

APPENDIX H:

Background to the Bill

Since 1949 there have been several attempts to introduce Bills to reform hunting with dogs. The third attempt was The Hunting Bill that was introduced in the House of Commons on 3 December 2002. This Bill aimed to prevent all cruelty associated with hunting with dogs and in regard to fox hunting it provided an independent process with a registration procedure under which individual applications are considered on a case-by-case basis as to whether they meet the tests.

For hunting to be allowed to proceed, the Hunting Bill proposed that two evidential tests would be applied based on utility and least suffering. A hunting activity would be allowed if it could show that the utility of the activity (e.g. in terms of livestock protection) would outweigh any suffering caused ¹. The Bill received its Second Reading on 16 December 2002 and was considered on Report on the 30th June 2003.

At Report Stage, new Clause 11 was added to the Bill. The Clause, accepted with a majority of 208, effectively banned the hunting of foxes with dogs and thereby removed the option of licensed hunts². Following a Third Reading on 9 July 2003, the Bill returned to the House of Lords on 21 October 2003. Peers rejected the House of Commons plan for a total ban on hunting with dogs and voted instead for a system of regulated hunting. The Bill ran out of Parliamentary time on 29 October 2003.

The Hunting Bill 2003/4

On 9 September 2004, Alun Michael, the Rural Affairs Minister announced the Government's intention to reintroduce the Hunting Bill. This Bill is essentially the same as the 2002/3 Bill after Clause 11 had been added, and prohibits the hunting of wild mammals with dogs.

¹ Hunting Bill 2002-3, Standard Note SN/SC/343, 27 February 2003

² "MP's back total ban on foxhunting", *The Guardian*, 1 July 2003

The Government proposed that the Bill's provision in relation to fox hunting commence two years after its enactment. The purpose for this was to allow those involved in hunting time to cease the activities which are to be banned, for humane arrangements, like the dispersal or re-homing of dogs and for re-focusing any business activities on alternatives like drag-hunting or disposal of fallen stock, or re-employment.

Those wishing to abolish hunting welcomed the Bill, but regretted the proposed delay of two years. Supporters of hunting, such as the Countryside Alliance condemned the Bill.

The Bill had its first reading in the House of Commons on 9 September 2004 and was given a Second Reading by 356 votes to 166 which took place on 15 September. It was during this debate in the House of Commons that a demonstration organised by the Countryside Alliance took place in Parliament Square, London.

Subsequently, the first reading of the Hunting Bill in the House of Lords occurred on 16 September 2004, and the second reading on 12 October. The Bill then went on to Committee Stage and finally to Report and the Third Reading at the House of Lords took place on 15 November. On 18 November 2004, with the use of the Parliamentary Act 1949, the Hunting Bill was given Royal Assent with commencement of three months.

Parliament Acts

On 8 September 2004, Alun Michael announced, by way of written answer, that the Government considered that the Parliament Acts procedure could be used to implement the provisions of the Hunting Bill if necessary.

The Parliament Acts procedure allows a Bill that has not been passed by the House of Lords to be enacted if the Lords have rejected it in two

successive sessions. One of the conditions of this is that the House of Lords receive the Bill at least one month before the end of the session.

It would appear that the use of the Parliamentary Acts 1911 and 1949 was an aggravating factor to those in opposition to the Hunting Act 2004, as it was argued by those opposed to the Bill that the Parliamentary Acts should only to be used in times of national crisis (a point strenuously denied by the Department for Environment, Food and Rural Affairs (DEFRA)). Indeed, the Countryside Alliance has challenged the validity of the Parliament Act 1949 and therefore the validity of the Hunting Bill. This challenge was defeated in the High Court on 28 January 2005 and the subsequent appeal was rejected by the House of Lords in October 2005. The Court of Appeal decided on 16 February 2005 to reject an application by the Countryside Alliance for interim relief, and the Act came into effect on 18 February 2005.

The first conviction under the Act occurred on 04 August 2006 in a private prosecution taken by the League Against Cruel Sports.