



# Poaching Prevention Act 1862

1862 CHAPTER 114 25 and 26 Vict

F1

An Act for the Prevention of Poaching.

[7th August 1862]

## Textual Amendments

- F1 Act repealed (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011](#) (asp 6), s. 43(1), [Sch. Pt. 2](#) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(i)(ii) (as amended by S.S.I. 2011/287, art. 2)

## Modifications etc. (not altering text)

- C1 Short title “The Poaching Prevention Act, 1862” given by [Short Titles Act 1896](#) (c. 14)
- C2 Act restricted (S.) by [Constables \(Scotland\) Act 1875](#) (c. 47); amended (S.) by [Game Laws Amendment \(Scotland\) Act 1877](#) (c. 28, SIF 4:3), s. 10 and (E.W.) by [Game Laws Amendment Act 1960](#) (c. 36), s. 3
- C3 Act 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)
- C4 Preamble omitted under authority of [Statute Law Revision Act 1893](#) (c. 14)
- C5 Words of enactment repealed by [Statute Law Revision Act 1893](#) (c. 14)
- C6 This Act is not necessarily in the form in which it has effect in [Northern Ireland Criminal Justice Act 1855](#) (c. 126) cited or referred to by its short title under authority of [Statute Law Revision Act 1893](#) (c. 14), s. 3

## 1 Interpretation of terms.

The word “game” in this Act shall for all the purposes of this Act be deemed to include any one or more hares, pheasants, partridges, eggs of pheasants and partridges, woodcocks, snipes, rabbits, grouse, black or moor game, and eggs of grouse, black or moor game<sup>[F2]</sup>; and the words “justice” and “justices” in this Act shall, unless otherwise provided for, mean respectively a justice and justices of the peace, respectively <sup>[F3]</sup>of or] for the <sup>[F3]</sup>county, riding, division, liberty, city, borough, or] place in which any game, gun, part of gun, <sup>[F4]</sup>net, snare, or engine after mentioned<sup>[F4]</sup> or other article to which section two of this Act applies] shall be found.]

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*Changes to legislation: There are currently no known outstanding effects for the Poaching Prevention Act 1862. (See end of Document for details)*

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### Textual Amendments

- F2** Words in s. 1 repealed (E.W.S.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 44](#), [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)
- F3** Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), [Sch. Pt. I](#)
- F4** Words from “or other” to “applies” substituted for words “net, snare” to “mentioned” (E.W.) by [Game Laws \(Amendment\) Act 1960 \(c. 36\)](#), s. 3(2)

## 2 Power to constables to search persons, without warrant, in certain cases. Proceedings in case of game, &c. being found.

It shall be lawful for any constable or peace officer in any county, borough, or place in Great Britain and Ireland, in any highway, street, or public place, to search any person whom he may have good cause to suspect of coming from any land where he shall have been unlawfully in search or pursuit of game, or any person aiding or abetting such person, and having in his possession any game unlawfully obtained, or any gun, part of gun, [<sup>F5</sup>or nets or engines used for the killing or taking game], and also to stop and search any cart or other conveyance in or upon which such constable or peace officer shall have good cause to suspect that any such game or any such article or thing is being carried by any such person, and should there be found any game or any such article or thing as aforesaid upon such person, cart, or other conveyance, to seize and detain such game, article, or thing; and such constable or peace officer shall in such case apply to some justice of the peace for a summons citing such person to appear before [<sup>F6</sup>, in England and Wales, a magistrates' court or] two justices of the peace assembled in petty sessions, as provided in the <sup>M1</sup>Criminal Justice Act, 1855, section nine, as far as regards <sup>F7</sup>... Ireland, and before a sheriff . . . <sup>F8</sup> in Scotland; and if such person shall have obtained such game by unlawfully going on any land in search or pursuit of game, or shall have used any such article or thing as aforesaid for unlawfully killing or taking game, or shall have been accessory thereto, such person shall, on being convicted thereof, [<sup>F9</sup>be liable to a fine] not exceeding [<sup>F10</sup>level 3 on the standard scale], [<sup>F11</sup>and shall forfeit such game, guns, parts of guns, nets, and engines; and the justices shall direct the same to be sold or destroyed, and the proceeds of such sale, with the amount of the penalty, to be paid to the treasurer of the county or borough where the conviction takes place; and no person who, by direction of a justice in writing, shall sell any game so seized shall be liable to any penalty for such sale; and if no conviction takes place, the game or any such article or thing as aforesaid, or the value thereof, shall be restored to the person from whom it had been seized.]

### Textual Amendments

- F5** Words repealed (E.W.) by [Game Laws \(Amendment\) Act 1960 \(c. 36\)](#), s. 3(2)
- F6** Words in s. 2 inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 45\(a\)](#); [S.I. 2005/910](#), art. 3(y)
- F7** Words in s. 2 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 45\(b\)](#), [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)
- F8** Words repealed by [Statute Law Revision Act 1893 \(c.14\)](#)
- F9** Words in s. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 45\(c\)](#); [S.I. 2005/910](#), art. 3(y)
- F10** Words substituted (E.W.S) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)
- F11** Words repealed (E.W.) by [Game Laws \(Amendment\) Act 1960 \(c. 36\)](#), s. 3(3)

*Changes to legislation: There are currently no known outstanding effects for the Poaching Prevention Act 1862. (See end of Document for details)*

**Marginal Citations**

**M1** 1855 c. 126.

**3 Recovery of penalties.**

Any penalty under this Act shall be recovered and enforced <sup>F12</sup>... in Scotland under the <sup>M2</sup>Game (Scotland) Act, 1832, and in Ireland under the <sup>M3</sup>Petty Sessions, Ireland, Act, 1851, when not otherwise directed in this Act.

**Textual Amendments**

**F12** Words in s. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 46, **Sch. 10**; S.I. 2005/910, art. 3(y)

**Marginal Citations**

**M2** 1832 c. 68.

**M3** 1851 c. 93.

**4 Provisions of 11 & 12 Vict. c. 43 extended to this Act.**

The powers and provisions of the <sup>M4</sup>Summary Jurisdiction Act, 1848, shall extend and apply to this Act, and to all proceedings, matters, and things to be taken, had and done, and to all persons to be proceeded against or taking proceedings under this Act.

**Marginal Citations**

**M4** 1848 c. 43.

**5** ..... <sup>F13</sup>

**Textual Amendments**

**F13** S. 5 repealed by Statute Law (Repeals) Act 1976 (c. 16), s. 1, **Sch. 1 Pt. XIX**

**6 Power of appeal.**

[<sup>F14</sup>Any person who shall think himself aggrieved by any such summary conviction may appeal to the next court of general or quarter sessions] . . . <sup>F15</sup>

**Textual Amendments**

**F14** Words repealed (E.W.) by Courts Act 1971(c.23), Sch. 11 Pt. IV

**F15** Words repealed by Statute Law Revision Act 1893 (c.14)

**Changes to legislation:**

There are currently no known outstanding effects for the Poaching Prevention Act 1862.