



Poaching Prevention Act 1862

1862 CHAPTER 114 25 and 26 Vict

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, [^{F1}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 [^{F2}, in England and Wales, a magistrates' court or] two justices of the peace assembled in petty sessions, as provided in the ^{M1}Criminal Justice Act, 1855, section nine, as far as regards ^{F3}... Ireland, and before a sheriff . . . ^{F4} 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, [^{F5}be liable to a fine] not exceeding [^{F6}level 3 on the standard scale], [^{F7}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

F1 Words repealed (E.W.) by [Game Laws \(Amendment\) Act 1960 \(c. 36\), s. 3\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Poaching Prevention Act 1862, Section 2. (See end of Document for details)

- F2** 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)
- F3** 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)
- F4** Words repealed by Statute Law Revision Act 1893 (c.14)
- F5** 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)
- F6** 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
- F7** Words repealed (E.W.) by Game Laws (Amendment) Act 1960 (c. 36), **s. 3(3)**

Marginal Citations

- M1** 1855 c. 126.

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