

Legal

Once more unto the breach

Matthew Knight, Senior Partner of Knights Solicitors, suggests what to cover in a pre-shoot briefing.

GAMEKEEPERS AND SHOOT MANAGERS are encouraged to brief guns before shooting starts and this is essentially a motivational talk to explain how the day will develop and how the guns can get as much benefit from it while respecting the parameters on the estate in question.

All lawful activities (including farming and fieldsports) happen within an increasingly complex legal and regulatory framework and the gamekeeper or shoot manager needs to relate the guns' expectations to what the estate can provide without risking let alone infringing that framework.

Although the similarities between Agincourt and a day's gameshooting are few and far between, Henry V and the gamekeeper or shoot manager have a common objective in hoping to achieve a successful outcome without losses of any sort.

Everyone will have their own ideas about what to say and how to say it but there are some common themes which need to be covered so that as long as the guns all follow the guidelines provided in the briefing, the day can be conducted without regulatory or legal problems.

What follows is a template for a pre-shoot briefing speech. It is not exhaustive and every estate will have particular features which need to be accounted for:

1. EXPECTED QUARRY

- Species to be shot.
- Species not to be shot.
- Not to shoot pigeons until intended quarry has started to come forward.
- Ground game.
- Foxes.
- Jays, magpies and crows.
- Excessively high or out of range birds.
- Grey partridges.
- Woodcock.
- Snipe.
- Golden plover.
- Ducks.
- Geese.
- Black game.
- Birds not, or no longer, on the list of shootable quarry if present.

2. PICKING UP

- Guns to mark dead and wounded birds.
- Guns with own dogs.
- Guns without own dogs.

- Wounded birds.
- Runners.

3. AMMUNITION

- Suitable loads and shot sizes.
- Where not to use lead shot.
- 12-bore and 20-bore cartridges.

4. INSURANCE

- All those shooting must have public liability insurance.
- NGO membership.
- or BASC membership.
- Household and Contents Policies.

5. LICENSING.

- All those shooting must have Shotgun Certificates.

6. SAFETY

- All shotguns to be unloaded when not in use.
- All shotguns to be broken or in cases when not in use.
- Safety catches to be engaged except when you are about to shoot.
- Shotguns to be unloaded or broken or in cases when crossing difficult terrain or negotiating obstacles.

Before embarking on the shoot day, ensure your guests are well briefed.



- Co-operation with another gun.
- Ascertaining who is where and within range before, during and after each drive.
- Do not shoot except into clear sky.
- Jammed cartridges.
- Shotgun problems.
- Ricochets.

7. HEALTH

- Do not shoot if fatigued.
- Do not shoot if your judgment and reactions are or could be impaired for any reason.
- Illegal drugs.
- Prescription medicines.
- Alcohol.

8. PUBLIC RIGHTS OF WAY

- Footpaths.
- Bridleways.
- Roads.
- Ramblers.
- Riders.
- Drivers.

9. PRIVATE RIGHTS OF WAY

- Postmen.
- Deliveries and collections.
- Farm staff.
- Farm animals.
- Dairy cattle.
- Sheep.
- Racehorses.

10. NEIGHBOURLINESS

- Spent cartridges cases.
- Shotgun pellets can travel for 300 metres or more depending upon wind and weather.
- Sensitive households.
- Sensitive farm and domestic animals.

NOTE IT!

KNIGHTS SOLICITORS
 Matthew Knight is the Senior Partner of Knights Solicitors. He has over 30 years' experience of advising estate owners, gamekeepers and shoot managers. Knights Solicitors is a specialist litigation practice well-known for representing clients with animal and countryside interests on a national level. The company provides the NGO with a legal helpline service (see below). Tel: 01892 537311, www.knights-solicitors.co.uk. Ask for Matthew Knight, Richard Atkins, Peter Burfoot or Jonathan Manser.

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

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

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

SOPHIA GALIA

11. FIRE RISKS

- Cigarettes.
- Cigars.
- Pipes.

12. FURTHER READING

- *Code of Good Shooting Practice 2012.*
- Health & Safety Executive Information Sheet No. 43: *Safe use of guns.*

The template is not exhaustive. It needs to be adapted to suit individual circumstances. There is no need to talk about grey partridges or capercaillie if they are not present, for example.

Resident pickers-up will always resent guns with dogs and vice versa but many guns are rightly keen to work their own dogs and need to be allowed to do

so without delaying the day unduly or upsetting key members of the home team.

Rudimentary safety measures can avoid problems which could spoil a day or mar a season, or worse.

Third party interests must be respected and kept safe. Members of the public could become alienated by highhanded behaviour or by conduct which they see and hear but do not understand. Great care must be taken to respect private rights which potentially compete with shooting, even though both have an entitlement to take place over the same land. Upsetting the postman or the tenant farmer may have very serious adverse consequences for the estate and therefore for the continuation of gameshooting there.

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