



## Night Shooting

Through the Principles of Moorland Management project, Scotland's Moorland Forum is preparing a range of guidance that provides practitioners, working in upland and moorland areas, with a source of information that reflects good practice and establishes a standard for accepted management techniques.

Information that is available elsewhere has not been duplicated, but a reference to it is included.

All the documents should be seen as representing evolving guidance. The aim is to review the documents at least annually so that they reflect the latest information.

Practices in this guidance, which are backed up by legislation and/or regulation, contain the word '**MUST**' in bold, letters. Failure to adopt these practices could lead to prosecution.

Parts of the guidance contain the word '**should**' in bold, lowercase letters. The actions identified in this way are not covered by legislation but land managers are expected to follow these parts of the guidance, as they represent sound, acceptable practices.

The word '**could**' in bold, lowercase letters indicates an action that is desirable but not a requirement. The action could improve the quality of the activity or provide greater user satisfaction. Typically, the action will only be carried out if time and resources permit.

This guidance has been developed from information produced by the British Association for Shooting and Conservation and their agreement to use the information in this guidance is gratefully acknowledged.

The original publication is available to download from the [BASC website](#).

The PoMM Project will welcome comments on the information contained in this guidance or proposals for change or improvement.

This guidance will be reviewed at least every 12 months and any revisions will be recorded below.

### Revision Table

Date	Details

## NIGHT SHOOTING

### INTRODUCTION

The night shooting of foxes and ground game is necessary to ensure that damage to game, wildlife, livestock and growing crops is kept at acceptable levels. It is a safe and effective method of control, if carried out properly, and in some circumstances can be more effective than snaring and trapping alone. It is the responsibility of all those involved in pest control to ensure that it is carried out properly.

High standards underpin public and political support for shooting, now and in the future.

#### 1 The following Golden Rules apply:

- 1.1 You must ensure that you have established safe lines of fire with backstops and that these are used.
- 1.2 You must clearly identify the quarry you are about to shoot. Never shoot if you can only see a pair of eyes.
- 1.3 Always use the appropriate firearm, shotgun or air weapon for the quarry species.
- 1.4 It is your responsibility to ensure that you abide by the law.

### BEHAVIOUR

#### 2 Before night shooting commences .....

- 2.1 You **MUST**:
  - 2.1.1 Obtain approval before lamping commences and inform landowners, occupiers of shooting rights and tenants, where appropriate.
  - 2.1.2 Use only the appropriate firearms and ammunition in accordance with the conditions of your firearms certificate.
  - 2.1.3 Familiarise yourself with all legal requirements.
  - 2.1.4 Familiarise yourself with the terrain over which you are going to shoot, during daylight hours, to ensure that you have established safe lines of fire and backstops.

- 2.1.5 Obtain a six-figure grid reference of the area to be used for emergency purposes.
- 2.1.6 Carry your firearm or shotgun certificate, or evidence of it, together with your written permission.
- 2.2 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. You may wish to extend this courtesy to the local police, but you are under no obligation to notify them of any lamping expedition (unless shooting deer at night under license from SNH). This guide is not intended to cover the night shooting of deer<sup>1</sup>.

### **3 Before a shot is taken ...**

#### **3.1 You **MUST**:**

- 3.1.1 Clearly identify the body of the animal. Never shoot at a pair of eyes or (if you're using a thermal imaging device) an unidentifiable heat signature.
- 3.1.2 Ensure there is a safe backstop and a clear field of fire; never shoot towards the crest of a hill.
- 3.1.3 Ensure that your line of fire is free from obstacles. Rifle bullets and shotgun pellets can ricochet off bushes, fence wire and other obstacles on their way to the target. A telescopic sight, night vision or thermal imaging device may not always reveal these.
- 3.2 Any firearm fitted with a telescopic sight, night vision or thermal imaging device must never be used for scanning or searching for quarry.
- 3.3 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.
- 3.4 Pay particular attention when shooting close to field boundaries, especially those adjoining roads, tracks, bridleways and public rights of way.
- 3.5 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.

#### **3.6 IF IN DOUBT, DO NOT SHOOT!**

<sup>1</sup> See <https://www.bestpracticeguides.org.uk/statutory-guides/night-shooting/>

## 4 Shooting from a vehicle

- 4.1 Shooting from a vehicle is potentially dangerous. A safety procedure **MUST** be agreed explicitly between all participants before shooting commences. Ensure your procedure eliminates the possibility of people entering the field of fire unexpectedly. Though not a legal requirement, the engine **should** be switched off to minimise movement.
- 4.2 The safest way to carry out lamping involves three people: a driver, someone to shoot and a third to operate the lamp – the ‘lamp operator’. Anyone not engaged in a dedicated task **should** be either inside the vehicle or positioned behind the person shooting and the lamp man. With experience, lamping can be carried out safely by two people, or even alone.
- 4.3 Two people **should** not be shooting at the same time. When two people are planning to shoot, only one firearm **should** be used at any one time and the other kept unloaded in a gun slip or case. A safe method of operating **should** be agreed, understood and adhered to by all those participating. You **MUST** avoid travelling with a loaded firearm in the vehicle and unload completely until you reach the area in which you intend to shoot.
- 4.4 The driver **should** know the terrain and avoid sharp braking, or sudden turning manoeuvres and keep constant vigilance for potential hazards e.g. ruts, potholes and farm implements.
- 4.5 When shooting from the back of a vehicle, a firm, stable and safe position is required before taking a shot.
- 4.6 A sandbag, a roll of hessian or a bipod fitted to a rifle will provide a safe and stable platform for taking a shot.
- 4.7 If shooting from an adapted seat or cradle, it **should** be firmly secured to the body of the vehicle.
- 4.8 Shoot **MUST** never take place from a moving vehicle.
- 4.9 Wounded quarry **should** be followed up, collected and dispatched quickly and humanely.

### 4.10 IF IN DOUBT, DO NOT SHOOT!

## 5 Personal equipment

- 5.1 The following equipment **should** be worn or available
  - 5.1.1 Appropriate, comfortable clothing and stout footwear to ensure a good grip and traction when taking up a firing position.
  - 5.1.2 Ear defenders.
  - 5.1.3 A first aid kit (in the vehicle).

## **FIREARMS**

When night shooting the appropriate firearms and ammunition **MUST** be used. Correct range judging is also essential to ensure the most effective shooting.

### **6 Rifles**

- 6.1 In most instances, those shooting at night will prefer the use of a centrefire rifle for fox control. However, over appropriate distances and in certain circumstances, rimfire rifles may be appropriate.
- 6.2 Strong consideration **should** be given to the use of sound moderators for both rimfire and centrefire rifles, particularly in areas close to human habitation or livestock. Sound moderators bring significant additional benefits in terms of hearing protection.

### **7 Shotguns**

- 7.1 Shotguns with large magazine capacities (more than two cartridges) offer the user a significant advantage when dealing with large numbers of pests. Relevant authorisation to hold such firearms **MUST** be obtained under firearms licensing laws.
- 7.2 For ranges 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 centrefire rifle for fox control.

### **8 Air rifles**

- 8.1 Standard air rifles<sup>2</sup> **should** never be used for shooting at foxes. Air rifles which require a Firearms Certificate (FAC) (over 12ft lbs) could be used for dispatch purposes, but a standard air rifle **should** only be used for the shooting of rabbits and small game species, and only at short range.

### **9 Optics**

- 9.1 The use of night vision and thermal imaging equipment is becoming increasingly common. The same procedures and considerations which apply to lamping are equally applicable when using these devices. Remember that due to the nature of this equipment, you will not be as visible to others as you would when using a lamp.
- 9.2 Good quality optics with a good light-gathering capability **should** be used when shooting at night. Smaller objective lenses **should** be avoided. This will ensure a clear image when a shot is presented.

<sup>2</sup> Note that the Air Weapons and Licensing (Scotland) Act 2015 introduced an air weapon certificate in Scotland, which anyone owning an air weapon is now required to hold.  
See: <https://www2.gov.scot/Publications/2019/02/7106>

- 9.3 Night vision or thermal equipment may be used in relation to shooting foxes and rabbits, but **MUST** not be used for the shooting of mountain hares in Scotland. This equipment can be utilised for spotting and assisting with counts but may not be used for shooting mountain hares (or deer). The shooter should be familiar with the equipment being used.
- 9.4 Distances can easily be misjudged at night. The shooter **should** be well practiced in night shooting and be able to estimate distances accurately. A rangefinder may be useful in such circumstances.
- 9.5 Under the Wildlife and Countryside Act 1981, avian species **MUST NOT** be shot using night vision or thermal imaging equipment.

## **10 Firearms in public places**

- 10.1 In Scotland, if shooting from the public road you **MUST** have authority to shoot over land on one or both sides of it. The offence of “reckless endangerment” exists under common law and could be exercised if you place anyone else or their property in danger.
- 10.2 Complaints often arise from shooting taking place from the highway. While it may be unusual for night shooting on moorland to take place from a public highway you **could** inform the police of your intention to shoot by calling them on 101.

## **THE LAW**

### **11 Foxes**

- 11.1 There are no specific legal restrictions on the night shooting of foxes. Authorised persons may legally carry out this form of fox control. You **should** comply with the guidance in this document.

### **12 Restrictions on the taking and killing of rabbits and hares**

#### **12.1 England, Wales and Scotland:**

- 12.1.1 Under the Conservation of Habitats and Species Regulations 2010 and in Scotland under the Conservation (Natural Habitats, &c.) Regulations 1994, Mountain hares *Lepus timidus* **MUST** not be shot at night with the aid of a lamp or image intensifier, or at any time using any semi-automatic weapon with a magazine capable of holding more than two rounds of ammunition. However, licences can be granted to allow night shooting under certain circumstances.

#### **12.2 Scotland only:**

- 12.2.1 It shall not be unlawful for the owner of the shooting rights on any land or any person holding those rights from him, or the occupier of any land to use a firearm for the purpose of killing ground game thereon at night.

- 12.2.2 The occupier of any land **MUST** not use a firearm to kill ground game at night (except where he has exclusive right) unless he has obtained the written authority of the other person or one of the other persons entitled to kill ground game.
- 12.2.3 An occupier who is entitled to use a firearm for the purpose of ground game may (subject to the provision of Section 1 of the Ground Game Act 1880), authorise one other person so to use a firearm to control rabbits and hares. Common Law permits a landowner to take and kill game on his land, and, subject to reservation, an agricultural tenant, as occupier, to kill ground game for crop protection.
- 12.2.4 'Night' is defined as one hour after sunset to one hour before sunrise.
- 12.2.5 The Wildlife and Countryside Act 1981 defines 'ground game' as hares and rabbits.

### **13 Close Seasons**

- 13.1 There is no close season for rabbits or prohibited time of taking with the exception of the provisions of the Ground Game Acts 1880 and 1906, relating to the taking of rabbits on moorland and on unenclosed land.
- 13.2 In Scotland, under the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011, there is a close season for Brown hare from 1<sup>st</sup> February to 30<sup>th</sup> September and for Mountain hare, from 1<sup>st</sup> March to 31<sup>st</sup> July.
- 13.3 In Scotland, there is no close season for the sale of hare, however, under the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011, it is an offence to have in your possession, sell or offer to sell any hare which has been illegally taken.

### **14 Moorland and unenclosed land**

- 14.1 Moorland and unenclosed land does not include arable land, or detached portions of land less than 25 acres, which adjoins arable land.
- 14.2 In Scotland, the Ground Game Act 1880 has been amended as follows by the Agriculture Act (Scotland) 1948 and the Wildlife and Natural Environment (Scotland) Act 2011:

*The occupier of the land or persons authorised by him may take rabbits, throughout the year, on moorlands and unenclosed lands (not being arable) by all legal means other than by shooting, and by means of firearms over the period from 1 July to 31 March inclusive. Hares to which this legislation also refers are now subject to a close season as a result of the Wildlife and Natural Environment (Scotland) Act 2011.*

## **ADDITIONAL INFORMATION**

### **15 Training**

- 15.1 A number of organisations run training courses covering aspects of night shooting in Scotland. These courses cover both the law and detailed theory of rifle shooting while lamping or using thermal or image intensifying equipment.

### **16 Insurance**

- 16.1 It is advisable to have adequate legal liability (third-party) insurance when shooting. Membership of a number of Moorland Forum organisations includes insurance for recreational sporting activities.

### **17 Conduct**

- 17.1 All those who shoot in Britain **MUST** conduct themselves according to the law and to the highest standards of safety, sportsmanship and courtesy, with full respect for their quarry and a practical interest in wildlife conservation and the countryside.

### **18 Legal Issues**

- 18.1 Never guess at what the law allows. If in doubt you **should** contact your representative organisation or your local police firearms licensing department.