



Important Notice

To:- All holders of licences to hunt deer on Coillte lands

Subject :- The illegal use of firearms on Coillte lands

Date :- November 2010

Over the last number of months there has been a dramatic increase in the number of reported incidents of unauthorised firearms use on Coillte lands. This appears to be generally associated with the “poaching” of wild deer.

Coillte is totally opposed to this practice, which is an offence under the Wildlife Act 1976 (as amended) 2000.

To assist us in addressing this issue, all actual or suspected occurrences of this activity should be reported **immediately** to the relevant authorities (NPWS conservation rangers and an Garda Síochána). Details should also be reported to the relevant Forest Manager in order that they be recorded on the Company’s Security register. Contact details for your local NPWS conservation ranger can be obtained from :-

National Parks and Wildlife Service
Agricultural Offices
Main Street
Ballybay
Co.Monaghan

Tel:- 042-9748754

This activity is an offence under Section 44 (subsection 4) of the Wildlife Act 1976 (as amended). Under this legislation, all holders of Coillte stalking permits have certain rights to challenge persons believed to be committing such an offence on lands for which their permit is issued. Details of such rights are outlined in the attached Appendix 1 and guidelines for dealing with suspected incidents is outlined in Appendix 2.

Thanking you in advance for your support

Please note :- Approaching persons believed to be committing an offence should only be undertaken following a careful assessment of the situation and if there is any doubt about safety, withdraw completely from the area and notify an Garda Síochána, and / or The National Parks and Wildlife Service.

Appendix 1

Wildlife Act 1976 (as amended)

Section 44 - Unlawful hunting or entry on land and other miscellaneous matters

The Wildlife Act 1976 (as amended)- Unlawful hunting or entry on land with Firearms (or other weapons).

Section 44.—

(1) Any person who not being the owner or occupier of land—

- (a) with a firearm or with a device, instrument or missile mentioned in section 72 (7) of this Act hunts a wild bird or wild animal on the land or moves or drives such a bird or such an animal off the land in order so to hunt it,
- (b) enters on the land for the purpose of so hunting wild birds or wild animals,
- (c) carries on the land any firearm, net, or other weapon, instrument or device capable of being used for hunting a wild bird or a wild animal, or
- (d) shoots over or into the land,

without the permission either of the person who is the owner or the occupier of the land or, in case some other person is entitled to enjoy sporting rights over the land, that other person, shall be guilty of an offence.

(2) Where a person who is neither the owner nor the occupier of land carries on the land a firearm, other weapon or device (or a part thereof) described in paragraph (c) of subsection (1) of this section, any of the following persons may demand of him (and take when given) his name and address, namely:

- (a) the owner or occupier of the land or a person authorised by him to exercise on his behalf the powers exercisable by such owner or occupier under this section,
- (b) a person who is entitled to enjoy sporting rights over the land or some other person so authorised by him to exercise on his behalf the powers exercisable by him under this section,
- (c) the holder, or a person deemed pursuant to section 29 (5) of this Act to be the holder, of a licence granted under that section;

provided that the power conferred by this section on a person mentioned in paragraph (c) of this subsection shall only be exercisable on the production by him of either a current licence granted to him pursuant to the said section 29 or a current firearm certificate granted to him and endorsed in accordance with the requirements of subsection (8) of that section.

(3) A person who refuses or who fails to give his correct name and address on a demand therefor being duly made pursuant to this section or who on such demand gives a name and address which is false or misleading shall be guilty of an offence.

(4) Summary proceedings for an offence under this section may be prosecuted by—

- (a) a person who at the time at which the offence is alleged to have been committed (in this subsection referred to as the relevant time) is the owner or is in occupation of the land in relation to which the offence is alleged (in this subsection referred to as the relevant land),

- (b) any individual who as regards the relevant land is at the relevant time entitled to enjoy sporting rights over such land.
- (c) and in the name of the person who at the relevant time is the secretary of a recognised body which at such time is entitled to enjoy sporting rights over the relevant land.

provided that such an offence shall only be prosecuted by the secretary of a recognised body if,

- (i) prior to the relevant time a notice stating that sporting rights specified in the notice over land so specified have been reserved for the body is published in a newspaper circulating in the area in which the relevant land is situate, and
 - (ii) the land so specified comprises or includes the relevant land.
- (5) The Minister may by regulations declare any association, club, society or other body of persons which has for or amongst its objects the conservation of game to be a recognised body for the purposes of this section, and any body to which regulations under this subsection for the time being relate is in this section referred to as a recognised body.
- (6) Subject to compliance with the requirements of the proviso to subsection (4) of this section, a notice published for the purposes of section 15 of the Game Preservation Act, 1930 (repealed by this Act), shall be regarded as having been published for the purposes of this Act.
- (7) In any proceedings for an offence under this section it shall not be necessary for the prosecutor to prove that a defendant was on the land without lawful authority and, in case a defendant claims that he was on the land with lawful authority, the onus of proving such authority shall be on the defendant.
- (8) In this section "game" means any exempted wild mammal or any protected wild bird which is of a species specified in an order under section 24 of this Act.

Appendix 2

Guidelines for dealing with unauthorised firearms use

WHAT SHOULD YOU DO IF YOU BELIEVE AN OFFENCE IS BEING COMMITTED?

- A) **OBSERVE** - If you witness what you believe to be an offence being committed, carefully observe the scene from a distance, assessing the situation and making a quick mental note of the proceedings. If you are satisfied that an offence is actually being committed, begin to record some of the important details.
- B) **RECORD** - Try and record as much detail as possible, this may prove to be vital evidence in the event of a prosecution.

If possible write details down on paper or a notebook at the scene, some details such as car registrations can be keyed into a mobile phone for later retrieval. If this is not possible, note down details in writing as soon as possible following the incident.

Photographic and video evidence can also prove valuable. Care should however be exercised if this is attempted in full view and in close proximity to alleged offenders as it may provoke a hostile response.

Information which should be recorded includes the time, date, location, numbers of persons involved, the type, colour and registration of vehicles. If possible the following additional information should be recorded:-

- Names and addresses of the alleged offenders*
- Details of the firearms carried including make, model, calibre and serial number,
- Deer hunting licence number

* You are only legally entitled to ask for names and address

- C) **APPROACH** -Approaching persons believed to be committing an offence should only be undertaken following a careful assessment of the situation and if there is any doubt about personal safety, withdraw completely from the area and immediately notify the National Parks and Wildlife Service and / or an Garda Síochána.

It is inadvisable to approach persons suspected of committing a crime on your own. Before proceeding, inform a colleague or other responsible person by phone of the situation, describing the suspects (including car registration numbers). This call should be made in clear view of the alleged perpetrators.

When approaching any suspects, be clearly visible at all times.

Upon reaching the suspects: -

- Identify yourself clearly, verbally by name and inform them that you either represent Coillte or the holder or owner of the sporting rights on the lands where the hunting is being undertaken.
- Show your identity card if available (Coillte employees).
- Be pleasant firm and tactful, do not accuse or intimidate suspects.
- Keep a distance between yourself and the suspects (2-3metres minimum)
- Request suspects to make safe (unload) all firearm (or other weapon)s and if they have a dog with them, to put it on a leash.
- Enquire from the suspect/s their Names*, Addresses* and by what authority they have to be on the lands (Deer Stalking Permits or Game Club Membership cards may be available).
- These details should be recorded.
- Where authorisation is not available, the suspects should then be informed that the incident is to be recorded and reported to the relevant authorities and further action may result. The suspects should then be requested to leave the lands immediately.
- Be constantly vigilant and aware of the demeanour of the suspect and if a hostile atmosphere develops, **withdraw immediately**.

* **Under Section 44** (subsections 2 & 3) **of the Wildlife Act 1976 (as amended) 2000**, it is a further offence for a person who refuses to give a correct name and address, or gives information that is false or misleading when demanded by the landowner, the owner of the sporting rights, or persons authorised to act on their behalf.

D) REPORT

As soon as possible following the incident a detailed account of the incident should be reported notified to the National Parks and Wildlife Service and / or an Garda Síochána. Contact numbers for NPWS ranger staff can be obtained from:-

National Parks and Wildlife Service
Agricultural Offices
Main Street
Ballybay
Co.Monaghan

Tel:- 042-9748754

The incident should also be reported to the relevant forest manager. All incidents of "poaching" are required to be recorded on Coillte's Issue Register. A reference number relating to this issue should be provided to the person reporting the issue.

E) FURTHER ACTION

Where sufficient evidence exists legal proceedings can be taken directly by the holder or owner of the sporting rights on the lands where the alleged offence was committed. This includes all holders of Coillte stalking permits.