Draft Order laid before Parliament under section 14(b) of the Hunting Act 2004 (c. 37), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No. 0000

ANIMALS, ENGLAND AND WALES

The Hunting Act 2004 (Exempt Hunting) (Amendment) Order 2015

Made - - - - 2015

Coming into force in accordance with article 1(b)

The Secretary of State, in exercise of the powers conferred by sections 2(2) and 14(c) and (d) of the Hunting Act 2004(**1**) and section 28(2)(a) of the Small Business, Enterprise and Employment Act 2015(**2**), makes the following Order.

In accordance with section 14(b) of the Hunting Act 2004, a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Citation and commencement

1. This Order —

(a) may be cited as the Hunting Act 2004 (Exempt Hunting) (Amendment) Order 2015; and

(b) comes into force on the day after the day on which it is made.

Amendment of Schedule 1 to the Hunting Act 2004

2. Schedule 1 (exempt hunting) to the Hunting Act 2004 is amended in accordance with articles 3 to 6.

Stalking and flushing out

3. In paragraph 1 (stalking and flushing out), for sub-paragraph (5) substitute—

"(5) The third condition is that the number of dogs used—

(a) is appropriate, having regard to the terrain and any other relevant circumstances, and

(b) enables the stalking or flushing out to be carried out as efficiently as possible.".

(**1**) 2004 c. 37.
(**2**) 2015 c. 26.

Use of dogs below ground to protect livestock, or birds for shooting

4. For the heading to paragraph 2 (use of dogs below ground to protect birds for shooting) substitute "*Use of dogs below ground to protect livestock, or birds for shooting*", and for sub-paragraphs (2) and (3) of that paragraph substitute—

"(2) The first condition is that the stalking or flushing out is undertaken for the purpose of preventing or reducing serious damage to—

(a) livestock, or

(b) 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, if a constable asks the person doing the stalking or flushing out to produce the evidence mentioned in sub-paragraph (3A), the person either—

(a) makes the evidence immediately available for inspection by the constable, or

(b) before the end of the period of 7 days beginning with the date on which the request is made or as soon as is reasonably practicable, produces the evidence, in person, at a police station specified by the person at the time the request is made.

(3A) The evidence is written evidence—

(a) that the land on which the stalking or flushing out takes place belongs to the person doing the stalking or flushing out, or

(b) that that person 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.".

Rescue of wild mammal

5. In paragraph 8 (rescue of wild mammal)—

(a) in sub-paragraph (2), at the end insert "or diseased"; and

(b) for sub-paragraph (4) substitute—

"(4) The third condition is that the number of dogs used—

(a) is appropriate, having regard to the terrain and any other relevant circumstances, and

(b) enables the hunting to be carried out as efficiently as possible.".

Research and observation

6. In paragraph 9 (research and observation), for sub-paragraph (3) substitute—

"(3) The second condition is that the number of dogs used—

(a) is appropriate, having regard to the terrain and any other relevant circumstances, and

(b) enables the hunting to be carried out as efficiently as possible.".

Duty to review

7.—(1) The Secretary of State must from time to time—

(a) carry out a review of articles 2 to 6;

(b) set out the conclusions of the review in a report; and

(c) publish the report.