. making arrangements in connection with the activity,
 - b. being party to arrangements under which the activity may be controlled or influenced,
 - c. being concerned (so far as relating to the activity) in the management or control of a body whose business involves the activity.

4. However, disqualification by reference to subsection (2)(f) does not include disqualification from taking charge of an animal for so long as is necessary in the circumstances for the purpose of alleviating any suffering of the animal, if no alternative arrangements for its care are reasonably available.
5. Where the court decides—
 - a. to make a disqualification order in relation to an offender's first conviction for a relevant offence, or
 - b. not to make a disqualification order in relation to a relevant offence, it must state its reasons.
6. A disqualification order may be made in addition to any other penalty or order which may be imposed in relation to a relevant offence.
7. A disqualification order which imposes disqualification from owning or keeping animals may be framed so as to provide that the disqualification is from owning or keeping—
 - a. more than a specified number of animals,
 - b. animals of a specified kind.
8. A disqualification order—
 - a. has effect for such period as may be specified in the order;
 - b. may specify a period within which an application under section 14 for termination or variation of the order may not be made.
9. The court may suspend the operation of a disqualification order—
 - a. for such period as it considers necessary for enabling arrangements to be made for the keeping of any animal to which the order applies,
 - b. pending an appeal.
10. A person commits an offence if the person breaches a disqualification order.
11. A person who commits an offence under subsection (10) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
12. If a disqualification order framed as described in subsection (7)(a) is breached, the breach is to be regarded as having occurred in relation to all of the animals concerned (that is, without restriction by reference to the maximum number specified) for the purpose of—
 - a. any proceedings for an offence under subsection (10),
 - b. the making of—
 - c. a deprivation order
 - d. a seizure order under section 13.
13. In this section a "relevant offence" is—
 - a. an offence under section 1(1),
 - b. an offence under section 2(2),
 - c. an offence under section 3(1),
 - d. an offence under section 4(1) or 4(4)
 - e. an offence under section 12(10).

13. Seizure of animals in connection with disqualification

1. Where a court is satisfied that a person who is subject to a disqualification order owns or keeps an animal in breach of the order, the court may make an order (in this Part referred to as a “seizure order”) in respect of any animal which the person owns or keeps in breach of the disqualification order.
2. A seizure order may be made—
 - a. on summary application by a constable or prosecutor,
 - b. even if proceedings have not been, or are not likely to be, taken against the person for an offence under section 12(10).
3. A seizure order is an order—
 - a. depriving a person of possession or ownership (or both) of an animal, and
 - b. for—
 - i. the destruction,
 - ii. the sale, or
 - iii. another disposal, of the animal.
4. The court may not make—
 - a. a seizure order which involves the destruction of an animal unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the animal,
 - b. any other seizure order unless it has considered the need to ensure the welfare of the animal.
5. A seizure order may include—
 - a. provision—
 - i. appointing a person who is to secure that the order is carried out,
 - ii. requiring any person possessing an animal to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - b. provision authorising—
 - i. a person authorised under paragraph (5)(a)(i), and
 - ii. any person acting on that person’s behalf,
 - iii. to enter any premises where an animal to which the order applies is kept, for the purposes of securing that the order is carried out,
 - c. such other provision as the court considers appropriate in connection with the order.
6. Provision under subsection (5)(c) may in particular—
 - a. require reimbursement of—
 - i. any expenses reasonably incurred in carrying out the order,
 - ii. if the animal was seized by a constable under section 6(4), any expenses reasonably incurred in relation to it since it was seized,
 - b. relate to the retention of the proceeds of any sale.

7. Before making a seizure order, the court must give the owner of the animal concerned an opportunity to make representations unless it is not practicable for the court to do so.
8. In determining whether or how to make a seizure order, the court must have regard to the desirability of—
 - a. protecting the value of any animal to which the order applies, and
 - b. avoiding increasing any expenses which a person may be required to reimburse.
9. When an application is made under subsection (2)(a), the court may make an order under this subsection (an “interim order”) containing such provision as the court considers appropriate in relation to the keeping of an animal until the application is finally determined.
10. Subsections (5), (6)(a) and (8) apply in relation to an interim order as they apply in relation to a seizure order.

14. Termination or variation of disqualification

1. A person who is subject to a disqualification order may request the court which made the order to terminate or vary the order.
2. An application under subsection (1) may not be made—
 - a. before the expiry of the period of one year beginning with the date on which the order was made,
 - b. where there has been a previous application under that subsection in relation to the same order, before the expiry of the period of one year beginning with the date on which the previous application was determined, or
 - c. within any period specified under—
 - i. section 12(8)(b),
 - ii. subsection (5).
3. On an application under subsection (1), the court may—
 - a. refuse the application,
 - b. terminate the disqualification order, or
 - c. vary the disqualification order so as to relax any disqualification imposed by it.
4. In considering the application, the court must have particular regard to—
 - a. the nature of the offence in relation to which the disqualification order was made,
 - b. the character of the applicant, and
 - c. the applicant’s conduct since the order was made.
5. Where the court refuses an application made under subsection (1), the court may specify a period within which the applicant may not make a further application under that subsection in relation to the same order.

PART 4: GENERAL



15. Interpretation

1. In this Act—
 - “hunting” includes, in particular, searching for, coursing and killing (and related expressions are to be construed accordingly),
 - “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 in the wild.
2. For the purposes of this Act a person owns or is responsible for land if he—
 - a. owns an interest in it,
 - b. manages or controls it,
 - c. occupies it, or
 - d. is authorised to give permission for that land to be used for hunting.
3. In this Act—
 - a. references to a person responsible for a dog are to a person responsible for the dog whether on a permanent or temporary basis.
 - b. references to being responsible for a dog include being in charge of it.
4. For the purposes of this Act—
 - a. a person who owns a dog shall always be regarded as being a person who is responsible for it.
 - b. a person shall be treated as responsible for any dog for which a person under the age of 16 years of whom he has actual care and control is responsible.
5. In Part 1, a person is “using a dog” when the hunting of a wild mammal by that person involves the use of a dog, even if the dog is not under that person’s control or direction (and related expressions are to be construed accordingly).

16. 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.

17. Amendments and repeals

1. The Hunting Act 2004 shall cease to have effect.
2. In the Schedule to The National Police Records (Recordable Offences) Regulations 2000, after paragraph 52, insert:
 53. section 1(1) of the Hunting of Mammals Act 2023 (offence of hunting a wild mammal with a dog)
 54. section 2(1) and (2) of the Hunting of Mammals Act 2023 (offence of hunting: assistance)
 55. section 3 of the Hunting of Mammals Act 2023 (offence of hare coursing)
 56. section 4 of the Hunting of Mammals Act 2023 (offences relating to trail hunting)

18. Commencement

This Act shall come into force on the day on which it is passed.

19. Extent

This Act shall extend only to England and Wales.

20. Short title

This Act may be cited as the Hunting of Mammals Act 2023.