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Hedge Cutting in August May Lead to Unlimited Fines or Prison Time, Gardeners Warned

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As warm weather is forecast to return to the UK following Storm Floris, gardeners are being urged to proceed with caution before carrying out hedge maintenance. Cutting hedges in August, while seemingly routine, could result in serious legal consequences if it leads to the disturbance of nesting birds.

Under UK law, it is illegal to damage or destroy the nest of a wild bird while it is being built or in use. This is set out in Section 1 of the *Wildlife and Countryside Act 1981*, which applies to both rural and domestic settings. While trimming hedges in a private garden is not expressly banned during this period, if the work harms an active bird's nest, the act is considered unlawful.

For farmers and landowners, the rules are stricter. Between 1 April and 31 August, cutting farm hedgerows is prohibited unless exceptional circumstances apply and a licence is granted. The restriction is intended to protect breeding birds during their most vulnerable months.

Experts at Husqvarna, a manufacturer of outdoor equipment, explained: “Under Section 1 of the Wildlife and Countryside Act 1981, it’s an offence to intentionally damage or destroy a wild bird’s nest while it is being built or in use. That includes consciously using a hedge trimmer when there is a bird’s nest in your hedge, and in the process of doing so, causing the nest to be damaged or destroyed.”

The Royal Society for the Protection of Birds (RSPB) supports this interpretation, stating that once a bird’s nest becomes active, it is protected by law. “The moment it becomes active, it is illegal to destroy it,” the charity notes.

Violating this legislation can lead to an unlimited fine, a prison sentence of up to six months, or both. The RSPB stresses the seriousness of these consequences, saying: “The consequences for the above, even in the event of harm to a single bird, nest or egg, are an unlimited fine, up to six months in jail or both. Suffice it to say, it is certainly not a risk worth taking.”

Wildlife consultancy firm Arbtech outlined how enforcement is carried out. Regulatory bodies include the police, Natural England, the Environment Agency, local authorities, and the Partnership for Action Against Wildlife Crime (PAW), among others. The relevant agency depends on the species affected and the region in which the offence takes place.

According to Arbtech, once a breach occurs, a police investigation is usually launched to determine whether a violation of Part I of the Act has taken place. This section of the law is focused on protecting wildlife species and their habitats from intentional harm.

With many residents preparing to resume gardening after recent rain, experts advise checking hedges for bird activity before trimming. Avoiding disruption to nesting birds is not just a matter of environmental stewardship; it's also a legal obligation.