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NIGHT SHOOTING IN THE UK

A CODE OF PRACTICE

1. INTRODUCTION

The night shooting of foxes and ground game is necessary to ensure that damage to game, wildlife, livestock and growing crops is kept at acceptable levels. It is a safe and effective method of control. It is the responsibility of all those involved in pest control to ensure that it is carried out properly.

High standards underpin public and political support for shooting, now and in the future.

The code provides advice at two levels:

Advice that **must** be followed in order to achieve Best Practice – unless otherwise stated the term ‘must’ only applies to meeting the standards set by this Code of Practice and does not refer to a legal obligation.

Advice that **should** be followed in order to achieve Best Practice – any deviation from which would need justification.

THE FOLLOWING GOLDEN RULES APPLY:

1. You must ensure that you have established safe lines of fire with backstops and that these are used.
2. You must clearly identify the quarry you are about to shoot. Never shoot if you can only see a pair of eyes.
3. Always use the appropriate firearm, shotgun or air weapon for the quarry species.
4. It is your responsibility to ensure that you abide by the law.

2. BEHAVIOUR

Before night shooting commences

Remember...

- Landowners and tenants should be informed and give approval before lamping commences.
- Use only the appropriate firearms and ammunition in accordance with the conditions of your firearms certificate.
- Familiarise yourself with all legal requirements.
- It is advisable to carry your firearm or shotgun certificate, or evidence of it, together with your written permission.
- As a matter of courtesy, you may wish to inform local residents who you are and where you will be shooting, together with your approximate starting and finishing times. You may wish to extend this courtesy to the local police, but you are under no obligation to notify them of any lamping expedition.
- During daylight hours, familiarise yourself with the terrain over which you are going to shoot. You must ensure that you have established safe lines of fire and backstops.
- Always carry a mobile phone, and where possible a six-figure grid reference of the area for emergency purposes.

Before a shot is taken

Remember...

- You must clearly identify the body of the animal. Never shoot at a pair of eyes or (if you're using a thermal imaging device) an unidentifiable heat signature.
- Always ensure there is a safe backstop and a clear field of fire; never shoot towards the crest of a hill.
- Rifle bullets and shotgun pellets can ricochet off bushes, fence wire and other obstacles on their way to the target. A telescopic sight, night vision or thermal imaging device may not always reveal these. Always ensure that your line of fire is free from obstacles.
- Any firearm fitted with a telescopic sight, night vision or thermal imaging must never be used for scanning or searching for quarry.
- Remember that light from a spot lamp can be reflected from a number of sources such as vehicle reflectors, glass bottles or binoculars. Binoculars may appear as 'a pair of eyes' – particularly when reflecting red filtered light.
- Pay particular attention when shooting close to field boundaries, especially those adjoining roads, tracks, bridleways and public rights of way.
- Never split a shooting party into groups. Only one shooting party must be out on the ground at any one time. Consider the possibility that other people – whether authorised or not – may be present in the area.
- The use of night vision and thermal imaging equipment is becoming increasingly common. The same procedures and considerations which apply to lamping are equally applicable when using these devices. Remember that due to the nature of this equipment, you will not be as visible to others as you would when using a lamp.
- **IF IN DOUBT, DO NOT SHOOT!**

Shooting from a vehicle

- Shooting from a vehicle is potentially dangerous. A safety procedure must be explicitly agreed between all participants before shooting commences. Ensure your procedure eliminates the possibility of people entering the field of fire unexpectedly.
- Lamping usually involves three people; a driver, someone to shoot and a third to operate the lamp – the 'lamp man'. Anyone not engaged in a dedicated task must be either inside the vehicle or positioned behind the person shooting and the lamp man.
- Two people should not be shooting at the same time. When two people are planning to shoot only one firearm should be used at any one time and the other kept unloaded in a gun slip or case. A safe method of operating should be agreed, understood and adhered to by all those participating.
- Ensure that the driver knows the terrain and avoids sharp braking, sudden turning and keeps constant vigilance for potential hazards e.g. ruts, potholes and farm implements.

- When shooting from the back of a vehicle, a firm, stable and safe position is required before taking a shot.
- A sandbag, a roll of hessian or a bipod fitted to a rifle will provide a safe and stable platform for taking a shot.
- If shooting from an adapted seat or cradle, it must be firmly secured to the body of the vehicle.
- Never shoot from a moving vehicle.
- Wounded quarry must be followed up, collected and dispatched quickly and humanely.
- **IF IN DOUBT, DO NOT SHOOT!**

Personal equipment

- Always wear appropriate, comfortable clothing and stout footwear to ensure a good grip and traction when taking up a firing position.
- Always wear ear defenders
- A first aid kit should be carried in the vehicle.

3. FIREARMS

It is essential when night shooting that the appropriate firearms and ammunition are used. Correct range judging is also essential to ensure the most effective shooting.

Rifles

In most instances, game managers will prefer the use of a centrefire rifle for fox control. However, over appropriate distances and in certain circumstances, rimfire rifles may be appropriate.

In Northern Ireland, the Police Service will not generally approve a rifle of .243 calibre or above for fox control.

Strong consideration should be given to the use of sound moderators for both rimfire and centrefire rifles, particularly in areas close to human habitation or livestock. Sound moderators bring significant additional benefits in terms of hearing protection.

Shotguns

Shotguns with large magazine capacities (more than two cartridges) offer the user a significant advantage when dealing with large numbers of pests. Relevant authorisation to hold such firearms will be required under firearms licensing laws.

For ranges up to 30 metres, a 12 bore shotgun with a load of not less than 36 grams of large shot such as no. 1 or no. 3 is recommended as an effective alternative to a centrefire rifle for fox control.

Air rifles

Air rifles should never be used for shooting at foxes. Air rifles can be used for the night shooting of rabbits, but only at short range.

Firearms in public places

The Under Section 19 of the Firearms Act 1968 and Article 61 (1) of the Firearms (Northern Ireland) Order 2004, A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies with him) he has with him in a public place a loaded shotgun, an air weapon (whether loaded or not) or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm. Public place is defined as including any highway and any other premises or place to which at the time in question the public has access. It includes public rights of way.

Under Section 20 of the Firearms Act 1968 and Article 62 (2) of the Firearms (Northern Ireland) Order 2004, A person who enters or is on any land, or enters any building (or part thereof) as a trespasser while he has a firearm or imitation firearm with him, shall be guilty of an offence unless he shows that he had lawful authority or reasonable excuse for doing so. In the 1968 Act "land" includes land covered with water.

The Highways Act 1980 Section 161 in England and Wales, makes it an offence to discharge without lawful authority or excuse any firearm within 50 feet of the centre of the highway (which consists of or comprises a carriageway) if in consequence of which a user of the highway is injured, interrupted or endangered. This does not apply to footpaths and bridleways.

In Scotland, the Highways Act, does not apply but the offence of "reckless endangerment" exists under common law.

Article 61 (2) of the Firearms (Northern Ireland) Order 2004, states that a person who discharges any firearm on any public road, or within 18 metres of the centre of any public road, or in any church, churchyard or burial ground, shall be guilty of an offence unless he shows that he had lawful authority or reasonable excuse for doing so.

Complaints often arise from shooting taking place from the highway. To avoid liability, ensure that all shooting takes place from vehicles actually on adjacent land where you have permission to shoot.

4. THE LAW

Foxes

There are no specific legal restrictions on the night shooting of foxes. Authorised persons may legally carry out this form of fox control. Ensure that you comply with previous guidance in this code.

Restrictions on the taking and killing of rabbits and hares

The night shooting of rabbits and hares by tenants or occupiers of land, who are not the owners of the land, are subject to the

following restrictions. These do not apply to landowners, but they should be aware of the legal restrictions on shooting hares at night:

The Wildlife and Countryside Act 1981 schedule 7 amended Section 6 of the Ground Game Act 1880 and Section 50 of The Agricultural (Scotland) Act 1948, to allow night shooting of ground game under certain conditions.

England and Wales: It is lawful for the occupier of any land himself, or one other person authorised by him, to use firearms for the purpose of killing ground game at night if the occupier has the written authority of a person entitled to kill or take the ground game on their land e.g. holder of shooting rights (except where the occupier has the exclusive rights). The following conditions apply:

1. No person should be authorised by the occupier to kill ground game except:
 - Members of his household resident on the land in his occupation
 - Persons in his ordinary service on such land e.g. employees
 - Any other person, bona fide employed by him for reward in taking and destruction of ground game. The keeping of ground game satisfies the requirements of reward in the absence of money.
2. Every person so authorised by the occupier, on demand by any other person having a concurrent right or any person so authorised by him in writing, must produce their written authority. In default, a person would not be deemed to be an 'authorised person'.

England, Wales and Scotland: Under the Conservation of Habitats and Species Regulations 2010 and in Scotland under the Conservation (Natural Habitats, &c.) Regulations 1994, it is an offence to shoot mountain hares (*Lepus timidus*) at night with the aid of a lamp or image intensifier, or at any time using any semi-automatic weapon with a magazine capable of holding more than two rounds of ammunition. However, licences can be granted to allow night shooting under certain circumstances.

Scotland: The following criteria apply:

- It shall not be unlawful for the owner of the shooting rights on any land or any person holding those rights from him, or the occupier of any land to use a firearm for the purpose of killing ground game thereon at night.
- The occupier of any land shall not use a firearm to kill ground game at night (except where he has exclusive right) unless he has obtained the written authority of the other person or one of the other persons entitled to kill ground game.
- An occupier who is entitled to use a firearm for the purpose of ground game may be subject to the provision of Section

1 of the Ground Game Act 1880, which authorises one other person so to use a firearm. Common Law permits a landowner to take and kill game on his land, and, subject to reservation, an agricultural tenant, as occupier, to kill ground game for crop protection.

'Night' is defined as one hour after sunset to one hour before sunrise.

The Wildlife and Countryside Act 1981 and the Ground Game Act 1880, define 'ground game' as hares and rabbits.

Northern Ireland: The following criteria apply:

- Article 12 (1) (c) of the Wildlife (Northern Ireland) Order 1985, makes it illegal to use sound recording for the purposes of killing or taking any wild animal (including foxes).
- Article 12 (2) of the Wildlife Order 1985, makes it illegal to use any form of artificial light or any night-sighting device for the purposes of killing or taking any wild animal listed on Schedule 6 which includes any hare or any deer.
- In Northern Ireland, Article 7A (1) of the Game Preservation Act 1928 makes it an offence for any person to kill, take or destroy any game (including hares) on a Sunday or, during the period commencing one hour after sunset on any day, and ending one hour before sunrise on the next day.

Close seasons

There is no close season for rabbits or prohibited time of taking with the exception of the provisions of the Ground Game Acts 1880 and 1906, relating to the taking of rabbits on moorland and on unenclosed land.

There is no close season for hares in England and Wales except for the provisions of the Ground Game Act 1880 and 1906 relating to the taking of hares on moorland or unenclosed land. Hares are included in the definition of 'game' in the Game Act 1831 and are therefore protected on Sundays and Christmas Day.

In Scotland under the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011, there is a close season for brown hare from 1 February to 30 September and for mountain hare from 1 March to 31 July.

In England and Wales the Hares Preservation Act 1892 makes it an offence to sell or expose for sale any hare or leveret between 1 March and 31 July inclusive. This does not apply to imported foreign hares. In Scotland there is no close season for the sale of hare, however, under the Wildlife and Countryside Act 1981 as amended by the Wildlife and Natural Environment (Scotland) Act 2011, it is an offence to have in your possession, sell or offer to sell any hare which has been illegally taken.

Moorland and unenclosed land

Moorland and unenclosed land does not include arable land or

detached portions of land less than 25 acres which adjoins arable land.

In England and Wales under the Ground Game Act 1880, as amended by the Ground Game (Amendment) Act 1906, occupiers or authorised persons may only take and kill ground game on moorland or unenclosed land between 1 September and 31 March inclusive; however, firearms may only be used for such purposes between 11 December and 31 March.

In Scotland, the Ground Game Act 1880 has been amended as follows by the Agriculture Act (Scotland) 1948 and the Wildlife and Natural Environment (Scotland) Act 2011:

The occupier of the land or persons authorised by him may take rabbits, throughout the year, on moorlands and unenclosed lands (not being arable) by all legal means other than by shooting, and by means of firearms over the period from 1 July to 31 March inclusive. Hares to which this legislation also refers are now subject to a close season as a result of the Wildlife and Natural Environment (Scotland) Act 2011.

5. TRAINING

BASC runs courses on 'Small Game and Lamping' under the 'Sporting Rifle' banner. Each one-day course involves a morning in the classroom going through the detailed theory of rifle shooting while lamping, followed by an afternoon and early evening spent in the field. Contact the BASC Sporting Services department on 01244 573018 for further details.

6. INSURANCE

It is advisable to have adequate legal liability (third-party) insurance when shooting. Membership of BASC includes insurance for recreational sporting activities.

<http://basc.org.uk/join-basc/basc-members-insurance/>

7. FURTHER INFORMATION

All those who shoot in Britain should conduct themselves according to the law and to the highest standards of safety, sportsmanship and courtesy, with full respect for their quarry and a practical interest in wildlife conservation and the countryside.

Never guess at what the law allows. If in doubt, contact BASC or your local police firearms licensing department.

BASC is the largest representative body for sporting shooting in the UK.

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