



Bats & the law

A handy quick reference guide for batworkers



If you need to appear in court

The following points should be remembered:

- take your original notes
- dress smartly
- arrive in good time
- inform reception that you have arrived
- make contact with the police officer that has dealt with the case
- make yourself known to the prosecutor and ask if you may remain in the court after you have given your evidence
- ask the usher to show you where the witness box is
- do not discuss your evidence with any other witness until after the hearing

Photography credits: Cover: Brown long-eared (J J Kaczanow). Left: Daubenton's (Hugh Clark). Far left: Roosting pipistrelles (J J Kaczanow).

Providing a statement

Offer to provide the police officer with a statement. He or she will usually take this from you at your dictation though you can provide a written statement which the police will then put on their statement forms and ask you to sign. Ask the police officer for a copy of your statement.



Police interview

It may be helpful to the police for you to be present at the interview of any suspect. Discuss with the police beforehand what questions they are going to ask and be prepared to offer expert advice. This is especially important if the suspect tries to make spurious claims.

You must follow these rules:

- write in pen
- do not erase anything you have written
- do not leave spaces in your notes
- only lightly cross out mistakes so the original can be seen
- initial and date any crossings out
- sign and date your notes; ask anyone also present who can corroborate your evidence to likewise sign and date them if they agree to the content

Keep your notes safe as you might need them in court – do make sure you give the police a copy.

Taking notes

Try to make notes of what you find as you go along (if this is impractical then write them up as soon as you can). Record details such as:

- time and date
- precise location
- other persons present
- description of suspects, their vehicles and equipment
- anything a suspect says, including admissions or explanations
- any evidence you see, hear or smell
- details of any evidence you retrieve and/or photograph



Bat legislation

Changes to legislation, and devolution, mean the law is difficult to summarise succinctly for the UK, but the strong legal protection for bats and roosts remains. As a result of amendments to the law in 2007, protection for bats and roosts relies mostly on the Habitats Regulations in each country. It is an offence to:

- deliberately (or recklessly in Scotland) capture, injure or kill a bat
- deliberately (or recklessly in Scotland) disturb in a way that would (significantly in England, Wales and Scotland) affect their local distribution or abundance, or affect their ability to survive, breed or rear young
- damage or destroy a roost (this is an 'absolute' offence)
- possess, control, transport, sell, exchange or offer for sale/exchange any live or dead bat or any part of a bat

In addition, in **Northern Ireland** it is an offence to:

- deliberately disturb a bat at a roost
- deliberately obstruct access to a roost

In **Scotland** it is an offence to:

- deliberately or recklessly harass a bat, or disturb a bat at a roost
- deliberately or recklessly obstruct access to a roost

In **England and Wales** it is an offence under the Wildlife & Countryside Act 1981 (as amended) to:

- intentionally or recklessly disturb a bat at a roost
- intentionally or recklessly obstruct access to a roost

The preceding text is a summary – refer to the legislation for precise wording. 'Deliberately' may be interpreted as someone who, although not intending to injure, kill, etc, performed the relevant action, being sufficiently informed and aware of the consequences their action will probably have.

Visiting the scene

Unless the offence has taken place where the public have lawful access you have no power of entry other than with the consent of the owner or occupier, or if you are named on a search warrant obtained by the police. Do not enter without this authority as any evidence you find may be rendered inadmissible.

Advise the police officer about the evidence indicating the presence of bats, for example:

- accumulation of droppings
- grease marks at roost access points
- moth or other insect wings
- sounds on bat detector
- dead bats

If you come across an offence and there is a risk that evidence will be lost, take photographs of it, if possible, and retrieve what you can; do not trespass to obtain these.

Hand any potential evidence over to the police making a note of who you gave it to, where and when.

Keep a supply of plastic bags, labels and empty 35mm film canisters for holding items of evidence.

Health and safety

All of the usual health and safety considerations for batworkers apply. In addition, however, be mindful of the risks arising from recent work, such as:

- fresh pesticides and other chemicals
- new insulation
- asbestos dust
- unsound timbers
- construction site hazards

Avoid heated confrontations and potentially violent situations.

Important contacts

Police (*Wildlife Crime Officer*)

Name: _____

Telephone number: _____

Email: _____

Police Control Room number: _____

Bat Conservation Trust

15 Cloisters House, 8 Battersea Park Road, London SW8 4BG

Bat Helpline **0845 1300 228**

www.bats.org.uk

This quick reference guide is for batworkers in the UK. Please refer to the full legislation for more detail.

If you have any concerns at all or would like additional advice, please contact the Bat Conservation Trust.