
Changes to legislation: There are currently no known outstanding effects for the Hunting Act 2004, Cross
Heading: Use of dogs below ground to protect birds for shooting. (See end of Document for details)

SCHEDULES

SCHEDULE 1

EXEMPT HUNTING

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 conditions in this paragraph are satisfied.
- (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 section 27 of the Wildlife and Countryside Act 1981 (c. 69)) 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—
- (a) has with him written evidence—
 - (i) that the land on which the stalking or flushing out takes place belongs to him, or
 - (ii) that he has been given permission to use that land for the purpose by the occupier or, in the case of unoccupied land, by a person to whom it belongs, and
 - (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.
- (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,
 - (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),
 - (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 Secretary of State.

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