

## Poaching

**Poaching in its various forms is dealt with under several pieces of legislation, some of it very old but still in use today.** Poaching is not the quaint picture of the past of days of yore where it is the one man and his dog shooting a rabbit or pheasant for his meal. Poachers now tend to roam in numbers often driving 4 x 4 motor vehicles, with a number of dogs and weapons. That have scant regard for countryside and no regard for wildlife and the farmers land that they destroy. It is rare that animals are poached merely for food and it is more often the case that animals such as badgers are taken to kill for the takers pleasure and the people involved are more likely to be pursuing other criminal activities.

Poachers often pursue animals such as rabbits and species that fall under the heading of 'Game' and deer. Under the Game Act 1831, game refers to hares, pheasants, partridges, grouse, heath or moor game and black game. Under the Night Poaching Act 1828 it includes the above and bustards. Specific provisions relating to the poaching of deer, fish and game are described below, but poaching can now be catered for under the Hunting Act legislation.

**Note:** The criminal use of firearms in poaching and illegal hunting is also dealt with by the Firearms Act 1968 and, given the current climate of concern in relation to gun crime, is likely to attract an armed response from the police and severe penalties from the courts.

### **The Game Act 1831 – Poaching by Day**

It is an offence to trespass in the daytime, by entering or being upon any land, in search or pursuit of game, woodcock, snipe or rabbits. The trespass must be a physical entry by a person onto the land without permission, which includes shooting or sending of a dog from a public right of way.

Landowners/occupiers and gamekeepers can arrest daytime poachers if they fail to give a satisfactory name and address, or fail to leave the land. They can also seize any game taken. The police have separate powers of arrest, etc.

### **The Night Poaching Act 1828 – Poaching by Night**

It is an offence, without permission and at night:

- to take or destroy any game or rabbits  
or
- to enter or be on any land with a gun, net or instrument for the purpose of taking or destroying game (does not include rabbits)  
or
- for the purpose of taking any game or rabbits, being 3 or more persons, and any one person being armed with a gun, club or other offensive weapon.

Anyone found committing night poaching may be arrested by the owner or occupier, their gamekeeper or employee, or person assisting them on the land or adjoining highway, road or path. The police have separate powers of arrest, etc.

### **The Salmon & Freshwater Fisheries Act 1975 – Fish Poaching**

The main offences are to fish for or take salmon, sea trout or any freshwater fish:

- without a rod licence.
- by an unauthorised means.
- in the close season.
- by a prohibited method, e.g. set line, gaff, snare, explosive, poison or electrical device.
- introduce fish to inland waters without permission.

N.B. Fishery bye-laws may also apply.

### **Theft Act 1968 – Unlawful Taking or Destruction of Fish**

It is an offence to take or destroy – or attempt to do so – any fish in water which is private property or in which there is a private right of fishery. This includes all species of fish. Any person may arrest someone found committing the offence if they are fishing by any method at night or by any other method than rod and line during the daytime. Items used for taking or destroying fish can be seized. The police have separate powers of arrest, etc.

### **The Deer Act 1991**

The main offences are:

- Without consent enter land in search or pursuit of deer with intent to take, kill or injure.
- Intentionally take, kill or injure any deer, while on any land or attempt to do so.
- Search for or pursue deer with such intent.
- Remove the carcass of any deer.
- Use prohibited methods, e.g. crossbow or unauthorised firearms (the law specifies which weapons and ammunition can be used).
- Take, kill or injure any deer within the close season.
- Take, kill or injure any deer by night.
- Unlawful trade in venison.

The owner or occupier of land, a person authorised by him or a person with rights to take deer, may require a person he suspects is or has been committing an offence, to give his full name and address and to leave the land. The police have separate powers of arrest, etc.

To report any incident of poaching or lamping on land without permission, contact Cumbria police on 0845 33 00 247 or in an emergency use 999.