

LEGISLATION

NIGHT SHOOTING

ENGLAND & WALES
BEST PRACTICE GUIDES



Introduction

The Deer Act 1991 (as amended by Statutory Instrument 2007, No 2183 and referred to below as “the Deer Act”) prohibits the shooting of deer at night (defined as between the expiration of the first hour after sunset and the commencement of the last hour before sunrise) except in certain restricted circumstances.

The exceptions to the night shooting prohibition provided in the Deer Act are:

- ◆ to prevent suffering,
- ◆ in pursuance of a Notice under the Agriculture Act 1947, or
- ◆ under a Night Shooting Licence issued under the Deer Act 1991 (as amended)

Dealing with injured or sick deer is beyond the scope of this guide (see Humane dispatch guide), whilst Notices to shoot deer under the Agriculture Act are only considered in very exceptional circumstances and are rarely issued.

This Guide explains the provisions for issuing night shooting licences under the Deer Act and the best practice that those issued with a licence are required to follow. Some of the conditions that may form part of the licence are also covered. Compliance with best practice guidance is, itself, likely to be a condition and the overall aim is to ensure that any night shooting carried out is as safe and humane as possible.

The licensing authorities consider night shooting a ‘last resort’ and that deer management should normally be conducted during daylight hours and, where appropriate, in co-operation with neighbours through a local Deer Management Group.

This guide links to the Shooting Deer, Humane dispatch, Deer Legislation, Damage Prevention, Deer Management Group and Risk Assessment Guides .

Purposes for Night Shooting

Under Section 8 (3D) of the Deer Act a licence may be granted to any person by Natural England, in relation to land in England, or the Countryside

Council for Wales, for land in Wales, to allow the shooting of deer at night. The purposes for which licences may be issued are:

- ◆ Preserving public health or public safety,
- ◆ Conserving the natural heritage, or
- ◆ Preventing serious damage to property

Before granting a licence the licensing authority must be satisfied that there is a serious risk to public health or safety, or a serious risk of damage to natural heritage, as appropriate. In the case of damage to property there must have been serious damage in the year preceding the licence application.

There must be no satisfactory alternative, e.g. daytime shooting in season, co-operative deer management through a Deer Management Group or fencing.

The applicant must have right of access to the land to cull deer.

Licence conditions

Each licence is subject to specific conditions on a case by case basis. Conditions that will apply on most cases are:

The precise area covered

The species and number of deer which may be shot

The duration for which it is valid.

Only one rifle should be in use at any time and the minimum calibre and ammunition will be defined.

Local Police must be informed when night shooting is taking place.

If there are Public Rights of Way on the site the licensing authorities may require that users are notified that night shooting is taking place.

The licensing authority will monitor compliance with licence conditions. This is likely to involve site visits and may include accompanying the night shooting team on one or more occasions.

Licence holders will be expected to adhere to the best practice below, plus any other specific conditions. Up to four people (including the licensee) may normally be authorised to kill deer under a licence.

Best Practice

Public safety and the humane dispatch and welfare of deer are paramount in the issue of night shooting licences and must be the overriding considerations. Operators are advised to undertake a risk assessment including points within this guide to help ensure safe and humane working practice.

Marksmen must be familiar with the firearm to be used and possess the appropriate firearm certification.

Before night shooting takes place the licensee and operators involved must make themselves thoroughly familiar with the site. Safe and unsafe areas must be identified; shooting must only take place where there is a suitable backstop.

Anyone likely to be in the vicinity should be given advance warning and adjacent occupiers should be informed and agreement reached on roles and responsibilities e.g. what happens if an injured animal runs on to a neighbour's land.

Minimum Team: The minimum operating team is two; a spotlight operator and a marksman. If a vehicle is used a driver will also be necessary. The duties of each team member are:

- ◆ **Spotlight Operator** - To locate and help select deer to be shot and to mark the position of shot deer for prompt recovery.
- ◆ **Marksman** - To confirm identification of the target animal, to shoot and to observe the effect of the shot. The marksman should control all movement of personnel in and out of the vehicle.
- ◆ **Driver** - To position vehicle in collaboration with the team and to observe and assist in locating and recovering fallen animals.

Vehicles: Section 4 of the Deer Act prohibits shooting from a moving vehicle, the vehicle must be stationary with the engine turned off. The vehicle may need to be adapted to provide:

- ◆ A means of preventing participants from falling from the vehicle or being injured when the vehicle is moving e.g. a safety cage in the bed of a pick up.
- ◆ A rest such as a shooting rail that provides a good support for the rifle when shooting and lifts the muzzle well clear of the supporting surface. Care must be taken to ensure that parts of the vehicle or its passengers cannot easily be brought into the line of fire.

Shots must never be taken by stretching across the driver or passenger inside the cab.

Good communication between the marksman, the driver and the spotlight operator is essential and when shooting no one should step outside the vehicle unless given the all-clear by the marksman

Visibility & Shot: Deer must be positively identified, fully visible and clear of obstructions before a shot is attempted. It is critical that the background is safe with a wide margin for error. Heart/lung shots are recommended when night shooting. Shots should be limited to the appropriate range and should normally be within 100m.

If there is any doubt about the safety or humaneness of a particular shot it must not be attempted.

Dogs: A trained dog should be available to assist with carcass recovery if necessary.

Firearms and Ammunition: The firearm used must be legal and suitable for the purpose. The accuracy/zeroing of the rifle and scope and effectiveness of the shooting set up must be checked in daylight, before undertaking any night shooting. The rifle must be unloaded at all times except when shooting is in progress. A back up firearm should be carried for the despatch of wounded animals at close quarters where a second rifle shot may be unsafe. This must be unloaded except at the moment of use. It is recommended that either the spotlight operator or the driver act as the back-up shooter but only under direction from the rifle shooter. Considerations as to safe backstop are the same as with the rifle.

Telescopic Sights: A specification with good light gathering properties is a requirement. The minimum recommended specification is 6 x 40. The use of light-intensifying, heat sensitive or other special sighting devices will not normally be permitted under licence. Telescopic sights must never be used as a substitute for binoculars e.g. for searching for or identifying deer.

Binoculars: Binoculars are an essential aid to clear identification of the target animals. A specification with good light-gathering properties, e.g. 7 or 8 x 40 is recommended as a minimum

Spotlight: A minimum spotlight rating of 1 million candle-power is recommended. Care should be taken not to shine the light into operators' eyes, skywards or towards occupied buildings or roads.

Safety: Working at night can increase the likelihood of mistakes, these can be minimised by a well organised routine.

A first aid kit should always be carried. Details of location and expected time of return should be given to a third party. A radio or mobile phone should be carried.

Removal and processing of carcasses

All carcasses should be removed as soon as possible and handled in accordance to best practice. It is recommended that where possible gralloching and further processing are carried out in a deer larder rather than in the field.

Applications

Potential applicants are advised to consider if their situation meets the criteria for issue of a licence before making an application. In particular what satisfactory alternative methods may be available to them and whether they could usefully seek advice. Applications for licences must be made to Natural England or the Welsh Assembly Government (WAG) local offices.

Further Information

Licence applications

Natural England: <http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/default.htm>

WAG local offices:

English language <http://wales.gov.uk/topics/environmentcountryside/ContactSandRD/?lang=en>

Welsh language

http://wales.gov.uk/about/departments/depc/epcstructure/SRD_office_map/?lang=cy

or http://wales.gov.uk/topics/environmentcountryside/countryside_policy/farming/wildlifemanagement?lang=en