

## Improving the Hunting Act 2004

### Key Information

- The RSPCA believes that hunting wild mammals with dogs is intrinsically cruel and despite some positives of the Hunting Act 2004, including setting a marker in the sand for what is acceptable in a modern, humane society, there is a need to amend it.
- The public has consistently supported a ban on the hunting of wild mammals with dogs with around the 80% mark supporting a ban<sup>1</sup>.
- We therefore welcome the Government's commitment to deliver on this and believe there are a number of areas where the 2004 Act could be tightened to prevent cruelty to animals. These fall into three areas:
  - Tightening the law by banning trail hunting, repealing exemptions, and prohibiting the use of animal based products for any trails
  - Requiring dogs to be kept under proper control and consideration for restricting the number of dogs that can be used
  - Improving enforcement provisions such as tougher penalties, extending time limits for investigating and considering reversing the burden of proof and introducing an offence of vicarious liability

### What changes are needed?

1. **Tightening the law by banning trail hunting, repealing exemptions, and prohibiting the use of animal based products for any trails**

There are various options for addressing this from adding in recklessness to the offence under section 1 and amending the definition in section 11, through to amending the offence to one of strict liability.

Taking the first approach; introducing an element of negligence to section 1 of the Act would greatly assist with enforcing the law, i.e. "A person commits an offence if he **intentionally or recklessly** hunts a wild mammal with a dog, unless his hunting is exempt."

To support this we believe the definition of hunting in section 11 should be amended back to what it was when the Bill was originally introduced, to include 'searching for', i.e. "For the purposes of this Act a reference to a person hunting a wild mammal with a dog includes, in particular, any case where— (a) a person engages or participates in the **searching for or** pursuit of a wild mammal, and (b) one or more dogs are employed in that pursuit (whether or not by him and whether or not under his control or direction).

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<sup>1</sup> <https://yougov.co.uk/topics/politics/trackers/should-fox-hunting-remain-illegal> (accessed 16.07.25)

Alternatively, further consideration of a strict liability approach is worthwhile and may be more simple and effective. Looking at the 'Foster Bill' of 1997<sup>2</sup> there is merit in some of the offences under clause 1. Whatever approach is taken, ease of enforcement is a key consideration as well as delivering the policy objective of banning the cruelty of hunting wild mammals with dogs.

To add to this we believe that the exemptions under schedule 1 should be repealed as these have regularly been used as defences and are not necessary if a mounted pack is genuinely 'trail' hunting. Therefore the exemptions of falconry, observation and research, use of dogs below ground and rabbits should all be repealed.

We also believe to ensure the Act is watertight in this area, it would be beneficial to ban the use of animal-based scents. This could be done by prohibiting the use of any live animal, carcass and/or part thereof, or any product from an animal, to be used for laying a trail and so only allowing trails to be laid using artificial or plant based scents. Furthermore, such trail hunts could be registered and required to provide maps of the trails to the police in advance.

## ***2. Requiring dogs to be kept under proper control and consideration for restricting the number of dogs that can be used***

The dogs used in hunting are often exempt from many other general control provisions, for example, laws concerning collars and tags, keeping them under proper control, etc. We believe that dogs used for hunting should not be exempt from such controls and that there should be parity across the board when it comes to controlling and managing dogs regardless of what they are kept or used for, for example they are exempt from the controls placed on dogs under the Road Traffic Act 1988, Dogs (Protection of Livestock) Act 1953.

An amendment should be considered making it unlawful for a hunt to fail to keep their dogs under proper control and specifying that it will be presumed that dogs were not under proper control if they chase, attack or injure livestock, domestic or wild animals. It may be useful here to consider a strict liability offence of a dog killing a wild mammal whilst on a hunt.

Consideration could also be given to restricting the number of dogs that the hunt can have in use at any time. Again consideration of the Foster Bill may be helpful here.

## ***3. Improving enforcement provisions such as tougher penalties, extending time limits for investigating and considering reversing the burden of proof and introducing an offence of vicarious liability***

Looking at enforcement provisions; at present anyone convicted of an offence under the Act can only be fined and there is no custodial sentence. Convictions are not recordable on the Police National Computer. We therefore believe offences should be recordable and imprisonable which may create a greater deterrent. Combined with extending the time available to charge suspects – currently 6 months from the date of the offence – to six months from the date of evidence arising, but no more than 2 years after the offence, to reflect the complexity of cases would assist greatly with investigating potential offences.

In addition, section 3 of the Act could be strengthened by making landowners vicariously liable for the offending of a hunt. This might encourage landowners to have greater vigilance when allowing hunts to use their land. Or deter landowners from allowing hunts onto their land. Finally, we believe there is

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<sup>2</sup> <https://publications.parliament.uk/pa/cm199798/cmbills/007/97007--a.htm>

merit in considering reversing the burden of proof for illegal hunting, so that the hunt would be presumed to have committed the offence unless they could provide evidence to prove innocence - it is already used in other legislation.