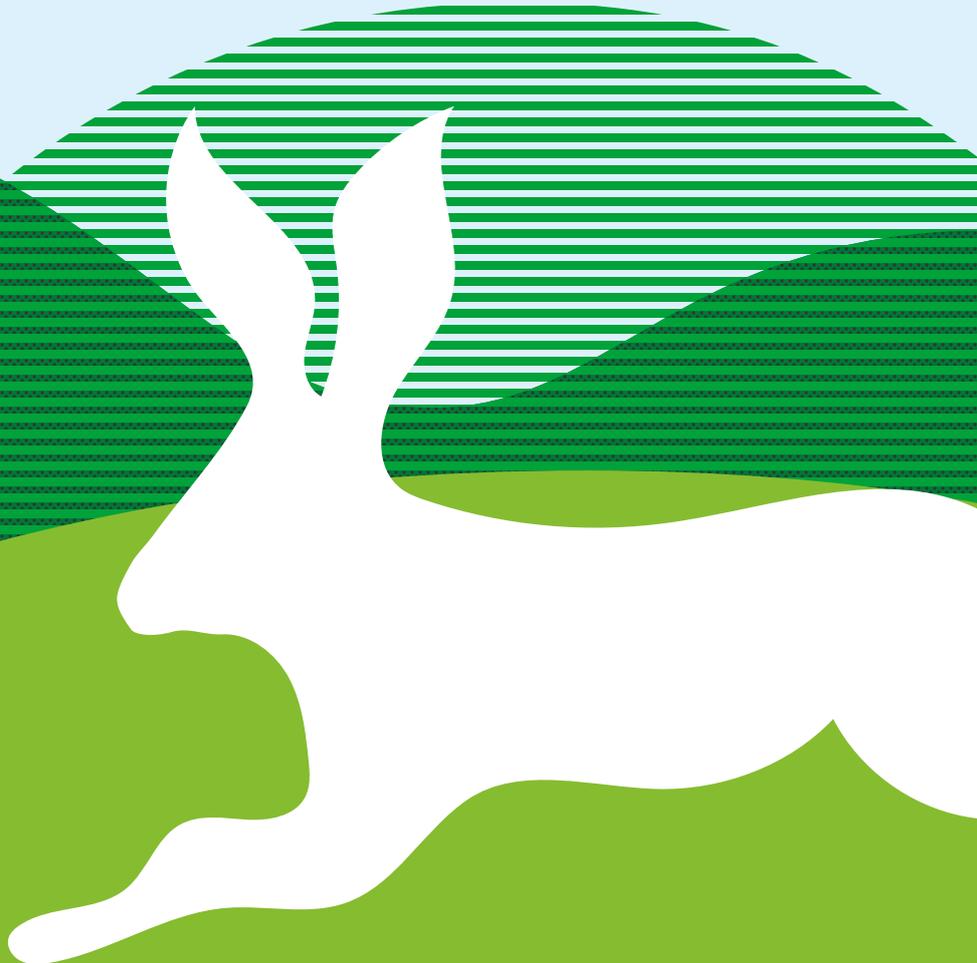
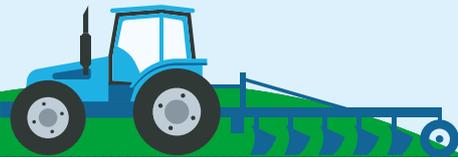




Hare Poaching Course of Action

- ◆ Amend the game laws
- ◆ Enable recovery of kennelling costs
 - ◆ Extend criminal behaviour orders
 - ◆ Revise sentencing guidelines
 - ◆ Record hare poaching statistics



Illegal hare coursing, more correctly called poaching, is a huge problem in some parts of the countryside. It is closely connected to the criminal underworld and involves enormous sums of money. The damage illegal coursers cause to land and property and the intimidation and violence faced by those on whose land they operate should not be underestimated. The problem is widely recognised by government and the police, with the new National Rural Crime Strategy identifying hare poaching as a priority, and a recent rural crime survey highlighting it as one of the top concerns of farmers and land managers.

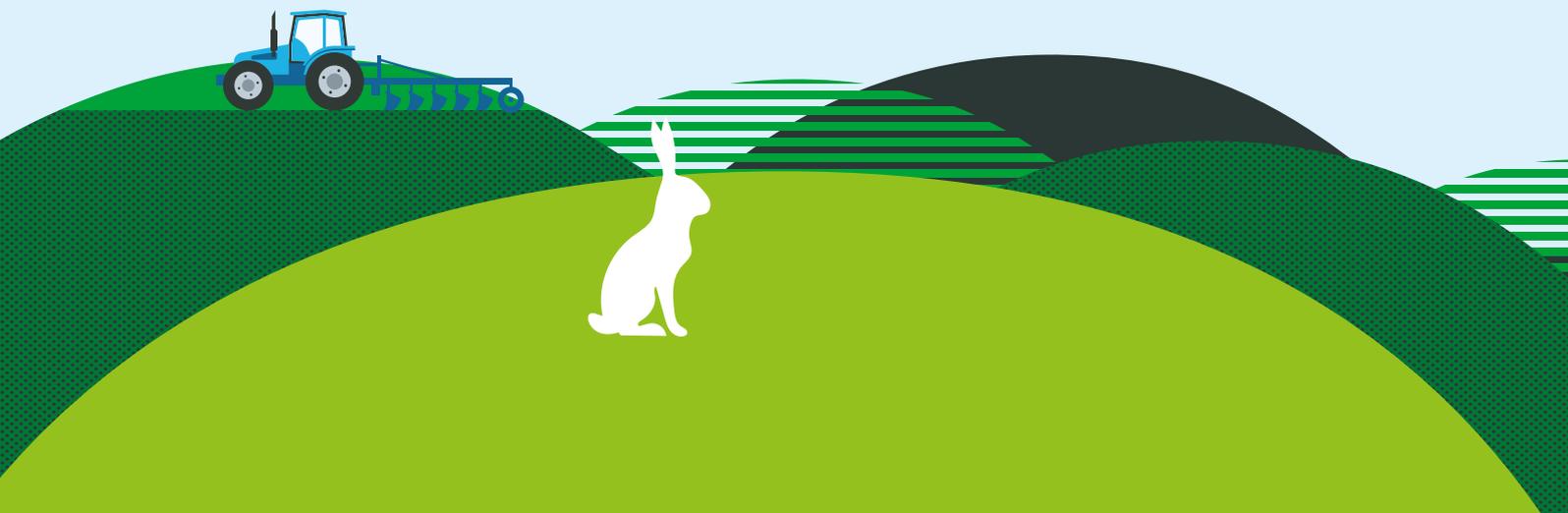
Most illegal hare coursing is prosecuted as a poaching offence under the game laws and sometimes as a hunting offence under section 1 of the Hunting Act. Section 5 of the Hunting Act, which bans hare coursing 'events' is rarely, if ever, used because of the very tight definition of what constitutes an 'event'. Section 5 was designed to ban the traditional sport of hare coursing, mostly conducted under the strict National Coursing Club rules, and not to be confused with illegal coursing. Illegal hare coursing is nothing new and was a problem before the Hunting Act, and remains so.

While guidance on the prosecution of poaching on police force websites includes

reference to the Hunting Act, the older game laws are still considered the preferred route for prosecuting poaching. A key ingredient of the older poaching offences is trespass and the Crown Prosecution Service (CPS) guidance confirms that:

"Where trespass to land is an ingredient of the activity said to constitute an offence under Section 1 or Section 5 of the Hunting Act 2004, it will generally be easier to continue to prosecute under the Game Acts."
(CPS Guidance to the Hunting Act 2004)

For example, under section 30 of the Game Act 1831, a person can be convicted for the offence of searching for game, while for



a conviction under the Hunting Act the prosecution has to establish that either hunting has actually occurred (section 1 offence) or a “hare coursing event” (section 5 offence), has taken place. Without a conviction a person cannot be punished.

There are, however, differences between the powers available to the police and courts under the Hunting Act and those under the older legislation, especially the Night Poaching Act 1828 and the Game Act 1831. Although the powers of the police and courts have been strengthened by more recent legislation, in particular by the Game Laws (Amendment) Act 1960, there remains a discrepancy between the Hunting Act and the older legislation in terms of the seizure and forfeiture powers specifically in relation to dogs and vehicles. Given the high value of the dogs to those involved in illegal coursing this is a substantial weakness in the existing law.

Currently, the Game Laws (Amendment) Act 1960, section 4, makes provision for seizure and forfeiture, but only in relation to sections 1 and 9 of the Night Poaching Act 1828 and section 30 of the Game Act 1831. These powers do not extend to the aggravated offence in section 32 of the Game Act. The section 4

seizure and forfeiture powers also do not cover vehicles or dogs, although section 4A of the 1960 Act does allow forfeiture of vehicles, but only “*where a person is convicted of an offence under section 30 of the Game Act 1831, as one of five or more persons*”.

The older game laws should be amended to create consistent seizure and forfeiture powers for all poaching offences, including dogs and vehicles. This would both act as a deterrent, assist the police, and enable the courts to impose penalties that reflect the seriousness of the offence.

The Game Act should also be amended to enable the police to recover the kennelling costs incurred where dogs have been seized. Such provision is made in other legislation such as the Animal Welfare Act 2006.

These legislative changes would complement other changes being called for, and which the Alliance supports, such as a review of criminal behaviour orders so they could apply across more than one police force area, revised sentencing guidelines, and recording crime statistics so that hare poaching is identifiable, enabling a proper understanding of the scale of the problem and where resources need to be focused.



Countryside Alliance calls on the Government to:

- 1. Amend the law to give the police and courts full seizure and forfeiture powers in all cases of poaching under the game laws, in relation to dogs and vehicles.**
- 2. Amend the law to enable the police to recover kennelling costs from convicted persons.**
- 3. Extend criminal behaviour orders to enable courts to impose these over wider geographical areas, across police force areas.**
- 4. Revise sentencing guidelines and ensure magistrates understand the full gravity of the offence.**
- 5. Ensure that in recording crime statistics hare poaching prosecutions and convictions are identifiable, enabling a proper understanding of the scale of the problem and where resources need to be focussed.**

For more information, please contact the Countryside Alliance at political@countryside-alliance.org or on 020 7840 9260.

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