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28 August 2026

JUDGE FINDS THE FAILINGS LAY WITH THE POLICE AS PROSECUTION OF TWO TRAIL HUNT DIRECTORS COLLAPSES

Crown's expert had no experience of hunts or hounds. Principal witness found not credible. Master never asked for a statement. Key document disclosed only on the third day of trial. Costs awarded to both defendants.

District Judge (Magistrates' Courts) Barnes yesterday dismissed animal welfare charges against both directors of Cheshire Forest Hunt Limited, ruling that there was no case for either lady to answer. He held the prosecution evidence to be weak, vague and inconsistent, and that no tribunal properly directed could convict upon it. The court awarded both defendants their costs.

Ruling on costs, the judge found that the problems in the case had become apparent during the trial. As to where responsibility lay, he was unambiguous:

"The failings in this case lay with the police."

The charges under section 9 of the Animal Welfare Act 2006 arose from events near Great Barrow on 12 February 2025, when hounds following a laid trail deviated from their route. The case was dismissed as "No Case to Answer" at the close of the prosecution case, without either defendant being required to give or call any evidence. Both are of entirely unblemished character and were not present when the events occurred.

THE INVESTIGATION

The court found, in terms, that:

- **The company was never investigated or charged** — although the Crown's case required an offence by the company to be proved before either director could be liable for it.
- **The investigating officer took no real account of what the company actually did, beyond some of its written policies.**
- **No statement was ever obtained from the Master acting on the day.**
- **The professional huntsman — the man actually in charge of the hounds — was never investigated, although his conduct was commended by the judge.**

The court found the Hunt to be exceptionally well run; that it employed an experienced specialist huntsman with a close relationship to the hounds and detailed knowledge of individual animals; that the trail route was planned with the railway and the train times taken into account; and that country was cleared and a dynamic risk assessment was carried out before hounds moved off. None of this featured in the case built against the two directors.

DISCLOSURE

The letter instructing the Crown's expert was not disclosed to the defence when it should have been. It was provided mid-trial, by counsel for the prosecution, who apologised to the court in doing so as she was obliged to disclose it.

It was also made clear in open court that the document had been renamed.

The duty of disclosure requires the prosecution to provide any material which might reasonably undermine its case or assist the defence. **The officer in the case had certified on 20 May 2025 that there was no relevant unused material capable of assisting the defence.**

THE EVIDENCE

- The Crown’s expert accepted that he had no experience of trail hunts, no experience of hounds, and none of risk assessment preparation, and could speak only to good practice concerning domestic animals.
- The principal prosecution witness, Neil Hosker, was found not credible, and his evidence contradictory to his own prepared statement.
- It was Hosker’s decision to shoot — having armed himself in advance — which caused the death of one hound, the wounding of another, and the scattering of the pack, and which led to hounds going onto the railway line. The court found they would otherwise have been regrouped in short order.
- No hound was in fact killed on the railway line, notwithstanding that the charge alleged one had been struck by a train.
- The huntsman acted immediately and appropriately, and was found not open to criticism.
- Even if the written risk assessment had addressed the matter complained of, the court found that no one would have done anything differently.

STATEMENT ON BEHALF OF CHESHIRE FOREST HUNT LIMITED

“A member of the trail hunt called 999 to seek assistance after a man shot two of our hounds, killing Harper and wounding Derby. The court was clear that it was not its task to decide whether that man was right or wrong, and we accept that. But no charge was ever brought against him, while two people who were not there have lived through eighteen months of this — despite our repeatedly urging the police and the CPS that there was no case to answer. We find that very hard to understand, and we say so plainly.

This week the court has found before even getting past “half time” that there was indeed no case to answer. The judge has found that the failings in this case lay with the police. We would ask anyone to consider what that meant in practice.”

“The letter instructing that expert should have been disclosed to us long before trial. It was handed over late in the trial itself, not by the police but by prosecuting counsel. Nine months earlier the officer in the case had certified there was nothing to disclose.”

“We will be writing to the Chief Constable of Cheshire to ask how an investigation of this quality was mounted, and how it was allowed to reach a courtroom.”

“Our wonderful hounds are the heart of this Hunt and are cared for every day by people who love them. Two of them were shot with a rifle, and no action has followed in respect of that. The only prosecution brought was against two people who do a great deal for hounds and who were not present. We think that is wrong, and we say so as our own view. The court has stated very clearly that those people did their jobs properly, and that nothing anyone in the Cheshire Forest could have written down would have changed what happened. That is what we have said since the beginning.”

COSTS

In addition, the court awarded both defendants their costs, by way of a Defendant's Costs Order covering disbursements including expert costs, while observing that it would only partly reimburse them. Recovery by privately-funded defendants has been limited to legal aid rates since 2012. A separate application for costs against the Crown Prosecution Service was refused, the judge holding that the CPS is independent of the police and had acted on the expert material placed before it.

NOTES TO EDITORS

1. Two of the Hunt's hounds were shot on 12 February 2025, one fatally. The 999 call was made by a member of the Hunt. Charges under section 9 of the Animal Welfare Act 2006 were brought against the two directors on 17 June 2025. The first hearing was on 25 July 2025 and the trial concluded early at Chester Magistrates' Court on 27 August 2026.
2. A submission of no case to answer is made at the close of the prosecution case. Where it succeeds the defendant is acquitted without being required to give or call evidence.
3. Section 9 of the Animal Welfare Act 2006 concerns the duty of a person responsible for an animal to ensure its welfare. Section 57 governs when a company director may be personally liable for an offence committed by the company. Neither defendant had any previous conviction or caution.
4. **Trail hunting is a lawful activity.** Section 9(3) of the Act *requires a court to have regard to any lawful activity undertaken in relation to the animal.*
5. Magistrates' courts in England and Wales do not record their proceedings, and no transcript of the ruling can be produced.
6. Both defendants were represented by Edward Henry KC of Mountford Chambers, leading counsel, instructed by Astrea Linskills, supported by Stephen Welford of Welford Law.
7. Media enquiries: [Polly Portwin, Countryside Alliance].

ENDS