

Introductory Note by Francis Bennion

The article below is a further addition to my writings on hunting. Others are included within the Topic 'Hunting Act 2004'. The Topic can be found on this website at www.francisbennion.com/topic/huntingact2004.htm.

DT037 - Delaying the hunting ban

The report (24 December 2004) by Andrew Sparrow on delaying the coming into force of the Hunting Act 2004 raises serious issues. It says that 'the Government has told the Countryside Alliance that it will allow its application for a High Court injunction stopping the law coming into operation as intended on Feb 18'. It is not for the Government to allow or deny this application, since the court will decide.

Section 15 of the Act says that it shall come into force at the end of the period of three months beginning with the date on which it was passed. This date was 18 November 2004 so it is due to come into force on 18 February 2005. The courts have no power to issue an injunction delaying this.

Moreover there is not time before February 18 for the court to reach a decision on the Alliance's claim that the Hunting Act 2004 was invalidly passed. It is inconceivable that the court would grant the proposed injunction before it has decided whether the Act is valid.

Anyway what an injunction does is stop somebody from doing something. Nobody needs to do anything to bring the Act into force on February 18. It will happen automatically. The only thing that could stop it is the passing of another Act of Parliament.

In other words the whole thing is a mare's nest. But someone needs to do some explaining, starting with those Government lawyers Andrew Sparrow mentions.¹

¹ *Daily Telegraph* 27 December 2004. DT36.