

Report and recommendation for the Firearms Consultative Panel on the issue of Shooting and Hunting at night.

Following the **3rd Meeting of the Firearms Consultative Panel 5 April 2016** a decision was made to put in place a working group to look at the issue of shooting and hunting at night. This WG was open to all FCP members. However it was felt by those present as more relevant to the deer hunting organisations, Sports Coalition, National Parks & Wildlife Service and An Garda Síochána. This working group was to be chaired by Wesley Atkinson who represents NPWS on the FCP. There was agreement that the issue of unregulated shooting and hunting at night was a potential Health and Safety issue to the farming community, other rural dwellers and the general public.

The WG convened on 3 occasions;

27th May 2016 – Wicklow Garda Station

12th September 2016 – IFA Farm Centre

10th April 2017 – Wicklow Garda Station

The initial meeting on the 27th May was to agree a draft terms of reference for the WG which was to be presented to the FCP on 18th July 2016.

At this meeting a general discussion took place on the issue of shooting and hunting at night in general and the associated safety issues unregulated activity can cause. All present agreed that there is an issue with aspects of this activity but at the same time there was a balance to be struck between curtailing/eliminating illegal dangerous activities versus the need for farmers, foresters and other land managers to manage their enterprise/landholding in a legal and safe manner. Such management would include control of dogs causing damage to stock (particularly sheep), vermin control or the control of protected wildlife causing damage (inc. Deer). Recorded incidents are relatively uncommon but those that are reported pose a real health and safety risk and are a cause of concern. This issue is under reported to AGS or NPWS but anecdotally those present had heard of incidents that for whatever reason had not been reported.

All agreed that education and the provision of simple and accurate information would be hugely beneficial and an outright ban would be neither possible nor enforceable and would be viewed in a very negative light by farming, landowning and hunters groups. Furthermore while the WG issues were primarily around safety concerns arising from firearms usage at night, concern was expressed within the WG that illegal hunting in general on lands at night was a growing concern. This involves mostly the use of dogs and lamps and feeds into the area of rural crime etc. Where possible any outputs from the WG should incorporate this issue.

Recommendations for consideration by FCP meeting of 18th July 2016.

- Best practice guidance would be drawn up by the FCP in conjunction with the stakeholders that will provide clear and practical information on this subject. There is already best practice guidance available from the UK in relation to the Night Shooting of deer under licence and much of this guidance is applicable for all types of shooting at night and could easily be adopted. The Irish Deer Management Forum has just negotiated the use of the UK best practice guides from the relevant bodies in the UK and as such may have a role to play here. The additional issue of night hunting without firearms and issues such as trespass by illegal hunters could be easily covered in these guides.
- Guidance to Gardaí assessing Firearms licences could be updated to cover the issue of using firearms at night.
- The issue of cross communication in relation to firearms relevant to wildlife crime and wildlife act convictions. Inspector Paul Greene said that, subject to AGS clearance, the FPU could act as the conduit for updating information on convictions between AGS and NPWS.
- To explore the practicalities of imposing a curfew during hours of darkness (11pm till dawn was discussed) whereby shooting should not take place save in accordance with a licence or permit.
- AGS would look the terms and conditions that might practically be applied to firearms certificates to effect some control over night shooting.

These recommendations were accepted by the FCP on 18th July 2016.

The 2nd meeting of the WG was held on 12th September 2016 in the IFA Farm Centre to progress the recommendations to the FCP.

This meeting was attended by the IFA Vice President Richard Kennedy. He gave the IFA perspective in relation to the issues involved. He said a balance had to be struck between dealing with illegality and H & S issues while allowing framers and landowners to use night shooting as a tool to protect their livestock and crops from pest species such as foxes and rabbits and the issue of sheep being worried by dogs etc. The best approach should be through providing information, education and promoting best practice for night shooting. He went on to say many of the issues we were discussing were also the same issues that raised their heads in relation to rural crime and criminality. The Vice President's attendance clearly demonstrates that this issue is of concern to farmers and landowners and not just those involved in shooting and hunting.

Outputs from Recommendations;

1. Best Practice Guidance

This best practice guidance has been drawn up by a working group of the FCP. The WG comprises of representatives or written inputs from AGS, IFA, NPWS, SC, IDS and WDAI. See Appendix 1.

It is hoped that this guidance will provide clear and practical information on this subject. There is already best practice guidance available from the UK in relation to the Night Shooting of rabbits and foxes (commonly known as pest species) and deer under licence. Much of this guidance is applicable for all types of shooting at night and with the exception of differences in legislation is applicable in Ireland. In addition, the Irish Deer Management Forum has recently negotiated the use of the UK best practice guides from the relevant bodies in the UK and as such may have a role to play here. The issue of night hunting without firearms and issues such as trespass by illegal hunters are also covered in simple terms.

- http://www.bestpracticeguides.org.uk/sites/all/downloads/snh_night.pdf
- <https://basc.org.uk/cop/lamping/>

The Draft outlined in Appendix 1 can be incorporated in the AGS Commissioner's Guidelines or incorporated in a best practice guidance leaflet to be used by the FCPs constituent stakeholder groups. This could a joint initiative or produced individually tailored to the constituent members.

2. Guidance to Gardaí assessing Firearms licences

For brevity an edited version of the BPG is included in Appendix 2 to be used to cover the issue of using firearms at night.

3. Cross communication between AGS & NPWS in relation to firearms relevant to wildlife crime and wildlife act convictions.

On the issue of cross communication in relation to firearms relevant to wildlife crime and wildlife act convictions. Inspector Paul Greene said that subject to AGS clearance the FPU could act as the conduit for updating information on convictions between AGS and NPWS. The Chair has written formally to NPWS on this matter and the process is being included in an MOU that is currently being drawn up between AGS and NPWS.

4. **To explore the practicalities of imposing a curfew during hours of darkness**

Given the fact that dawn changes as the season's progress, a simple straightforward solution to this issue was somewhat problematic. The WG was acutely conscious for the balance to be struck between curtailing/eliminating illegal dangerous activities versus the need for farmers, foresters and other land managers to manage their enterprise/landholding in a legal and safe manner.

There was agreement that the majority of issues associated with shooting or hunting at night centre around (but not exclusively) the autumn, winter and spring periods.

The solution proposed is that a curfew is in place from 1st Sept until 31st March and operates between the hours of 12 midnight and 6am. During the curfew period no shooting or hunting should take place except in accordance with a licence or permit (e.g. Sec 42).

There will be no curfew in April, May, June, July and August when the nights are very short. If it becomes apparent that these months are indeed problematic they can be reviewed.

5. **AGS to examine the conditions that may be applied to firearms certificates to affect some control over night shooting in the interests of public safety.**

This matter is incorporated in 2 above.

Wesley Atkinson

Chairman on behalf of Working Group.

Appendix 1. Best Practice Guidance for Night Shooting.

Introduction

The shooting at night of foxes, rabbits and other wildlife is necessary to ensure that damage to crops, forestry, livestock, game, wildlife and conservation habitats is kept at acceptable levels. It is also necessary from time to time for farmers to protect their livestock (sheep in particular) and control marauding dogs.

A balance needs to be struck between the legitimate needs of farmers and land managers to protect their crops, livestock etc, while at the same time preventing illegal hunting activities at night on farms and other land holdings by what are a minority of Wildlife Criminals. These individuals are opportunistic and are often involved in other criminality, such as theft of diesel and tools etc. Public Safety is paramount.

Shooting at night to best practice is a safe and very effective method of controlling species causing damage to farming and forestry enterprises. It is the responsibility of all those involved in this type of control to ensure that it is carried out properly.

Given the changes that have occurred in rural Ireland in recent decades, it is only by operating to high standards and by providing information and education, can the support of rural dwellers and the general public for this type of shooting, now and in the future, be maintained.

The Law

Under the Wildlife Act 1976 (as amended) it is illegal to hunt on any lands without the express permission of the landowner. This applies irrespective of whether a firearm is used or not and also applies to the use of dogs, traps, lamps, snares, nets etc.

Unprotected Wildlife such as rabbits and foxes can be shot at any time of the day or night, at any time of the year, but only with the permission of the landowner.

Protected Wildlife such as Hares and Deer causing serious damage to crops etc. can only be hunted outside the Open Season (Hunting Season) or at night only under a Section 42 licence issued by the National Parks & Wildlife Service. These licences are normally issued to the landowner and their specific nominees. There are conditions attached to these licences that must be complied with for the licence to be valid.

Those using firearms must have a valid Firearms Certificate for the firearm in question from the Gardaí.

The following Golden Safety Rules apply:

1. You must ensure that you have established safe lines of fire with backstops and that these are used.
2. You must clearly identify the quarry you are about to shoot. Never shoot if you can only see a pair of eyes.
3. Always use the appropriate firearm for the species in question.
4. It is your responsibility to ensure that you abide by the law.

Behaviour

Before night shooting commences

Remember...

- Landowners should be informed and give approval before lamping commences. State where you will be shooting with your approximate starting and finishing times.
- Unless engaging in the immediate protection (i.e. attack by dogs) of livestock or in accordance with a licence or permit (e.g. Sec 42), it is strongly recommended that **NO** shooting should take place between the hours of 12 midnight and 6am from September 1st until March 31st. This keeps disturbance to other rural dwellers in the vicinity to a minimum.
- Use only the appropriate firearms and ammunition in accordance with the conditions of your firearms certificate.
- Familiarise yourself with all legal requirements.
- Carry your firearms certificate, including authorisations for sound moderators (if authorised silencers).

- Carry any other licences or permits you require such as Sec 42. Be familiar with the condition attached.
- Inform your local Garda Station. If your local station is not open inform your nearest 24 hour station in that Garda District. Ask for the name of the Gardaí and record the date and time etc. in the event of any issue arising.
- As a matter of courtesy, you may wish to inform local residents who you are and where you will be shooting, together with your approximate starting and finishing times.
- Consider using your local text alert network to inform neighbours and the local community about your activities. In addition the same networks can be used to report illegal hunting in an area.
- During daylight hours, familiarise yourself with the terrain over which you are going to shoot. This is particularly important if you are new to the area or haven't been in the area recently
- You must ensure that you have established safe lines of fire and backstops. Know the location of houses and buildings in the area.
- Establish in particular the location of livestock on the land you are shooting over.

Before a shot is taken

Remember...

- You must clearly identify the body of the animal. Never shoot at a pair of eyes.
- Always ensure there is a safe backstop and a clear field of fire; never shoot towards the crest of a hill.
- Rifle bullets and shotgun pellets can ricochet off bushes, fence wire and other obstacles on their way to the target. A telescopic sight, night may not always reveal these. Always ensure that your line of fire is free from obstacles.
- Any firearm fitted with a telescopic sight must never be used for scanning or searching for quarry.
- Remember that light from a spot lamp can be reflected from a number of sources such as vehicle reflectors, glass bottles or binoculars. Binoculars may appear as 'a pair of eyes' – particularly when reflecting red filtered light.
- Pay particular attention when shooting close to field boundaries, especially those adjoining roads, tracks, and farmyard.

- Do not shoot from the public road.
- For safety it is strongly recommended that the maximum shooting range should be no more than 100 meters.
- Never split a shooting party into groups. Only one shooting party must be out on the ground at any one time. Consider the possibility that other people – whether authorised or not – may be present in the area.
- Wounded quarry must be followed up, collected and dispatched quickly and humanely.
- **IF IN DOUBT, DO NOT SHOOT!** Be prepared to go home empty handed rather than taking marginal shoots.

Personal equipment

- Always wear appropriate, comfortable clothing and stout footwear to ensure a good grip and traction when taking up a firing position.
- Always wear ear defenders to protect your hearing.
- Always carry a mobile phone. Have the numbers of local Gardaí, Landowners, neighbourhood watch/text group etc. should be programmed in your phone for emergency purposes.
- Consider carrying a first aid kit.

FIREARMS

It is essential when shooting at night, that the appropriate firearms and ammunition are used. Correct range judging is also essential to ensure the most effective shooting.

Rifles

In most instances those engaging in night time shooting will prefer to use a centre-fire rifle for fox control. However, over appropriate distances and in certain circumstances, rim-fire rifles may be appropriate. Rim-fire rifles such as .22 are effective firearms for rabbit control.

Consideration may be given to the use of sound moderators for both rim-fire and centre-fire rifles, particularly in areas close to human habitation or livestock. Sound moderators bring significant additional benefits in terms of hearing protection. If sound moderators are used this should be reflected on the individuals Firearms Certificate.

Shotguns

Due to their restricted range, shotguns have the advantage compared to a rifle of being safer firearm, (particularly centre-fire) especially on flat land.

For distances up to 30 metres, a 12 bore shotgun with a load of not less than 36 grams of large shot such as no. 1 or no. 3 is recommended as an effective alternative to a centre-fire rifle for fox control.

INSURANCE

Those engaged in night time shooting, as with all forms of hunting, should have adequate insurance. This is readily available through organisations such as the NARGC, IFA or Countryside Alliance. Remember cover is only valid if the activities being undertaken are lawful!

Appendix 2: Guidance for inclusion in amended Commissioners Guidelines document.

Night Time Shooting:

Night time shooting has been the cause of significant debate in recent years. It is acknowledged that a balance needs to be struck between the legitimate needs of farmers and land owners to protect their livestock and crops, while at the same time preventing illegal hunting activities on farms and other lands by a small number of both opportunistic and well organised wildlife criminals. Individuals engaging in shooting activities with a firearm must not only be the holder of an up to date firearm certificate issued by An Garda Síochána, but must also comply with the conditions attached to the grant of their firearm certificate.

It is an offence, under the Wildlife Act 1976, as amended, to hunt on any lands day or night without the express permission of the landowner. This not only applies to hunting with firearms but also applies to the use of dogs, traps, lamps, snares, nets etc. Unprotected wildlife such as rabbits and foxes can be shot day or night but again only with the permission of, or by, the landowner. However, protected wildlife such as Hares and Deer can only be hunted during the Open Season, and only at night under licence issued by the National Parks and Wildlife Service under section 42 of the Wildlife Act 1976, as amended.

Best Practice prior to shooting during hours of darkness:

- Unless engaging in the immediate protection (i.e. attack by dogs) of livestock or in accordance with a licence or permit e.g. Sec 42, **NO** shooting should take place between the hours of 12 midnight and 6am from September 1st until March 31st.
- An issuing person may attach a condition to a firearm certificate to exclude night time shooting between the above dates from 12 midnight to 6am except where expressly authorised.
- Members of An Garda Síochána encountering individuals shooting in any place during the hours of darkness, and in particular from September 1st to 31st March from 12 midnight to 6am, should satisfy themselves as to the bona fide of the individuals concerned.
- Landowners should be notified by the shooter(s) of both the starting and finishing times before commencing shooting during hours of darkness.
- Shooters should only use the **appropriate firearms and ammunition** in accordance with the conditions of their current firearm certificate, which should be carried in their possession at all times while shooting.

- Shooters should inform the local Garda Station or the nearest 24 hour station in the relevant Garda District, prior to commencing shooting during hours of darkness.
- During daylight hours, shooters should familiarise themselves with the terrain over which intending to shoot.
- Shooters should establish safe lines of fire and backstops. Always be aware of the location of houses, buildings and livestock in the area or lands where shooting takes place.

Before a shot is taken, Remember:

- Clearly identify the body of the animal. Never shoot at a pair of eyes.
- Always ensure there are safe backstops and a clear field of fire; never shoot towards the crest of a hill.
- Rifle bullets and shotgun pellets can ricochet off bushes, wire or other obstacles on their way to the target. Always ensure that your line of fire is free from obstacles.
- A firearm fitted with a telescopic sight should not be used for searching for quarry.
- Remember that light from a spot lamp can be reflected from a number of sources such as vehicle reflectors, glass bottles or binoculars. Binoculars may appear as '*a pair of eyes*', particularly when reflecting red filtered light.
- Pay particular attention when shooting close to field boundaries, especially those adjoining roads, tracks, and farmyard.
- Do not shoot from the public road.
- It is strongly recommended that for safety reasons, the maximum shooting range should be no more than 100 metres.
- Never split a shooting party into groups. Only one shooting party should be on the ground at any one time. Consider the possibility that other people may be present in the area.
- Wounded quarry should always be followed up on and collected and dispatched quickly and humanely.
- **IF IN DOUBT, DO NOT SHOOT!** Be prepared to go home empty handed rather than take a chance or risk compromising public safety.

Personal equipment:

- Always wear appropriate, comfortable clothing and footwear to ensure a good grip and traction when taking up a firing position.
- Always carry a mobile phone. Have the numbers of An Garda Síochána, landowners, neighbourhood watch/text group etc. in your phone for emergency purposes.
- Consider carrying a first aid kit for use in emergencies.

Insurance:

- Shooters engaged in night time shooting and other forms of hunting should ensure they have adequate insurance. Remember, cover is only valid if the activities being undertaken are lawful.