

Unauthorised hunting and / or illegal use of firearms on Coillte lands

August 2016



The permitted hunting of game, deer and other wildlife species on Coillte lands is carefully managed and regulated through a system of licencing and / or registration.

To hunt on Coillte lands or to enter onto its lands with a firearm (or other weapon) without the authorisation of the landowner (or owner of the sporting rights), **is an offence** under both the Wildlife Acts 1976 - 2012 (as amended) and the Forestry Act, 1988 (Section 37) (Coillte Teoranta) Bye-Laws, 2009 (S.I. 151/2009).

Coillte is vehemently opposed to this practice which is commonly referred to as "poaching". In addition to being illegal, it presents a serious and unacceptable risk to the safety of people working or recreating on its lands, and may threaten the sustainability and welfare of the wildlife quarry species.

In addressing this issue, Coillte are seeking the support of all users of its lands to be vigilant in this regard, and to immediately report any suspected occurrences of poaching to the relevant authorities, [an Garda Síochána](#) and the [National Parks and Wildlife Service](#) (click on links for contact details). Coillte are further requesting that details of such suspected offences be reported to the relevant Coillte Forest Operations Manager, by telephone (during office hours only) or by email at any time. (Click on [link](#) for contact details of Regional offices or to submit a report online).

All such reports of suspected unlawful activities received by Coillte are required to be recorded on the Companies Security Register. Please request an official acknowledgement (including register reference number) when submitting a report. All reports are important no matter how tenuous they may seem at the time.

Where sufficient evidence exists, it is Coillte's policy to pursue legal recourse directly against any person who has committed such an offence on its lands, or to support "authorised hunters" in effecting a prosecution themselves:-

Authorised Hunters : Under Section 44 (subsection 4) of the Wildlife Acts 1976 - 2012 (as amended), all authorised holders (including lease or licence holders) and owners of sporting rights on Coillte lands, have specific legal rights to directly challenge and take legal action against any persons believed to be committing such an offence on lands for which their sporting rights relate. Details of such entitlements are outlined in the attached Appendix 2.

Important :- It is Coillte's recommendation that you do not approach any persons believed to be committing an offence. Guidelines for dealing with suspected poaching activities and information that should be recorded are outlined in Appendix 1.

Coillte fully supports the ["shine a light on poaching"](#) initiative.

Thanking you in advance for your continued co-operation and support on this matter.

Coillte Forest Management

Guidelines :- When encountering a person/s suspected of hunting and / or in possession of a firearm (or other weapon) without authorisation on Coillte lands



In the event that a person or persons are encountered on Coillte land who are believed to be hunting and /or in possession of a firearm (or other weapon) without authorisation, the following guidelines may be of assistance:-

A) APPRAISE THE SCENE -

- Carefully observe the scene from a distance, assessing the situation and making a quick mental note of the proceedings.
- If you believe that an actual offence is being committed, begin to record as much detail as possible, this may prove to be vital evidence in the event of a prosecution.
- If possible write these details down, or input them into a mobile phone, if this is not possible, note down details as soon as possible following the incident.
- The type of details which should be recorded include, the date, time, location, number and description of persons involved, the type, colour and registration of vehicles, the number and type of dogs present , etc..
- Photographic and video evidence using a camera or mobile phone can prove very useful, however care should be exercised, as such actions may provoke hostilities.

B) APPROACHING PERSONS BELIEVED TO BE POACHING

Note : It is Coillte's recommendation that you do not approach any persons believed to be committing a poaching offence, that you observe from a safe distance and continue record information, or you withdraw completely from the area. It you are satisfied that an offence is being committed notify the National Parks and Wildlife Service and / or an Garda Síochána.

If, following careful assessment of the situation you decide to approach, it is highly inadvisable to do this while alone. At the very least 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 offenders.

When making your approach, remain clearly visible at all times.

C) CHALLENGING SUSPECTED OFFENDERS

Upon reaching the suspects: -

- Identify yourself clearly by name and inform them of your position (i.e Coillte staff or holder or owner of sporting rights, etc..).
- Produce identification (where applicable).
- Be pleasant, firm and tactful, do not accuse or intimidate or aggravate suspected offenders
- Maintain a safe distance between yourself and the suspects (2-3metres minimum)
- Request suspects to make safe (unload) any firearms (or other weapons) 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).
- The following information should also be sought:-
 - Details of the firearms / other weapons - make, model, calibre and serial number,
 - Details of firearm accessories such as any telescopic sights, sound moderators, etc..
 - Firearms licence number (where applicable)
 - Deer hunting licence number (where applicable)
- Where it is established that the suspect/s have not authorisation to be undertaking these activities on the lands, they should 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/s and if a hostile atmosphere develops, withdraw immediately.**

* **Under Section 44** (subsections 2 & 3) **of the Wildlife Act 1976**, 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) REPORTING THE INCIDENT

When it is suspected that an offence is believed to have been committed, the incident, and all relevant details and evidence obtained at the scene should be :-

- i) Reported immediately to the relevant authorities - [an Garda Síochána](#) and/or to the [National Parks and Wildlife Service](#) (click on links for contact details).
- ii) Reported to the relevant Coillte **Forest Operations Manager**. Such reports can be made during office hours by dialling 01 2011111 and requesting to be redirected to the relevant

manager, or by email at any time. Click on this [link](#) for contact details of Regional offices or to submit a report online.

All such reports of suspected unlawful activities received by Coillte are required to be recorded on the Companies Security Register. Please request an official acknowledgement (including register reference number) when submitting a report. All reports are important no matter how tenuous they may seem at the time.

E) FURTHER ACTION

Reports are evaluated and depending on the severity of the alleged offence, the quality supporting evidence (including witness testimony) and advice from an Garda Síochána and The National Parks and Wildlife Service, the following options are open to Coillte :-

- Prosecute alleged offender/s directly.
- Support statutory authorities and / or owners or holders of sporting rights on it lands, in prosecuting alleged offender/s.
- Issue by means of recorded delivery / registered post, a written warning notice to the suspected offender/s .
- Take no further action .

Section 44- Wildlife Acts 1976 – Unlawful hunting or entry onto land with firearms (or other weapons)

(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 therefore 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 anybody 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