

Encounters with protected species:

a gamekeeper's guide



by **Evie Green** of **Knights Solicitors**

Gamekeepers spend more time in the countryside than almost anyone else and with that comes daily encounters with wildlife. Most of the time these interactions are routine, but occasionally they involve species that are heavily protected under the law.

In particular, bats, badgers and birds of prey (raptors) are safeguarded by some of the strictest wildlife legislation in the UK.

For keepers, the way such encounters are handled is not only a matter of good conservation practice, but also one of legal survival. Breaching the law, even unintentionally, can lead to hefty fines, prison sentences, or the loss of firearms and shotgun certificates, not to mention damage to professional reputation. This article sets out what every keeper needs to know when dealing with these protected species and how to stay firmly on the right side of the law.

Why protection matters

The Wildlife & Countryside Act 1981, the Protection of Badgers Act 1992, and the Conservation of Habitats & Species Regulations 2017 provide the backbone of legal protection for many species. These laws don't just outlaw deliberate killing – they usually also make it an offence

to disturb, damage or interfere with the animals or their breeding sites, their resting places or their young.

Wildlife crime is under intense scrutiny. Raptors in particular are a media flashpoint, with high-profile cases drawing public attention and fuelling criticism of game management. Even where no harm is intended, mistakes can easily be interpreted as persecution. Understanding the rules, adopting clear procedures and keeping good records are ways to help gamekeepers avoid trouble, while also showing that the profession is serious about conservation within the law.

Bats

Every species of bat in the UK is fully protected. That means not only the animals themselves but also their roosts, whether or not bats are present at the time. For gamekeepers, bats are most likely to be found roosting in old barns, outbuildings, bridges, stone walls or even hollow trees within release pens or on feeding rides or used for high seats. If you come across bats:

- Stop work immediately and avoid further disturbance in the area.
- Record the location carefully, ideally with a GPS reference or map note on your mobile phone.

- Seek advice from your employer or estate manager, particularly if estate management or conservation work is needed nearby.

Never deliberately block, damage or disturb a roost without a licence. Handling bats is also strongly discouraged – both for health reasons and because it may constitute an offence, even if done with good intent. If bats turn up in a building earmarked for work, the safest route is to report this to your employer or the estate manager and suggest that he/she considers bringing in a licensed bat ecologist. These are listed at the Chartered Institute for Ecology & Environmental Management (CIEEM).

Badgers and their setts

The badger is another species surrounded by powerful protections. Under the Protection of Badgers Act 1992, it is illegal to kill, injure, take or cruelly treat a badger, and equally unlawful to interfere with a sett. Interference includes damaging a badger sett or any part of it; destroying a badger sett; obstructing access to, or any entrance to or exit from a badger sett; causing or permitting a dog to enter a badger sett; or disturbing a badger when it is occupying a badger sett.

For keepers, badger setts are often discovered in woodlands, banks, or even across access tracks. A sett can cause practical headaches, but the response must always be lawful. The golden rules are:

- Mark sett locations on beat maps and keepers' notes; ideally on your mobile phone.
- Avoid activity such as snaring, dogging-in, or digging in the vicinity of active badger setts. If you must snare use new legal snares designed to break if they catch a badger rather than a fox.
- Report hazards – if a sett is undermining a track or posing a genuine risk, contact the relevant authority (Natural England (NE); Natural Resources Wales (NRW)). In appropriate circumstances, licences can be issued for sett interference but only through the official Badger Protection Officer for your area. To be on the safe side it is best to get your employer or estate manager to make the application and a licence is much more likely to be granted if farming or forestry is cited as the threatened operation.

It is vital never to take matters into your own hands. The penalties for badger related offences are severe and public sympathy for the species means cases can receive a lot of media attention.

Raptors

All wild birds are protected under the Wildlife & Countryside Act 1981. It is an offence to kill, injure or take them, but also to take, damage or destroy the nest of a wild bird or to take or destroy the eggs of a wild bird.

For keepers, raptor encounters are increasingly common. Nesting by raptors can occur in coverts, near release pens or on moorland where ground-nesting species like hen harriers and short-eared owls breed. The correct response is straightforward:

- Cease activity near active nests during the breeding season and encourage others to avoid areas where ground-nesting birds are to be found. This can be a useful strategy for moorland gamekeepers because lapwings and other ground-nesting birds are often present with grouse.
- Note and report sightings or nest locations to your employer or to the estate manager and encourage them to talk to the Wildlife Trust or conservation officers and NE or NRW.
- Adapt management plans where needed, whether that means shifting a release

pen site, delaying felling, or adjusting muirburn plans.

The don'ts are equally clear. *Do not* destroy nests, *do not* remove eggs, and *do not* engage in any action that could be viewed as disturbance or persecution. Even unintentional harm for example accidentally damaging nests during forestry or heather burning can result in prosecution.

Good practice for gamekeepers

Beyond the specific pointers for bats, badgers and raptors, there are some general principles that gamekeepers should incorporate into their day-to-day work:

- **Awareness:** Train staff, beaters and volunteers to recognise signs of protected species. The earlier something is spotted, the easier it is to handle.
- **Recording:** Keep a simple logbook or digital map of roosts, setts and nests ideally on your mobile phone. This helps plan work and demonstrates due diligence if questions are asked. The What3Words app could come in handy to keep these records.
- **Communication:** Always flag issues early with your employer, or your estate manager and encourage them to work with local Wildlife Trust officers and with NE or NRW.
- **Documentation:** If a licence is required for necessary work, keep a copy on hand in case of challenge involving an inspection.

The consequences of getting it wrong

Prosecutions for offences against protected species by gamekeepers are rare, but the penalties can be severe. Under the Wildlife

& Countryside Act 1981 and the Protection of Badgers Act 1992, courts can impose unlimited fines and prison sentences. Convictions frequently lead to the loss of shotgun and firearms certificates, effectively ending a gamekeeper's career. Beyond the legal penalties, estates and individuals risk reputational damage that can take years to repair, with cases often making national or regional headlines.

Protected species encounters are an unavoidable part of modern gamekeeping. The way they are dealt with defines both legal risk and professional reputation. By acting cautiously, recording what they see, and seeking advice before taking action, gamekeepers can ensure that they stay within the law.

More importantly, this will show that gamekeepers are committed to safeguarding the very wildlife that makes the countryside so rich. Respecting bats, badgers and raptors not only avoids the courtroom – it strengthens the case that responsible game and wildlife management and conservation can and must go hand in hand.

Shift the burden

It is helpful if as a gamekeeper you can 'shift the burden' onto the shoulders of your estate manager and/or employer. By following these steps and reporting problems up your chain of command – and encouraging your boss to report further up the chain or to appropriate authorities – then the chance of finding yourself in trouble or gripping the dock is less likely. ●

NGO FREE LEGAL HELPLINE

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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, Evie Green, Georgia Wardle or Anna Crew at Knights Solicitors (Tunbridge Wells), 01892 537311.
www.knights-solicitors.co.uk

For those in the South West: Katrina Byrne, KB Legal (Exeter), 01392 927705.

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

