



# [<sup>F1</sup>Night Poaching Act 1828

1828 CHAPTER 69 9 Geo 4

An Act for the more effectual Prevention of Persons going armed by Night for the Destruction of Game. [19th July 1828]

<sup>F2</sup>... And whereas the Practice of going out by night for the purpose of destroying Game has <sup>F2</sup>... very much increased of late years, and has in very many instances led to the commission of Murder, and of other grievous offences; and it is expedient <sup>F2</sup>... to make more effectual Provisions than now by law exist for repressing such practice:

## Textual Amendments

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(i\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F2** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)

## Modifications etc. (not altering text)

- C1** Short title “The Night Poaching Act 1928” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2** Act extended by [Night Poaching Act 1844 \(c. 29\)](#), [s. 1](#); amended (S.) by [Game Laws Amendment \(Scotland\) Act 1877 \(c. 28\)](#), [s. 10](#); amended as to prosecutions in the sheriff court with the provision that the same shall be taken at the instance of the procurator fiscal by [Sheriff Courts and Legal Officers \(Scotland\) Act 1927 \(c. 35\)](#), [s. 12](#) and S.R. & O. 1938/606 (Rev. XXI, p. 698: 1938 II, p. 3142); amended as to imprisonment with hard labour by [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#) and [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), [s. 16\(2\)](#) and as to transportation by [Penal Servitude Act 1857 \(c. 3\)](#), [s. 2](#), [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(1\)](#)
- C3** Certain words of enactment and other words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#) and remaining words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [s. 3](#)

- 1** **Persons taking or destroying game by *Night* to be committed, for the 1st Offence, for 3 Months, and kept to hard labour, and to find *Sureties*; 2d Offence, 6**

*Changes to legislation: There are currently no known outstanding effects for the Night Poaching Act 1828. (See end of Document for details)*

**months, and kept to hard labour, and to find sureties; 3d Offence, to be liable to transportation.**

[<sup>F3</sup>(1)] <sup>F4</sup>... If any person shall, <sup>F4</sup>... by night, unlawfully take or destroy any game or rabbits in any land, whether open or enclosed, or shall by night unlawfully enter or be in any land, whether open or enclosed, with any gun, net, engine, or other instrument, for the purpose of taking or destroying game, [<sup>F5</sup>he shall be liable on summary conviction [<sup>F6</sup>to imprisonment for a term not exceeding 51 weeks,] to a fine [<sup>F7</sup>or to both]].

[<sup>F8</sup>(2)] In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.]

**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(i\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F3** S. 1 renumbered as s. 1(1) (1.8.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 62\(2\)](#), 208(1) (with s. 62(10)); S.I. 2022/520, [reg. 7](#)
- F4** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)
- F5** Words in s. 1 substituted (E.W.) by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 1](#); and (S.) (1.4.1996) by 1995 c. 40, ss. 3, 7(2), [Sch. 1 para. 1](#), [Sch. 2 Pt. I](#)
- F6** Words in s. 1(1) inserted (1.8.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 62\(3\)\(a\)](#), 208(1) (with s. 62(10)); S.I. 2022/520, [reg. 7](#)
- F7** Words in s. 1(1) substituted (1.8.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 62\(3\)\(b\)](#), 208(1) (with s. 62(10)); S.I. 2022/520, [reg. 7](#)
- F8** S. 1(2) inserted (1.8.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 62\(4\)](#), 208(1) (with s. 62(10)); S.I. 2022/520, [reg. 7](#)

**2 Owners or occupiers of land, lords of manors, or their servants, may apprehend offenders. Offenders assaulting or offering violence deemed guilty of misdemeanor, and be liable to be transported for seven years, or imprisoned for two years.**

<sup>F9</sup>... Where any person shall be found upon any land committing any such offence as is herein-before mentioned, it shall be lawful for the owner or occupier of such land <sup>F10</sup>... , or for the lord of the manor or reputed manor wherein such land may be situate, and also for any gamekeeper or servant of any of the persons herein mentioned, or any person assisting such gamekeeper or servant, to seize and apprehend such offender upon such land, or in case of pursuit being made, in any other place to which he may have escaped therefrom, and to deliver him, as soon as may be, into the custody of a peace officer, in order to his being conveyed before two justices of the peace; and in case such offender shall assault or offer any violence with any gun, crossbow, fire arms, bludgeon, stick, club, or any other offensive weapon whatsoever, towards any person hereby authorized to seize and apprehend him, he shall, [<sup>F11</sup>be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F12</sup>level 4 on the standard scale], or to both.]

*Changes to legislation: There are currently no known outstanding effects for the Night Poaching Act 1828. (See end of Document for details)*

**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. [43\(1\)](#), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F9** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)
- F10** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [Sch.](#)
- F11** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12 para. 1](#)
- F12** Words substituted (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 37, 46](#) and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

**F13 Power to issue a warrant for apprehension of offenders.**

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**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. [43\(1\)](#), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F13** S. 3 repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), s. 4, [Sch.](#)

**F14 Limitation of time for proceedings under this Act.**

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**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. [43\(1\)](#), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F14** S. 4 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65, [Sch. 13](#)

**F15 Form of conviction**

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**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. [43\(1\)](#), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F15** S. 5 repealed (E.W.) by [Summary Jurisdiction Act 1884 \(c. 43\)](#), s. 4, [Sch.](#)

**F16 Appeal.**

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#### Textual Amendments

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F16** S. 6 repealed (E.W.) by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. 4](#)

#### <sup>F17</sup> **No certiorari, &c.**

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#### Textual Amendments

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F17** S. 7 repealed (E.W.) by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. 4](#)

#### <sup>F18</sup> **Convictions to be returned to the quarter sessions and registered, and may be given in evidence.**

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#### Textual Amendments

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F18** S. 8 repealed (E.W.) by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. 4](#)

#### **9 If persons to the number of three, being armed, enter any land for the purpose of taking or destroying game, they shall be deemed guilty of a misdemeanor. Punishment.**

<sup>F19</sup>... If any persons, to the number of three or more together, shall by night unlawfully enter or be in any land, whether open or inclosed, for the purpose of taking or destroying game or rabbits, any of such persons being armed with any gun, crossbow, fire arms, bludgeon, or any other offensive weapon, each and every of such persons shall be guilty of a misdemeanor, and being convicted thereof <sup>F20</sup>... , shall be liable [<sup>F21</sup>on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F22</sup>level 4 on the standard scale], or to both]

#### Textual Amendments

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F19** Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)
- F20** Words repealed by [Criminal Justice Administration Act 1962 \(c. 15\)](#), [Sch. 5 Pt. II](#)

*Changes to legislation: There are currently no known outstanding effects for the Night Poaching Act 1828. (See end of Document for details)*

- F21** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12 para. 2**
- F22** Words substituted (E.W.) by [Criminal Justice Act 1982 \(c. 48\)](#), **ss. 37, 46** and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

**Modifications etc. (not altering text)**

- C4** S. 9 amended (E.W.) by [Game Laws \(Amendment\) Act 1960 \(c. 36\)](#), **ss. 1(1)(3), 2, 6(2)**

**<sup>F23</sup>10 Jurisdiction of sheriffs in Scotland. Proving of convictions.**

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**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), **Sch.**; and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), **Sch. Pt. 2**; S.S.I. 2011/279, **art. 2(1)(i)(ii)** (as substituted by S.S.I. 2011/287, **art. 2**)
- F23** Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), **Sch. Pt. 2**; S.S.I. 2011/279, **art. 2(1)(i)(ii)** (as substituted by S.S.I. 2011/287, **art. 2**)

**<sup>F24</sup>11 Third Offences, &c. to be tried in certain courts**

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**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), **Sch.**; and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), **Sch. Pt. 2**; S.S.I. 2011/279, **art. 2(1)(i)(ii)** (as substituted by S.S.I. 2011/287, **art. 2**)
- F24** S. 11 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65, **Sch. 13**

**12 What time shall be considered night.**

Provided always, <sup>F25</sup>... that for the purposes of this Act the night shall be considered and is hereby declared to commence at the expiration of the first hour after sunset, and to conclude at the beginning of the last hour before sunrise.

**Textual Amendments**

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), **Sch.**; and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), **Sch. Pt. 2**; S.S.I. 2011/279, **art. 2(1)(i)(ii)** (as substituted by S.S.I. 2011/287, **art. 2**)
- F25** Words in s. 12 repealed by [Statute Law Revision \(No 2\) Act 1888 \(c. 57\)](#)

**13 What shall be deemed game.**

<sup>F26</sup>... For the purposes of this Act the word “game” shall be deemed to include hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards.]

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#### Textual Amendments

- F1** Act repealed (N.I.) by [Game Law Amendment Act \(Northern Ireland\) 1951 \(c. 4 \(N.I.\)\)](#), [Sch.](#); and Act repealed (29.6.2011) (S.) by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), s. 43(1), [Sch. Pt. 2](#); S.S.I. 2011/279, [art. 2\(1\)\(I\)\(ii\)](#) (as substituted by S.S.I. 2011/287, [art. 2](#))
- F26** Words in s. 13 repealed by [Statute Law Revision \(No 2\) Act 1888 \(c. 57\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Night Poaching Act 1828.