

## ***SEMI-AUTOMATICS FOR VERMIN CONTROL***

### **Semi-automatic shotguns and rifles for live quarry shooting**

This information sheet aims to set out what species can be killed or taken using a semi-automatic shotgun or rifle. It is important to know the legislation that covers the use of firearms, how it works for dealing with the police as well as practical issues when faced with vermin problems in the field.

The table below summarises what can be shot with what type of firearm and the rest of the sheet investigates the detail of the legalities. The table gives information for groups of species such as 'game'. A full list of mammalian and avian pest species that can be shot in each country of the UK and general licence information can be found on the BASC website ([www.basc.org.uk](http://www.basc.org.uk)).

<b>Species</b>	<b>'Standard' semi-automatic guns held on a Section 2 shotgun certificate</b>	<b>'High capacity' semi-automatic guns held on a Section 1 firearm certificate</b>
	i.e. semi-automatic shotguns of which its magazine holds no more than 2 rounds, and; any semi-automatic rifle whose magazine holds no more than 2 rounds (in the UK only .22 rim fire is permitted)	i.e. semi-automatic shotguns of which its magazine holds more than 2 rounds, and; semi-automatic rifles of which its magazine holds more than 2 rounds (in the UK only .22 rim fire is permitted)
Ducks and Geese	Yes	<b>No</b>
Game birds	Yes	<b>No</b>
Avian pest species specified in the general licences issued for each country	Yes	Yes
Mammals	Yes	Yes <sup>1</sup>

<sup>1</sup> With the exception of Irish hare and brown hare in Northern Ireland

## **The legislation allowing which species can be taken with semi-automatic firearms.**

The relevant legislation is the 1981 Wildlife and Countryside Act (referred to as WCA) for England, Wales and Scotland and the Wildlife (Northern Ireland) Order 1985 (referred to as WO). They are broadly similar and both govern what species we can shoot. Birds and mammals are treated separately within both Acts so we will look at birds first.

### Bird species and semi-automatic firearms

Both Acts "**prohibits the killing or taking of wild birds by any automatic or semi-automatic firearm**" (WCA Part 1, section 5, (1), c, iii and WO Part II, section 6, (1), c, iii).

The Acts define automatic or semi-automatic firearms as follows: (WCA Part 1, section 27 and WO Part II, section 3) "*automatic firearm*" and "*semi-automatic firearm*" do not include any firearm the magazine of which is incapable of holding more than two rounds.

Therefore these Acts prohibit the killing of any wild bird with a semi-automatic firearm with a magazine capacity greater than 2 rounds.

However there is an exception which permits their use for the birds listed on the general licences. These species are often thought of as the 'pest' bird species. More detail on this is given in the next section.

In addition the definitions of automatic and semi-automatic firearms in the WCA and WO have never been tested. It BASC's view that only firearms that are automatic<sup>2</sup> or semi-automatic<sup>3</sup> (i.e. self loading action types) whose magazine contain more than two rounds are included in the definition.

Therefore firearms which use another reloading system (bolt or lever action for example) and have a magazine capacity over 2 rounds are not included in the definition and so could be used to shoot all the bird quarry species. However it may prove difficult to gain a condition on a firearms certificate to shoot game or waterfowl with such a firearm and providers of shooting opportunities may not permit their use.

## **The general licences and their impact on species that can be taken with semi-automatic firearms.**

Most people are aware that semi-automatic firearms with magazines capable of holding more than two rounds may be used for controlling certain pest species such as wood pigeon. The reason is that the WCA and WO allow licences to be granted that override previous sections of the Acts. The result is that a series of licences referred to as the "General Licences" are issued by Natural England, The Welsh Assembly, The Scottish Executive and Environment and Heritage Service (Northern Ireland).

These licences allow authorised people (i.e. you have permission to shoot over the land in question) to shoot what are regarded as the avian pest species such as pigeons, members

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<sup>2</sup> automatic firearms, i.e. those that fire more than one round for each depression of the trigger, are prohibited in the UK by the Firearms Acts

<sup>3</sup> Semi-automatic rifles are restricted by the Firearms Acts to .22 rim fire calibre in the UK, shotguns of this nature are unrestricted

of the crow family and certain seagulls. Certain licences permit the use of automatic or semi-automatic firearms, as defined by the WCA and WO, to kill or take these species.

It is vital that all shooters are familiar with the species listed on these licences, the purposes of the licences and the terms and conditions that we must comply with in order to shoot legally. These licences are issued annually and can change. Up to date information can be found on the BASC website about the current licences and we would advise you to read our information sheet on general licences if you are not familiar with them.

### Mammal species and semi-automatic firearms

The Acts (WCA Part 1, section 11, (2), c, i and WO Part II, Section 12, (2), c, i) restrict the use of automatic and semi-automatic firearms, as defined by the Acts, for the mammals included on Schedule 6 of the Acts. The vast majority of which are not relevant to the sporting shooter with the following exception. In Northern Ireland the WO lists brown hare and Irish hare on Schedule 6 so these cannot be taken. There are no other additional restrictions on shooting mammals with automatic and semi-automatic firearms whose magazines can hold more than two rounds in either Act.

**Therefore it is legal to kill all sporting and pest mammalian species with a semi-automatic firearm whose magazine can contain more than 2 rounds with the exception of brown and Irish hare in Northern Ireland.**

### **Modifying a firearm so that it cannot hold more than two rounds in a magazine so that game and waterfowl can be shot**

The interpretation in the WCA and WO of whether a magazine of a firearm is "*incapable of holding more than two rounds*" has never been tested. We know that permanent reductions in magazine capacity are accepted if waterfowl or game are the chosen quarry. Whether temporary restrictors for magazine capacity (magazine plugs or 2 round detachable magazines) is legal is not clear as a court has not been asked to clarify this matter. Therefore a permanent magazine restriction is recommended.

### **Applying for a Section one shotgun**

The Home Office document "Firearms Law" – 'Guidance to the Police 2002' states in chapter 13 (good reason to possess a firearm) [NOTE: RED text denotes the latest names of the statutory bodies]:

*13.18 Self-loading shot guns (semi-automatic is defined in section 27 of the Wildlife and Countryside Act 1981 as holding more than two cartridges in the magazine and applies only to large magazine shot guns (and .22RF)) may be used to shoot certain pest species under the terms of a licence from either **Natural England, the Welsh Assembly Government or the Scottish Executive Environment and Rural Affairs Department (SEERAD)**, but is applicable to avian species only<sup>4</sup>. Large magazine shot guns may be required to deal with serious pest problems with wood pigeon or corvids (rooks and crows).*

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<sup>4</sup> The underlined words "applicable to avian species only" point out that the general licences are applicable to avian species only, not that shotguns are applicable to avian species only. This section must be read carefully.

Unfortunately due to popular film and media coverage the multi shot shotgun has been demonized and now many police forces regard these firearms as unnecessary and dangerous. The benefit of large capacity shotguns is simply added capacity when dealing with infestations of birds e.g. flighting into crops.

The 1988 Firearms Amendment Act came about as direct result of the Hungerford massacre and changed large capacity shotguns to section one status. The perpetrator of the horrendous crimes did not use a multi shot shotgun, but never the less the government acted to control them. The stigma linking that event and this type of firearm is still present, but as the Home Office guidance reminds people, each case must be determined on its merits. All you need is 'good reason' to possess such a gun, in essence you will have to justify why you require 4 or 5 shots instead of 3 to deal with pest species. Additionally it is worth noting that Natural England and other government agencies recognise the benefit of large capacity shotguns in pest control and have built specific exemptions into their licences for these guns to be used to control avian pest species.

### **Good Reason**

When applying for a section one shotgun or any other firearm for pest control, we do advise that you clearly identify your requirement to control any pest species. With regards to avian pests, ensure you select the appropriate general licence for your needs. The purposes for which they are granted are listed at the top and must relate to your requirement. It is imperative that you adhere to the terms and conditions specified within each licence and that you are satisfied that other methods are either ineffective or impractical first before shooting commences. You do not have to apply for general licences or carry them, but to have a copy with you would help you demonstrate your knowledge and understanding as well protect your position if questioned during your application for a firearm, but more importantly in the field!

### **Land inspections**

Some police forces will inspect land to ascertain the extent of the pest problem which is far from satisfactory as birds may not always be present during their visit or at certain times of the day. Usually inspections are carried out in the same way as for rifles. Naturally shotguns are very different and their range is far less than any rifle. In our view a land inspection to ascertain whether the land is safe to use that type of firearm is a misuse of time where bird shot is being used. The police do not carry out land checks for Section 2 shotguns; the difference between section 1 and 2 shotguns is purely cartridge capacity of the firearm which in itself does not make pest control any more hazardous.

### **Firearm certificate conditions**

A standard condition (below) as printed in appendix 3 of the Home Office guidance 2002 is usually applied to a firearm certificate where avian species are involved and control is in connection with general licences issued by government.

**The 'calibre' SMOOTH-BORE GUN shall be used for SHOOTING BIRDS in accordance with the purpose, terms and conditions of the general licence currently issued by Natural England/The Welsh Assembly Government/SEERAD under the provisions of THE WILDLIFE AND COUNTRYSIDE ACT 1981.**

If you wish to utilise your shotgun for other additional species such as rabbits and squirrels the following condition can be applied:

**The 'calibre' SMOOTH-BORE GUN and ammunition shall be used for shooting vermin and ground game and for zeroing on ranges, or land *deemed suitable by the chief officer of police for the area where the land is situated and over which the holder has lawful authority to shoot.***

(The words in italics may be omitted once the certificate holder has demonstrated competence. There is no set time for this and each case should be considered on its individual merits.)

Some forces are known to be restrictive and condition section one shotguns to avian species only thus preventing other vermin such as rabbits or squirrels being taken in the course of avian pest control. Home Office guidance directs other species to be added to conditions in addition to the primary reason e.g. avian species. The condition above allows you to deal with all reasonable eventualities instead of having to carry a secondary firearm or to make another visit to land because a condition prevents you from engaging in collective pest control with your section 1 shotgun.

It is also important to be aware that it is a criminal offence not to comply with the conditions specified on a firearm certificate. You may even find that your firearms are prohibited by certificate conditions from being used for pest control, even though it is suitable and not a prohibited method in the WCA or WO. If you are in any doubt as to the meaning of your certificate conditions or you experience any licensing problems, please contact the BASC firearms department on 01244-573010

### **Refusal based on the experience of others**

There are many people who control vermin with standard two shot shotguns and have never found it necessary to carry out vermin control with a multi shot shotgun. That may be the case, but the experience of another person does not constitute a valid reason for a Chief Officer to refuse an application. This is supported by paragraph 13.6 of the Home Office Guidance: "*Most firearm certificate holders possess firearms for reason of their profession, sport or recreation, and may properly wish to exercise discretion as to what types of firearms they chose for these purposes.*" If an application was refused on the grounds of the opinion of another person who had not found it necessary to use a firearm for the purpose for which the application had been made, then this would place the Chief Officer in conflict with settled law. He would be viewing the application from the standpoint of an objector.

Information about section one shotguns for practical target shooting can be found on the BASC website ([www.basc.org.uk](http://www.basc.org.uk)) from the Firearms Department pages.

ENQUIRIES TO:

FIREARMS DEPT – 01244 573010 e-mail: [firearms@basc.org.uk](mailto:firearms@basc.org.uk)

CONSERVATION &  
LAND MANAGEMENT DEPT – 01244-573024 e-mail: [ian.danby@basc.org.uk](mailto:ian.danby@basc.org.uk)

BASC NORTHERN IRELAND – 028 9260 5050 e-mail: [nire@basc.org.uk](mailto:nire@basc.org.uk)