

Seasonal EU Workers

The importance of seasonal workers from overseas to the farming industries of the UK has been in the news lately and game farming is no exception. A discussion at a recent GFA Executive Committee meeting indicated that about 50% of workers on members' game farms come here for the summer from the EU.

With Brexit looming and farming and other UK industries screaming that this sort of seasonal migrant labour is crucial, the Government has been talking about reintroducing a Seasonal Agricultural Workers Scheme of some sort to allow the EU migrants to continue coming here, whilst clamping down on immigration overall.

That may sound OK but for game farming there is a catch. Our activities are not classified as 'agriculture' and so there is a risk of a scheme being rushed through which, because of the small print, does not allow EU workers to come here in summer to work on game farms.



Sign Language: Many from Poland work on UK game farms.

The GFA picked up on this earlier in the year and wrote to the farming Minister, George Eustice MP. His reply was non-committal so, via our friends in the Countryside Alliance, the matter has now been raised again, this time face to face with the immigration Minister, Brandon Lewis MP. However, he wasn't particularly helpful either, saying that his brief was to get immigration down, but he did at least ask for the numbers of EU migrant workers on game farms in the UK, something we have now passed back to him.

As with most things related to Brexit, it is simply too early to know what the outcome here could be but the GFA will continue to lobby on this important subject.

Welfare Law

Knights Solicitors remind us of our welfare duties...

Game Farmers are regulated by a number of different Acts of Parliament in the course of their business, one of which is the Animal Welfare Act 2006. This Act gives certain animals "protected" status – giving them protection from unnecessary suffering. The animals which are protected for the purposes of the Act are those which are commonly domesticated in Britain, under control of man or not living in a wild state. This includes pheasants and other game birds whilst they are in captivity (although it does not apply once the birds have been released).

Under the Act it is a criminal offence to either act or fail to act in a manner which causes unnecessary harm, to carry out a procedure on a protected animal which involves interference with sensitive tissues or the bone structure of the animal (save for providing medical treatment) or to poison a protected animal.

Arguably the most important section of the Act for a Game Farmer to consider is Section 9 which states: "A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice". This means that an offence is caused if a person fails to meet an animal's needs, including by providing a suitable diet and environment, protection from pain, suffering, injury or disease and allowing normal behavioural patterns.

Failure to follow the Government game rearing Codes tends to establish liability for an offence, whilst compliance with the Codes tends to negate such liability.

If found to be in breach of Section 9, an investigator may issue an improvement notice requiring the rectification of that breach. If the breach is more serious, or if an improvement notice is not acted upon, then the offender may be prosecuted. A convicted person will face imprisonment or an unlimited fine and be disqualified from owning animals.

This is, therefore, a very serious matter and great care must be taken to insure you act in accordance with the law. Knights Solicitors work alongside the Game Farmers' Association to assist in providing advice on compliance, and in the event that you find yourself or a colleague being investigated we can provide you or them with help.

Knights Solicitors is a multi-disciplinary firm and can assist you with a wide range of other matters; including other Criminal and Regulatory, Rights of Way, Employment and Commercial Law issues. We offer all GFA members up to 30 minutes of free telephone-only advice via our legal helpline. Please call 01892 537311 quoting your GFA membership number.