

# A POCKET GUIDE TO THE LAW



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*There is way more law than can fit in your pocket, so please bear in mind this is just the basics of some laws particularly relevant to hunt saboteurs. There are plenty of others that could be used for or against you. If you need legal advice in the field please call a friendly solicitor.*

Kelly's (Brighton): 0800 387 463

Bindmans (London): 020 7833 4433

*If something interesting comes up or for less urgent help please email **legal@huntsabs.org.uk***



# LAWS USED AGAINST SABS

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**Trespass** is only a civil offence, to be dealt with by a landowner, not the criminal justice system. Police may assist. A landowner can use 'reasonable force' to remove you from the private land to the nearest highway or public land. If they try to send you in a direction which is not the shortest to a right of way, there is nothing to say you must go the direction they want.

Trespass becomes the criminal offence of **aggravated trespass** if you obstruct or disrupt a *lawful* activity while trespassing, or intend to. In court it is for the prosecution to prove the activity was lawful, but you would need some evidence to suggest the main part of the activity wasn't lawful before they had to prove otherwise.

If a police officer reasonably believes you are about to commit aggravated trespass they can read out a specifically worded warning telling you to leave the specified area of land, and it is an offence not to comply. This warning lasts for 3 months. There is no specific defence here about the lawfulness of the activity you might disrupt.

Police have sometimes tried to '**disperse**' sabs using Section 35 of the Anti-Social Behaviour Act 2014. The police must reasonably believe you have or will contribute to people in the area feeling harassed, alarmed or distressed. Then they must give you the order in writing specifying the time and place you are not allowed. They must give particular consideration to

your rights to freedom of expression and freedom of assembly. It would be interesting to test this in court for sabs. Please email in if you get served one of these.

Police can also demand your details if they suspect you of antisocial behaviour, and can then arrest you if you refuse, but don't forget exercising your right to protest (in a reasonable manner) is not anti-social behaviour. Most of the rest of the time **you do not need to give police your details**. The other exception is when police suspect you personally of an offence.

Check what offence and what description they have of the suspect as sometimes they are blagging it badly!

In certain circumstances a senior police officer can put a **section 60 notice** in place which enables officers to stop and search anyone in a specified area and during a specified time period for **weapons or face coverings**.

They may require you to remove a face covering. It would be an offence not to comply if this was properly explained to you.





There is no obligation to answer other questions or give your details. 'Weapon' covers pretty much anything that could be used as such.

The Public Order Act 1981 covers offences in increasing severity from **swearing** (section 5), to **threatening behaviour**, to **affray**, to **violent disorder** to rioting (section 1). Riot is very rarely used. There does not need to be a person to be alarmed or hurt by the behaviour. Related to these are **assault, actual and grievous bodily harm**, which are against an actual person. There is allowance for defending yourself or another, in proportion to the threat.

If the police are asking you to do something, ask which powers they are using, why and whether you are legally obliged to comply. Beware of telling them anything about yourself or other sabs as they might use this against you later.



## VEHICLES:

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Police can stop check any **vehicle** anytime. The driver must give details but passengers do not need to answer questions or even stay in the vehicle. Of course, the vehicle should be

roadworthy, taxed and insured. Many sab vehicles have more than 7 seats and therefore are classified as **minibuses** for licence purposes. Drivers must be over 21, and have had a licence for more than 2 years. Then it is OK to drive 'not for hire or reward' for non-commercial purposes, as sabbing is.

If the police tell you otherwise, they are wrong. We have checked this several times.

## THE HUNTING ACT:

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**It is illegal to hunt a wild mammal with dogs.**

With a few exceptions:

Rats and rabbits **don't count**.

They may use 2 dogs to '**flush out**' a wild animal for that animal to be shot as soon as possible afterward. This doesn't allow for any chasing of the animal in the open. The dogs must be under close control. The law specifies a wide range of purposes for which the shooting must be taking place, which is very broad but the hunters should have one ready if asked by the police.

If a dog is used to flush out **below ground**, it must be for the purpose of protecting birds for shooting and the hunter must have written evidence they own the land or have permission to use it for the purpose. The other conditions for flushing out above ground also apply. The animal should be flushed out not dug out. **Digging** is only to rescue a trapped terrier.

There is also provision to flush out to a bird of prey but it is highly doubtful any bird used in falconry could take a fox, certainly not a deer.

The hunting must be intentional; there is no offence of recklessly allowing dogs to hunt.



## Searching for the animal

is not counted as hunting, according to a previous ruling, but it could be interpreted as preparing to illegally hunt.

Once an animal is, or has been, captive, (such as a **bagged fox**, or indeed a hound) it is covered by the Animal Welfare Act which offers much more protection, although confusingly could also still be covered by the Hunting Act.



The best **video evidence** shows the hunted animal, the hounds in pursuit and some humans encouraging or controlling the hounds but it is not essential for all or any of this to be videoed for the police to investigate, in theory.

**Anyone involved** in the hunt commits the offence, not just the hunt staff, though realistically they are the only ones who'll get prosecuted. The owner of the land and the owner of the dogs also commit offences.

Police have powers to **stop and search** suspects, including their vehicles and animals, and may seize evidence including the animals. They rarely use these powers so could do with some encouragement!

## OTHER THINGS THE HUNT MIGHT DO:

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Landowners or their agents may use 'reasonable force' **to remove trespassers**. This doesn't allow any random hunt supporter to push you around or for anyone to use unreasonable force, threats or intimidation.

The same laws apply to the hunt as everyone else when it comes to **assault and public order offences**, even though many of them scoff at the idea!

It is illegal to wilfully obstruct a highway. It is also illegal to **stop a vehicle leaving private land**, whether or not there was permission to be there, except by a fixed barrier (like a gate) which was there already. That's from the Protection of Freedoms Act 2012.



The Countryside Alliance has told their supporters it is illegal to film children. This is as true as everything else the lying bastards say. You **can film anyone** in a public place. (And so can they).

There are lots of rules around **guns and shooting**. Shooters risk losing their gun licence if they break the rules. Pointing guns at humans is against the law!

## GETTING ARRESTED? DON'T PANIC...

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It is generally best to say '**NO COMMENT**' to all questions from police once arrested, including formal interviews and 'casual chat.' Don't be tricked or pressured into giving them evidence or intelligence.

The process is quicker and easier if you give them your **name, date of birth and address** but remember they may release this to the media or the hunt. There is no need to answer any other questions.

Use your right to free legal advice from a solicitor of your choice. **Duty solicitors can be rubbish or hunters - do not use them.**

The following are friendly to sabs:

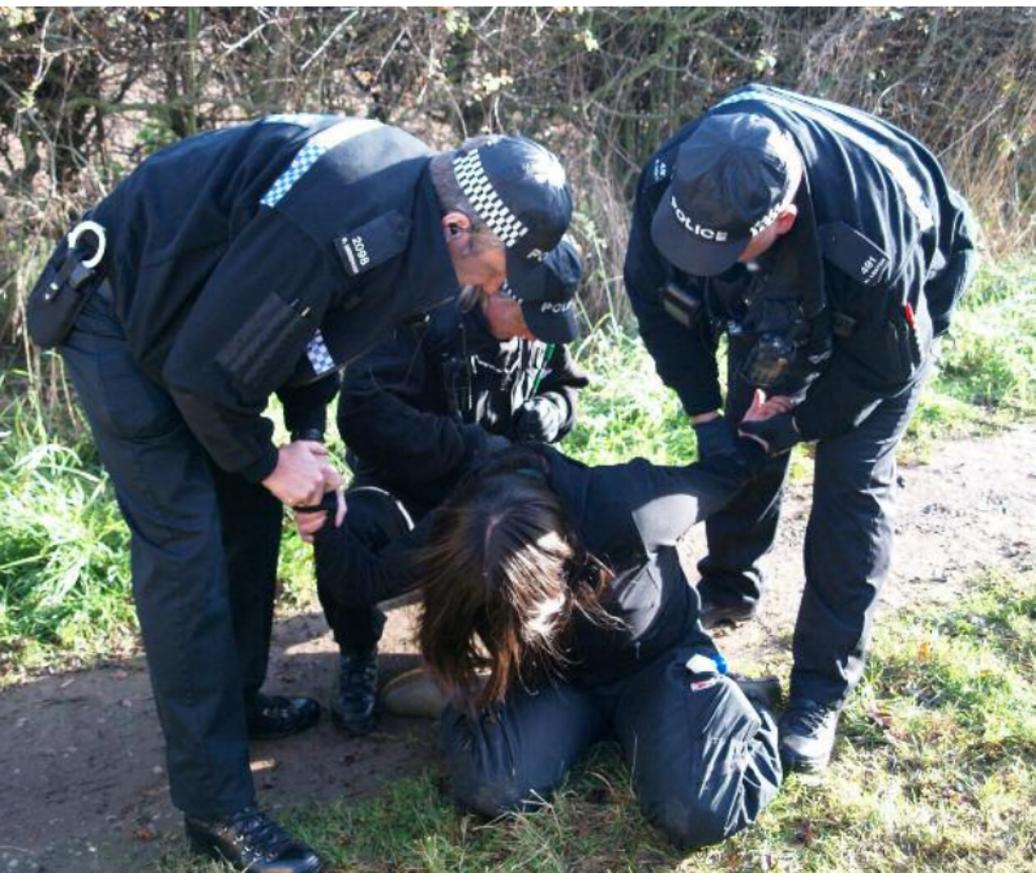
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You have the right to another phone call from the police station. The police may not let you access your mobile phone so try to learn some numbers off by heart (or write them on you arm before sabbing in indelibel ink)

Your sab group should make sure someone is waiting for you when you come out.

If your case isn't dropped, start gathering together your defence evidence straight away and talk to your solicitor.





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