

# **HUNTING HANDBOOK 2005**

**WHAT YOU NEED TO KNOW  
ABOUT HUNTING WITHIN THE LAW**

**HOW HUNTS AND HUNTING ACTIVITY  
CAN CONTINUE UNTIL THE BAN IS REPEALED**

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## 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 ultimately it is for the courts to decide whether people have broken the law. The outcome of any individual prosecution will always depend on the particular facts of each case. We will publish updates as necessary once we see 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.

# Introduction

Dear Supporter

This manual tells you how you can legally keep the structure of hunting and hunting activity alive during what we see as the temporary ban. It is the practical part of the Three Strand Strategy and, together with the political and legal elements, will ensure that our activities continue until this unjust law is repealed either by our action in the courts or by a future Government which puts principle before prejudice.

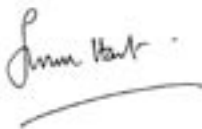
The most important thing we can all do is continue hunting activity in order to fund kennel establishments and retain the cohesion of our local communities. This will show our determination to fight this unworkable and unenforceable legislation and ensure that, after the repeal, hunting is able to recommence as before. This means that hunts and clubs need to remain intact together with their hounds and supporters – if not the repeal will be in vain.

The new forms of hunting activities will obviously be different from before but they will provide a thread to bind our communities together through these difficult and challenging times.


Remind the pessimists – and that there have been so few is a credit to the character of hunting people – that hunting was severely tested during both World Wars when people left the hunting field to fight the enemies of freedom and liberty. After that victory hunting emerged stronger than ever before. This must happen again.

A note on the contents of this book; by necessity it contains information upon how to continue within the law – please make sure you read the disclaimer on page 4. The matter is now before the courts. In these circumstances the Countryside Alliance and Council of Hunting Associations is offering advice on what is legal.

What has happened recently is as much a threat to democracy as it is to hunting. Our job is to restore the future of both.



Simon Hart  
Chief Executive, Countryside Alliance



Stephen Lambert  
Chairman, Council of Hunting Associations

# Saturday February 19th 2005

The Countryside Alliance and the Council of Hunting Associations have jointly agreed that all hunts should hold an open and public meet on 19th February.

There will be unprecedented levels of media interest in hunting in the run up to enactment and on the 19th. Hunts should also prepare for, and encourage, members of the public to come to their meet to show their resistance to prejudice and the 'nanny state'. You will be asked to take out advertisements in your local newspapers telling the public where and when your meet is taking place and you may like to consider changing your meet to your traditional Boxing Day location or another high profile venue which will make it easier for supporters to attend.

All hunts and clubs will receive a media brief from the Countryside Alliance nearer the time and it will be essential that this is strictly adhered to. As usual if the media contact you or your hunt please telephone your Countryside Alliance Regional Director or the London Press Office before speaking to them. See contact details in appendix 2.

It is also essential that your meets and fixtures continue for at least the next two weeks after the 19th until the normal end of your season. Media and public interest is likely to remain high and finishing the season on the 19th may be misinterpreted as the hunting community "giving up" and give the impression that our opponents have won.

This period will also be an opportunity to educate members and supporters about your future hunting activities and secure their support for next and subsequent seasons.

Further information will be sent to hunts in February.

# What you must do before Friday February 18th 2005

## Change your Hunt / Club Constitution

The part of your hunt and club Constitution which states the “Objects or Aims of the Hunt/Club” needs to be changed so that the objects are legal after the temporary ban comes into force at midnight Thursday into Friday 18th February. This is essential so that:

- Hunt Officials (or committee members or company officers if your hunt is a limited company) are not prosecuted for conspiring to hunt, aiding, abetting or assisting a hunt or conniving to allow hunting
- Farmers are able to give you permission to come onto their land to carry out your legal activities
- You will be insured. Illegal organisations or activities cannot be insured and obviously you will need insurance in case of an accident
- If your hunt or club is charged by the police with illegal hunting you have proof that your organisation is a legal one

For further advice on changing your Constitution please contact your Association. You may need to organise an Extraordinary General Meeting to ratify the changes to your constitution.

It is essential that the infrastructure of your hunt or club is kept intact until at least after the General Election. Decisions as to the future should be made only then.

## Obtain permission from your farmers and landowners for LEGAL activities

Farmers need to be reassured that they will not be prosecuted and that Single Farm Payments will not be withheld if they have given you permission to hunt legally. For full information see page 12. You are advised to keep a note of all meetings with farmers and police.

# What you must do before Friday February 18th 2005

## Acquire the tools necessary for legal hunting

This means, for example:

- If you are going to be flushing to a gun appoint a competent person or persons to shoot the quarry. Use the right weapon and appropriate ammunition
- Trail hunting will require the necessary trail scent and method of applying it to the ground. See page 16 for more advice
- Those using a dog below ground in association with the rules regarding shooting must carry written permission from the landowner or written proof of ownership of the land so they can produce it if the police demand to see it. See page 24
- If you are going to be managing hare or deer numbers ensure that you have a game licence

## Ensure you cannot be prosecuted for any other offences

If the police suspect you of breaking the hunting law they may investigate you for other breaches of law. For more advice see page 31.

# General advice for all hunters

After the 18th of February hunting activity might include:

- Trail hunting
- Hound exercise
- Using no more than 2 dogs to flush to a gun
- Rabbit hunting
- Rat hunting
- Hunting hares which have been shot
- Flushing to birds of prey
- Research and observation of the various quarry species

The only animals which will be able to be hunted exactly as now are rabbits and rats. Hunting all other animals (including squirrels, mice and so on) will be illegal unless carried out as described in this manual.

## Prosecutions for Illegal Hunting

Anyone involved in an act of illegal hunting could be prosecuted but the most vulnerable will be the person deemed as owning, being in charge or in control of the dog(s). Masters or others involved in the hunt could also be charged and it is likely that in the event of prosecutions these may be brought against high-profile people who have clearly contravened the Act. Hunt staff must be given clear guidance as to what is lawful and unlawful and consequently what support they will be given by their employers in the event of arrest and prosecution.

If convicted of illegal hunting you will have a criminal record which may compromise your ability to have firearms, act as a company director, travel to certain countries and enter certain professions.

## Muzzling

The very act of pursuing an animal (except rabbits and rats) will be illegal whether or not you have an intention of killing it. Therefore hunting with muzzled hounds would still be illegal because the dogs would be engaged in the pursuit of the animal.

# General advice for all hunters

## Trespass

As is the situation now, all hunting activity must take place on land which either belongs to those hunting or with the permission of the landowner. Anyone working a dog underground (see page 25) must carry written evidence that this is the case and be prepared immediately to produce that evidence to a police officer.

Note that the exemption for trespass under the 1831 Game Act (which meant that people hunting could not be prosecuted for trespass if they or their hounds strayed onto land which they didn't have permission to be on) will no longer apply. This will mean that if you or your hounds go on land where you don't have permission to be, you can now be prosecuted for trespass. This will need to be factored in when trails are laid or hound exercise rides planned.

## Cooperation with the authorities

You will be carrying out a legal activity, however you may wish to minimise the risk of heavy handed monitoring and malicious prosecutions. Therefore hunts, especially those in the same police authority areas, are advised to hunt on the same days.

**Remember that you could be prosecuted for an inadvertent road traffic offence every time you get in your car but that does not stop you driving! Do not worry about taking part in legal hunting activity.**

# Insurance

## Hunt and Club Insurance

*HSBC (Insurance Brokers for the MFHA Block Public Liability and Legal Fees Schemes) have been asked what cover will be available to Hunts after the 18th February.*

Once Hunts become different legal entities, with lawful aims such as Trail Hunts, Hound Exercise Clubs or Rabbit Packs, Public Liability cover should continue, subject to policy terms and conditions, as long as any breach of the law (i.e. hounds hunting a fox) was inadvertent and unintentional.

If something happens and you make a claim which the Insurers believe has occurred as the result of illegal activity they are unlikely to provide indemnity.

This means, for example, that if a Hunt was intentionally carrying out an illegal activity, and for example caused a road accident, they would not be insured and could face claims for damages and compensation.

## Countryside Alliance Membership Insurance

Similarly, Countryside Alliance members who are insured to take part in country sports as one of their membership benefits will be insured as long as they are taking part in a legal activity. Members who intentionally go hunting illegally will not be covered under the scheme as it is impossible to insure illegal actions.

# Farmers and Landowners

## Assurances for Farmers and Landowners

The Act states: “A person commits an offence if he knowingly permits land which belongs to him to be entered or used in the course of the commission of an offence under section 1”. (Section 1 defines the offence as hunting a wild mammal with dogs unless the hunting is exempt).

Hunts and clubs need to obtain farmers and landowners’ permission (in writing to give him or her the strongest possible defence in case of a prosecution for illegal hunting) to enter their land in order to carry out legal activities. A template letter for hunts and clubs to send to landowners is attached in Appendix 1. This must be implemented well before 18th February 2005. In anticipation of the repeal of the Act, it is important that hunting activity continues in as many part of a hunt’s country as possible.

Some farmers and landowners may be concerned that they could be prosecuted or lose Single Farm Payments if a hunt accidentally breaks the law on their land. This will not happen if they have given permission for only legal hunting activity.

The DEFRA website has said:

*“The provisions of the Bill are clear and easily understood – innocent bystanders who witness an illegal hunt, farmers whose land is used against their will, or people, including those engaged in drag hunting, whose dogs chase and kill a fox against their wishes will not be guilty of a crime. This is because people will be only hunting when they themselves intend to pursue the quarry animal.”*

While this guidance from the Government is not legal advice, farmers should be confident that they will not be prosecuted providing they have genuinely given permission for only legal hunting activity. You may think it necessary to have meetings with all your farmers to provide the necessary assurance.

## Fallen Stock

Those hunts that carry out a fallen stock service should give very serious consideration to continuing the collection of fallen stock as it is an extremely valuable service to farmers and will help ensure the continuation of access. Some hunts subsidise costs to farmers, but charges made by hunts should be realistic and cover their costs.

## Fox, hare, deer and mink management service

A wildlife management service for farmers whereby a couple of hounds are used to flush the quarry to a gun will also be extremely valuable to many landowners and help ensure cordial relationships between hunt and farmer. All hunts should seriously consider providing this service.

# Farmers and Landowners

## Call out service

The existing call out service that many hunts provide to farmers to deal with rogue foxes (especially during lambing) should continue. All hunts should seriously consider providing this service. The existing call out service that deer hunts provide for the humane despatch of sick or injured deer should also continue using two hounds flushing to a gun.

## Conservation and Wildlife Management

Hunts should continue to be involved in conservation projects such as managing their own woodlands, planting and hedge laying.

### Note:

A copy of the article written by Peter Bradley, Permanent Private Secretary to Alun Michael, in the Daily Telegraph three days after the Hunting Bill was passed is printed in Appendix 3. Landowners should be made aware of the real issues at stake and therefore the importance of fighting this ban.

# How to ensure your Hunt or Club is legal

## Constitutions

The MFHA hunts' Constitutions currently state that the hunt's objective is "to carry on the hunting of foxes with hounds...in accordance with the Rules, Instructions and recommendations of the MFHA." This, and the Constitutions of the other Hunting Associations and their member hunts and clubs will have to be changed prior to 18th February 2005. Have proposed changes checked by a solicitor and remember you may need an EGM of your Hunt to carry it through. Bear in mind that if your hunt or club is a company or run by a committee any officer of the company or member of the committee could be liable in the event of illegal hunting.

## Seizure and Forfeiture

All equipment that might be construed as dedicated entirely to illegal purposes – e.g. antique hunting tools etc. that have been kept for their historical interest – should be removed from establishments.

Reasons for the retention of other equipment (vehicles, hunting horns etc) should be prepared and understood by Masters and hunt staff so that you are ready for any police enquiry. See below for more information on the police.

## The name of your Hunt or Club

You should not change the name of your hunt or club as there is no legal reason whatsoever to do so providing the aims written in the constitution have been amended. You will continue to be a hunt, operating within the law, and hence perfectly entitled to retain the name (as happened in Scotland). If in doubt contact your Association.

## Relationship with the police

The police should always be treated in the polite and respectful way that they expect of us. A number of police forces have invited Masters and officials to attend liaison meetings. We recommend that you accept in order to hear what the police have to say, but you should not expand on your own plans. You might feel free to show them your revised Constitution if so requested. There have already been a number of instances where the police have approached hunt staff to warn them against breaking the law and enquire of their plans. Such approaches should be firmly dismissed and the CHA office notified immediately.

## Protect yourself from malicious prosecutions

Ensure that you aren't at risk from being prosecuted for any minor offences unrelated to hunting.

# Staff and Kennels

## Staff

It is essential that there are sufficient staff to maintain high levels of welfare in the kennels. Other staff, particularly terrier men, can be used to help farmers or gamekeepers with predation problems, to monitor wildlife populations and to carry out maintenance work in hunt countries.

## Kennels

Consider having a scheme by which those involved in the hunt can sponsor a hound. As well as providing valuable extra income this will create extra interest in the hounds for members and supporters.

You may consider spreading ownership of hounds through members. However be aware that according to the Act *“a dog belongs to a person if he (a) owns it; (b) is in charge of it, or (c) has control of it”*. This means that if five people each hunt a couple of hounds together as a pack this will be illegal because the dogs will have a common quarry. Remember that the issue is not how many dogs are working at any one time but that no more than two dogs must be hunting a particular quarry animal at any one time.

Hunts should not keep more hounds than they can proficiently handle, or afford but ensure that a nucleus is retained for the repeal of the Act. The number of days per week you decide to hunt will affect the number of hounds you can reasonably keep.

# Drag Hunting, Trail Hunting, Flushing, Hound Exercising and 'Chasing Away'

## Drag hunting

Alternative hunting measures will not be draghunting. The term drag hunting is to remain the property of the Masters of Drag and Bloodhounds Association. Our activities should not be confused with theirs. Hunts should liaise with their local drag hunt and not try to rival it.

## Trail hunting

Any form of trail, simulated or mock hunting should be promoted and seen as a measure to provide temporary activity for hounds and their followers.

Trail hunting is the hunting of an artificial scent and we recommend that you use the scent of a fox, hare, deer or mink as appropriate. Do not assume that your hounds will hunt a substitute trail immediately – they will have to be gradually introduced to it. Full advice on the preparation of trail scent and methods of application is being prepared by the CHA and will be circulated to hunts as soon as tests are complete.

There is no reason why huntsman or followers should know in advance the route hounds will take when following a trail, thus closely matching hunting in its current form.

## Flushing

Two hounds can be used to flush quarry from covert (which could be undergrowth or woodland). The quarry must then be shot dead as soon as possible by a "competent person". The Hunting Act doesn't specify what a competent person is but it is likely a court would expect them to (a) have an appropriate licensed weapon and (b) be able to prove that they have competently shot and killed the quarry species in the past.

## Hound Exercising

Any number of hounds can be exercised at the same time but landowners must give permission for this to take place. Anyone carrying a hunting horn or whip should understand that they are doing so for the purpose of controlling hounds rather than hunting.

## 'Chasing Away'

You may be aware that DEFRA has recently endorsed another form of hunting which they term "chasing away", whereby dogs can legally chase animals away from an area of land for purposes of dispersal. The Countryside Alliance's legal team believe that DEFRA is in fact incorrect and such an activity would be breaking the hunting law.

# How legally to maintain Hunts and continue legal hound and dog activities

Hunts and clubs should consider how all supporters can best be fully engaged with a day's hunting activities.

**Legal activities** can be based on:

- Hunting a simulated scent
- Hound exercising, including cross-country rides
- The exemptions listed in Schedule 1 of the Act, which include;
  - Flushing with two dogs
  - Rabbit hunting and ridding
  - Flushing to birds of prey to enable them to hunt the wild mammal

**Fox Hunting packs** can consider:

- Hound exercise rides
- Hunting a simulated scent (fox based)
- Flushing using 2 dogs could be useful for farmers' call outs and our desire to provide farmers with a fox control service

**Hare Hunting packs** can consider:

- Hound exercise rides or walks
- Hunting a simulated scent (hare based)
- Rabbit hunting
- Retrieval of hares that have been shot

**Deer Hunting packs** can consider:

- Hound exercise rides
- Hunting a simulated scent (deer based)
- Flushing using 2 dogs. (Only suitable for casualty services as shooting moving deer is not recommended)

**Fell packs** can consider:

- Hound trailing using a fox based simulated scent
- Flushing using 2 dogs; continuing a service to farmers – call outs

**Gun packs** can consider:

- Flushing using 2 dogs

**Mink packs** can consider:

- Hound exercise walks
- Flushing using 2 dogs
- Rat hunting
- Hunting a simulated scent (mink based)

# How legally to maintain Hunts and continue legal hound and dog activities

**Members of the National Coursing Club, the Whippet, Saluki and Deerhound Coursing Association and the Association of Lurcher Clubs** can consider:

- Flushing out to “obtain meat for human or animal consumption”
- Rabbit hunting

**Members of the National Working Terrier Federation** can consider:

- Ratting, where there are no restrictions other than the need for the property owner’s permission
- Rabbit hunting, similarly there are no restrictions other than landowner’s permission
- Terrier work below ground for the purpose of “preventing or reducing serious damage to game birds or wild birds” which are being kept or preserved for shooting
- Terriers may be used to flush wild mammals above ground under the conditions of the Act

Any person undertaking exempt terrier work has to have with him that the land either belongs to him or he has the landowner’s permission. Only one dog may be used and a yet to be published code of practice from the Secretary of State must be adhered to.

**Legally**, all flushing and “retrieval” will require at least one gun.

You will need to **use your imagination** so that supporters feel fully engaged, and can enjoy themselves within the boundaries of the law. There are also opportunities to use 2 dogs “in connection with the observation or study” of wild mammals which may help us in our role of monitoring the size and health of populations.

We hope that hunts will share experiences. The CHA will provide a central clearing house for the receipt and passing on of useful information.

To advise on the scope of testing the law we can refer to the DEFRA website that published a list of questions and answers.

**Question:** “What will happen if the dogs taking part in a drag hunt kill a fox?”

**Answer:** “The provisions of the Bill are clear and easily understood – innocent bystanders who witness an illegal hunt, farmers whose land is used against their will, or people, including those engaged in drag hunting, whose dogs chase and kill a fox against their wishes will not be guilty of a crime. This is because people will be only hunting when they themselves intend to pursue the quarry animal.”

We really do not know how magistrates might rule on “intent” but we could assume that if huntsmen are “engaging” their hounds in the hunting of forbidden quarry (that is the expression used in clause 11 (2) of the Act) then they will be intending to hunt.

# How to hunt legally with foxhounds

Legal hunting with foxhounds (both MFHA and FWP packs) will involve the three key constituents of:

1. Trail, simulated or mock hunting
2. Flushing using two dogs
3. Hound exercise rides

With imagination these three elements could be combined within a day's hunting and some fox population management.

Some hunts may like to consider having a number of sessions or phases within the flushing part of hunting. These periods of flushing and shooting foxes could involve several groups of hunt followers, each under the leadership of the huntsman or whippers-in, flushing adjacent cover each with a couple of hounds. These hounds can be rotated to ensure that over a period of a number of days all hounds in a pack are used to draw for foxes. Great care will have to be taken to ensure that hounds do not join together to form a pack in pursuit of a single animal.

You should note the Hunting Act says that when flushing hounds must be under sufficiently close control to ensure that they don't obstruct the shooting dead of the quarry animal as soon as possible after it is found or flushed.

## Flushing to a bird of prey

Under the Hunting Act it is legal to use any number of dogs to flush any wild mammal from cover so that a bird of prey can hunt it. Given the skills and experience required for falconry this should not be considered lightly but if you would like more information please contact the Hawk Board (see appendix 2 for contact details).

# How to hunt legally with foxhounds

## Terrier Work and Earth stopping

One dog at a time can be used to flush foxes from below the ground on the condition that it *“is undertaken for the purpose of preventing or reducing serious damage to game or wild birds...which a person is keeping or preserving for the purpose of their being shot”*. A hunt terrier work service for the benefit of those landowners who shoot will be welcomed by landowners in those many parts of the country where game or wild birds are kept or preserved for shooting.

There are the following conditions which must all be complied with under the Act:

- The person doing the stalking or flushing out must have with him written evidence of the kind set out in page 12 above, and must immediately produce it if requested by a constable
- Reasonable steps are taken to ensure that as soon as possible after being found the fox is flushed out from below ground
- Reasonable steps are taken to ensure that as soon as possible after being flushed out from below ground, the fox is shot dead by a competent person
- The dog is brought under sufficiently close control to ensure that it does not prevent or obstruct the fox being shot dead by a competent person
- Reasonable steps are taken to prevent injury to the dog
- The way in which the dog is used complies with any code of practice issued or approved for this purpose by the Home Secretary. It is not known whether or when this code of practice will be released.

Fox earths can still be stopped but the Act makes stopping or interfering with badger setts illegal.

# How to hunt legally with Beagles, Bassets and Harriers

Legal hunting with Beagles, Bassets and Harriers will operate along similar lines to that with Foxhounds whereby your hunting will involve trail hunting, flushing to guns with two hounds and hound exercising.

However there are some important differences:

Some hare hunting packs and clubs may want to consider changing to hunting rabbits as an option. Rabbit burrows can legally be stopped.

A hare can be hunted with any number of hounds for search and despatch purposes if it has been shot. In areas where hare shoots take place hunts can liaise with shoot organisers and after the shoot use hounds to hunt and despatch any hares which have been shot.

## **Note:**

It is illegal to shoot hares for the purpose of then hunting them.

## **Flushing to a bird of prey**

Under the Hunting Act it is legal to use any number of dogs to flush any wild mammal from cover so that a bird of prey can hunt it. Given the skills and experience required for falconry this should not be considered lightly but if you would like more information please contact the Hawk Board.

Anyone killing a hare by flushing to guns with two dogs must be in possession of a Game Licence – these are available from Post Offices.

# How to hunt legally with minkhounds

Again the advice is very similar to the two previous forms of hunting with mink hounds' activities involving hound exercise, flushing to a gun with two dogs and trail hunting. Those previously engaged in mink hunting may also like to consider hunting rats along waterways.

**Note:**

Otters are a protected species and the usual care should taken not to disturb them.

# How to hunt deer legally

Deer hunting, similar to the other forms of hunting, will involve the three key constituents of trail hunting, flushing using two dogs and hound exercise rides carried out as previously described.

These elements can, as for fox hunting, be combined within the day. It will remain legal for there to be separate groups of people, each group with two dogs and for them to flush deer to a gun. These separate small groups can take place in close proximity providing that the two hounds do not join with other hounds nearby in pursuit of a single deer. Should this happen the hounds should be stopped immediately.

Remember the Hunting Act says that when flushing, hounds must be under sufficiently close control to ensure that they don't obstruct the shooting dead of the quarry animal as soon as possible after it is found or flushed.

The Harbours and local hunting farmers will play an important role in the management of deer herds by observation and research as well as identifying the whereabouts of deer that require culling. The role of hunts in despatching casualties will obviously remain essential.

**Note:**

Anyone killing a deer by flushing to guns with two dogs must be in possession of a Game Licence – these are available from Post Offices.

# How to undertake hunting with terriers legally

You can hunt rats and rabbits above and below ground as before providing you have permission from the landowner.

Terrier work underground can only be undertaken to protect game birds (or wild birds which are being “kept or preserved” to be shot), as per the instructions on page 25. Remember that if you are using a dog below ground you must have written evidence that the land belongs to you or that you have permission to do so from the occupier and that you can only use one dog below ground at any one time. Other dogs must be kept above ground.

Remember also that hunting all other animals (including mice, stoats, weasels, squirrels, mink and foxes) will be illegal unless carried out as described below.

## **The use of terriers above ground for flushing wild mammals to guns**

Providing you have permission from the landowner, up to two terriers can be used to flush your quarry from cover above ground (which could be undergrowth, woodland etc.). The quarry must then be shot dead as soon as possible by a “competent person”. The Hunting Act doesn’t specify what a competent person is but it is likely a court would expect them to (a) have an appropriate licensed weapon and (b) be able to prove that they have competently shot and killed the quarry species in the past.

## **The use of terriers above ground for flushing wild mammals to a bird of prey**

Providing you have permission from the landowner, any number of terriers can be used above ground to flush a wild mammal of a suitable quarry species so a bird of prey can hunt it. Our advice is to contact the Hawk Board before this is considered.

# How to undertake hunting with terriers legally

## The use of terriers below ground for flushing wild mammals

As stated previously the use of a terrier below ground to flush a wild mammal is only permitted providing all of the following conditions are met:

- (a) It is carried out in order to protect game birds (or wild birds which are being “kept or preserved” to be shot)
- (b) The person has with them written permission from the landowner and makes it immediately available upon request from a constable
- (c) It does not involve the use of more than one dog below ground at any one time
- (d) Reasonable steps are taken to ensure that as soon as possible after being found the mammal is flushed out from below ground
- (e) Reasonable steps are taken to ensure that after as soon as possible after being flushed from below ground the wild mammal is shot dead by a competent person
- (f) In particular, the dog is under sufficiently close control to ensure it does not prevent or obstruct the achievement of the objective in (e) above
- (g) Reasonable steps are taken for the purpose of preventing injury to the dog
- (h) The manner in which the dog is used complies with any code of practice issued or approved by the Secretary of State

It should be borne in mind this exemption simply relates to the flushing of a mammal from below ground. Therefore the use of a dog to locate and dispatch orphaned cubs below ground, as previously undertaken for animal welfare purposes, will become illegal.

# How to continue legal activities for greyhounds, lurchers and other gaze hounds

It will be illegal to participate in, attend, facilitate or permit land to be used for a coursing event – which is defined as a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares. Coursing is also explicitly forbidden under the general exemption for field trials of dogs involved in shooting.

However much traditional lurcher work will remain unchanged, providing the quarry is a rabbit or rat, and flushing a hare with two dogs before it is shot will still remain legal. You can still go lamping, ferreting or bushing for rabbits. However if your dog inadvertently starts chasing a hare you are legally required to shoot the hare and not let the dog catch it.

People who want to work their dogs to hare can use them to flush the quarry out of covert on the condition that it is then shot rather than killed by the dogs.

Rabbits can be hunted or coursed in any fashion and rabbit burrows can be legally stopped.

Anyone working lurchers should have written permission from the landowner to hunt legal quarry (ie rabbits and rats) and carry it with them when out hunting. Note too that the police have wide-ranging powers to confiscate vehicles, dogs and other property if they suspect you are, or have been, illegally hunting.

More advice regarding competitive coursing will be published by the National Coursing Club in due course.

Anyone killing a hare by flushing to guns with two dogs must be in possession of a Game Licence – these are available from Post Offices.

# How to walk your dog legally

## Implications for all dog owners

The Hunting Act has serious implications for all dog owners because you could be prosecuted for allowing your dog to hunt any wild mammal (except for rats and rabbits). Therefore, if for example your dog chases a squirrel, hare or even a mouse you will be committing an offence and could face a fine of up to £5,000, unless you can prove the hunting was unintentional.

In extreme circumstances dog walkers could have their dogs seized by the police to be used as evidence if they believe that illegal hunting is or has been taking place. If then convicted of illegal hunting the courts can order that the dogs are destroyed.

## Possible restrictions on access to land

The Hunting Act could also have implications in terms of open access to land. Landowners and farmers who could be at risk from malicious prosecution may be inclined to restrict access unless the dog walker has obtained written permission/offered assurances that they will ensure / guarantee that their dog will not hunt a wild mammal.

# How to use dogs legally in the shooting of game

Game Shooting is still legal. However, the badly drafted Hunting Act means that some game keeping practices and the use of the dogs for beating and flushing are affected by the legislation.

To avoid malicious prosecutions you must be aware of the ambiguities in the legislation.

## Game shooting

For formal driven shooting it is unlikely that a prosecution would succeed as it would be clear that your intention was not to hunt wild mammals. For rough shooting the situation may be more problematic where it may be difficult to prove your intention was not to hunt a wild mammal. Either way if the activity is reported to the police, the onus and effort will be on the shoot or gun to explain why an offence has not been committed and that the flushing was of wild birds and that if also of wild mammals then the requirements of the Hunting Act had been complied with.

For a prosecution to succeed under the Hunting Act the court must not only have evidence that the criminal act has occurred but also that the person responsible for that criminal act intended to commit that offence. Thus while a criminal act may occur during shooting (e.g. three dogs pursuing a hare or deer), as long as you can demonstrate that your intention was not to hunt a wild mammal the prosecution should not succeed.

## Rough shooting for ground game and vermin control

The rough shooting of wild mammals, for example hare or fox, involves the use of a dog to flush or stalk a wild mammal. Because of the involvement of the use of a dog it counts as hunting not shooting and is therefore covered under the Hunting Act.

I. Stalking or flushing can only be carried out for the purpose of preventing or reducing serious damage which the wild mammal would otherwise cause to:

- Livestock
- Game birds or wild birds
- Food for livestock
- Crops (including vegetables and fruit)
- Growing timber
- Fisheries
- Other property
- The biological diversity of an area

# How to use dogs legally in the shooting of game

Or for the purpose of:

- Obtaining meat for human or animal consumption
- Participation in a field trial

2. The person hunting must own the land or have the permission of the owner or occupier of the land.
3. No more than two dogs are to be used.
4. No dog is used below ground.
5. Reasonable steps must be taken to ensure that as soon as possible after being found or flushed the wild mammal is shot dead by a competent person.
6. Furthermore the dogs must be under sufficiently close control so as not to obstruct the shooting.

## Risk of Prosecution

While rough shooting for ground game the danger of prosecution arises when you are in breach of the above conditions for example:

1. You use more than two dogs, or
2. If you are shooting with others and your dogs collectively form a pack, which goes onto to flush a hare or deer. If prosecuted you would have to show that this was not your intention and every reasonable action was taken to demonstrate this intent, for example separating and calling back your dogs.

## Rough shooting and driven shooting for game or wild birds

Where the intended quarry are game birds or wild birds the Hunting Act does not apply as your chosen quarry is not a wild mammal.

The danger and the possibility of malicious prosecutions arise where a wild mammal, for example a hare or deer, is flushed. This action would then be covered by the Hunting Act and therefore someone could be prosecuted if conditions as above (in section 1 Rough Shooting for ground game) were breached. For example:

1. If more than two dogs were involved in flushing or stalking a wild mammal.
2. A wild deer was flushed and you were unable to shoot it dead because you either did not have a suitable firearm or the deer was not in season. There is a presumption that one Act of Parliament does not contradict another Act but the courts would have to rule on this were a prosecution to arise.

# How to use dogs legally in the shooting of game

## Mammals exempt from the Act

Rats and rabbits are exempt from the Hunting Act. However permission of the landowner or occupier is required to hunt them.

Up to two dogs may be used to hunt a wild mammal that the hunter reasonably believes may be injured. Such hunting must be done with permission of the landowner or occupier, must not extend below ground and must end with appropriate action being taken to relieve the animal's suffering. The mammal must not be injured for the purpose of allowing such hunting.

Any number of dogs may be used (with permission of the landowner or occupier) to hunt a hare that has been shot.

## Gamekeeping practices

You would break the law if:

- You use a dog below ground to 'stalk or flush' a wild mammal except for the purposes of preventing or reducing serious damage to game or wild birds that are been kept or preserved for the purpose of being shot where one dog below ground is allowed
- You did not use reasonable steps to ensure that as soon as possible after being flushed out from below ground the wild mammal is shot dead by a competent person
- Your dog was not controlled and killed the wild mammal
- You used a dog below ground for the purposed of preventing or reducing damage to livestock or wild birds that were not being kept or preserved for the purpose of being shot
- You used more than 2 dogs to find and kill stoats and weasels. You may use two dogs and a gun under the conditions set out as above (in Section 1 Rough Shooting for ground game and vermin control)
- You used any dog to find and/or kill orphaned fox cubs (as this is normally for welfare reasons and not for the purposes of preventing damage to game birds or wild birds that are being kept or preserved for the purpose of being shot)

# What can the police do?

Whilst remaining friendly and polite with the police you are not obliged to do anything which will assist the police in prosecuting you. If you are accused of illegal hunting by a police officer it is recommended that you simply state the lawful activity you have been carrying out.

The very wide ranging powers given to the police under the Hunting Act mean that essentially people can be arrested if a police officer “*reasonably suspects*” that they have taken part, are taking part or are about to take part in illegal hunting.

If a constable has a reasonable suspicion that a person has committed, is committing, or will be about to commit an offence under the Act he may, if he reasonably believes that evidence of the offence is likely to be found on that person, or in a vehicle, animal or other thing which the person appears to be in possession or control of, stop and search that person, vehicle, animal or other thing. The constable may seize and detain that vehicle, animal or other thing if he reasonably believes it may be used in evidence or may ultimately be the subject of a forfeiture or destruction order. Whatever is seized may be detained by the police until trial (which could take several months) at the owner’s cost.

If a person is convicted of illegal hunting, the court can order the forfeiture (i.e. confiscation) of any vehicle or hunting article (ie anything designed or adapted for use in connection with hunting a wild mammal or hare coursing) that was used in the commission of the offence, or which was simply in the possession of the person convicted at the time of his arrest. In other words, it is possible that a horse box driven to a meet could be confiscated even though it was not itself used in any illegal hunting. A forfeiture order may include provisions about the treatment of a dog, vehicle or article forfeited including an order for their destruction. If the thing seized by the police is owned by someone other than the person who is using it (and who is therefore in possession or control of it) the true owner may make an application to the Court to have a forfeiture or destruction order varied. The powers are draconian and their effect should not be underestimated.

Therefore hunts and clubs are advised to ensure that equipment (e.g. vehicles, animals, tack) is owned by individuals independent of the hunt or club. These individuals will be in a stronger position than a hunt or club to go to the court to request the return of seized or forfeited articles in the event of an allegation of illegal hunting.

# What can the police do?

Over-zealous police officers may hassle hunting people so it is worth while to make sure that you cannot be prosecuted for any minor offences. For example:

- DEFRA says that all horses must have their horse passports with them when away from their stable. Make sure you have yours available
- Double check tax, insurance and roadworthiness on hunt vehicles and encourage supporters to do likewise
- Land, vehicles, buildings (other than homes) as well as people and animals can all be searched without a warrant if the police believe doing so will produce evidence of illegal hunting. Such searches will be very thorough and all members of the hunting community would be advised to ensure that they have nothing in their possession which could lead to a prosecution for something unrelated to hunting

Those who wish to video or photograph hunting during the temporary ban should be aware that police may seize videos and photographs and try and use them as evidence of illegal hunting.

It is essential that details of all police action against members of the hunting community, any arrests and information about policing tactics are immediately forwarded to the CHA office. This will enable central monitoring of police activities across the country and ensure suitable responses.

# What should you do if you are arrested upon suspicion of illegal hunting?

Do not say ANYTHING until your solicitor is present. Anything you say to the police or officious busybodies (for example hunt saboteurs) could be used against you in court.

The first few court cases for alleged illegal hunting will help to establish how the law will be enforced and the hunting community cannot afford well intentioned individuals to compromise the wider campaign.

Supportive solicitors from across the country will be briefed incase they are required to defend people accused of illegal hunting. If you are arrested you should not rely upon the police station's "duty solicitor" or any other solicitors who are not experts in the field of hunting unless this is unavoidable.

Local solicitors will be allocated to hunts and clubs; their telephone numbers should be carried with you at all times – especially when out hunting. If you do not have an allocated solicitor you should contact in the first instance the Countryside Alliance's legal helpline on 0871 919 3505.

If arrested on a horse or in charge of hounds, insist that the police know what they are obliged to do and how horses and hounds should be treated, housed and fed.

## Solicitors required

More solicitors who are able to work for free on a 'pro-bono' arrangement are asked to come forward and join the significant number who have already registered. If you are a solicitor and able to help please contact the CHA.

## Payment of fees or fines

Please note that neither the Countryside Alliance nor the Council of Hunting Associations have the funds to pay legal fees or fines (the act says up to £5,000) and therefore if you are arrested you will be liable for your own legal fees and any fine after conviction. Hunt staff must be given clear guidance as to what is lawful, and unlawful and consequently what support they will be given by their employers in the event of arrest and prosecution.

The fines can be deducted from your wages or, in default of payment, you can be sent to prison.

# What should you do if you are arrested upon suspicion of illegal hunting?

## Cautions

As a general rule do not accept a caution from the police. This is an admission of guilt and usually only offered by the police when they either do not have the evidence or resources to charge you. A caution, like a criminal record, will be kept on file and could count against you when applying for a shotgun licence, certain jobs and so on. Each situation is likely to be different so if offered a caution you should take advice from your solicitor.

## Firearm and Shotgun Certificates

It is difficult to predict what affect a conviction or caution for illegal hunting would have upon an application for a firearm or shotgun certificate. However in deciding whether to grant or renew a certificate a conviction would certainly be a factor that the police would consider and may lead to an application being refused.

# Saboteurs and Infiltration

## Saboteurs

It is likely that our opponents will try to capture evidence of hunting, and claim that it is illegal either by simple witness statements or video or photographic evidence. They could also bring malicious prosecutions of their own, independently of the police.

Saboteurs will remain unwelcome intruders at a legal activity. The laws of trespass and so on will continue to apply to them and the police will be required to deal with them appropriately if they disrupt legal hunting activities or break the law.

## Infiltration

Hunts and clubs may be infiltrated by those opposed to us or undercover police officers either of whom could use hidden cameras to try and obtain evidence of hunting and claim that it is illegal. This is not a reason to be suspicious of new members but everyone taking part in hunting must be aware that their behaviour – and what they say – must be such that it could not be misinterpreted. Genuine new supporters should be welcomed and encouraged!

# Public opinion and hunting's role in the local community

Public support for hunting remains essential to our long-term success. If we lose the public's hard won support and understanding there will be no reason for a sympathetic government to repeal the ban.

To help generate and maintain public sympathy hunts must continue to reach out and engage with their surrounding communities and actively promote hunting at every possible opportunity.

## Maintaining the profile of hunting activity

It is vitally important that during this period of a temporary ban we keep hunts and clubs in good heart and their associated activities in the public eye.

Hunt events and functions such as point-to-points, hunt balls, puppy shows, hunter trials, kennel open days and hound shows **MUST** continue – hunting has a vital and cohesive role to play in the local community and this must be nurtured and retained. Such events will maintain the infrastructure of the hunt throughout the temporary ban, provide an opportunity to raise vital funds, and keep hunting (and the wrong that has been inflicted upon us) in the consciousness of your local community.

As always, making the most of the media is essential to maintaining your profile – the CA can organise a media training session for your hunt or club and help you deal with the media on a local and national level.

Ensure that you capitalise on the PR opportunities of your existing activities, for example Point-to-Points – where hounds **MUST** be paraded. Other ideas for generating public and media interest include:

- Advertising meets in the local paper/pub/shop
- Kennel Open Days
- School visits
- Newcomers' Days

## Pony Club and the younger generation

The younger generation are the future of our activities – the repeal of this temporary ban will be in vain if there aren't any youngsters interested in going hunting.

Ensure that your hunt works closely with the Pony Club, which should retain the hunt name and continue to hold special Pony Club meets and events.

# How can this law be repealed?

In practical terms hunting as currently exists can be restored in three ways – subject to support in both Houses of Parliament:

- An act repealing the Hunting Act 2004
- A new hunting act which ‘replaces’ the existing Act
- A bill on wildlife management generally, which makes provision about hunting and therefore ‘replaces’ the existing Act

Any such future act would begin as a normal public bill and proceed through the usual stages. It could be a Government Bill or a Private Member’s Bill with the assistance of Government time.

# The Legal Challenges

## Parliament Act 1949 Challenge

On 18th November the Hunting Act 2004 received Royal Assent under the terms of the Parliament Acts. Thus the Act was passed without the consent of the House of Lords.

On 19th November an application for judicial review of this action was lodged by the Countryside Alliance in the High Court in London and served on the Attorney General, on the grounds that the Parliament Act 1949 is invalid and therefore the Hunting Act itself is also invalid. A date for a first hearing is now awaited but is likely to be early in 2005.

## The Parliament Acts 1911 and 1949

In broad terms, the 1911 Parliament Act abolished the power of the House of Lords to veto legislation, as had previously been the case, replacing this with a power to delay legislation for two years over three successive sessions. The 1949 Parliament Act reduced that delaying power to one year over two successive sessions. As the 1911 Act was used to force through the 1949 Act, constitutional experts have questioned the validity of the 1949 Act for many years. The 1911 Act contained no provisions making possible its use to amend its own terms.

The Parliament Acts apply if a bill, in identical form to that sent up to, and rejected by, the Lords in the previous session, is sent to the Lords in the subsequent session at least one month before the end of that session, and the Lords fails to pass the bill in a form acceptable to the Commons. The bill is deemed to have been rejected a second time and receives Royal assent under the Parliament Acts, in a form which incorporates any amendments agreed to by both Houses. Under the Parliament Acts the Speaker of the House of Commons must certify that the bill has been passed by the Commons without the consent of the Lords and, under the terms of the Parliament Acts. This is what occurred on the 18th November 2004 when the Hunting Bill became the Hunting Act 2004.

If our legal challenge succeeds the Hunting Act would be ruled unlawful and not be an Act of Parliament and therefore could not be enforced.

# The Legal Challenges

## The Human Rights Challenge

The Countryside Alliance will also be challenging the Hunting Act on Human Rights grounds in a separate legal action. During the passage of the Bill the Parliamentary Joint Committee on Human Rights (JCHR), (which scrutinises all legislation for Human Rights compliance) reported in November 2003 that the banning Bill did not comply. This was based on the absence of any provisions for compensation. The Government however, does not accept that this makes the Bill non-compliant. However the JCHR has recently confirmed, in its latest report in October 2004, that without at least a delay in commencement the Bill would be incompatible with the European Convention on Human Rights. The basis of our challenge will also cover a number of other grounds which take the case beyond the issue of compensation.

Success on any of the grounds of the challenge would result in a declaration of the Act's incompatibility with Human Rights. The Government's response is likely to depend upon which Human Rights the court found to have been infringed. If the infringement could be rectified by amending the Act then the Government could do so by another Act of Parliament. If the right infringed struck at the very heart of the Bill then the Government could repeal the Act, or do nothing. The courts cannot force Parliament to repeal the Act, however such a situation could cause a constitutional uproar.

# Appendix 1. Template letter from hunts and clubs to landowners

**To:** Farmers and Landowners

**From:** The Joint-Masters

Dear

You will no doubt be aware that the Hunting Act that bans hunting a wild mammal with a dog, unless the hunting is exempt, from 18th February 2005.

The Countryside Alliance and the Council of Hunting Associations have a clear strategy to repeal the Act through legal challenges and demonstrating that the Act is flawed, ineffective and unworkable.

Presently it is difficult to forecast how long the challenges will take, but in the meantime we are looking to continue legal activities for our hounds and followers which, as you will be well aware, are entirely dependent on access to farm land.

The purpose of this letter is to ask for your agreement for us to continue legal activities on your land. These might include permission to exercise hounds, hold cross country rides and forms of trail, simulated or mock hunting.

I want to emphasize the term “legal activity” because the Act reads “A person commits an offence if he knowingly permits land that belongs to him to be entered or used in the course of the commission of an offence under section 1” (Section 1 is the offence of hunting a wild mammal with a dog). It will not be an offence for hunts to gather and meet for hound exercise or “trail” hunting, so I stress that we are only asking for permission for legal activities that will not make you liable for prosecution.

Our hunt does plan to have an open meeting(s) for the farmers in our hunt country to discuss these matters and respond to any of your concerns. We will contact you in the normal manner in advance of any “activity” day.

\*We also intend to continue both our fallen stock service and be available to respond to fox predation problems through a call-out service, legally using 2 hounds backed by a gun.

We face a very challenging period that will require your understanding and support to enable us to see off this unjust law.

Please do contact me if you would like to discuss this request of continued access to your land for legal hound activity.

Yours sincerely

\* Delete as appropriate.

# Appendix 2.

## Useful Contact Numbers

### Countryside Alliance

info@countryside-alliance.org 020 7840 9200

### Council of Hunting Associations

brian-fanshawe@countryside-alliance.org Brian Fanshawe  
01666 575 474

### Membership

enquiriesformembership@countryside-alliance.org 01672 519 450

### Legal Helpline

0871 919 3505

## Countryside Alliance Regional Directors

### North West

Tom Fell 01539 533 520  
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### North East

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### North Wales

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### East Midlands

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# Appendix 2.

## Useful Contact Numbers

### Regional Directors (continued)

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#### South West

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## Appendix 2. Useful Contact Numbers

### **Association of Lurcher Clubs**

alan@lurcher.fsnet.co.uk

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### **Association of Masters of Harriers & Beagles**

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Chris Austin

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### **Central Committee of Fell Packs**

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Edmund Porter

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### **Federation of Welsh Packs**

David.tyddu@btinternet.com

David Thomas

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### **Masters of Basset Hounds Association**

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Suzanne Huband

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### **Masters of Deerhounds Association**

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Tom Yandle

01398 323 361

### **Masters of Draghounds & Bloodhounds Association**

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Phil Broughton

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### **Masters of Foxhounds Association**

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Alastair Jackson

01285 831 470

### **Masters of Minkhounds Association**

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Patrick Wilde

01635 44754

### **National Coursing Club**

enquiries@nationalcoursingclub.org

Charles Blanning

01638 667 381

### **National Working Terrier Federation**

wdbrr@aol.com

Barrie Wade

07767 777 835

### **Whippet, Saluki & Deerhound Coursing Association**

lewisvet@globalnet.co.uk

Rosie Lewis

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### **The Hawk Board**

mike.clowes@halfacre131.fsnet.co.uk

Mike Clowes

01529 240 443

# Appendix 3.

## Yes – this is about class war

**Sunday Telegraph 21.11.04**

**Peter Bradley, the MP who proposed the amendment to delay the Hunting Bill until 2006, says the battle is a last hurrah for the feudal system**

Now that hunting has been banned, we ought at last to own up to it: the struggle over the Bill was not just about animal welfare and personal freedom, it was class war. But it was not class war as we know it. It was not launched by the tribunes against the toffs – it was the other way round. This was not about the politics of envy but the politics of power. Ultimately it's about who governs Britain.

Labour had not been in Government a year before the Shires rose up and marched on London. But the Liberty and Livelihood March was not about the countryside. It was not a postdated protest against the remorseless loss over the previous 18 years of rural schools and post offices, public transport and affordable housing. It wasn't even really about hunting. Nor were we witnessing, as was claimed at the time, the birth of a new political movement. It was more like the last hurrah of the feudal system.

An experience in my own back yard crystallised it for me. In the very week the Commons voted to delete the hereditary principle from our constitution, a deputation of local hunt supporters brought to my surgery a map of my constituency coloured almost entirely green to signify the land where the fox is fair game until February.

This, they claimed, was conclusive evidence that The Wrekin overwhelmingly supports hunting. When I pointed out that they had painted round the towns and villages where most of my constituents live, effectively disenfranchising them, they were incredulous. "But," exclaimed one of them, sweeping his hand across the green acres of The Wrekin, "these are the landowners!"

That is the nub of it. The campaign to save hunting has relatively little to do with rural life or rights. It has a lot to do with preserving the age-old privileges of land ownership. Labour governments have come and gone and left little impression on the gentry. But a ban on hunting touches them. It threatens their inalienable right to do as they please on their land. For the first time, a decision of a Parliament they don't control has breached the lodge gates.

The placards of the Countryside Alliance plead "Listen to Us", but what they mean is "Do What We Say" – as for centuries we have. That old order no longer prevails. Deference has been eroded by a new, universal prosperity. It's the recognition of that irrevocable change that has made the campaign for hunting so fierce and yet so futile.

The landowners have come to realise that although they still own the country, they no longer run it. That does not make them the victimised minority they claim to be, but it does make them very angry.

# Appendix 3.

## Yes – this is about class war

So the minority which for centuries ran this country from the manor houses of rural England now rails against the hegemony of an elected majority in Parliament. And, covertly encouraged by some peers and Tory grandees, those who today threaten to defy the laws they do not like bear the names of the legislators who for generations kept the rest of us in our place.

But the problem the landowners face is not theirs alone. It is shared by the Conservatives with whom, to their mutual disadvantage, they are so closely associated.

The majority of rural and semi-rural seats – 180 of them – went Labour in 1997 and, in the teeth of the foot and mouth epidemic as well as the row about hunting, stayed that way in 2001. The fact is that the majority of people who live in rural communities resent the squirarchy as much as they dislike hunting. The Countryside Alliance may speak for hunting, but it does not speak for the rural majority.

Nor, any longer, does the Conservative Party. If the Tories really want to recapture popularity and power, they ought to run a mile from hunting. Instead they have copied Labour's mistake when, throughout the 1980s, its obsession with unpopular minority causes made it an unpopular minority party.

It's no coincidence, either, that, according to MORI, some 80 per cent of those who participated in the two great Hyde Park rallies vote Conservative. Instead of reaching out to new supporters, the Tories are still talking to themselves.

The old order is going, but its values continue to dominate the Tory belief system. In a culture that now demands equality of opportunity, too many Conservatives can only properly enjoy what others do not have.

That is why they have an ideological commitment to private health and public schools. It's why they oppose the right to roam and a ban on hunting. For them it's ownership of property, especially land, and not citizenship that confers privilege. It's why they believe that the rights of minorities – or at least their minority – should prevail over those of majorities.

But in an age in which we are all aspirational and few are deferential, that is an increasingly unappealing philosophy. The tide is against the Tories as it is against the hunters and, now more than ever, the House of Lords.

And if Labour really wants a radical edge to the next manifesto, how about the long-neglected issue of land reform?

**Peter Bradley is MP for The Wrekin and the parliamentary private secretary to Alun Michael, the rural affairs minister.**



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