

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all of them but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.

More advice is available on [www.bhs.org.uk/accessadvice](http://www.bhs.org.uk/accessadvice).

**IMPORTANT** This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society strongly recommends seeking its advice specific to the site.

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A public right of way — a byway, bridleway or footpath — is a highway and it is an offence to shoot from or across a highway except where certain conditions apply. The conditions are:

1. The shooter must have lawful authority to possess the weapon
2. The shooter must have permission from the owner of the land or shooting rights
3. The shooter must not endanger, injure, intimidate or obstruct users of the highway

If any of those conditions are broken then the shooter may be in breach of laws under the:

- Firearms Act 1968 Section 19 possession of a firearm in a public place without lawful authority
- Highways Act 1980 Section 137 obstruction
- Highways Act 1980 Section 161 discharging a firearm within 50 feet of the centre of a highway with vehicular rights if the act injures, interrupts or endangers users
- Health and Safety at Work Act 1974 intimidation
- Town Police Clauses Act 1847 Section 28 discharging a firearm in the street such that it endangers or annoys residents and passers by (dependent on the definition of 'street' which commonly includes all highways)

If there has not been an offence, enforcement action against shooting is usually as a 'statutory nuisance'.

Game shooting is so long-established in rural areas that tolerance and consideration for others should be common acceptance, so long as there is polite communication and recognition that rights of way users do legally have priority, however, may be asked if they would be willing to pause in their journey while a drive takes place. However, it is not acceptable to expect horses to wait near guns being shot and it is not reasonable to expect equestrians to turn back; shooting must be halted while the horses pass.

If shooting is occurring across or near a route used by horses and it is not being stopped to allow horses to pass, then contact the highway authority. The shoot needs to be made aware that their actions are unlawful; shoots must take account of the right of way and avoid shooting in its vicinity, and be able to halt the shoot while horses pass. Marshalls should be posted at least 200 metres along the route each side of the shoot who are able to communicate with the shoot and stop all action until horses have passed the marshall on the far side.

Shooters are commonly referred to as 'Guns'.

## Code of Good Shooting Practice

The British Association for Shooting and Conservation (BASC) gives specific advice on [Horses and Shoots](#).

It can be useful to refer both councils and shoots to the [Code of Good Shooting Practice](#) which is endorsed and supported by all organisations involved with shooting including BASC, Country Landowners Association (CLA) and Countryside Alliance. Section 3 of the Code says:

### **The public highway**

Shoot managers and Guns [people shooting] must ensure that shooting does not obstruct, cause danger or alarm to users of the public highway, including roads, bridleways, footpaths and other rights of way.

Guns should note that to shoot across a footpath or bridleway that is in use by walkers or riders may constitute a public nuisance (a criminal offence) or wilful obstruction. There may also be a liability in negligence if it is known that people are on, or likely to be on, the path.

In particular, care should be taken when siting Guns near roads. 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.

The Highways Act does not apply in Scotland but Procurators Fiscal may use common law offences of 'culpable and reckless conduct' and 'reckless endangerment' in situations in which the 1980 Act would be contravened in England and Wales.

In Northern Ireland, Section 61 of the Firearms (Northern Ireland) Order 2004 makes it an offence for a person to discharge any firearm on any public road, or within 18 metres of the centre of any public road, or in any church, churchyard or burial ground.

Information signs, if appropriate, should be erected on shoot days on footpaths or bridleways.

The siting of release pens and feeding of game near highways should be avoided. Game managers should collect and dispose of road casualties where possible.

#### Horses and walkers

Shoot managers and Guns must have special regard to the safety of riders and their horses. Noise from gunfire, beaters working in cover adjacent to bridleways or falling shot can alarm horses and endanger riders.

Shoot organisers should liaise with local riders or yards, informing them when shoots are taking place.

Shooting or beating should be paused to allow horses or other rights of way users to pass.

All Guns should be made aware of bridleways and other rights of way and of any land to which the public have access by right or by permission, as well as any fields in which horses are kept.

## Siting of Release Pens

It is unfortunately common to find bridleways and byways partly or wholly obstructed by pens for pheasant-rearing. Like any other obstruction, this is a criminal offence and should be reported to the highway authority. It is not acceptable for a bridleway or byway to be obstructed wholly or partially by such a pen.

## Access Tracks

Frequent motor vehicular traffic along a bridleway or byway to reach pens for feeding or monitoring may be detrimental to the surface such that the public user's safety is compromised. This may be an offence. Motorists should give way to the highway users.

Use of bridleways or byways with motor vehicles during a shoot must never obstruct the public user of the way. Motor vehicles must be parked clear of the full width of the highway so as not to impede passage by the public. Routes frequently used for shooting access must not damage the surface of the way such that it is inconvenient for use by the public.

## Clay Target Shooting

The Chartered Institute of Environmental Health produces [Guidance](#) on controlling noise from clay target shoots. Paragraph 4.1 describes minimum safety zones and refers to users of public paths and other highways but does not specifically take account of horses as 'noise-sensitive'. However, it could be helpful in conjunction with the [BASC advice](#) in supporting greater consideration of equestrian highway users where conditions are endangering users.

Appendix 2 on page 23, The Concept of Nuisance, may also be helpful.

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