

Feature

Deer in road accident? Beware!

Barry Martin of the NGO Deer Branch Committee highlights some pitfalls for those called to the scene

WITH MORE DEER IN THE UK OVER THE LAST decade and with rising traffic levels, the problems of a literal coming together of the two have now reached alarming levels.

Without wishing to dismiss the trauma caused by extensive damage to a vehicle or, worse, personal injury to driver or passengers, the most distressing aspect of deer-related road traffic accidents is the prospect of a severely injured and incapacitated deer at the roadside.

As deer managers/stalkers are without doubt the most qualified of individuals or groups to deal with the results of severe injury to deer, should we be providing a nationwide service for the authorities to call upon?

The answer, as with so many things, is not as straightforward as it looks and requires a great deal of thought, discussion and organisation to ensure an effective service that does not expose any volunteers to the risks of prosecution. The following lists of pros, cons and response guidance are by no means exhaustive and reflect some of the main difficulties encountered by individuals or groups attempting to offer a response service over the last decade or so.

PROS

- Response by experienced deer people who will operate under the *10 minute rule* (a fundamental guideline) gained through experience, that says: *"If a deer has not been able to stand and walk/run off within 10 minutes of being struck by a vehicle, it is probably suffering severe injury."* This could be internal with no visual external injury. If the deer is able to stand/walk but has clear severe external injuries (broken leg swinging etc), *the 10 minute rule* is obviously not applied.
- If the decision is made to shoot the injured deer, this is carried out by an operator with the experience to ensure

a humane, and most importantly, completely safe despatch.

- Any suffering to the injured deer is kept to the minimum, with a professional operation avoiding well-intentioned but amateur attempts to cover the animal with a blanket, to sit with it or to manhandle it into a vehicle for transportation to rescue centre/veterinary centre.
- Rapid response to the incident at any time of day or night, easing the load on other services and assisting road safety by clearing the scene as quickly as possible.
- A raising of public awareness to one of the many roles that gamekeepers and stalkers play in wildlife management and conservation.

CONS

- Although the initial request for assistance is usually from the police, these incidents are not usually a police matter unless personal injury is involved.
- The police cannot give authority to discharge a firearm at the side of the highway nor any similar venue.
- Some individuals and groups providing a response service have received written notice from the police that any individual discharging a firearm in these circumstances could be liable to prosecution, *even though they were requested to attend by the police.*
- Response has to be instant no matter what time of day or night. This could be problematic if the responder has had limited sleep or perhaps has been drinking alcohol. In these circumstances this individual cannot attend and will have to recommend a deputy.
- No payment of expenses is offered in most cases.
- Well-intentioned directions given during the initial telephone call are often vague, resulting in a long search of an area in an attempt to find any sign of the incident.



- Attendance at the side of a highway, at night is a health and safety hazard. Reflective signs and flashing warning lights are recommended
- Any request to the police to attend the scene is often met with a negative due to shortage of available officers.
- The scene of the incident is not always a highway. Injured deer have been known to seek cover in gardens, shops, garages, etc. One incident is on record of a severely injured deer on the outskirts of a town running into a branch of a well-known department store and collapsing into a corner. Incidents of this nature could be encountered at any time and are health and safety nightmares.
- Any general public at the scene of an incident may be very hostile or distressed at a decision to despatch the deer humanely.
- Before discharging a firearm, the landowner's or shooting rights holder's permission must be obtained. This is not always possible.
- The carcass of any deer is the property of the landowner on whose property it expired. This can cause problems if it is not evident who the landowner is.

INJURED DEER RESPONSE GUIDANCE

- Legal pitfalls dictate that large organisations should not involve themselves in any aspect of this subject. Individuals or groups only are recommended to attempt to set up this kind of response team. A co-ordinator needs to be established.
- The police have no legal obligation to provide assistance in this service but should be requested to provide an 'information and co-ordination service'.
- The police cannot give authority to discharge a firearm at the side of the highway nor any similar venue.
- The police will insist that any individual discharging a firearm in these circumstances could be liable to prosecution, even if they have been requested to attend by the police.
- All local Authorities must give written permission for this service to be provided within their boundaries. This gives 'lawful authority' and 'reasonable excuse' to carry a firearm in a public place. They all have slightly different rules and requirements. For example, most Highways Agency stipulations for dealing with injured wild animals on motorways dictate that the 'responder' (gamekeeper, stalker or similar) can only be transported to the scene by the police who remain in attendance.
- Basic requirements are: the person reporting the incident should be requested to remain at site (or as close as safety allows); clear directions are essential. Injured wild deer or other wild animal (do not respond to domestic animals, call RSPCA) should be left alone to reduce stress. Police attendance and incident number should be requested by 'responder' but attendance is usually not provided. Safety lights and warning signs must be used at the scene. The carcass must not go into the food chain (remember a carcass technically belongs to the landowner where the deer expired). All waste disposal must follow guidelines. An email or letter containing a detailed report of incident, date, time, location and outcome, should be sent to the police contact following the incident, with a copy retained for records.
- It is strongly recommended to use a suitable firearm for humane despatch. This could be any gauge shotgun, .22 rim fire, centre fire rifle etc, depending upon the situation. Beware of ricochet dangers and general safety. The use of a knife is not recommended.

- Suitable insurance covering this type of service is a legal requirement, together with a comprehensive risk assessment policy.
- Most firearms certificates state named ground where the firearms can be used or are open certificates allowing any suitable ground where permission is given. This is not sufficient for providers of this service. Some police firearms authorities have amended certificates to allow firearms to be used on ground where permission has not been granted (to allow for unavailable, unknown land or shooting rights owner).
- Where applicable, the landowner's (householder's) or shooting rights owner's permission must be sought and granted. The Deer Act (remember, deer only) allows the responder to act in the 'belief that the landowner would have granted the permission' in the circumstances. The legal implication of this is open to opinion or decision.
- Suitable protective clothing should be worn, including 'hi-viz' garments. Large 'hi-viz' wording on the front and back, such as 'Wildlife Response Team'

is recommended. This must be notified (send photos) to police armed response teams who should be familiar with the wording and be able to identify the wearer instantly.

Latest reports suggest that the authorities, including some police forces, are willing to provide much more assistance in over-coming the legal and operational difficulties in providing a response service. This is encouraging and will, we hope, allow more responsible deer people to volunteer for this vital service.

CAVEAT

This article is produced as guidance only and the author does not imply that any legal or health and safety issues mentioned are correct; the text is a collection of actual examples. As interpretations differ between police forces, the onus is on any individual or group who wishes to provide the services discussed to satisfy fully the legal and health and safety requirements.

