



## **GROUND GAME FACT SHEET** **(England, Wales and Scotland)**

Ground game includes both hares and rabbits and is subject to its own set of legislation and rules. However there are some occasions where rabbits and hares have differing laws and this fact sheet aims to clarify all cases in relation to both species.

### **The Ground Game Act 1880 (England, Wales and Scotland)**

This Act gives any occupier<sup>1</sup> of land a concurrent right to kill or take ground game (rabbits and hares) on land where the shooting rights are held by someone else. This right is binding and cannot be given up by the occupier neither can it be removed by the holder of the shooting rights. The following restrictions apply to the occupier in the taking of ground game, unless the occupier himself holds the shooting rights:

#### **Section 1 of the Ground Game Act 1880**

- a. The occupier<sup>1</sup> himself and one other person authorised by him, in writing, shall be the only persons entitled to kill ground game with firearms<sup>2</sup>.
- b. An occupier can only authorise:
  1. Members of his household resident on the land in his occupation,
  2. Persons in his ordinary service on such land i.e. employees, and
  3. Any one other person, bona fide employed by him for reward<sup>3</sup> in the taking and destruction of ground game.
- c. Authorised persons (see above) must produce their written authority if requested to do so by any one else with the right to shoot ground game. If they are unable to provide the written authority then that person would not be an authorised person at that point in time.

### **Night<sup>4</sup> shooting of ground game**

The Wildlife and Countryside Act 1981 Schedule 7 clarifies the night shooting of ground game by the occupier of land as follows:

**England and Wales:** The occupier and one other person authorised by him (see above) may use firearms to kill ground game at night<sup>4</sup> provided the occupier has the written permission from the holder of the shooting rights on the land unless the occupier holds the shooting rights himself.

**Scotland:** The owner of the shooting rights, or another person who holds the shooting rights, or an occupier who has written permission from the holder of the shooting rights may use a firearm to kill ground game at night. The occupier, with permission, may authorise one other person to kill ground game with a firearm. These conditions do not apply if an occupier holds the shooting rights himself.

### Shooting seasons

Species	England & Wales	Scotland	Northern Ireland	Isle of Man
<b>Hare:</b> Brown	Jan 1 – Dec 31 <i>moorland &amp; unenclosed land is subject to a close season **</i>	Oct 1 – Jan 31	Aug 12 - Jan 31 *	Oct 2 – Jan 31
Mountain		Aug 1 – Feb 28/29		
<b>Rabbit</b>	Jan 1 – Dec 31 <i>moorland &amp; unenclosed land is subject to a close season **</i>	Jan 1 – Dec 31 <i>moorland &amp; unenclosed land is subject to a close season **</i>	No close season	No close season

\* The Special Protection Order previously issued to give **Irish Hare** additional protection is no longer in place and therefore the Irish Hare is now subject to an open season as above.

\*\***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** occupiers or authorised persons may only take and kill ground game on moorland or unenclosed land between 1 September and 31 March inclusive. Firearms may only be used for such purposes between 11 December and 31 March (Ground Game Act 1880 Section 1 (3) and Ground Game (Amendment) Act 1906 Section 2)

In **Scotland**, the occupier of the land or persons authorised by him may kill rabbit throughout the year on moorland and unenclosed land (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 (Section 1 (3) of the Ground Game Act 1880 as modified by the Agriculture (Scotland) Act 1948). Hares are subject to a close season (Wildlife and Natural Environment (Scotland) Act 2011) (see above).

In **England, Wales** and **Scotland** ground game can be killed all year round on land which is not classed as moorland or unenclosed land.

Hare may not be killed on Sunday or Christmas Day in **England** and **Wales**.

Hare may not be killed on Sunday or at night in **Northern Ireland**.

### **Sale of ground game**

Rabbits may be sold all year.

Under the *Hares Preservation Act 1892* in **England, Wales** and **Scotland** it is illegal to sell or expose for sale, hares or leverets between 1 March and 31 July inclusive. This does not apply to imported hares.

### **Pest Act 1954**

Under Section 1 of the Pest Act 1954 the whole of **England and Wales** except the City of London and the Isles of Scilly has been declared a rabbit clearance area. This means all occupiers of land in the clearance areas have a continuing obligation to kill or take any wild rabbit on their land unless they can prove it is not practical to do so. If this is the case then occupiers have a duty to prevent the rabbits from causing damage elsewhere i.e. by installing rabbit proof fencing.

A notice can be served by the Secretary of State under section 98 of the Agriculture Act 1947 requiring an occupier to take specific action against rabbits. The occupier may be liable for prosecution if he fails to carry out the action required. A third party can be arranged to undertake the specific action and the costs for such action will be recovered from the occupier. However, Natural England (NE) believes long term resolution of the problem will be best achieved by co-operation. NE also believes that it would only be appropriate to spend public money on enforcement notices in exceptional circumstances such as disputes which have a national rather than local significance.

### **Hunting Act 2004 (England and Wales)**

The coursing of hares is illegal under the Hunting Act 2004. It is an offence to for a person to participate in, attend or knowingly facilitate a hare coursing event or to permit land which belongs to him to be used for a hare coursing event.

It is not an offence to hunt rabbits with dogs provided the hunt is carried out on land which belongs to the hunter or on which he has permission to hunt i.e. from the occupier of the land or the owner of the land if it is unoccupied.

Dogs may be used to **retrieve** a hare which has been shot but may not be used to kill it.

### **Poaching Law**

Game can be poached. Game includes hare for the purposes of poaching law but does not include rabbits unless specified. Poaching legislation includes Poaching Prevention Act 1862, Night Poaching Act 1828 and is covered in the

Game Act 1831. The following offences relate to poaching of game and rabbits:

It is unlawful to trespass on any land in daytime<sup>5</sup> in search or pursuit of any **game or rabbits**

It is illegal to take or destroy **game or rabbits** at night<sup>4</sup> without permission

It is illegal to enter land, without permission, at night<sup>4</sup> with any gun, net, trap, snare or lamp in order to take **game** (hares only)

**Notes:**

1. *Occupier of land* – tenant such as a farmer or landowner if he resides on his property
2. *Firearms* – the use of firearms is restricted to two people: the occupier and one other person who falls into the criteria above. The definition of a firearm is a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged
3. *Reward* - The keeping of the rabbits satisfies the requirement of reward in the absence of financial payment. This is subject to the arrangement being a genuine employment and not merely allowing a friend a days sport whether they keep the rabbits or not
4. *Night* - one hour after sunset to one hour before sunrise
- 5 *Daytime* – one hour before sunrise to one hour after sunset

***Game and Deer management team***

***BASC***

***Marford Mill***

***Rossett***

***LL12 0HL***

***Tel: 01244 573019 email: [game.deer@basc.org.uk](mailto:game.deer@basc.org.uk)***