

Sentencing on 6th November 2014.

When adjourning this case for pre sentence reports I indicated that these offences had crossed the custody threshold and I do not depart from that view having read the very helpful report and listened in full to the mitigation advanced on the defendant's behalf.

In killing the birds the defendant has according to the findings I made at the trial acted in a deliberate way to reduce the population of birds of prey. He has used out of date and banned substances and sort to blame another for the offences. The only motivation I can see for this is to protect the birds the estate breeds for its shoot.

It is clear to me that such deliberate poisoning of birds of prey deserves custody the issue therefore is whether that should be immediate or suspended.

Mr Lambert is 65 and has not troubled the courts before. He has worked all his life in farming and then game keeping, but never received any formal training for this role. As a result of the prosecution, he has lost his employment, although his employers allowed him to take early retirement, and as a consequence lost his home and his good name.

Mr Lambert, no doubt like many in his position, appears to have largely been left to his own devices in his day to day duties. There is some disagreement as to the level of supervision given by his employers but even if he was subject to some form of annual appraisal that was clearly not enough. Those who employ gamekeepers have a strict duty to know what is being done in their name and on their property. They also have a

duty to ensure that their gamekeepers are properly trained and capable of keeping abreast of the complex laws relating to the use of poisons. In other industries employers as well as the employee could be facing prosecution in such cases and I hope therefore that this case can serve as a wake up call to all who run estates as to their duties.

It is clear that the buzzard population in Norfolk is increasing and this is something that is to be applauded and not something that is seen as an inconvenience to those who chose to run shoots. Nature must be able to live side by side with such activities. I do not believe immediate custody in Mr Lambert's case is warranted and am therefore prepared to suspend my sentence to reflect the ongoing implications for him and his family.

I take into account the number of birds involved here and the deliberate use of banned poisons in justifying a sentence of 10 weeks custody for the 2 offences convicted after trial. Those sentences will run together as I consider that the totality of the offending merits such a sentence. With regard to the offences to which a guilty plea was entered, namely the firearms offence and the possession of the wild birds, I reduce the sentence to 6 weeks to reflect the guilty plea. On the other more technical offences there will be no separate penalty.

The total sentence of 10 weeks will be suspended for a period of one year for the reasons given above.

I make an order for forfeiture and destruction of the birds and poisons seized and order the defendant to pay the full prosecution costs of £930 and a surcharge of £80.00.

Peter Veits

District Judge (Magistrates' Courts).