



# Hunting Act 2004

## 2004 CHAPTER 37

### PART 2 **E+W**

#### ENFORCEMENT

#### 6 **Penalty** **E+W**

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>F17</sup> **Arrest** **E+W**

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**F1** S. 7 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), Sch. 7 para. 37, [Sch. 17](#); [S.I. 2005/3495](#), art. 2(1)(m)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

- (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—

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*Changes to legislation: There are currently no known outstanding effects for the Hunting Act 2004, Part 2. (See end of Document for details)*

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- (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.
- (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 **E+W**

- (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.

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## **10 Offence by body corporate** **E+W**

- (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—
  - (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.

**Changes to legislation:**

There are currently no known outstanding effects for the Hunting Act 2004, Part 2.