

# How to Oppose Shooting: A Practical Guide



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## Introduction

**This booklet is designed to advise people who are opposed to the shooting of birds and mammals on moral grounds. It is also useful for those who are having trouble with shooting near their homes, on legal rights of way or at a place of recreation. It offers concise information about shooting and the law. It does not replace full and proper legal advice, which may be needed in certain situations.**

Most people know little about 'live-quarry' shooting except that it bothers them. It is a noisy and cruel activity that generally only affects people in close proximity. The shooting industry produces around 50 million purpose-bred 'game birds' every year. Any wild animals or birds deemed to be a threat to the short-term survival of the game birds, are legally, or illegally, persecuted.

**You may have a personal issue about your property or are disgusted by these unnecessary excesses. This booklet is written for you.**

## What is 'live-quarry' shooting?

**Live-quarry shooting falls into several categories in the UK but can be defined as the shooting of birds and mammals for recreation. People who do this are known as guns.**

**Walked-up Shooting** is an informal style of shooting where the game (pheasant, partridge, grouse or ptarmigan) is flushed ahead of the gun as he walks over the shooting ground. Some animals, like hares and pheasants, will typically keep cover until the last possible moment before being disturbed or 'flushed'.

**Driven Shooting** is a formal style of shooting where game birds are flushed from cover by a team of beaters and gamekeepers towards the waiting guns. The birds are not wild. They are bred in farms and taken to release enclosures when they are in the early stages of maturity.

**Coastal Wildfowling** is the shooting of ducks, geese and wading birds on tidal sites. The birds targeted are rarely farmed and are likely to have migrated to and from our shores.

**Inland Wildfowling** is the shooting of ducks, geese and wading birds on inland sites, where there are often natural or artificial flight ponds frequented by the birds for roosting at night. The shooters take advantage of the birds' natural behaviour of arriving and departing near sunset and first light. Ducks are specifically bred in game farms for recreational shooting.

**Deerstalking's** declared purpose is the 'management' of deer herd numbers or the protection of crops and forests by shooting deer in a 'sporting' context.

## What is 'pest-control' shooting?

**Alleged economic or environmental damage is the main reason given for the mass-killing of certain species.**

Pigeons and corvine birds, such as magpies, jays and crows, may be shot in accordance with the General Licences. Killing is authorised if the birds are considered by the landowner to be a threat to agriculture, aviation or public health and if other methods of deterrence have failed. Most so-called pest species may not be shot for sport, but rabbits are an exception, because it is claimed that they cause significant damage to fields and crops. In law, it is an offence to allow rabbits to 'harbour' on your land, and your neighbour could have a claim against you if he believes that rabbits living on your land are causing damage to his. Rabbits may legally be flushed from burrows with any number of dogs or ferrets and shot, or otherwise destroyed without 'unnecessary cruelty'.

## What is the Quarry List?<sup>1</sup>

**The Quarry List is a list of species that may be legally shot for sport or as a pest species under periodically reviewed legislation.**

Strangely, some of the birds who may currently be shot, are members of species whose existence is under threat. These



include grey partridge and black grouse. The list also includes:

- **Geese** White-fronted, pink-footed, greylag and Canada.
- **Wading birds** Common snipe, jack snipe, golden plover, woodcock and curlew.
- **Coots**
- **Moorhens**
- **Ducks** Teal, mallard, gadwall, shoveler, wigeon, pintail, tufted, pochard, goldeneye, scaup.
- **Wild game birds** Grey partridge, red grouse, black grouse, ptarmigan. (None of these birds is successfully bred in captivity.)
- **Released game birds** Pheasant, red-legged partridge. These birds are artificially bred in captivity and released for a short period of controlled freedom near the start of the shooting seasons. Released birds

do not breed successfully in the wild and, in comparison with the released total, only a negligible number of wild pheasant and partridge are shot. The shooting industry claims that purpose-bred game birds are released each year to supplement the population of wild game birds. The reality is that comparatively few game birds survive the shooting season, and those who do are a negligible supplement to the newly released birds. In law, however, game birds are considered wild once released. Wild game birds belong to whoever's property they land on or fly over.

- **Mammals** Brown hare, mountain hare, roe deer, fallow deer, muntjac deer, red deer, sika deer, chinese water deer. (Deer may not be shot with shotguns.)
- **'Pest' species** Rabbit, wood pigeon, collared dove, jackdaw, jay, magpie, hooded crow, carrion crow, mink, fox, stoat, weasel.

## What are the General Licences?

**No licence is needed to shoot game species in England but a game excise licence – available from post offices – is still needed in Scotland and Northern Ireland. This anomaly is not expected to continue. A game excise licence is not needed in any part of the UK to shoot ducks or geese.**

Pest species may be shot under the terms of the General Licences, which

vary from year to year and are issued by government agencies in Scotland, Wales and Northern Ireland; and by Natural England for licences in England. A General Licence need not be personally carried for inspection. It is a list of species that may be shot, together with the varied terms and conditions under which they may be shot. Wood pigeons are the most widely shot pest species.<sup>2</sup>



## What are the seasons for 'game' species?

**Pheasant** 1 October – 1 February  
(Northern Ireland – 31 January)

**Partridge** 1 September – 1 February  
(Northern Ireland – 31 January)

**Grouse and ptarmigan** 12 August – 10 December  
(Northern Ireland – 30 November)

**Black grouse** 20 August – 10 December

**Common snipe** 12 August – 31 January  
(jack snipe is currently protected but not in Northern Ireland where the season starts on 1 September)

**Woodcock** 1 October – 31 January  
(Scotland – 1 September)

**Inland duck and goose** 1 September –  
31 January

**Coastal duck and goose** 1 September –  
20 February (Northern Ireland –  
31 January)

**Coot and moorhen** 1 September –  
31 January (in Northern Ireland they  
are a protected species)

**Golden plover** 1 September – 31 January

**Curlew** 1 September – 31 January (only  
in Northern Ireland, protected elsewhere  
in the UK)

It is illegal to shoot game on Sundays  
and on Christmas Day.

The shooting seasons for deer species  
vary greatly across the UK.<sup>3</sup> Because  
people mainly encounter problems with  
game bird shooting, the various seasons  
for deer are not included here. There is  
no closed season for muntjac deer.

It is illegal to shoot deer at night.<sup>4</sup> In  
Northern Ireland, it is illegal to shoot  
woodpigeons at night or on Sundays.<sup>5</sup>

It is an offence to take or kill any game  
species during the closed season for that  
species, except for breeding purposes.



## A calendar for released 'game bird' shooting

Date	Activity	Enclosure	Note	Remarks
<b>2 February</b>	Catching up breeding stock (Note a)	Over-wintering pens (Note b)	Birds are selected. Surplus cocks are discarded (Note c)	Law allows catching up for breeding purposes
<b>1 April</b>	Mating commences	Breeding pens (Note d)	Pheasants: one cock to 8 or 10 hens  Partridges: one of each sex	
<b>April - July</b>	Eggs laid and hatched	Breeding pens	Eggs hatched in incubators	Incubation takes about 23 days. Hatching time can be controlled in modern incubators (Note e)
<b>May - July</b>	Chicks reared under heat and light	Rearing pens (Note f)	There is a market for one-day-old chicks	Hardening off by lowering temperature each day
<b>May - August</b>	Poults reared	Rearing pen verandahs	There is a market for 6-7 week-old poults	
<b>July - August</b>	Poults prepared for release (Note g)	Release enclosures (Note h)	Maximum predator control in place	
<b>August - September</b>	Pheasants released	Cover crops or coppices (Note i)	Feeding and watering in place at release areas	
<b>1 September</b>	Partridge shooting begins	Release areas	Predator control continues	
<b>1 October</b>	Pheasant shooting begins	Release areas	Predator control continues	
<b>1 November</b>	Some shoots delay pheasant shooting until this date to gain high flying birds	Release areas	Predator control continues	
<b>1 February</b>	Shooting season for pheasants and partridges closes			



## Notes

- a. Observers may see temporary wire-roofed cages erected on shooting grounds and in the release areas. The birds are lured in by feed, through funnel traps or doors. Dogs are also used to marshal the birds back to capture areas.
- b. Over-wintering pens are also used for retaining selected birds – who were not released the previous year – for the breeding programme.
- c. Most of the cocks caught up are not required. Game dealers and processors sometimes illegally advertise for these surplus birds even though it is forbidden to take or kill a game bird out of season, except for breeding purposes.
- d. Traditional breeding pens are wire-roofed enclosures on grass. They must be moved every year for husbandry purposes. A new type of battery (or ‘raised laying’) cage, which is about the size of a car boot, was made illegal in England in spring 2010. But the prohibition was rapidly overturned by the new coalition government.
- e. Incubators allow the timed hatching of chicks. Chicks are priced at £1 to £1.25 (2010).
- f. Rearing pens may generally be identified by propane bottles outside. Each small shed has a wire-roofed extension (verandah). The interconnecting hatch is opened as the chicks grow into poults.
- g. Poults are priced at £3.50 to £4 (2010).
- h. Release enclosures are situated in coppices or woods. They can cover several acres. Wire fences, similar to those used around tennis courts, are able to be rolled up from the base, or large doors may be left open in late August and September. Low-height electric fencing may be on its perimeter to deter foxes. Snares will be present in its surrounds. Birds are fed, watered and medicated within.
- i. Release areas are close to release enclosures. If no woods are available, cover crops are planted. Kale-type crops are typically surrounded by sheep fencing. Feeding and watering keep the birds where intended.

**BATTERY CAGES, WHETHER ENRICHED OR NOT, MEAN MISERY FOR THE BIRDS**



**BATTERY CAGES FOR PHEASANTS**



**PARTRIDGES ARE ALSO FORCED TO ENDURE BATTERY CAGES**



## The Animal Welfare Act 2006

**Pheasants are bred in either traditional breeding pens or battery (raised laying) cages, which hold around eight females and one male. The Animal Welfare Act 2006 introduced the concept of the protected animal, which in the context of game bird shooting is an animal under the temporary or permanent care of man. For the purposes of the Act, released game birds are protected when in captivity but are unprotected – because they are considered wild – when released for shooting.**

When the Act was enabled, provision was made for central and devolved governments to approve Codes of Practice that, although not legally binding, could be used as a basis for prosecution in cases of unnecessary suffering.

After a public consultation in 2009, DEFRA approved a new *Code of Practice for the Welfare of Game Birds Reared for Sporting Purposes* in England from 2010. The Code provided minimum space requirements for pheasants of one square metre per bird. This effectively made the battery-style raised laying cage system of breeding pheasants impractical in England and exposed operators to possible prosecution. Similar consultations got underway in Wales and Scotland. But the Hunting and Shooting Minister on behalf of the coalition government, withdrew the English Code before it could come into force.

Partridges are monogamous. Game bird farmers pair them off in breeding boxes or in battery cages. Even under the 2010 Defra Code, which the coalition government withdrew, partridge cages were to have been permitted.



**CAGED BIRDS ARE MASKED TO HELP MINIMISE STRESS-RELATED AGGRESSION**



**ANOTHER VICTIM OF THE CAGE SYSTEM**

## Predator Control

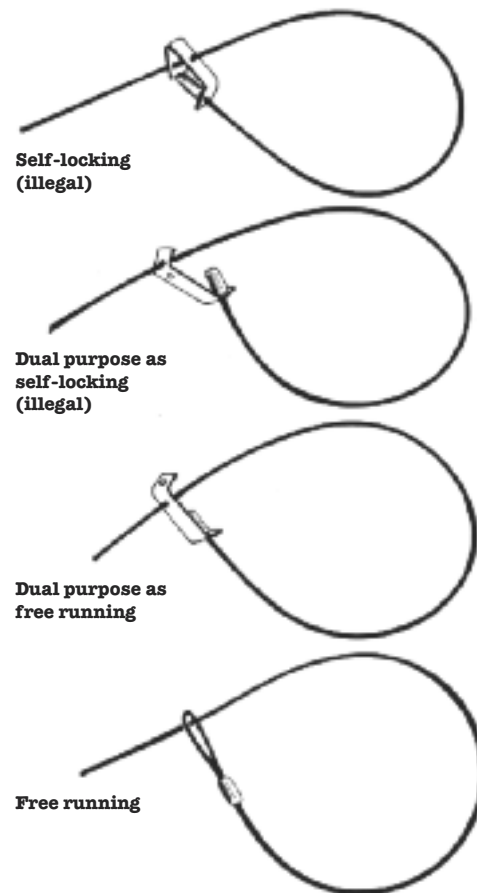
**Shoot operators kill – both legally and illegally – any wild animal perceived to interfere with the profitability or smooth running of a shoot. If animals are thought to kill young or adult birds, take eggs or even the feed or cover crops provided for game birds, then they are shot or killed through the use of poison, snare, and baited spring or cage traps. Larsen traps are cages containing a live decoy bird and are usually employed to catch corvine birds (members of the crow family). There are rules relating to the use of these traps, including the type of decoy and their inhumane treatment. It is also illegal to use snares in certain ways.**

### Snares

Snares are a legal method of catching animals classed as ‘vermin’. Snares consist of a loop of wire that tightens round an animal, and are usually classed as self-locking or as free-running. But snares are indiscriminate and can cause immense suffering to trapped animals. RSPCA inspectorate surveys show that only a third of the animals caught in snares were actually the species intended to be caught.<sup>6</sup> Unintended victims include cats, dogs and even sheep.

The use of snares is regulated under the Wildlife and Countryside Act 1981. The law says: a snare must not be set where a protected species is likely to be caught. Protected animals in this context include badger, pine marten, red squirrel, otter and deer.

### Types of snare



Snares should not be set to cause any intentional injury to the captured animal. However, animal protection organisations have catalogued, over the years, snared animals suffering appalling head, neck and body injuries. Often, they will die from their injuries, after a period of many hours, or even days, after being caught in a device.

Snares should not be set where animals are grazing.

Snares should not be set near to housing where domestic animals could be caught.

Snares should be set by fixing them firmly to a stake that is embedded in the ground. Sometimes snares are fixed to

logs or loose fence posts. Animals can drag the loose anchor off into undergrowth where it might jam, leaving the animals to die slowly, unseen, from starvation and exhaustion.

Snares must be inspected every 24 hours. They must not be of the self-locking type or configured to be self-locking.

Legal quarry species should be despatched quickly with a gun and not subjected to unnecessary cruelty.

## Larsen traps

These traps use a decoy bird and eggs, which, legally, must be of the corvine species – namely, crow, magpie, jackdaw, jay or rook. The decoy is kept in an enclosed cage and the lured bird will enter a separate compartment via a spring door.

It is illegal to set any trap that is intended to cause any bodily injury to a wild bird.

It is illegal for any person to set traps with decoy birds in which they have insufficient length, height and width to spread their wings freely.

It is illegal for any trap with a decoy bird not to be inspected once every 24 hours.

The trap must be adequately supplied with food, water, a perch and shade for the decoy bird.

It is illegal to use as a decoy, for the purpose of killing or taking any wild bird, any live bird or other animal who is tethered or secured by means of

braces or other similar appliances, or who is blind, maimed or injured.

## Fenn traps

Fenn traps are spring-driven devices that are designed to break a small animal's back and kill him or her instantly. By law these traps may be set only in tunnels or artificial tunnels and burrow entrances, to kill rats, weasels, stoats and rabbits. The commonplace malpractice is to use a trap that is too small for a rabbit. The rabbit is caught, usually by the head, and dies from shock and hypothermia.

It is illegal to place a Fenn trap on top of a fence post – though they often are, with the intention of catching raptors, who habitually land on them.

## Lamping

Lamping involves using a high power light or torch to transfix animals in the beam, rendering them immobile and vulnerable for night shooting.

There are several legal impositions upon lamping of which you should be aware, if lamping or shooting at night in your vicinity is bothering you. Deer may not be shot at night. Although there are no restrictions on the shooting of foxes, the night shooting of ground game (rabbits and hares) is restricted by a number of considerations, such as:

- Night is defined as one hour after sunset to one hour before sunrise.
- Only the owner or person owning the sporting rights over the land may

shoot ground game at night without restriction. The occupier of the land who is not the owner or person owning the sporting rights may take ground game at night if *he has the written permission of the owner or person owning the sporting rights*. He may authorise only one other person who is either a member of his household living on the land, a person in his employ or another specifically employed by him to take or destroy ground game. If that sounds complicated – it is. The law was clearly written to deal with poachers. In any suspicious incident with lamping or shooting at night, it is better to inform the police and let them sort out the absurdities of the law. The shooting industry advice to lampers is for them to make sure of their target. If there is any doubt, they are advised not to open fire. Equally, anyone who is bothered by lamping and who has doubts about the legality of what is occurring, should call the police.

Despite shooting industry platitudes about lamping,<sup>7</sup> it is dangerous, disquieting behaviour from the

perspective of people in the vicinity who are not taking part, and sometimes living in isolated rural communities. There have been several incidents related to lamping resulting in death or serious injury to people :

- A 16-year-old Kent boy was shot and paralysed, confining him to a wheelchair for life, after he was shot by a gamekeeper who was out lamping rabbits in 2006. The gamekeeper and his accomplice were jailed for a total of five years and eight months.<sup>8</sup>
- A 12-year-old Yorkshire boy was shot in the head when walking his dog in 2004.<sup>9</sup> A 13-year-old boy was shot dead by lampers in Devon during the same year.<sup>10</sup>
- In April 2004, a freelance wildlife journalist searching for badger activity was shot in the lung and seriously injured by a lamper in Buckinghamshire.<sup>11</sup>



A VICTIM OF LAMPERS

## The shooting of dogs

The law provides a defence for shooting a dog if the defendant acted to protect farmed animals (or 'livestock') and subsequently informs the police within 48 hours of the incident. The defendant can act in defence of farmed animals in such a way only if the animals, or the land on which they are situated, belong to him or to any other person under whose express or implied authority they are acting.<sup>12</sup> Game birds in release enclosures or other captivity pens are considered 'livestock'. Game birds who have been released for shooting are deemed wild in law and are not 'livestock'.

## Attacks on badgers

Badgers are often the scapegoat when game birds are killed or their eggs are damaged. It is a criminal offence to kill or injure badgers except in limited circumstances (for example, as a mercy killing, as an incidental result of a lawful action, or under a licence issued by DEFRA).<sup>13</sup> It is also forbidden to dig into badger setts for the purpose of accessing foxes. Foxes often make use of badger setts.

There is an illegal sport of badger digging. Terriers are sent down into a badger sett to locate a badger and hold him or her at bay. People then dig their way down and drag the trapped badger out of the sett. The badger might be quickly shot, but usually terriers are set upon the badger and he or she will suffer a long and agonising death. Or, the badger is dug out of the sett, put in a bag to be 'baited' later and taken to a barn, shed, or cellar from which there is



**BADGERS - PROTECTED ANIMALS - ARE KILLED BY SNARES**

no escape. Dogs are then set upon the badger. Bets are placed on the various dogs and when the badger can no longer fight, he or she will be clubbed to death or shot.

A special licence is required if heavy machinery is to be operated within 20 metres of a badger sett.

Badger diggers and gamekeepers will often use the excuse that a dog, usually a terrier, is stuck in a sett. But a licence is still required for a badger sett to be dug and usually the agricultural authorities will wait for 48 hours before issuing authority for a dig. Badgers are likely to become extremely stressed by digging. Dogs will usually free themselves within 24 hours when hungry and thirsty, and make their own way home. Even if dogs are really stuck, they will usually free themselves after 48 hours by the loss of a little weight.<sup>14</sup>

## Gun law<sup>15</sup>

**The law on the use of firearms and shotguns is complicated and full of anomalies. A new assessment of current rules was prompted by the June 2, 2010 Cumbrian massacre when taxi driver Derrick Bird shot dead 12 people and injured 11 more before taking his own life. There quickly followed announcements of a Home Affairs inquiry into gun control, and a government 'review' of Britain's gun laws.**

The complexity of the gun laws dictate that specialist Firearms Licensing Officers usually advise and deal with issues of licensing and law.

### What is a firearm?

A firearm is any lethal, barrelled weapon of any description, from which any shot, bullet or other missile can be discharged and includes any prohibited weapon, whether it is a lethal weapon or not. It includes any component part of a legal or prohibited lethal, barrelled weapon designed or adapted to diminish the noise or flash caused by firing the weapon.

Thus, stun guns and CS sprays, which are prohibited weapons, are defined as firearms – as are firearm silencers, for which a person in possession must have a Firearms Certificate.

Before a firearms certificate is issued, the firearms licensing officer is supposed to be satisfied that the applicant has a need for each firearm and that it will be used for the sole purpose stated. Each firearm is authorised for a specific purpose such as deer stalking. Children aged 14 or over may possess a firearms certificate.

### What is a shotgun?

A shotgun is a smooth-bored gun (not being an air gun) which has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding two inches in diameter. It must be incapable of holding more than two cartridges in a non-detachable magazine. This does not include the breech, so it is legal for a semi-automatic shotgun to have three shots. Pump action and other self-loading mechanisms are prohibited weapons and therefore classed as firearms.

Shotguns must be held on a shotgun certificate. Any number of shotguns may be possessed and there is no lower age limit for the issue of a shotgun certificate. Shotguns and cartridges must be safely and securely stowed. This means that only one person – the certificate holder – should have access to the stowage.

Children under the age of 15 may have an assembled shotgun in their possession only if it has a protective cover and/or the child is supervised by a person aged over 21 years. The supervising adult need not possess a shotgun certificate him or herself or have undergone any kind of training. There is no compulsory training or examination for competency in shooting in the UK.

### What is an airgun?

An airgun is a weapon that uses air or carbon dioxide as a propellant and discharges a missile with a muzzle kinetic energy of less than 12 ft lbs for a rifle, or 6 ft lbs for a pistol. No certificate is required. However, weapons with a muzzle kinetic energy in excess of these

maxima are considered in law to be firearms and require firearm certification.

No person under the age of 17 years may be in possession of an air rifle.

## What is a ‘prohibited person’?

A prohibited person under the Firearms Act is one who has received a custodial sentence of three months or more. A person who receives a sentence of between three months and three years cannot hold a firearms licence until five years have elapsed from the date of release. A person who receives a custodial sentence of three years or more (irrespective of the offence) is permanently barred from possessing firearms.

In addition to these restrictions for prohibited persons, a Chief Officer of Police has considerable discretion to refuse or revoke a firearms or shotgun certificate. If he judges the applicant or holder to be of intemperate habits or unsound mind or for any reason unfit to be entrusted with a firearm or shotgun, he may refuse or revoke a certificate. Because this is a subjective assessment, decisions differ widely between police forces.

An applicant for a shotgun certificate is not allowed to withhold any information with regard to previous convictions. The Rehabilitation of Offenders Act 1974, which regards convictions as being ‘spent’ after a certain amount of time has elapsed (the time depending on the seriousness of the crime), does not apply. Applicants must provide good reason for possessing a shotgun. Sporting purposes and pest control are

considered good reasons for granting a certificate.

## Shooting without a shotgun certificate

A person may discharge a shotgun he/she does not own without a shotgun certificate. To do this he/she may use another person’s shotgun on that person’s land with that person’s permission and within his or her vicinity. Vicinity is not defined by the law. Even individuals who have had their certificates revoked may do this, as long as they are not ‘prohibited persons’.

## The carriage of firearms in a public place

It is an offence to have, in a public place without lawful authority or reasonable excuse, a loaded air weapon or a loaded shotgun, or any other firearm whether loaded or not, together with ammunition suitable for use in that firearm. The onus is on the accused to show that he had reasonable excuse.

An air weapon is to be treated as loaded if there is a pellet in the breech, even if the compression necessary to fire the gun is not present. In the case of a shotgun having a loaded magazine, the gun is to be treated as loaded, even if there is no round in the breech. This means that an unbroken shotgun must be treated as loaded.

A public place is any highway and any other premises or places to which at the material time the public have or are permitted to have access, whether on payment or otherwise.





**RABBITS ARE KILLED BECAUSE THEY ARE LABELLED 'PESTS'**

## The carriage of firearms in vehicles

When carried in vehicles, any guns should be hidden. Vehicles used 'frequently' for the carriage of guns should be fitted with an immobiliser and alarm, if the firearms are to be left unattended.

If the vehicle is left unattended for any reason, firearms should be concealed and an essential component such as the bolt or fore-end removed and kept in possession of the responsible person. The vehicle should be locked and kept within the sight of the responsible person.

## Shooting on or near public highways

A public highway is defined as a carriageway other than a cycle track over which the public has right of way for the passage of vehicles. It is an offence to shoot a firearm or shotgun within 50 feet of the centre line of any public highway. But the offence is committed only if, in doing so, the accused interrupts, endangers or injures a user of the highway. If falling shot or birds or noise alarm a lawful user of the public highway and shooting is taking place within 50 feet of the road, an offence is committed. For the purposes of this law, a public footpath is not a public highway.

Shooting across a public highway is not an offence unless a road user is interrupted, endangered or injured but it may amount to the civil offence of nuisance.

## Shooting on or near footpaths and other public rights of way

There is a public right of way on footpaths, bridleways and cycle paths marked on definitive maps retained by local authorities. Most rights of way are historic and many cross otherwise private land. A member of the public has no right to stand on any right of way but has the right to pass or re-pass along it at any time unless the right of way is closed or diverted by public order. If a person shoots from or over a public right of way, it may amount to the civil offence of nuisance or a criminal offence of intimidation, harassment or obstruction.

## The Countryside and Rights of Way Act (CRoW)<sup>16</sup>

**The CRoW Act, sometimes termed the *Right to Roam*, allows the public right of access to mountain, moorland, heath, down and registered common land. There is provision for coastal areas to be included in the future.**

Access is allowed only on foot. There is no right to ride a horse, a bicycle, or use any other vehicle.

Landowners may restrict access to open access areas without notice for up to 28 days per year by notifying the appropriate authority (National Park Authority, Natural England, etc). Other unlimited restrictions can be applied for land management, defence or public safety purposes. Landowners will use this restriction to prevent access of the public to grouse moors.

## The law of the land

### Trespass

Trespass is a civil offence. If shooting takes place over your land, it is technically trespass because you own the air space up to 'a height that may be enjoyed'. If a bird falls on your land and is retrieved by a shooter, he is poaching. If a shooter enters your land with a gun, whether loaded or not, without authority, it is the criminal offence of armed trespass. In Scotland, the law relating to trespass is called the Land Reform (Scotland) Act 2003.

To commit trespass a person must cross the boundary of another's land without authority. The extent of the intrusion is immaterial. No damage need be created or proved. Encouraging another party to cross the boundary is also trespass. Ignorance of the boundary is no defence. Allowing a dog to retrieve birds on another's property is also trespass.

One way of dealing with trespass by shooters is to issue a written warning that trespass will not be tolerated. This can be done with a warning sign. Dealing with trespass in the civil courts may be expensive or difficult to prove.

Persons holding firearms or shotgun certificates may shoot over private land with permission of the occupier (See page 13: 'Shooting with a shotgun certificate'). The occupier is defined as the person occupying or possessing physical control over the land. This description includes tenants.

### What are sporting rights?

A sporting right is the right to take game or fish from land. A person holding the sporting rights to the land might not be the owner or occupier of the land. Nevertheless, he may be entitled to be on the land and engaged in either fishing or shooting. The nature of the sporting rights on any parcel of land can be found in the deeds of the property. It will specify the extent of the rights, what can be taken and when.

Sometimes shooting rights are described in legal documents and deeds as *profits a prendre*. The expression comes from Middle French and means right of taking. If you want to discover who owns the

shooting rights or *profits a prendre* over a piece of land you will need to search the Land Registry. Details of property, which includes ownership, charges and *profits a prendre* over it, are all in the public domain and can be examined for a small fee on the Land Registry website: **[www.landregistry.gov.uk/](http://www.landregistry.gov.uk/)** (click the 'Find a Property' tab at the top of the page.)

Sporting rights are of interest with regard to taxation.<sup>17</sup>

## The taxation of shooting

**There is a history of tax evasion in commercial shooting. Much is due to the deliberate or mistaken confusion with agricultural operations.**

There are two classes of taxation that apply to shooting.

- a. Non-Domestic (Business) Rates
- b. Value Added Tax (VAT)

### Business Rates

Business Rates are due on most commercial property in the UK. Agricultural land and buildings are an exception. Often a landowner who is otherwise engaged in agricultural operations will commence a commercial shooting business on the same land. Commercial shooting is not an agricultural operation and is, therefore, liable for Business Rates.

If you suspect that a commercial shooting operation is taking place on agricultural

land, you should contact the Valuation Office Agency (VOA). It is possible to do a search for any property on the VOA website [www.voa.gov.uk](http://www.voa.gov.uk). Click the 'Business Rates' tab at the top of the page, then click on 'Check the rateable value for your property', then click on 'Find my property valuation' and insert an address or postcode. If your search provides a negative return, the property is not valued for Business Rates but it could, nonetheless, be liable.

It is important to understand the different roles of the VOA and the local authority in the context of Business Rates. The VOA is responsible for the valuation of property and the maintenance of the Valuation List. The local authority is responsible for the collection of Business Rates by using the Valuation List and a multiplier that is set by central government. Currently, the multiplier is 41.4 pence in the pound in England and 40.9 pence in Wales (2010).

Business Rates are collected only by local authorities. The revenue raised is passed to central or devolved government.

Details of a property that appears to have a commercial use but does not appear on the Valuation List for an area should be passed to the VOA for inspection with a view towards valuation. When considering a valuation, the VOA will assess the principal use of the property.

Game farms that produce birds for shooting are commercial operations and, unlike agricultural operations such as the production of chickens for food, have a liability for Business Rates. There have been several appeals against valuation for Business Rates made by game farmers,

all of which have been denied. There have been at least two decisions in the House of Lords and Valuation Tribunals which ruled that the principal purpose of game farming was sport shooting, not food production and, therefore, was not an agricultural activity (See Annex B).

If a valuation is made, arrears of Business Rates are liable only for the preceding year, backdated no further than 1 April.

## Value Added Tax (VAT)

VAT is a tax on the value added to a product at each stage of its development. Food is zero-rated for VAT. This means that farmers do not collect VAT on food they produce despite the considerable value they have added to a nurtured animal or crop. Instead, they are able to collect back VAT they have paid in the development of their products. This is why farmers are all registered for VAT even if their business is too small to exceed the VAT turnover threshold set by government.

Game bird shooting for sport can be a commercial operation but sometimes it is not. There are considerable costs to producing game. The word 'syndicate' appears frequently in shooting.

A syndicate can be a like-minded group of individuals who are engaged in a common pursuit. In taxation terms this can mean that they share the burden of costs involved in shooting without making any profit. Conversely, a syndicate has come to mean any group of shooters (usually termed 'guns') who purchase shooting from commercial operators or arrange their own. Sometimes surplus shooting purchased or arranged by the syndicate is

sold to others. In other similar situations, a landowner is a member of the syndicate that is shooting on his own land. If he makes a profit, he is liable to VAT if the turnover exceeds the government-set threshold of £70,000 (in 2010)<sup>18</sup> for the payment of VAT or if he is otherwise registered for VAT.

The VAT rules concerning the operation of shoots on privately owned land are specific.<sup>19</sup>

The tax term 'shooting in hand' is used where a landowner keeps control of a shoot, makes all the necessary arrangements to stock the land with game and decides who participates in a shoot. If he accepts contributions towards the cost of maintaining the shoot from other guns whom he invites to the shoot, he is considered not liable for VAT if he also meets the following conditions:

- a. Only friends and relatives shoot with him.
- b. He does not publicly advertise the shooting.
- c. His shooting accounts show an annual loss at least equal to the usual contribution made by a single gun over a year.
- d. The loss is borne personally and not charged to any business of his.

In the circumstances above he need not charge VAT to the guns but he cannot recover as input tax any VAT that he incurs in maintaining the shoot.

If a landowner or tenant grants shooting rights for less than their normal value to a syndicate of which he is a member, he must account for VAT on the open market value of those rights. If he supplies other



goods or services, such as the services of a gamekeeper or beater, he must charge VAT in the normal way.

### VAT rules for syndicates

If a syndicate is set up for individuals to contribute towards sharing the expenses of shooting, the syndicate is not normally considered to be making a supply of sporting rights to its members.

However, if the syndicate is regularly paid to provide shooting facilities to individuals who are not members, or it provides taxable supplies of other goods or services, then it is in business. The syndicate must, if its turnover threshold meets the criteria, account for VAT on all its supplies including those to its members.

There are several anomalies in the VAT regulations surrounding shooting. Even



though the principal purpose of live-quarry shooting is to provide 'sport' for the participants, there is no VAT liable on the sale of eggs, one-day-old-chicks, poults or mature game birds for shooting. This is because HM Revenue and Customs (HMRC) views game birds as creatures commonly eaten by the population in the UK.<sup>20</sup> Similarly, most 'pet' animals are standard-rated for VAT in a pet shop but any pet animal, like a rabbit, who may be eaten for food, is zero-rated.

Game bird feed is also zero-rated for VAT. Generally, the only animal feeds that are standard-rated are tinned pet food and packaged seed for wild birds. Thus, game farmers, although engaged in a non-agricultural, non-food producing commercial operation, are able to benefit from VAT exemptions intended for the production of food products.

Nevertheless, the sale of shooting is liable to VAT if it is made for commercial purposes. Some shoots in the UK are charging guns nearly £1,500 per day. Typically, there are eight guns in a syndicate. Shooting takes place several times a week in multiple locations over the typically 20-week season for partridge and pheasant. It is clear that these accumulated charges will greatly exceed the government's VAT turnover threshold in a single tax year.

## VAT evasion

In 2006, HMRC approached representative shooting organisations with indications that shooting tax irregularities were occurring across the country. The crackdown by HMRC came after six years of research and campaigning by Animal Aid and included the publication of three major reports exposing VAT avoidance that was subsequently formally calculated to total between £12 million and £20 million. Our evidence also dealt with non-payment of Business Rates, by enterprises involved in the production and shooting of game birds. Our evidence was passed on to HMRC, and a senior official of the agency was given a comprehensive briefing by Animal Aid.

These numbered malpractices are quoted directly from HMRC's April 2006 letter to shooters. Animal Aid's explanations are added below.

- **1. 'Commercial shooting has been variously misdescribed as private shooting, non-profit making club activity or the supply of zero-rated birds.'**

Commercial shooting is for profit and subject to taxation while, with private shooting, the costs are borne by members of a syndicate on a private and individual basis and are not taxable.

- **2. 'Exchanging supplies of VATable shooting for zero-rated or other supplies is done by way of barter, with neither transaction recorded in business records.'**

This occurs when landowners exchange shooting for expertise or services from other landowners or suppliers. The transactions are on agreement and trust, with no financial exchange, and therefore cannot be taxed. Examples are heavy excavation, road surfacing and labour.

While it is not illegal to barter, any bartering related to business activity must be recorded and made visible for taxation.

- **3. 'Failure to register for VAT'**  
All businesses with a turnover exceeding the VAT threshold must register for VAT. Since game shooting can cost in excess of £1,000 per person per day, there are few commercial shoots that fall beneath this threshold.
- **4. 'Artificial separation of business activities to stay below VAT registration limits'**

A shoot operator might separate shooting from accommodation and entertainment. By keeping both accounts below the VAT threshold, he need not register either business for VAT. He can sell his shooting cheaper

(less 17.5% or 20% from 2011) but should not be able to claim back input VAT. However, if he is also a farmer, he might pass his input expenses through his agricultural accounts and get the VAT back on money spent on materials such as fencing that he has purchased for a non-agricultural purpose.

Another 'scam' is to 'sell' shot birds to the shooters at an inflated price – say, £5 each. The shooter never takes possession of the shot birds but the visible cost of the actual shooting is reduced. The birds are considered 'food' and exempt from output VAT. This manoeuvre may bring the value of the shooting turnover to less than the VAT threshold.

- **5. 'Under-recording of sales values'**

In addition to under-recording the shooting sold, there is an unaccounted by-product. At most, only 40 per cent of released birds are ever recovered by shooting. Since the cost of producing the birds may already have been covered in the cost of the shooting, the undisclosed recovered birds, despite being less than half of the birds released, represents a windfall that can be sold on the black market.

- **6. 'VAT and income tax irregularities on claims for private expenditure'**

This might occur when a landowner owns a shoot and has his friends round in a syndicate to enjoy the shooting. He passes the expense of running the shoot through his agricultural books. This has the

effect of artificially reducing his farm profits and reduces his liability for income tax. The input VAT he has paid on shooting supplies is also recovered against his agricultural business.

The landowner might even sell the shooting to a group of friends. He would then be running a separate shooting business with no overheads, no taxation and no accountability.

## Taxable sporting rights

Sporting rights include rights of fowling, shooting or fishing, or of taking or killing birds, deer, rabbits, etc. Income from sporting rights is chargeable as property income, since income from allowing such activities comes from the recipient exploiting an interest or rights in or over land. It includes, for example, income from the granting of fishing licences and shooting permits.<sup>21</sup>

If you have any doubt as to what is commercial or private in a shoot that is bothering you, simply provide information about the shoot to your local HMRC office. It can make taxation investigations and decisions without your further involvement. HMRC is wary of anonymous reports that may be motivated by malice rather than public spirit. HMRC provides complete discretion for informants. (See Annex A)

## Planning consent

**Buildings and land developed for agricultural purposes generally do not need planning consent. A system of notification exists whereby a farmer informs the planning authority of his intention to erect a barn or similar agricultural building.**

There is a definition of agriculture that does not include live-quarry shooting in planning regulations.<sup>22</sup> Thus, any building erected for shooting purposes on agricultural land requires planning consent. This includes game farms, shooting lodges and any structure to facilitate shooting. In practice, game farm developers may place breeding structures on wheels to avoid the need for planning consent.

If a game farm is already in place for which no planning consent exists and a complaint is made, there may be a Certificate of Lawfulness application by the game farmer. This is where he wants to confirm that any existing use or operation or activity in breach of a planning condition or limitation is lawful in that when it occurred it did not need planning consent, or took place so long ago that the time for enforcement action has expired. If a game farm is developed near you without planning consent, the owner may try to apply for a Certificate of Lawfulness, but he must prove that the use of the land is historic.

If a shooting development is in the planning stages, public notices will be issued. Local authorities take note of the volume of objections. If there are sufficient objections, it will convene a full planning meeting at which objectors

may speak. If the objections are limited, it may confer automatic planning consent without discussion by the planning committee.

If you have any grounds for opposing planning consent, they must be grounds that are recognised by the Planning Act. Typically, these are green belt land, local plans, noise, smell, access, traffic and nuisance. It is not possible to lodge a valid complaint about the cruelty of live-animal shooting or game farming. These are not recognised grounds for planning law objection.

## The shooting magazines

**There are a number of shooting magazines available through UK newsagents, which are useful for learning more about shooting and attitudes within the industry. They often offer information about who is selling shooting and game bird 'stocks'. These magazines typically regard any contrary view or general opposition to shooting as extremist.**

### *Shooting Times*

*Shooting Times* is the most useful of the shooting publications because it is published weekly. It has news and opinion sections that herald new developments in the legislation or politics that surround the industry. Partisan arguments are presented. The editorial staff are shooters themselves. The magazine also shoots itself in the foot. In 2005, it published a list of



Britain's most wanted 'pests' (in the view of the shooters). It included protected birds of prey such as the golden eagle, red kite and osprey, as well as the domestic cat, badgers and otters. In the same year, it offered as a prize to young children, a day's shooting with the footballer-turned-actor Vinnie Jones, a man twice convicted for crimes of violence.

### *The Shooting Gazette*

*The Shooting Gazette* is a big glossy magazine that considers itself a coffee-table publication. It is published monthly. In 2006, it published details of Species Days, a particularly vile aspect of shooting where the participants compete to shoot as many different species of British wildlife within a 24-hour period.

### *The Field and Country Life*

These are coffee-table magazines that fly the flag for shooting and other 'country sports'. It was *Country Life* that first announced that twice as many game birds were shot as the market could absorb. Some of the surplus are buried in pits.

### *The Sporting Gun and Sporting Shooter*

These magazines compete in the same sector. The readership enjoys wearing camouflage clothing, and shooting crows and pigeons as trophies. There is a useful Q&A section in *Sporting Gun* that will answer many of the legal questions that opponents of shooting might deliberate on for their own use.

## The shooting organisations

**Shooting is supported by several organisations. All receive income from a membership and, in that sense, are businesses competing against each other in the same subscription arena.**

### The British Association for Shooting and Conservation (BASC)

BASC is based in Wrexham. In 2010, it claimed a membership of 129,000. Its support is undoubtedly boosted by the offer to each member of a free liability insurance package. BASC has been the voice of shooters since 1908, although it changed its name to BASC only in 1981. BASC declares that it has five strategic objectives:

- a) A strong and unified voice for shooting
- b) All-party backing for shooting
- c) Balanced comment in the media
- d) Opportunities to go shooting
- e) High standards in shooting

Opponents of shooting will find BASC useful because its championing of what it regards as high standards in shooting dictates that it will sometimes react to overt malpractice and strive to maintain a favourable reputation for shooting with the public. It will expel a member if it deems it expedient. If you have a problem with shooting, try first making a complaint to BASC. You should be aware that if BASC considers you are an 'anti' rather than a member of the public it seeks to influence, it will probably ignore

your complaint. You should also be aware that not all shooters and shoot organisers are members.

In the last few years, BASC has attracted fierce criticism from within and without its membership as a result of its stand against battery cages for pheasants and partridges, first exposed by Animal Aid. A schism between it and other shooting industry organisations has resulted. It is sometimes viewed with suspicion as a representative organisation that is not prepared to oppose proposed or imminent legislation that others think might hamper shooting. The current government and public scrutiny of the polluting effects of lead ammunition is one such issue.

BASC publishes advice and information for shooters. This includes several Codes of Conduct. It undertakes training and testing for shooting but does not support compulsory training or examination of shooters. It seeks to advise police forces on legislation relating to shooting.

During 2010, BASC issued *The Police Officers Guide to Shooting*, in which it declares that firearms law is confusing and that police officers are not fully trained in all its aspects. The booklet tells police officers that they are likely to know less about shooting and firearms than the shooters themselves. Sometimes, the booklet acknowledges, members of the public become alarmed when they see men at night in camouflaged clothing, wearing ski-masks or balaclavas to conceal their faces, carrying powerful rifles with scopes and silencers, acting furtively and using blood-smeared vehicles. But BASC sees

nothing wrong in this behaviour.<sup>23</sup>

With self-centred importance, it advises the police to expect this conduct when shooters are, for example, lamping foxes and it warns armed response police officers not to train weapons at shooters because they don't like it.

Our advice is that if anyone is frightened or alarmed by, or does not understand the behavior of such people acting furtively with lethal weapons in their vicinity, they should contact the police immediately.

BASC was a joint sponsor of the PACEC<sup>24</sup> report on the *Economic and Environmental Impact of Sporting Shooting in the UK* (see page 26).

## The Countryside Alliance (CA)

The CA was founded from the British Field Sports Society. It is a membership-driven organisation formed in 1997 in response to the landslide election victory of the Labour Party, which was known to be opposed to hunting and other cruel blood sports.<sup>25</sup>

The CA consistently emphasises an imagined difference between the people living in towns and cities and those living in the countryside. It overlooks the fact that people's attitudes to gratuitous cruelty to animals is more or less the same wherever they live in the UK. The Countryside Alliance's principal aim is to ensure that hunting with hounds and all other country blood sports are legal activities.

The CA was a joint sponsor of the PACEC report on the *Economic and*

*Environmental Impact of Sporting Shooting in the UK (see page 26).*

## The Country Land and Business Association (CLA)

The CLA is a membership organisation dating back to 1907. It owes its origins to the Liberal landslide in 1906 and Lloyd George's proposed reforms on land ownership, which included land taxation and later nationalisation leading to state ownership.

The CLA seeks to influence government at EU, national and regional levels in the best interests of its members. It is a vocal campaigner for blood sports.

The CLA was a joint sponsor of the PACEC report on the *Economic and Environmental Impact of Sporting Shooting in the UK (see page 26)*.

## The Game Farmers Association (GFA)

The GFA is a membership organisation comprising just 200 members. There are more than 350 game farms in the UK. The GFA represents only its members but claims to encourage others to meet high standards in the breeding and handling of game birds. It publishes the GFA Code of Practice, but this is written with the economic interests of members at its heart. The GFA has been the principal advocate of battery cages for breeding game birds.

## The National Gamekeepers Organisation (NGO)

The NGO is an organisation with 12,300 members, which was founded in 1997. It exists to champion the causes of gamekeepers who, by 1997, felt threatened by opposition to shooting. It claims to demand high standards of gamekeeping and to help defend 'field sports'. In practice, gamekeepers are often the cause of considerable malpractice in shooting. There is a catalogue of gamekeeper convictions for snaring, illegal poisoning and destruction of protected species, which are classed, by shoot operators, as pests and as a threat to live-quarry shooting.

Gamekeepers depend for their livelihood on employers who are often landowners. They sometimes also depend on their employers for family accommodation. They are under considerable pressure to produce good results. This often tempts them to break conservation and animal welfare laws, breaches for which their employers are not held liable.

## National Organisation of Beaters and Pickers-Up (NOBS)

NOBS was formed in 2007. It exists to put shoot organisers and owners in touch with willing volunteers when their local supply of beaters and pickers-up is exhausted. NOBS maintains a database of people willing to do this duty.

Driven shooting cannot exist without beaters and pickers-up. Some bring their own dogs and are willing to take this subservient role in shooting. NOBS seeks to improve the status of beaters and

pickers-up, because the reality is that they are perceived as an underclass. Beaters and pickers-up are provided with special transport to and between beats and are kept separate from the guns. When lunch is served in the shooting lodge, beaters and pickers-up dine separately, usually on their own sandwiches. Beaters and pickers-up usually earn about £20 a day.

Shoots sometimes organise the patronising Beaters Day at the end of the season, when the released game has dwindled, to allow the beaters an opportunity to act as guns.

## The Game and Wildlife Conservation Trust (GWCT)

The GWCT was formerly known as the Game Conservancy Trust (GCT). It is a membership organisation configured as a charity. The change of name occurred at a time when the GWCT wanted, for public relations purposes, to emphasise its alleged role in the conservation of wildlife, instead of its primary role of providing 'scientific' research in support

of the provision and maintenance of birds for live-quarry shooting.

The GWCT does not produce any scientific research that is disadvantageous to shooting. Its board of trustees and council have members who have a financial interest in shooting. Its Chief Executive has shared a platform with the Countryside Alliance and called for the promotion of live-quarry shooting.

Unfortunately, the GWCT is often called upon by the government to provide 'independent' scientific research into matters of conservation and game management. It has become the government's one-stop shop. Government work provides a significant portion of its annual funding. Other income is derived from membership fees and from private research, commissioned by, amongst others, the Countryside Alliance.

The GWCT is a registered charity and is constrained by the legal status of charities. It did not sponsor the PACEC report on the *Economic and Environmental Impact of Sporting Shooting in the UK* but it collaborated in its publication.



A DECOY BIRD IMPRISONED IN A LARSEN TRAP

## Game Shoot Standards

**Game Shoot Standards is a limited company, wholly owned by some of the shooting organisations already mentioned in this Guide.**

It attempts to build upon the *Code of Good Shooting Practice* (see below) by setting standards to which shoots that submit to inspection must reach or exceed. This is called Assurance – a process by which activities are checked against defined criteria. In practice, the scheme has been shunned and sidelined by shoots that see it as an income-raising scheme and an unnecessary qualification. It costs between £125 and £395, depending on the size of the shoot, to submit to Assurance and buy a charter mark.

## Important documents

### The Code of Good Shooting Practice

The *Code of Good Shooting Practice* has a steering committee overseen by nine shooting organisations, including all of those mentioned in this Guide, except NOBS. It is published by the eponymous *Code of Good Shooting Practice* and may be obtained from BASC and other shooting groups by computer download.<sup>26</sup> The long-standing chairman of the *Code of Good Shooting Practice* (Bill Tyrwhitt-Drake) called, in May 2010, for all pro-shooting organisations

to come together to create a new political lobbying group for the industry – if necessary, separately from, and in opposition to, BASC. This formerly unthinkable rebellion is indicative of the turmoil within shooting. The foreword to the *Code of Good Shooting Practice* underlines how high the stakes are:

*‘We must never be complacent about the future of shooting. Shooting and shoot management practices will be judged by the way participants and providers behave. Our sport is under constant and detailed scrutiny and we must demonstrate that we conduct it to high standards.’*

The *Code of Good Shooting Practice* is essential reading for anyone opposed to shooting because it lists everything that is wrong with shooting. It describes all the malpractice that make the Code necessary. Listed within the Code are the legal requirements made of guns and shooting participants.

### Other codes of practice

Shooting is littered with codes of good practice. A list is provided at Annex A. All of them make worthwhile reading.

### Public and Corporate Economic Consultants (PACEC) Report

The shooting industry promotes three central justifications for live-quarry shooting. These are:

- a) Shooting benefits conservation and the ecology.
- b) Shooting benefits the economy.
- c) Shooting provides food.

In 2006, BASC, the CLA and the CA, in association with the GWCT, came together to sponsor a large-scale survey of the shooting industry to underline the three justifications. When reading the *Economic and Environmental Impact of Sporting Shooting*, written by the management consultancy firm PACEC, it is immediately evident that the principal reason for live-quarry shooting is to provide pleasure for the participants. Live-quarry shooting is a part of the leisure industry.

The PACEC report can be downloaded from the web in its full form or as an abbreviated glossy publication, from [www.shootingfacts.co.uk](http://www.shootingfacts.co.uk). PACEC used a sample of individuals largely from the shooting industry (just over 2,000 questionnaires were completed) to produce economic and environmental data to support shooting. As a public relations exercise, it has been extremely successful. It is freely quoted in the media, parliament and by government. 'Shooting [we now repeatedly hear] is worth £1.6 billion to the British economy, 670,000 full-time job equivalents depend upon it and 99 per cent of all game birds recovered by shooting are eaten.' In reality, shooting cannot justify itself environmentally or economically, let alone morally. Animal Aid's objections, in this regard, can be summarised, as below:

**Environment:** It is true that shooting operations favour certain species such as ground-nesting birds. But they also engage in large-scale slaughter of indigenous wildlife, including stoats, weasels, corvids and even hedgehogs.

Raptors, such as golden eagles, hen harriers and goshawks, also suffer illegal but widespread persecution. The shooting industry, furthermore, is guilty of discharging thousands of tons of lead shot into the environment every year. And it causes massive dislocation to wildlife every year by releasing within the space of a few weeks some 50 million pheasants and partridges. Native wildlife must compete with this massive influx for food and habitat.

**Economics:** The alleged economic benefits, as with claims on behalf of hunting, are based on incomplete data and are exaggerated and, in any case, the revenue goes into relatively few hands. Additionally, Animal Aid has demonstrated the industry's consistent failure to pay business rates and VAT. The latter amounts to a shortfall estimated by HMRC to be between £12 million and £20 million.

**Food:** Some 50 million pheasants and partridges are produced every year in Britain for 'sport shooting'. The industry's own figures show that 'only' about 18 million of that total are shot and retrieved (most of the rest die from a variety of causes), and that it costs about 13 times more to produce and get a pheasant airborne than that shot pheasant will fetch retail. In other words, this industry is not about efficient food production but about the production of feathered targets.

## Opposition to shooting

### Case histories

**The following real examples are taken from correspondence between Animal Aid and people who are troubled by shooting.**

**Q:** I was walking in a wood near my home when my dog discovered a disgusting location. A tree had been festooned with the rotting carcasses of foxes and crows. Why was this done and what sort of person did it? Is it illegal?

**AA:** You have stumbled across a gamekeeper's gibbet. This is a bizarre temporary monument to a gamekeeper's misplaced ego. It is a habit that can be compared with notches on a gun. Gamekeepers are anxious to prove to employers that they are doing their job



DEAD FOXES AND CROWS ARE 'DISPLAYED' ON A GAMEKEEPER'S GIBBET TREE

and destroying the natural predators who prey on the unnaturally-produced game birds, whose purpose is to serve as feathered targets. Nowadays, record books or computer lists are used to provide the same evidence. BASC is certain that gamekeeper's gibbets have no purpose and serve only to further alienate and disgust the general public. *The Code of Good Shooting Practice* also makes this clear.

Unfortunately, this practice is not illegal. There is legislation concerning the disposal of Animal By-Products (ABP) but it applies only to farmed animals in agriculture. Wild animals are excluded.

**Q:** My home is adjacent to a farmer's land on which people are regularly shooting pheasants. I am sickened by wounded and dead pheasants falling into my garden. On occasions, shooters have entered my property with dogs to retrieve them. Sometimes pellets rain down on my roofs. I have approached the farmer and he is unsympathetic and aggressive. He has told me to stay indoors when they are shooting.

**AA:** Consult the *Code of Good Shooting Practice*. The Code advises consideration for others, and shoots and guns must ensure that their activities take account of others' interests. Everybody involved in shooting must have regard for other people's property and safety and the frequency of shooting must not give rise to unreasonable nuisance to neighbours. Shoots must obtain permission before entering neighbouring land.

Your first approach should always be to the land owner. In this case your complaint has not been heeded. You

should next make your complaint to BASC. If your farmer is a member, BASC should investigate both sides of the story. It has no authority but can appeal to its membership and, ultimately, expel members. Another route may be to write to the Chairman of the *Code of Good Shooting Practice*.

If your farmer is not a member of BASC and cares little about the *Code of Good Shooting Practice*, consider making a complaint to the police. The police are responsible for assisting good relations in the community and it is advisable that they know that there is a problem. The farmer might realise that it would be far less trouble to arrange the shooting on part of his land that does not cause nuisance to his neighbours. The police can take no action with regard to trespass, which is a civil offence, but they would want to know if guns were involved in any confrontation or trespass.

Try and find out if the shoot is commercial. If you have doubts, write to the HMRC in your area about your suspicions. A farmer registered for VAT and operating a shoot must not pass shooting overheads through his agricultural accounts, and neither must he buy services by barter. He must not lease his sporting rights without collecting VAT.

You could consult the council about noise nuisance and health and safety but you should also consult a solicitor for legal advice about your right of enjoyment of your property, trespass and nuisance.

In all of your complaints, never act anonymously. Your inconsiderate

neighbour should be aware whence the complaint emanates. He should understand how best he can deal with the complaint. He must treat you with fairness, respect and sympathy.

**Q:** I found a badger caught in a snare beneath a fence. I have found other snares set where wild animals run. There is a grouse moor beyond the fence and gamekeepers are active. They know I have dismantled snares in the past and they have threatened me.

**AA:** First of all, let's deal with the badger. When snared, a badger is invariably caught around the abdomen after his head has passed through the loop. Badgers are powerful animals, who can inflict serious injuries so unless you know what you are doing, it is best to get help. Take photographs first if you can. A forked stick on the badger's neck held by a second person will restrain the animal until you have cut the noose around his trunk with wire cutters. Do not cut the wire between the noose and the stake or else the potentially injured badger might bolt with the noose still in place. The obvious people to deal with





this situation are the RSPCA or local wildlife sanctuary, but tell the police because an offence has been committed. Most police forces also have a dedicated Wildlife Officer, who may be able to assist.

Under the Wildlife and Countryside Act 1981, it is illegal to deliberately snare a badger, except under special licence. The use of a self-locking snare is illegal for any animal. Any person setting a snare in a position where it is likely to catch a badger may be guilty of an offence even if the intention was to catch a fox or another species that it is lawful to catch. Snares are required by law to be inspected at least once every 24 hours. Where reasonable precautions do not seem to have been taken, the snare should be rendered harmless without damaging it and its location should be reported to the police. Seek support from the RSPCA or SSPCA. A badger who has been snared for some time may have sustained internal or external injuries and may need caging for veterinary treatment.

It is illegal to damage lawful snares or interfere with Larsen Traps. If caught, you could find yourself on a charge of criminal damage. If you have been threatened, you should tell the police and be prepared to relate where, by whom and how you were threatened.

**Q:** I was in the pub when I heard chat confirming that a shoot was to start on land adjacent to my house. It was intending to make access roads with heavy excavation machinery for the use of paying punters and their 4WD vehicles. The shoot was being organised by an individual who already operated

several shoots in the area. He supplied them from a game farm he operated a few miles distant. Local farmers were being recruited to supply sporting rights, access and cooperation. What can I do to oppose what I anticipate will be a threat to my peaceful enjoyment of home and property?

**AA:** You have a long struggle ahead of you. You must decide how much you are opposed to this development and whether you are prepared to suffer possible harassment, intimidation and malice. Any protest you make must always be open. Anonymous complaints have no credence with the developer, media or authorities. This is clearly a big investment by the shoot operator and an income opportunity for the farmers who are selling their cooperation. You must enlist the help of as many like-minded opponents of shooting in your neighbourhood as you can. Call a meeting to advise and discuss your fears. Form an association of opposition. Call for input from your local councillor and your county councillor. Be prepared for them also to be farmers.

Alteration of the landscape for a Change of Use requires planning consent. If excavation is required for shooting, challenge its validity with your local planning officers. Be prepared for the farmers involved to claim that the access roads are needed for agricultural reasons. Find out who is completing the excavation works. It may be another farmer. If it is, he should be charging a fee for the work and collecting VAT. Inform HMRC of the activity and let it decide if the work is being completed by way of exchange or barter.

Will the road excavation with heavy machinery pass near badger setts? Heavy machinery may not be operated within 20 metres of a badger sett. Badger setts can be more than a hundred years old with many entrances and exits. The police assisted by the RSPCA can carry out a test to ascertain if a badger sett is live. Guard hairs from the badgers' heads and necks are left in the entrances to setts. If the hairs have follicles, the sett is live.<sup>27</sup>

Check that the shoot operator's game farm is valued for Business Rates (see page 16). If it is not, inform the Valuation Office Agency with a view to getting a valuation. Do not allow him to claim that all the people he invites to shoots are friends and relatives. Find and copy any advertisements for the shoot he has placed in local papers, shoot magazines or on the internet.

If the game farm is a new development, check that it has planning consent via your local council's Planning Department. If it has not, inform the planning authority. Ensure that the planning authority commences action to request that the developer applies for consent. The shoot operator is not obligated to do this but risks being the subject of enforcement action if he does not do so. Be prepared for an application for a Certificate of Lawfulness. Such an application allows a quicker process than an application for consent and requires evidence only that there has been a historic use of the land (see page 21).

Encourage all members of your association to write individual letters of objection to any application for planning

consent. Ensure that the complaints are valid objections (see page 21). Lobby the councillors on the planning committee. Attend any meeting of the committee. It is now permissible for objectors to speak at planning meetings. Each objector is allowed three minutes. Make use of it.

Tell the local media. Interesting stories of residents' opposition to unreasonable developments attract attention from the national media, including television and radio. Sometimes even the international media become interested. There is no concept of breeding, releasing and killing birds for pleasure in some European countries.

Make use of the Letters page of local newspapers. Be prepared for responses you may not like. Stand your ground.

Leaflet in your local area and/or set up an information stall in your town centre – contact Animal Aid for more information and for materials. Get a petition going.

Plan a peaceful demonstration against the intrusion. Report any threats to the police. Invite the media. Be receptive to requests from journalists.

Investigate the position of other shoots. Enlist the interest of opponents of shooting affected by other shoots.

Investigate the other landowners who are benefitting from the shooting. Inform the HMRC for VAT purposes.

**Q: My dog was shot and killed by a gamekeeper. The gamekeeper complained that she was chasing released pheasants. I complained to the**

police and they said the gamekeeper was within his rights because my dog was threatening livestock. Is this correct?

**AA:** Released pheasants are classed in law as wild animals and are not 'livestock'. Go back to the police and make your case that the gamekeeper had no right to shoot a dog in the protection of wild animals. If the police are not prepared to investigate the illegal killing of your dog, make an official complaint. Consult a solicitor and make a claim for damages against the gamekeeper and his employer.

**Q:** I was taking my regular walk along a public right of way, when shooting was taking place alongside and on it. The gamekeeper in control of the shooting did nothing to stop it and shooting continued in my vicinity. What can I do?

**AA:** Tell the police. It is not illegal to shoot from or over a public footpath but it is certainly not within the terms of the *Code of Good Shooting Practice* (see page 26). Tell BASC. If possible, to avoid any difference in recollections, take photographs of the incident. The police would be unwise to remain uninvolved if there is any evidence of disregard for public safety. In practice, they may tell the shoot operator to shoot somewhere else. Consult a solicitor. A prosecution under the Health and Safety at Work Act may be possible, or a civil prosecution for nuisance.

**Q:** Shooting is taking place near my home. I don't like it. It's cruel. I have two or three game birds that visit my garden and I feed them with seed. They

have become my pets and I am afraid that they will be shot. What can I do?

**AA:** The law allows cruel blood sports. The birds who visit your garden are wild birds and whilst they are on your property nobody can harm them. As soon as they fly over or land on a neighbouring property, they become the property of the adjacent owner. They may be shot and there is nothing you can do to protect them. Feeding the pheasants and providing cover for them in your garden is not guaranteed to keep them on your property (although one enquirer tells us that she feeds the pheasants in her garden, and when she hears the shoot arriving, she locks the pheasants in a large outdoor dog pen, with food, water and shade, and checks on them frequently, until the shoot has packed up for the day). Your best course is to campaign against game bird shooting and raise objections locally to the shoot owner or adjacent land owner. Commercial shoots depend upon willing, high-spending punters, and shoot operators will want to avoid any awkwardness or embarrassment that will deter them from coming and paying again.

## Keeping a diary and taking photos

If you are having problems with a local shoot, it is always wise to keep a diary of events, with dates, times and a summary of what has happened. If you have any correspondence, make sure you keep a copy of this as well. It may prove useful when presenting evidence on the conduct of the shooters to the local authorities or to the police.

Additionally, photographic evidence may be useful – whether it is of pheasants on your property, or vehicles or individuals trespassing on your land. Make sure that you put a date and time on your pictures. Be aware that photographing individuals may antagonise them, so please be mindful and, if in doubt, desist.

Individuals may say that it is against their human rights to take photos of them without their permission. The relevant right here is Article 8 of the European Convention on Human Rights (Right to respect for private and family life), which is a right protecting our privacy from interference by public authority (not from individuals).

In any case, photographs taken in a public place are not invading anyone's private life, and are therefore permitted. As the law currently stands, this applies to photographs taken overtly or covertly. That's because the Regulation of Investigatory Powers Act 2000 (RIPA 2000), which regulates covert surveillance, covers public authorities but not – we understand – Non-Government Organisations (NGOs) or individuals (although this may change in the future).

**The Crown Prosecution Service guidelines say:**

*'Where covert surveillance is undertaken by a public authority which is likely to result in that authority obtaining private information, an authorisation should be sought under Part II of RIPA if the surveillance is to be deemed to be lawful. If the conduct of the surveillance involves entry on or interference with another's property, an authorisation should be sought under Part III of the Police Act 1997.*

*No authorisation under RIPA or the Police Act needs to be sought where an NGO such as LACS [League Against Cruel Sports] conducts surveillance for its own purposes. RIPA and the Police Act regulate the activities of public authorities so that those activities do not offend against Article 8 of ECHR.*

*Where the police are aware of the intention of the NGO to conduct covert surveillance and intend making use of the surveillance product in the event that it reveals evidence of a crime, it would be appropriate to seek an authorisation. This would undoubtedly be the case where the NGO is tasked to conduct the surveillance, whether explicitly or by necessary implication. However, no authorisation would be required where the police neither initiate nor encourage the surveillance even though they may be aware of it. See Rosenberg [2006] EWCA Crim 6.'  
[www.cps.gov.uk/legal/h\\_to\\_k/hunting\\_act/index.html#a666](http://www.cps.gov.uk/legal/h_to_k/hunting_act/index.html#a666)*

**To reiterate, whilst it is important to stand your ground and to defend your right to enjoy your property and surroundings, it is more important not to place yourself in physical danger. If you feel a situation is getting out of control, walk away and call the police.**



## Annex A – Sample letters and how to obtain information on shooting operations

### 1) Sample letter to VOA regarding Business Rates

**(Provide your address)**

Dear VOA

I cannot find an entry for the following business premises on the Non-Domestic Rating Valuation List for the **(town name)** Billing Authority:

**(Name and full address of game farm plus phone number if possible)**

Can you please confirm that the hereditament is valued and listed? If not, could you please arrange a visit to the premises with a view towards valuation?

I further request that you acknowledge this letter.

Yours faithfully,

**(provide your name)**

### 2) Sample letter to HMRC regarding a suspect commercial shoot and the payment of VAT

**(Provide your address)**

Dear HMRC **(find the address of your own HMRC area office from the HMRC website)**

I note advertising in the **(name of publication and provide copy)** offering shooting for sale at:

**(or)**

I note that game bird shooting is taking place at:

It is not known if a commercially constituted shoot within HMRC regulations operates from this address.

This information is provided for your assistance.

Yours faithfully,

**(provide your name)**

## Annex A (cont.)

### 3) How to find out who owns a piece of land

Visit [www.landregistry.gov.uk/](http://www.landregistry.gov.uk/)

- Hit the tab which says 'Find a property'.
- Then 'Map enquiry'.
- You need a postcode or road name that is near the place you are looking for.
- Hit the 'Both' button (next to map and aerial photo) at the top of the result box. You can use the navigation keys to move the cursor along to find the exact location. This will give you an aerial shot plus road names, etc. as you scoot along.
- Zoom and centre, zoom and centre (by double clicking on the part of the map you are interested in) until the 'Find properties' button becomes active.
- Click 'Find properties'. It will then give you an orange target circle, which you click on the map and it will tell you who owns the land.

If you are having problems, you can call the Land Registry on 0844 892 0456 (calls are charged at the national rate charged by your telephone service provider). Calls are recorded and telephone support is available during the following hours:  
08.30 - 18.00 Monday to Friday (excluding Bank Holidays).

### 4) How to obtain accounts and details about companies

Visit [www.companieshouse.gov.uk/](http://www.companieshouse.gov.uk/)

- Click on 'Search Company Information' on the right.
- Enter the name of the business.
- Tick the items you would like to order (each item costs £1).

### 5) How to identify a parcel of land with Google Earth

**If you have an address but not a postcode or a postcode without an address, visit the Royal Mail website and use its Postcode Finder page: <http://postcode.royalmail.com>**

- Search your computer for Google Earth. The software is free and may be downloaded from the Google Earth website. Install the software on your computer.
- Use the Google Earth controls to position your viewpoint above the photo of the UK.
- In the 'Search/Fly to' box on the top left side of the Google Earth screen, enter your postcode or address. The postcode is the easiest way to do this, although agricultural or moor areas will not have a postcode.
- In the top toolbar, choose 'Edit' and in the drop down menu that appears, choose 'copy'.
- Paste the image you have copied into any document you may be writing.

## Annex B – Codes of good practice in the shooting industry

### **BASC Codes**

- Air Rifles
- Shotgun Safety
- Lamping
- Fox Snaring
- Stalking
- Woodpigeon
- Flight Ponds
- Wildfowling
- Sporting Agents and Guides Offering Inland Goose Shooting
- Gundogs
- Picking up (Quarry Retrieval)
- Respect for Quarry
- Trapping Pest Birds
- Trapping Pest Mammals
- Horses and Shoots
- Transport of Beaters
- Use of a Dog Below Ground in England and Wales
- Disruption of Shoots by Demonstrators
- Guide to Risk Assessment
- Guide to Writing a Health and Safety Policy
- Health and Safety Policy pro forma

### **Game and Wildlife Conservation Trust**

- Conserving the Grey Partridge
- Conserving the Black Grouse
- Conserving the Brown hare
- Guidelines for Sustainable Game Bird Releasing
- Hints for Using Larsen Traps
- Snaring Foxes

### **Game Farmers' Association**

- Code of Practice

### **DEFRA**

- Snaring Code

### **Game Shoot Standards Ltd**

- Game Shoot Assurance

## Annex C – Legal references regarding the status of game birds

### House of Lords Decisions

#### 1) Earl of Normanton and Another v Giles (1980)

The House of Lords found:-

(1) The production of food was not the purpose for which the birds were reared. In this case they were kept for the purpose of shooting and enjoyment and the purpose of shooting was sport and not part of food production or the keeping of livestock. This was a country activity but not an agricultural one.

(2) Pheasants reared for sport were not 'livestock' as they did not fall within the definition in Section 1 of the Rent (Agriculture) Act 1976.

In applying this judgement to a planning appeal, it is clear that it is the purpose of the 'keeping' or 'breeding' which is critical in deciding if the proposal is an agricultural activity.

'It may be the case that unless people in general were willing to eat pheasants and pay for that pleasure, shooting would become uneconomic, but it does not follow from this that pheasants are produced for food. If they were to be so produced, many easier ways of rearing and killing them could be found.'

[www.northyorkmoors.org.uk/uploads/publication/10616.pdf](http://www.northyorkmoors.org.uk/uploads/publication/10616.pdf)

#### 2) Cook v Ross Poultry (1982) as referenced on the VOA website

'Nor are pheasants and partridges which are bred and raised as game birds for release into the wild, because although the birds eventually end up as food they cannot be considered to be kept for this purposes. See Cook (VO) v Ross Poultry Ltd [1982] LT RA 187.'

[www.voa.gov.uk/instructions/chapters/rating\\_manual/vol4/sect8/frame.htm](http://www.voa.gov.uk/instructions/chapters/rating_manual/vol4/sect8/frame.htm)



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