

Legal feature

Good housekeeping



Matthew Knight of Knights Solicitors reminds us of the basic necessities to ensure we keep the right side of the law.

THOSE GAMEKEEPERS WHO DO NOT HAVE hatcheries and rearing fields but who rely on poults ready to go to wood have an annual opportunity to put their shoots or beats in order between the end of the shooting season and the arrival of next season's birds.

Gamekeepers who do have hatcheries and rearing fields to manage need to make it clear to employers, land agents and estate managers that in today's world extra resources need to be made available to ensure that shoots or beats are in good order once the shooting season is over.

Lengthening days mean increased public access and scrutiny. Walkers and rambles are not necessarily against shooting, but everyone has a mobile phone capable of taking photographs or film footage these days and it is important that nothing, photogenic or otherwise, is amiss.

Pest control is a vital part of gamekeeping, but one that inevitably attracts opposition from some quarters. The following list is not exhaustive, but may be helpful:

Make sure there is nothing untoward in your laying pen.



1. Make sure that all traps and snares are inspected daily. Release non-target species that have been caught inadvertently.

2. Look after call birds in Larsen traps and make sure that they are in good condition and have access to clean water and palatable food.

3. Captured pests need to be dispatched promptly and humanely. Their carcasses should be bagged at the place of capture and dispatch and disposed of sensitively and lawfully.

4. When traps and snares are not in use, take them up and put them away somewhere safe and secure.

5. The Hunting Act 2004 makes special arrangements for gamekeepers, allowing them to use one terrier for pest control. Make sure that you have a copy of the *Defra Code of Conduct for Terrier Work* and abide by it.

6. Working terriers are not always steady to cats or other dogs. If they are not steady, make sure that they are muzzled or on leads or couples or closely confined when they are not in work.

Gamekeepers have to be adept at using shotguns, rifles and other firearms. Familiarity breeds contempt, they say, and gamekeepers are not always as careful about security as they ought to be.

1. Rifle ammunition must always be kept securely. When in use, this means a pocket or shell case. When not in use, rifle rounds ought to be in a secure ammunition safe at home. Shotgun cartridges can be kept anywhere, but it is sensible to keep them out of sight and securely enough to deter theft.

2. When not in use or being cleaned, shotguns, rifles and other firearms must be under lock and key or in the safe at their registered keeper's home address. If you need to have firearms with you during the working day it is sensible to secure them with a security cord or otherwise when they are in vehicles or elsewhere.

3. Rifles and other firearms can only be used by their registered keeper (apart from the Estate Rifle Exemption which is not relevant here). If someone other than you needs to use your rifle or Part I firearm, make sure that he or she applies for a Firearms Certificate or a variation to cover such use.

4. Shotguns can be used by anyone with a Shotgun Certificate for up to 72 hours. This allows shotguns to be lent for short periods without needing a formal variation. Do not forget this short period or overrun it.

5. Do not shoot where you cannot see beyond the target. Try not to shoot near footpaths, bridleways, highways or third party houses, especially at night.

6. Pick up and dispose of shot pest species. It is sensible to bag carcasses after dispatch; as when trapping or snaring.

Sadly, gamekeepers who are targeted by malicious complaints often find that their homes are searched under Warrants. In the next issue of *Keeping the Balance*, I shall cover this in more detail, but in the meantime experience has shown these to be the problem areas:

1. Welfare of working dogs is

paramount. They are not pets and are not kept within the home, as a rule. Make sure that kennels are cleaned out night and morning so working dogs empty themselves outside.

2. Working dogs, ferrets and falcons sustain injuries from time to time and they need to be properly dealt with. Even if the injuries are minor, it is wise to retain and involve a veterinary surgeon, in particular to refute allegations.

3. If other livestock are kept, make sure that they are in good order and properly fed, watered and housed. Comply with any relevant Defra Codes of Practice under the Animal Welfare Act 2006.

4. Make sure that there is nothing untoward at your home or in adjacent hatcheries or rearing fields. Clear up hatcheries and rearing fields or laying pens after they have been used and leave them tidy for next year. Do not leave them as they were last used and clean them up ready for use just before you want to use them again.

5. Check that all pesticides and chemicals are within date and remain lawful to use. Secure them properly in accordance with the label. Dispose of

any that are unwanted through a licensed commercial contractor.

6. If you use a midden for fox control make sure that the contents are lawful. The Animal By Products Regulations does not apply to the carcasses of wild animals that were healthy at dispatch. If in doubt

or if there is open access or high levels of rambler or walker use, it is probably best to use lawful chemical lures.

The NGO has recognised the need for specialist legal advice and all members now have the benefit of a free 24 hour legal helpline (see box).

FURTHER INFORMATION

KNIGHTS SOLICITORS

Matthew Knight is the Senior Partner of Knights Solicitors, Tunbridge Wells. Knights Solicitors specialise in countryside and country sports litigation and have acted on behalf of gamekeepers throughout England and Wales. Tel: 01892 537311, www.knights-solicitors.co.uk. Ask for Matthew Knight, Richard Atkins or Joshua Quinn.

NGO FREE LEGAL HELPLINE

NGO members in need of emergency legal advice relating to gamekeeping and field sports can call the helplines below. Up to 30 minutes telephone advice is available free of charge as a benefit of your NGO membership.

For those in the South: Matthew Knight, Richard Atkins and Joshua Quinn, Knights Solicitors (Tunbridge Wells), 01892 537311 (24hr line).

For those in the North, Scotland and Wales: Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460.



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