



2004 Policy

Chief Inspector

Tasking

ACC Operations

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Legislative Compliance Pack

Review log

[illegible]

Policy

Introduction

The Hunting Act 2004 created an offence of hunting a wild mammal with a dog. Section 4 of the Act provides that it is a defence for a person charged with an offence under S.1 in respect of hunting to show that he reasonably believed that the hunting was exempt.

The act makes no specific reference to the hunting of foxes or any other wild mammal.

Section 11(1) of the Act provides interpretations, and states that a wild mammal includes, in particular, a wild mammal which has been bred or tamed for any purpose, a wild mammal which is in captivity or confinement, a wild mammal which has escaped or been released from captivity or confinement, and any mammal which is living wild. Section 5 of the Act outlaws hare coursing and contains wider provisions than those relating to hunting wild mammals.

Statement

Historically hunting has been seen by sections of the rural community as either a legitimate method of controlling pest animals or as a countryside sport and as such they regard hunting as an important part of rural life. Prior to the ban pro-hunting groups indicated their intention to hunt against the law and there were initial indications that certain sections of the rural community may engage in 'direct action' in the form of conflict with police and disruption to infrastructure, etc. Whilst protests did take place across the country, including in Leicestershire, these were of a peaceful nature.

Hunts maintain that they have converted their activities to comply with some form of exempt hunting that does not include the pursuit of live quarry. This is mostly in the form of Trail Hunting. This activity has the appearance of a traditional hunt but should not involve the pursuit or killing of live quarry. In the case of Trail Hunting a scent bag or rag is dragged behind a rider or quad bike and the hounds pursue this scent.

The Act came into force March 2005; The Act continues to be considered by the pro hunting lobby to be flawed and unworkable and some believe that there are sufficient exemptions and potential 'loop holes' for some form of live quarry hunting to occur within the law. Conversely animal welfare groups consider that the Act could have gone further in protecting wild mammals but that it is enforceable.

Aims

The aim of this policy is to ensure a structured and consistent approach to the enforcement of the Hunting Act 2004.

Scope

This policy applies to allegations of offences falling under the Hunting Act 2004 and to incidents associated with such offences.

Legal Basis

This policy and supporting procedure takes account of requirements under the following legislation; Health and Safety at Work Etc Act 1974, General Data Protection Regulation 2018 (GDPR), Freedom of Information Act 2000, Sex Discrimination Act 1976, Sex Discrimination (Gender Reassignment) Regulations 1999, Part Time Workers (less favourable treatment), Employment Equality (Sexual Orientation)

Regulations 2003, Employment Equality (Religion and Belief) Regulations 2003, Employment Equality (Age) Regulations 2006, Human Rights Act 1998, Civil Contingencies Act 2004 and Equalities Act 2010.

Leicestershire Police recognises and is sensitive to the views held by sections of the community in respect of hunting and animal welfare issues. However, it does not accept such views are a justification for law breaking however strongly they are held.

Leicestershire Police will enforce the Hunting Act upon complaint or where information is obtained, which indicates an offence under the act has been committed, and will do so in a fair and proportionate way having regard to the competing demands placed upon us and to the policing priorities of the people of Leicestershire and Rutland.

In determining an appropriate response to any incident members of the Leicestershire Police should have regard to the following:-

The primary duty of Leicestershire Police is the protection of life and property.

The organisation has a duty to maintain order and safety and to prevent disorder and the commission of crime and in doing so will treat all parties involved in any hunt-related activity or protest fairly, with impartiality, sensitively and in accordance with the law.

The priority accorded to the taking of pro-active measures to identify and prosecute persons offending against the Hunting Act will be determined by the available intelligence; availability of resources, taking into account other demands upon the Police; the extent of police powers and the practicality of enforcement.

In relation to pursuing Hunts suspected of being in the process of illegal hunting the primary concern of officers should be the safety of all those involved. Hunting may involve the use of hounds and horses moving at speed across rough terrain and as such presents potential risk to those wishing to stop or interfere with the activity. It is therefore difficult to foresee circumstances under which it will be appropriate to pursue a Hunt. Officers should however take all reasonable steps to secure and preserve evidence for future investigation.

In the absence of disorder, anticipated disorder or reliable intelligence that offences are being committed, the normal Leicestershire Police response will be the reactive gathering of evidence to support prosecution if appropriate.

NPA's should make occasional visits to hunt meets as a community contact in line within the demands of resources, in order to maintain public confidence within our communities.

The priority applied to reactive investigation will be informed by the priorities set out in Police and Crime Commissioners Plan as identified by the people of Leicestershire and Rutland, and by the resources available, bearing in mind other calls for service.

Monitoring

The Local Policing Directorate holds the Force portfolio for the hunt policy; operational issues relating to hunting are dealt by Neighbourhood teams, the Force Intelligence Bureau, the Operations Department, and the Contact Management Department.

The Corporate Services Department will monitor the policy on an annual basis.

Monitoring will include evaluating feedback from victims / witnesses and community impact assessments.