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TO

Repeal the Hares Preservation Act 1892 and to make provision to prohibit the killing or taking of hares during the breeding season.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Repeal

The Hares Preservation Act 1892 is repealed.

2 Protection of wild hares

- (1) Any person who intentionally or recklessly kills, injures or takes any hare or leveret in the closed season is guilty of an offence. 5
- (2) In this section, “closed season” means the period in any year beginning with 1 February and ending with 30 July.
- (3) Exceptions to the offence in subsection (1) are set out in section 4.

3 Penalty

A person guilty of an offence under section 2 shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both. 10

4 Exceptions to section 2

- (1) A land owner, lawful occupier or person authorised by the landowner or lawful occupier (an “authorised person”), is not guilty of an offence under section 2 if the person shows that their action was necessary for the purpose of preventing serious damage to crops on the land owned or occupied. 15
- (2) To be entitled to rely on the defence under subsection (1) authorised persons must show that—

- (a) they had reasonable grounds for believing that hares of the same species had caused serious damage to crops on the land;
 - (b) it was likely that further damage would be caused to the crops and the damage was likely to be serious;
 - (c) non-lethal methods had failed; and 5
 - (d) their action was necessary for the purpose of preventing the damage.
- (3) To be entitled to rely on the defence under subsection (1) authorised persons must also show that –
- (a) they obtained a licence under section 16 of the Wildlife and Countryside Act 1981, prior to the action; or 10
 - (b) they notified the appropriate local authority as soon as reasonably practicable after the action was taken that they had taken it.
- (4) A person is not guilty of an offence under section 2 if the person shows that the animal had been so seriously disabled, otherwise than by their unlawful act, that there was no reasonable chance of its recovering. 15
- (5) A person is not guilty of an offence under section 2 if they show that the animal –
- (a) had been disabled otherwise than by their unlawful act; and
 - (b) was taken solely for the purpose of tending it and releasing it when no longer disabled. 20

5 Extent, commencement and short title

- (1) This Act extends to England and Wales only
- (2) This Act comes into force at the end of the period of one month beginning with the day on which it is passed.
- (3) This Act may be cited as the Hares Preservation Act 2020. 25

Hares Preservation Bill [HL]

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Lord Randall of Uxbridge

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