

NIGHT SHOOTING CODE OF PRACTICE



NatureScot
NàdarAlba



Introduction

The Deer (Scotland) Act 1996 restricts the shooting of deer at night* to those people with written authorisation from NatureScot**. Under Section 37 of the Deer (Scotland) Act 1996, NatureScot need to be satisfied that those shooting deer under all its authorisations are fit and competent for that purpose.

To be satisfied, NatureScot requires those seeking authorisation to be on the NatureScot Fit and Competent Register. NatureScot may authorise an occupier of agricultural land or of woodland or any person nominated in writing by such an occupier, to shoot at night, any species of deer for the purpose of crop protection if such a person is considered fit and competent.

NatureScot must also be satisfied that night shooting is necessary to prevent damage and that no other method of control, which might reasonably be adopted, would be adequate.

Authorisations are subject to such conditions as may be specified, including the precise area to be covered

* The statutory definition is the period between the expiration of the first hour after sunset and the commencement of the last hour before sunrise

and NatureScot will determine the period of its validity.

If requested by the owner of the land, an occupier is obliged to supply, as soon as practicable after being requested to do so by the owner, information as to the numbers of deer of each species killed under such authorisations within the period of 12 months immediately preceding the date of request.

Operator Safety, Public Safety, and the humane dispatch and welfare of deer are paramount in operating under night shooting authorisations and must be the overriding considerations of operators.

Best Practice Operations

Best practice night shooting operations should involve a driver, marksman, and light operator.

The duties of each person are:

- ◆ **Driver:** To safely position any vehicle and operate the spot light / additional spotting devices when vehicle is stationary and to

** NatureScot is the operating name of Scottish Natural Heritage (SNH), which remains the organisations formal legal identity.

assist with the location of any culled animals and any subsequent follow up.

- ◆ **Light Operator / Marksman:** To operate spotlight / spotting device and to safely undertake culling activity. Whilst 2 people can operate successfully, a third can make the operation safer and more efficient.
- ◆ **Spotlights:** Can be Halogen or LED and be hand held, vehicle mounted or telescopic sight mounted. Coloured filters (eg red) may reduce a target animal's awareness of the spotlight, and so allow a closer approach or more time to take a shot, but they also reduce the amount of light visible to the marksman.
- ◆ **Thermal Imaging spotting devices:** Can assist in the location and identification of deer but should only be operated by light operator / marksman or driver when vehicle is made safe and is stationary. Operators must ensure they are fully familiar with the equipment and its functions before use in the field.

Individual / High Seat Operations

- ◆ **Light Operator / Marksman:** In less dynamic or static situations an individual can fulfil both the spotter and marksman role. However extra care must be taken for situation awareness, target identification, acquisition and subsequent follow up.
- ◆ **Telescopic Sights:** Larger objective lenses and variable power telescopic sights may be advantageous in night shooting operations. Night Vision, Thermal Imaging or Digital Day / Night sighting devices may be used in line with The Deer (Firearms etc.) (Scotland) Amendment Order 2023 – see associated BPG.
- ◆ **Dogs:** For all operations a suitably trained dog must be present to help identify the shot site, locate carcasses and to track wounded deer and prevent unnecessary suffering.

- ◆ **Location:** Before night shooting takes place operators must make themselves thoroughly familiar with the location where shooting is to be safely carried out. Neighbouring occupiers – defined as those i) who may be disturbed by night shooting activity and ii) those who should be consulted as part of wider collaborative deer management discussions, must be notified along with Police Scotland. Shooting should only be carried out in areas where there are suitable safe backstops. Particular attention must be paid to human habitation, roads, railways, footpaths and livestock.
- ◆ **Roadside;** In Scotland, the Highways Act does not apply but the offence of “reckless endangerment” and “breach of the peace” exist under common law. Complaints can arise from shooting taking place from the public highway. To avoid liability, ensure that all shooting takes place from vehicles actually on adjacent land where you have permission and authorisation to shoot.
- ◆ **Visibility:** Deer must be fully visible and clear of obstructions such as tree branches or foliage before a shot is attempted. Where utilising Thermal Imaging spotters / rifle sights ensure correct target species identification and situational awareness. The recommended range to attempt a shot is up to 100m.
- ◆ **Spotlights:** Spotlighting is particularly effective for dealing with individual deer and those in small groups. When shooting deer in large groups consideration should be given to the management implications of the deer, survivors will quickly come to associate spotlights and vehicles with danger.
- ◆ **Thermal Imaging spotting devices:** When using Thermal Imaging, Night Vision or digital day / night rifle sights and where this is supported by the use of a Thermal Imaging spotter by the driver / light / device operator, care must be taken when assisting with target identification, acquisition and follow up by ensuring full awareness of which direction the rifle muzzle is pointing at all times.

- ◆ **Shot Placement** Shot placement is the responsibility of the marksman, operating within their known capabilities. The recommended shot is to the chest, as this is a larger vital area containing both the heart and lungs and a shot here will ensure a quick and humane kill.
- ◆ **Vehicles:** The provisions of Section 20(1)(a) of the Deer (Scotland) Act 1996 make it illegal to shoot deer from a moving vehicle. A vehicle bonnet or a roof hatch can, however, provide a platform for marksmen to gain accurate shots from a stationary position. Modern swivel type bipods can be advantageous. Care should be taken to avoid bipod bounce when shooting from a hard surface such as vehicle bonnet. This can be avoided by holding a leg of the bipod on the bonnet with the non-trigger hand, or holding the rifle forend in the conventional manner and applying downwards pressure through the bipod. Shots should never be taken by stretching across the driver or passenger or across the roof of a vehicle because the risk of someone emerging from the opposite door or simply walking unseen in front of the rifle. The use of an externally mounted shooting rail can enhance the efficiency of night shooting. Clear and concise communication between the marksman and cab crew is essential and no person should step outside the vehicle unless given the all-clear by the marksman.
- ◆ **Safety:** A first aid kit should always be carried and portable communication equipment is recommended. Details of location, proposed route and expected time of return should be given to a third party. A personal tracking device and/or fail safe lone working system if available may be worth considering. Night time extraction of deer carcasses, in particular larger deer species, can be hazardous. Always wear appropriate, comfortable clothing and stout footwear to ensure both good grip and traction. A good quality head torch will be helpful. If the location of the carcass is deemed to present too much of a safety risk, extraction should

not be attempted, and consideration given to returning in daylight and/or leaving the carcass on site.

Standard Authorisation Conditions

1. The authorisation document must be completed and returned to NatureScot not later than seven days after the date of expiry with details of any deer killed under this authorisation entered in the appropriate columns overleaf. NatureScot reserves the right to accompany controllers at any time to determine that the terms and conditions of the authorisation are being applied.
2. NatureScot may withdraw this authorisation at any time.
3. That the person authorised will comply with the NatureScot Code of practice for Shooting Deer at Night (updated October 2023).
4. That the person authorised will inform neighbours of the times night shooting will take place.
5. That prior to commencement of shooting, the person authorised will warn any person, who to that persons knowledge, is likely to be on the land at the above mentioned location of the issue of this authorisation and the intention to take or kill deer.
6. The authorised person must comply with the appropriate sections of the Deer (Scotland) Act 1996 (As Amended).
7. For dynamic operations involving a vehicle or on foot, a minimum of 2 persons are required to operate under this authorisation.
8. A suitable dog must be present to track wounded deer and prevent unnecessary suffering.
9. Police Scotland must be notified when night shooting operations will be undertaken. This can be done through logging an incident report by calling 101.

Prepared and published by NatureScot in pursuance of Section 37(5)(a) of the Deer (Scotland) Act 1996. Any person issued with a night shooting authorisation is obliged to comply with this Code of Practice. Failure to do so can result in an authorisation being withdrawn.