

LEGISLATION

CLOSE SEASON

SHOOTING

ENGLAND & WALES
BEST PRACTICE GUIDES



Introduction

Close seasons are given to female deer to protect their welfare and that of their young. For the most part, male deer are protected while their antlers are growing but this is less of a welfare issue. There may however be circumstances where deer have to be shot during the close season.

This Guide explains the provisions for close season shooting and the best practice that should be followed. The overall aim is to ensure that close season shooting is carried out in as safe and humane a way as possible.

This guide links to the Shooting deer, Humane dispatch, Deer Legislation, Damage Prevention, Deer Management Group and Risk Assessment Guides .

Legislation

The Deer Act 1991 (as amended by Statutory Instrument 2007, No 2183 and referred to below as “the Deer Act”) defines close seasons during which deer may not be shot except in certain restricted circumstances.

Close Seasons (dates inclusive) are:

species	Sex	Close Season
Red Deer and hybrids	male female	1 May - 31 Jul 1 Apr - 31 Oct
Fallow Deer	male female	1 May - 31 July 1 Apr - 31 Oct
Sika Deer and hybrids	male female	1 May - 31 Jul 1 Apr - 31 Oct
Roe Deer	male female	1 Nov - 31 Mar 1 Apr - 31 Oct
Chinese Water Deer	male female	1 Apr - 31 Oct 1 Apr - 31 Oct

No Close Season is specified for Muntjac because they breed all year round. The season for Chinese Water Deer bucks is the same as for does as they are hard to distinguish in the field. The season for hybrids is the same as for the parent species.

Deer can be shot on any day of the week including all public holidays

The exceptions to the close season shooting prohibition provided in the Act are:

- ◆ to prevent suffering,
- ◆ in pursuance of a Notice under the Agriculture Act 1947
- ◆ the so called “farmers defence” in section 7 of the Deer Act
- ◆ under a Close Season Shooting Licence issued under the Deer Act

Dealing with injured or sick deer is beyond the scope of this guide (see Humane dispatch guide), whilst Notices to shoot deer under the Agriculture Act are only considered in very exceptional circumstances and are rarely issued.

With respect to close season shooting, Section 7 of the Deer Act gives a defence for preventing damage. Licensing provisions introduced in the Deer Act in 2007 extend the reasons for which deer can legally be culled out of season.

Section 7 of the Deer Act

On any cultivated land, pasture or enclosed woodland, deer may be shot during the close season and a shotgun can be used in certain circumstances [see below] in order to prevent damage. This action may be taken by the occupier of the land in person and with his written permission by:

- ◆ Any member of the occupier’s household normally resident on the land;
- ◆ Any person in ordinary service of the occupier of the land;
- ◆ Any person having the right to take or kill deer on the land;
- ◆ Any person acting with written authority of a person having that right.

Subject to that person having:

- ◆ Reasonable grounds for believing that deer of the same species were causing or had caused

damage to crops, vegetables, fruit, growing timber or any other form of property on the land and;

- ◆ believing further damage was likely to be caused and was likely to be serious;
- ◆ The action was necessary to prevent any such damage.

If a shotgun is to be used, the following conditions apply

- ◆ It must be not smaller than a 12 bore;
- ◆ AAA shot ONLY may be used, or
- ◆ A single non-spherical projectile weighing not less than 22.68 grammes (350 grains). A firearm certificate is required to purchase such ammunition.

Note that the above describes a defence. Should a prosecution be brought the defendant would be expected to prove that they had acted accordingly.

Close season Licences

The licensing authorities consider close season shooting a 'last resort' and that deer management should normally be conducted during the open season and, where appropriate, in co-operation with neighbours through a local Deer Management Group. Under Section 8 (3A) of the Deer Act a licence may be granted to allow the shooting of deer during the close season. The purposes for which licences may be issued are:

- ◆ Preserving public health or public safety
- ◆ Conserving the natural heritage

Note that a licence cannot be issued for preventing serious damage to property e.g. crops.

Before granting a licence the licensing authority must be satisfied that there is a serious risk to public health or safety, or a serious risk of damage to natural heritage, as appropriate.

There must be no satisfactory alternative, e.g. daytime shooting in season, co-operative deer management or fencing.

The applicant must have right of access to the land to cull deer.

Licence conditions

Each licence is subject to specific conditions including the precise area covered, the species and number of

deer which may be shot and the duration for which it is valid.

Local Police should be informed when close season shooting is taking place.

Compliance with best practice guidance is likely to be a condition of any licence.

Licence holders will be expected to adhere to the general principles and best practice below, plus any other specific conditions.

The licensing authority will monitor compliance with licence conditions. This is likely to involve a site visit and may include accompanying the close season shooting team on one or more occasions. Up to four people (including the licensee) may normally be authorised to kill deer under a licence.

Applications

Potential applicants are advised to consider if their situation meets the criteria for issue of a licence before making an application. In particular what satisfactory alternative methods may be available to them and whether they could usefully seek advice. Applications for licences must be made to Natural England(NE) or the Welsh Assembly Government (WAG)local offices.

General principles

Public safety and the humane dispatch and welfare of deer are paramount in the issue of close season shooting licences and must be the overriding considerations. Operators are advised to undertake a risk assessment including points within this guide to help ensure safe and humane working practice. Marksmen must be familiar with the firearm to be used and possess the appropriate firearm certification.

Before close season shooting takes place the licensee and operators involved must make themselves thoroughly familiar with the site. Safe and unsafe areas must be identified; shooting must only take place where there is a suitable backstop.

It is advisable to tell neighbours that out of season shooting is taking place.

Best Practice

The same best practice that is applicable to open season shooting is applicable in the close season (see Shooting Deer guide) but there are additional considerations:

Breeding females and dependents

The welfare of male wild deer is unlikely to be affected by shooting them out of season, but close seasons for females were designed to protect young at foot. When female deer are to be included in a close season cull it is important that where possible dependent young are culled first or immediately after their dam. Correct identification of individual deer is critical to this process. If young deer are orphaned and not shot immediately they should be culled as soon as possible. In herding deer, orphans will usually be found later with the rest of the herd, with territorial deer they may remain near the place where their dam was culled.

In mixed sex herds, culling males may have the intended deterrent effect without the potential welfare issues associated with culling females, it will not however significantly affect future population numbers.

Shooting in Spring/Summer

Shooting deer during the Spring and Summer can be more difficult due to the ground cover. More effort will have to be put into finding and identifying deer and possibly into ensuring a safe background for shooting.

Shot deer may be harder to find, a trained dog should be available to assist with carcass recovery if necessary.

Care will have to be taken to ensure that carcasses are kept within the temperature limits required to satisfy meat hygiene requirements.

Sale of venison

The seller may have to offer proof that fresh(i.e. not frozen) venison was obtained legally if it is offered for sale during the close season.

Further Information

Licence applications

Natural England: <http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/default.htm>

WAG local offices:

English language <http://wales.gov.uk/topics/environmentcountryside/ContactSandRD/?lang=en>
Welsh language

http://wales.gov.uk/about/departments/depc/epcstructure/SRD_office_map/?lang=cy
or http://wales.gov.uk/topics/environmentcountryside/countryside_policy/farming/wildlifemanagement?lang=en