

Dear Sirs

Apologies for the delay in response I have been away from the office. In response to your email enquiry

Section 161 of the Highways Act 1980 (England & Wales) makes it an offence to discharge a firearm within 50 ft of the centre of a highway with vehicular rights without lawful authority or excuse, if as a result a user of the highway is injured, interrupted or endangered.

**SHOOTING NEAR HIGHWAYS (E.G. ROADS & CARRIAGEWAYS)** In England & Wales it is an offence without lawful authority or reasonable excuse to discharge any firearm within fifty feet of the centre of a highway which consists of or comprises a carriageway, and in consequence a user of the carriageway is injured, interrupted or endangered. [Section 161(2) of the Highways Act 1980 as amended]. It is important to remember that the discharge of a firearm is not prohibited in itself. It must also be proved that there was an injury, or that someone's passage was interrupted or interfered with e.g. they have been forced to make a detour. For the purposes of Section 161 (2) of the Highways Act 1980 (as amended), a 'highway' is restricted to a public right of way for the passage of vehicles and does not include footpaths, cycle tracks or bridleways. Therefore the fifty feet rule described above does not apply to rights of ways that cross private lands e.g. footpaths. Whilst the Firearms Act does not provide a statutory definition of what is meant by "lawful authority" or "reasonable excuse". We believe that "lawful authority" would not necessarily apply to sportsmen as this seems to relate to those issued with firearms in connection with official duties such as police or military personnel. "Reasonable excuse" would apply to sportsmen shooting over land with permission.

Section 19 of the Firearms Act with regard to having a 'firearm in a public place' also applies This legislation applies to all public places and not just open access land. **SHOOTING NEAR RIGHTS OF WAY (E.G. FOOTPATHS & BRIDLEWAYS)** When the footpath runs across private land the ownership of the land and sporting rights are unaltered. Therefore a person with the shooting/sporting rights may shoot on or over footpaths on their land equally to public having the right to walk (to pass and re-pass) along it as a means of communication. So the public and the shooters have a concurrent right to the footpath and it is up to both parties to not obstruct the other. However if you shoot over footpaths, only do so if you have permission to drop shot over the land on the other side.

To fire a bullet or shot onto land that you have no right to shoot into or over is 'constructive trespass'. Whilst this is a civil matter BASC strongly advises not to do this. It is also a basic safety precaution not to shoot into cover where you cannot be sure what your projectile(s) will hit. It is especially important to apply this when shooting near footpaths obscured by hedges or foliage. It is good practice to only shoot across footpaths where you can see approaching users from a long way off and be certain you will not cause danger or alarm.

There are no defined distances that pest controllers should be away from houses or indeed boundaries.

However the code of good shooting practice states -

Consideration for others

Shoot managers and Guns must ensure that their activities take account of others' interests: due care and courtesy are guiding principles.

- All involved in shooting must have regard for others and their safety at all times.
- The frequency of shooting must not give rise to unreasonable nuisance (particularly noise) to neighbours.

If you are complying with firearms law you can shoot certain pest bird species. These are covered by general licences which, in simple terms, mean you can shoot the birds listed, provided you have the landowner's permission and provided you are doing it for one of the reasons allowed by the licence.

These reasons may include:

- to prevent serious damage (e.g. to crops and livestock) or to prevent disease.
- to protect and conserve flora and fauna.
- to preserve public health or safety.

Currently the shooting of woodpigeon is controlled by general licences issued by DEFRA for England, Natural Resources Wales (NRW) for Wales, Scottish Natural Heritage (SNH) for Scotland and in Northern Ireland by the Department of the Environment (DOE) No individual application is required for any licence; however it is important that you comply fully with the terms and conditions of the relevant general licence. Please see below link for BASC website for further information regarding general licences.

<https://basc.org.uk/gl/england/>

I hope this information helps and if you require anything else please don't hesitate to contact me directly.

Regards

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