

HUNTING

2006 - 2007

**HUNTING
WITHOUT
HARASSMENT**

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Notice & Disclaimer

Notice

Please note that all references to the term hunting in this handbook refer to legal hunting activities.

Disclaimer

This manual provides advice which has been checked by a team of lawyers working for the Countryside Alliance. However, we are swimming in uncharted waters and it is for the courts to decide whether people have broken the law. The outcome of any individual prosecution will always depend upon the facts of each case. We will publish updates as necessary once we have seen how the courts are dealing with the legal issues the Act raises. Neither the Countryside Alliance nor the Council of Hunting Associations can accept any liability for loss or damage of any kind resulting from your following the guidance in this Handbook.

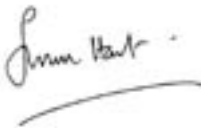
Foreword

Since the passing of the Hunting Act the hunting world has adapted quickly and efficiently to face the challenges of hunting within the legal exemptions under the Act, and we are grateful to masters and hunt staff for the care and diligence they have shown.


The coming season will present hunts with fresh challenges and it is important that we meet these effectively. Thankfully, few packs have experienced trouble since the Act came into force in February 2005. In the context of days hunted, incidents are rare. However ALL packs **must** remain careful and vigilant. Our opponents are determined to use the Hunting Act and other legislation to target individuals and hunts and to disrupt peaceful activity.

It is likely that hunting will face increased scrutiny and this publication has been produced to aid hunts and to remind them of the necessary steps to take to avoid problems. During the forthcoming season, it is possible that a small hunt, which has never experienced any difficulties in the past, could become the target. We acknowledge that some hunts may feel that they are already following these guidelines adequately, in which case this document serves only as a reminder of good practice. The notes here complement the MFHA briefings which took place in August, and provide further specific advice on a number of points, including anti hunt saboteurs and monitors, filming, trespass, incidents, etc.

The Countryside Alliance and Council of Hunting Associations remain totally committed to working towards the repeal of the Hunting Act through political, legal and public awareness campaigns. In the meantime we will offer support and advice to help hunts continue under the current constraints.



Simon Hart
Chief Executive, Countryside Alliance



Stephen Lambert
Chairman, Council of Hunting Associations

Introduction

This publication is designed to give advice and guidance in the event of incidents. An incident is any situation likely to involve saboteurs or monitors. On occasions, incidents may include police involvement.

It should be read in conjunction with the Hunting Handbook issued last season. Copies of both documents should be made available to all masters, chairmen, hunt employees and key followers.

Saboteurs have historically disturbed hunting days and will continue actively to disrupt hunting activity. But monitors are a new phenomenon. They are self-appointed gatherers of evidence intended to be used in prosecutions for alleged breaches of the Hunting Act. Their presence on a hunting day may not, in itself, give rise to any trouble. The likelihood is that video footage or other material will be handed to the police after the event.

How those involved in hunting react to the presence of saboteurs or monitors from now on is of paramount importance. The guidance offered here is based on the experience of hunts that have suffered from interference.

How To Avoid An Incident

Before any hunting day, use these guidelines to minimise the chances of an incident:

- Any occupier of land (or owner in the case of unoccupied land) over which the hunt will pass must have given permission in advance. It is good practice to have on file written permission from every landowner or occupier setting out what the hunt has permission to do. These letters can be written by the masters and signed in acknowledgment by the landowner or occupier. An example of such a letter is in **Appendix 1**.
- Specific written permission must be obtained before hunt staff commence any terrier work. The terrier man or other employee or agent of the hunt should have a copy of the relevant permission with him. The Hunting Handbook 2005-6 contains a suggested text (see **Appendix 5**).
- Where birds of prey are used for exempt hunting, they should be appropriate birds, kept in accordance with the guidelines already issued to hunts and handled by a suitable person.
- Where stewards are likely to be deployed, we advise that you ask landowners to sign an authority giving the hunt permission to act as the agent of the landowner or occupier in dealing with trespassers (see **Appendix 2**).
- It is important to maintain good relations with police and to advise them of hunt activities. If you do not already have a regular dialogue with your local police, it is a good idea to establish this. They should be made aware of when and where hunting activity will take place. Depending on the hunt's individual circumstances and relationship with police, this may be a list of meets well in advance or a call shortly before the meet.
- Instructions from masters to hunt staff should be clear and leave no room for confusion. Some hunts have found radios a useful tool in maintaining clear communication throughout the day. If used, these should be suitably secure as overheard radio conversations could be misconstrued and used in evidence against you. Trust and communication between masters and huntsman is essential.
- Prior to the commencement of hunting, followers (which includes car followers) should be clearly reminded of how to behave during a day's hunting – courtesy to road users, not blocking roads or gateways, not parking or riding on mown verges, taking care not to intimidate people on foot, taking care through villages and on rights of way.
- It is useful to remind followers how they are expected to act particularly with respect to such things as holloas, reminding them that they may be liable to prosecution if they encourage hounds in pursuit of a wild mammal. Some hunts have printed brief guidelines to be circulated to all followers including those in cars – see **Appendix 4**.

How To Avoid An Incident

- Be aware of followers who are not known to the hunt and who may not be genuine supporters. Mounted followers will be easily identified and their membership of the Countryside Alliance may be a useful reference point. Car or foot followers should be questioned in a friendly manner. No bona fide hunt follower will object to a quick call being made to their home pack.
- At the meet, the master in charge should make clear the intent to hunt within the law to all followers. This message should be included in any video recording made of the day's activity.
- It is strongly advised that hunts keep a record of intent. We suggest that this be done on video with time and date imprint. It should include the laying of any trail, the master's briefing, the meet and commencement of hunting.
- A diary should be kept of each hunting day, this can provide useful evidence to corroborate any video footage and will also serve to remind everyone of what happened on a given day if a query is raised after the event.
- It is important that hunt officials have to hand emergency phone numbers. These should be programmed into mobile phones and include – Legal Helpline Number, Hunt Saboteur Line, CA Press Emergency Mobile, local police (see – **Appendix 3**).
- Key car and mounted followers should carry digital cameras with automatic dating in order to record evidence in case of an incident. It is useful to take photographs of all saboteurs/monitors and car number plates to assist with later identification. This information should be passed to the Hunt Saboteur Line.
- If in doubt, consult the Hunting Handbook 2005-6 or contact the Hunting Office.

Hunt Saboteurs

- If saboteurs pay a visit, the first reaction should be to try and avoid an incident. It is vital that tempers are not lost and that no one acts in an aggressive or provocative manner. This may give the saboteurs grounds for complaint against the hunt. Supporters should be warned beforehand about their own behaviour and advised to steer well clear of any possible trouble.
- The Hunt Saboteur Line should be contacted as quickly as possible after the saboteurs' arrival, and will offer advice and support and monitor the movements of saboteur teams.
- All hunt officials should have the Hunting Office Helpline Card to hand with relevant numbers and advice.
- Action to be taken if the police have to be summoned is set out below. Identify someone in advance who has a good knowledge of this document to be the primary point of contact with the police. He or she should know precisely when to call the police. He/she should be present when the police attend, should liaise with the senior officer and be prepared to make a witness statement recording precisely what occurred before the arrival of police officers.

Trespass – a definition

The unauthorised entry onto land or property belonging to another person. Trespass is a civil not criminal offence; the police have no remit to intervene.

How to proceed

- Only landowners or their agents can remove trespassers. Any hunt supporter can be empowered as an agent. Verbal permission is adequate but written permission is better evidence (see **Appendix 2**).
- In the first instance any trespasser must be clearly, politely and firmly warned that they are trespassing and should leave immediately. It is advisable to video this warning being delivered.
- The verbal instruction to leave is a lawful demand and must be complied with immediately.
- If the request is ignored it should be repeated, and again filmed. If this is still ignored they can be removed, using reasonable force, to the nearest highway or footpath.
- If there are a number of trespassers, identify the ringleader and concentrate efforts on removing him or her. In the case of female saboteurs it is advisable for a woman from the hunt to be present.

Hunt Saboteurs

- Reasonable force is such force as is necessary to remove the trespassers and must be commensurate with the risk posed. This can include physically escorting them from the property.
- It is vital that all agents act calmly, do not lose their temper or resort to violence or the threat of violence. Nothing that could be construed as a weapon should be carried.

Aggravated trespass – a definition

Aggravated trespass is a criminal offence defined in Section 68 of the Criminal Justice and Public Order Act 1994 (CJPOA). Trespass becomes aggravated trespass when the trespasser does ANYTHING which is intended to disrupt or obstruct a lawful activity taking place on private land. This includes intimidating people taking part in that activity.

The police have powers of arrest for aggravated trespass. If officers are in attendance, they should be reminded of this power.

Police also have the power to arrest persons acting in a manner likely to cause a breach of the peace.

Any citizen has the common law right to detain a person who is acting in a manner likely to cause a breach of the peace, provided that they are handed over to the authorities as soon as practicable. Provided that the steps outlined below (How to proceed) are followed, active resistance to lawful ejection will amount to behaviour likely to cause a breach of the peace. Any saboteur detained in this way should be handed over to the police at the earliest opportunity. Video evidence throughout is strongly recommended to counter any allegation made by saboteurs later of false imprisonment.

Whilst it is generally saboteurs who will engage in this illegal activity, the CJPOA may also be used as a means of removing those who may describe themselves as monitors but whose actions go beyond standing by and operating a camera. This may be by causing an obstruction or using the camera in such a way that it intimidates those following or participating in legal hunting.

Hunt Saboteurs

How to proceed

- Take the steps set out above to seek to remove the trespasser. Obtain video evidence if practicable.
- If this fails, film the trespasser and obtain evidence of any activity by him which amounts to disruption or obstruction of a lawful activity or encouragement to others to disrupt or obstruct. Examples include threatening behaviour towards hunt staff going about their work, persistent abuse or threats made against participants, wilful refusal to leave property when invited, horn blowing or calls to hounds, causing any physical damage to property, applying locking devices to themselves, placing physical barriers (or vehicles) in the path of participants or locking gates.
- The camera operator should be accompanied at all times: with an eye in the viewfinder, they may well be vulnerable to attack.
- Call the police as soon as any trespass occurs which may lead to aggravated trespass. Inform the trespassers that the police are coming.
- Once the police arrive, hand over unedited taped evidence together with a clear and cogent report of what has happened at the earliest opportunity. The police will only use the tape themselves as evidence in any prosecution if they are sure it has not been tampered with. Remember too that any taped evidence used against any hunt in any prosecution may have been surreptitiously edited, so it is vital that hunts cannot be tarred with the same brush. One person should deal with the police to ensure clarity, the person who called them needs to be present when they arrive.

Hunt Monitors

Public rights of way

Where monitors remain on a public right of way, the remedies available to hunts are more limited. Consider the following:

- Footpaths usually cross private land and only give users the right to pass and repass along the prescribed path or to pause for rest. Anything beyond this constitutes obstruction. Action can be taken to remove anyone deliberately obstructing a footpath by treating that person as a trespasser. They have a right to stop and rest but not to obstruct the path in any way
- A trespass is committed as soon as someone leaves the marked footpath.
- A person commits an offence by taking a vehicle onto a footpath or bridleway.
- It is an offence to park on a verge in such a way as to obstruct traffic.
- Section 2 of the Countryside and Rights of Way Act 2000 gives rights of access to designated land for recreational purposes but does not give rights to go onto such land to disrupt a legal activity, in which case the entry becomes aggravated trespass. Rights of access to any land belonging to that landowner will then be forfeit under the Act for 72 hours.

Filming

Monitors will claim that their actions are justified because they are seeking to ensure that hunts are complying with all aspects of the law. They will say that they are obtaining evidence to be used in a future prosecution. In response to the Act, hunts and individual participants or supporters will be doing their best to comply with the restrictions and pursue exempt hunting. Ironically, there are many cases where it is the monitors themselves who will be in breach of the law.

- The first port of call is to consider whether a purported monitor using a camera is (a) trespassing or (b) committing the offence of aggravated trespass. In either case, reasonable force can be used to move the monitor from private land.
- Videoring of children by monitors can be discouraged if the monitor is informed that the parents of the child have not given permission for images to be taken of the child.
- If the monitor acts in a manner which causes harassment, alarm or distress, he may be committing one of three criminal offences:
 - (1) Section 2 of the Protection from Harassment Act 1997. This is an *arrestable offence* and is committed if a person pursues a course of conduct which *amounts to harassment of another*. This can include *alarming the person or causing the person distress*. The Act only applies if there is *conduct on at least two occasions*.

Hunt Monitors

- (2) Sections 4A or
- (3) Section 5 of the Public Order Act 1986. These two public order offences are committed where a person uses threatening, *abusive or insulting words or behaviour or disorderly behaviour...thereby causing that or another person harassment alarm or distress*. The difference between Section 4A and Section 5 is that there is no requirement in Section 5 to prove that the person intended to cause harassment alarm or distress, it is enough to prove that the actions of the monitor were sufficient to cause harassment alarm or distress to a person who is present.
- It is advisable that hunt personnel should video the hunt monitor while he is filming. Using a second camera, capture what is being filmed by the monitor. This may well discourage the monitor. It will also enable the hunt to verify whether any editing has been done by the monitor in the event that the footage from his camera is supplied to support a prosecution.
 - Use the sound on your shadow film as well as visual images: the 'shadow' should give a commentary on what the huntsman or hounds are engaged in, or the commands given to hounds. It will act as a contemporaneous interpretation of what is shown and will make it more difficult if a monitor seeks to infer a different interpretation later.

Hunt Stewards

- A hunt with a history of saboteur trouble may consider training certain trusted individuals to act as stewards. Some hunts have used them to good effect and have suffered far less intrusion as a result.
- Training the stewards is key. Without this, the police might view the presence of stewards as provocative. The hunt may then find itself being regarded as the aggressor rather than victim of any public order offence. “Bouncers” used at licensed premises are a good example of what stewards should **not** become.
- Advice and help is available and the Hunting Office can provide the necessary contact details.
- Stewards’ basic training should teach them the law of trespass, what amounts to reasonable force and the common law right to detain persons acting in a manner likely to cause a breach of the peace. See the section above on aggravated trespass. Hunts should provide written instructions to stewards on sensible and courteous behaviour, using this Guide as a template.
- Written permission must be obtained from landowners and occupiers giving the hunt powers to act as agents (**Appendix 2**).
- Select stewards carefully. They should be calm, reasonable people and physically fit. Ideally they should be articulate in case they have to relay information to police, make a witness statement or give evidence in court later. Remember that any previous convictions (antecedents) will be checked if they appear as witnesses.
- On each hunting day, nominate a senior steward. All others must accept his/her authority. The senior steward must be known to all followers and must be clearly briefed by the master in charge and be in contact with him throughout the day.
- Nothing which could be regarded as an offensive weapon should be carried.
- Stewards should not obscure their faces with scarves or balaclavas. They should be readily identifiable by a tabard, or cap with hunt insignia. They should not wear provocative clothing.
- Any vehicle used should meet all legal requirements (road tax, plating/MOT, insurance, correct number of passengers, seat belts etc). Vehicles should not be used in a way which may be seen as obstructing highways, paths or bridleways.
- Stewards should be equipped with mobile phones/secure radios to maintain contact with hunt officials and staff. They should also have video equipment and digital cameras. Notepads and pencils are essential to record number plates etc.

Additional Legal Recourse

Civil remedies

- Landowners are at liberty to take out injunctions against repeat offenders. Where there is clear evidence of multiple trespass by a known individual, proceedings may be taken in the County Court. The defendant must first be given notice in writing. This may be costly and is a remedy of last resort.
- Under Section 3 of the Protection from Harassment Act 1997, *An actual or apprehended breach may be the subject of a claim in civil proceedings by the person who is or may be the victim of the course of conduct in question.* If such an order is obtained and a breach of the order occurs, the person who has obtained the order may apply for a warrant for the arrest of the defendant.

Criminal sanctions

- Balaclavas – a **uniformed police officer** under instruction from his Chief Inspector, can require any person to remove any item which the officer believes is being worn to deliberately conceal his identity. If masked saboteurs or monitors are a problem, it will be useful to discuss this with police and urge the Chief Inspector to exercise this power.
- Anti-social Behaviour Orders (ASBOs) can be applied for in any circumstance where someone is repeatedly acting in an anti-social manner. They are designed to constrain individuals rather than groups. They might have application particularly where someone living locally is a persistent and demonstrable nuisance to the hunt.
- Where property is deliberately destroyed or damaged, consider whether a complaint of criminal damage should be made to police against an identifiable saboteur or monitor. This can include damage to vehicles, fences, gates or other hunt property such as hounds, clothing, equipment, buildings or locks.
- If deliberate injury is inflicted on stewards, followers or hunt staff and there is good video or eye-witness evidence available, consider complaint of common assault, assault occasioning Actual Bodily Harm (ABH) or Grievous Bodily Harm (GBH).
- Where a saboteur or monitor has with them any knife or offensive weapon (such as a cosh, stick or anything adapted to cause injury – such as a sharpened screwdriver) a report of this to the police may be an efficient means of deterrent.

Steps To Take If Involved In An Incident

If, having followed all the guidelines and having behaved sensibly and with caution, an incident develops there are steps to take to minimise possible damage.

- The hunt should initiate the call to the police and once they arrive should ensure that they get their version of events across first in a clear and concise way.
- If they are still present, the hounds and field should leave the scene. Only those directly involved, relevant hunt officials and key witnesses need remain.
- Any video or digital photographic evidence should be handed over to the police as soon as possible.
- One person should deal directly with the police, identifying the senior officer, and being as helpful as possible.
- Call the Legal Helpline (**Appendix 3**) if a police officer makes an arrest of any hunt member, follower or employee. You are required to give your name and address but no more. The Helpline will offer advice and, if necessary, representation. Do not be tempted to respond to an informal invitation to “answer a few questions” (either at the scene or afterwards) as you may unwittingly incriminate yourself or others.
- A police officer is required by law to administer the caution before asking questions about a suspected offence. The words (which must be used) are: “You do not have to say anything, but it may harm your defence if you do not mention something that you later rely on in court. Anything you do say may be used in evidence”. Do not say anything without seeking legal assistance first.
- If you are taken to a police station or are invited to attend for an interview under caution, immediately phone the Legal Helpline for advice. Do not answer questions or make a statement before seeking advice or accept any caution. You are entitled to one phone call from the police station and to free legal representation.
- If it is likely that the incident will generate media interest it is vital to contact the Regional Director of the Countryside Alliance or the Duty Press Officer for advice (Contact details **Appendix 3**). The Hunting Office must also be informed.

In The Event Of Press Interest

If the press arrive at an incident without warning, rather than following up the story later remember the following points:

- Nominate a suitable spokesperson – this may be a master or the huntsman depending on the incident – who can speak with authority. Hunt spokespeople should be identified and briefed before the start of the season in preparation for any later press interest.
- Call the Regional Director, Press Office or Philippa Mayo (**Appendix 3**) for advice and assistance if possible. If TV crews give notice before coming call for advice before agreeing.
- Dismount, hand your horse to someone else and remove your hat, tinted spectacles and if possible exchange red coats for a fleece or pullover.
- Be pleasant, smile, look directly at the camera if being interviewed on television.
- Be clear about your message, repeat the message you wish to get across in different words if necessary, do not be led into arguments or debates on wider points.
- Consider your answer before speaking. Do not feel the need to fill in gaps in the conversation. Say what you want to say and then shut up, allow the interviewer to cover the gaps.
- Keep your points concise and sentences short to avoid important points being edited out.
- Keep your voice up, sound confident, upbeat. Modulate your voice. Put emotion into your voice. Do not speak too fast.
- Stand still and keep your hands still.
- Do not be afraid to correct the interviewer or to steer the conversation back in the direction you wish it to take.
- Don't say "no comment" but steer the question back onto your agenda.
- Try and finish on an upbeat note.
- Do not relax until you are sure the interview is over and you are sure that the sound and camera have stopped running.
- NEVER say anything off the record.

Appendix 1: Letter of Permission



Address of farm or land:

.....

.....

Date:

Dear

I hereby give permission to the hunt to enter onto or use my land to carry out exempt hunting as defined within Schedule 1 of the Hunting Act 2004 or for any other activity involving hounds which is not prohibited by the Act.

Signed: owner/occupier
(delete as appropriate)



Appendix 2: Hunt Card

We suggest you ask selected landowners to sign the following authority which should be worded as follows on a hunt card:

“

I

of

.....

hereby authorise

.....

to remove any person not lawfully present on my land.

Signed: Landowner

Signed: Agent

Date

”

Appendix 3: Useful Contact Numbers

Hunt Saboteur Line (Saturdays)	01582 883 076
Countryside Alliance - Legal Helpline	01892 537 311
Countryside Alliance - Press Office press-office@countryside-alliance.org	07775 938 792
Countryside Alliance - Action Office Philippa Mayo	07876 208 725
Council of Hunting Associations - Hunting Office admin@huntingoffice.org.uk	01285 831 470

Appendix 4: Suggested Advice to Followers

Suggested advice to followers

- Autumn Hunting is termed “hound training” and is for the purpose of teaching young hounds to hunt a trail.
- Hound training will still take place early in the morning and in confined areas. This limits distractions to young hounds, allows for more limited fitness of horses and hounds in the early season.
- As the season progresses trails will be laid in more open areas and over greater distances.
- The trail may be laid from a quad, horse or on foot depending on terrain and conditions and several methods may be employed on any one day.
- More than one trail may be laid at any time to replicate natural hunting as nearly as possible and to provide a challenge to huntsman and hounds. In addition the trail may be broken and/or lifted to slow the pace and increase the challenge.
- It may be difficult for bystanders to know whether hounds are hunting a trail. If there is any doubt they are asked not to interfere with hounds or to attempt to stop them but to alert hunt staff as quickly as possible.
- Members of the hunt may be asked to assist the hunt staff for safety reasons.
- Mounted and foot followers are asked not to holloa as this may confuse the hounds.
- All followers are reminded that courtesy to farmers and landowners is paramount. Gates should be shut immediately and any broken fences or loose stock reported to the secretary.

Appendix 5: Template Permission Form for Terrier Work

Name (applicant):

I (owner/occupier):

Address:

.....

.....

Tel:

authorise the above to control foxes and other wild mammals in accordance with Schedule 1, Paragraph 2 of the Hunting Act 2004, which is summarised below.

Signed: Dated:

This permits the use of a single dog below ground to flush out wild mammals solely for the purpose of preventing or reducing serious damage to game birds or wild birds being kept or preserved to be shot. The person must carry with them written permission and intend to shoot the wild mammal as soon as possible after it is flushed. All reasonable steps must be taken to prevent risk or injury to the dog and manner in which the dog is used must comply with the following code:

- The terrier's role is to locate and flush the animal, not to fight with it
- Only 'soft' terriers which stand back and bark are to be used
- Care must be taken to ensure the safety of those involved and to minimise the risk of injury to either the terrier or the wild mammal
- The terrier's time below ground must be kept as short as possible
- The terrier must always be fitted with an electronic locator
- Once it is determined the terrier is trapped, assistance must be given to release it immediately

Notes: Nothing other than nets may be placed over entrance / exit holes during the flushing. It is not permitted to use a terrier to locate, dig down to and locate the quarry. But if the dog is removed, relocated, secured and not used again, then the quarry may be dug down to and dispatched. The hunting of rabbits and rats is exempt from the above, but does require the landowner or occupier's permission.



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