

Topping up – a guide to releasing gamebirds and wildfowl



Evie Green of Knights Solicitors takes a look at the legalities.

It is not good practice to release wildfowl and gamebirds (ie. ducks, pheasants and partridges) after the shooting season has begun. However, given the scrutiny that shooting is often subjected to, it is important to be fully versed in the law and relevant research behind this guideline.

The practice of releasing gamebirds took off in the 1960s when the wild gamebird and wildfowl populations could no longer support shooting demand. Since then this has increased steadily and in 2020 it was estimated that between 39 and 57 million pheasants and between 8 and 13 million partridges were released throughout the UK with approximately 85% of these being in England. I have not been able to find figures for wildfowl (ducks) but these too will be reared and released in substantial numbers.

The Code of Good Shooting Practice provides comprehensive guidance on the releasing of gamebirds and provides that “Under normal circumstances, all birds should be released before the start of their shooting season”. This is the practice that is understood and generally followed by the shooting community.

If we take a closer look at the law behind this guidance, it is the Wildlife & Countryside Act 1981 (‘the 1981 Act’) that contains the main statutory framework governing the management of wild birds (which includes wildfowl and gamebirds of course). The 1981 Act protects all wild birds and states that they cannot be killed or taken except in certain circumstances, for example, during the open seasons for quarry list species or under the authority of a licence which is in line with the guidance detailed above for pest species. Birds in laying pens and on the rearing field are not wild and so the 1981 Act does not apply to them. The Law relating to birds that are not wild is mainly contained in the Animal Welfare Act 2006 (‘the 2006 Act’).

For reference the following open seasons apply in England:

- Pheasants – 1 October to 1 February
- Partridges (grey partridge and red-legged partridge) – 1 September to 1 February
- Black grouse – 20 August to 10 December (1 September to 10 December for Somerset, Devon and New Forest)
- Red grouse – 12 August to 10 December
- Ducks – 1 September to 31 January in the inland areas and 1 September to 20 February on the foreshore.

“Birds must never be released to replenish those already shot after the start of the shooting season.”

Please remember it is an offence to take or kill game on Sundays and on Christmas Day or outside the open season in England and Wales. Pheasants, partridges, black grouse (black game) and red grouse are gamebirds. All species of ducks that are on the quarry list are wildfowl. Wildfowl and gamebirds can only be killed or taken during the relevant open season.

The Code of Good Shooting Practice also provides that: “Shooting must not commence until the birds are mature and fully adapted to the wild – a minimum of one month from release” and “birds must never be released to replenish or replace any birds already released and shot in that season”.

If we look at this guidance objectively, the most likely reason that you would want to release further gamebirds or wildfowl once the season has started is to ‘top-up’ the numbers because those released before the start of the season have been shot or have dispersed more than expected. Topping up to ensure maximum sporting enjoyment goes against this clear guidance. In breaching *The Code of Good Shooting Practice* you are also at risk of committing an offence under the 2006 Act which

applies up to the point of release. Offences committed under the 2006 Act carry a maximum penalty of five years’ custody and increasingly stiff fines.

Now that we have established that gamebirds and wildfowl should only be released ahead of their open seasons, we can explore what is lawful good practice when releasing them.

Pheasants

Pheasant poults, once they are ready, are transferred from the rearing field or from rearing pens to open-topped release pens, usually in woodland or on the edge of woodland. Release pens range from as little as 0.1 hectares to as much as 10 hectares in size. In most circumstances you should avoid releasing more than 1,000 pheasants per hectare of

pen and no more than 700 pheasants per hectare of pen in ancient or semi-natural woodland. Pheasant release pens should not in total take up more than about one third of the woodland area on the shoot. Where shoots exceed the recommended densities they should demonstrate that their particular circumstances and management regime (for example by limiting the time the birds are in the release pens) does not significantly damage the flora and fauna in the whole shoot area or sensitive parts of it.

The release pens should give the poults a secure habitat to become accustomed to their environment and give them the opportunity to adapt to roosting in the lower branches of trees within the release pen or outside it in order to avoid the attention of ground predators, especially foxes. The timing of the release (usually July or August) is key to ensure that the birds are mature and fully adapted to their environment by the time shooting starts.

Partridges

Partridges are released into much smaller discrete units or pens. A medium to large shoot may use 20 or more closed top release

pens containing 50 to 300 plus birds per pen. On large shoots typically 250 birds will go into a pen about 10x10 metres, giving a much higher stocking density than for pheasants. As with pheasants, the timing of the release is set to ensure birds are mature and fully adapted to their environment by the time shooting begins.

Birds are typically placed in pens at around eight weeks of age; they are held in these pens for two to four weeks before release. Birds are progressively released whereby a small quantity of birds are released at any one time while retaining a successively smaller number of birds in the pen. The birds remaining in the pen call to the released birds, which helps prevent them from dispersing. Keeping food and water close to the release pen also helps prevent dispersal. This practice of releasing partridges in this way is considered good practice in the context of partridge biology to minimise predation losses and to maximise shooting success percentages.

Ducks

Ducks must always be released into suitable wetland habitat and in numbers appropriate to its carrying capacity. Wetland areas are particularly sensitive and over-stocking with reared birds must be avoided so as not to damage the habitat and its value to other wildlife. As a guide, 600 birds per hectare (250 birds per acre) of water is a maximum.

Ducks must be encouraged to become wild after release and shooting must not be undertaken until they have done so. Shoot managers should ensure that ducks have alternative water to which to fly to as well as those areas in which they are shot. Ideally ducks should be released when they can fly which is between eight and nine weeks old. They can be released as young as six weeks if they are fully feathered and if the location where they are released to is safe from predators such as foxes, otters and mink. Ideally this would be a pond or lake with islands and with lots of rough grass or woodland margin. Any ducks must be released by 31 July.

GL43 update for SACs and SPAs

It is also worth noting that the Government has recently renewed the General Licence GL43 to 30 May 2025. This General Licence allows authorised persons (which includes the owner or occupier of the site on which the release of pheasants or partridges or ducks will be carried out, or any person authorised by the owner or occupier of that site) to release a specified number of



Released gamebirds and waterfowl must be fully acclimatised to their environment before shooting takes place.

pheasants or partridges or ducks into the wild in a special area of conservation (SAC) or within the 500-metre buffer zone of a SAC.

You must not release pheasants, partridges or ducks on SACs or within the buffer zone of a SAC if the site is also designated as a special protection area (SPA) or is within the buffer zone of a SPA. You can check the status of your planned release site on the Government website along with further information in relation to the GL43.

In summary in relation to the releasing of gamebirds and wildfowl please remember:

- To check the open season dates and avoid

catching up outside the relevant open season.

- Not to start shooting until birds are fully accustomed to the wild.
- Never to release birds to replace those already shot in that season during the season.
- Adhere to the guidance on pen restrictions and functions. ●

CODE OF GOOD SHOOTING



KNIGHTS SOLICITORS

Evie Green is an Apprentice Solicitor at Knights Solicitors. Knights Solicitors is a specialist litigation practice well-known for representing clients with animal and countryside interests on a national level. Knights Solicitors provides the NGO with a legal helpline service (see below), which Evie helps to operate.

NGO free legal Helpline

NGO members in need of emergency legal advice relating to gamekeeping and fieldsports 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, Surini Saparamadu, Evie Green or Georgia Wardle at Knights Solicitors (Tunbridge Wells), 01892 537311.
www.knights-solicitors.co.uk

For those in the North, Scotland and Wales:

Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460. ●

