

PEACOCKS

Our Department gets periodic complaints about problems from Peacocks being kept at residential or commercial premises. Peacocks can be noisy: they have a very loud high-pitched meow like call. They call a lot during the mating season (early spring to early autumn). Dawn and late evening is a favourite time for this.

Peacocks tend to wander and when people get them, they often don't realise there's a process you need to go through to get them to stay in a particular area, although this can often be unsuccessful. Peafowl like to roost in trees and will commonly go looking for a suitable one, often this outside of the owner's area. They will also roost on roofs where they can cause damage.

Peafowl for some reason are fond of cars and enjoy standing on them. They will also attack their reflection in cars and cause damage by scratching and pecking them. Peafowl will often dig up flowerbeds and cause damage to gardens while foraging for food.

General information

Peafowl are non-indigenous species not covered by any UK wildlife protection laws, thus not classed as a wild bird in the UK. They are not listed under the Road Traffic Act, so there are no requirements to report traffic accidents involving these birds. Most birds will have owners as they are held as domestic pets, and the Police can deal with stolen and lost reports. As domesticated pets, they are also covered by the Protection of Animals Act 1911 with regard to cruelty.

Environmental Protection Act 1990 - Noise Nuisance

The Environmental Protection Team have a statutory duty to investigate complaints about noise and what would include noise from peacocks. In the event of a complaint, a letter will usually be sent to both parties asking for information to reinforce their case. This is usually done through completion of log sheets and communications with both parties. Officers will then consider the information and take steps to solve the problem: these steps can range from informal discussions to prosecution.

In the event of a Statutory Noise Nuisance being established, an Abatement Notice will be served upon the person responsible, or the owner of the property. This can prohibit noise emanating from the premises and may carry a heavy fine should the notice be breached. Failure to comply with this Notice is a criminal offence and upon conviction, Magistrates may impose a fine of up to £5,000.

Nuisance Legislation can only be used when the birds are on the owners land and are causing a noise nuisance to neighbours from their calling. Nuisance legislation would not be applicable where the peacock has strayed from the owner's property and is causing a nuisance to the person whose land the peacock is temporarily residing. The Wildlife and Countryside Act may be applicable in this case.

The Wildlife and Countryside Act 1981 - Allowing birds to escape

Section 14 prohibits the release to the wild of animals "not ordinarily resident" or that are not regular visitors to Great Britain. These provisions are designed to prevent the establishment of non-native species that may be detrimental to our native wildlife. Defra are the enforcing authority for this legislation, and can be contacted on 08459 33 55 77 or by email at helpline@defra.gsi.gov.uk

Animals Act 1971 - Damage caused by peacocks

Under section 2 of this Act, where damage is caused by an animal which does not belong to a dangerous species, a keeper of the animal is liable for the damage, if the damage is of a kind which the animal, unless restrained, was likely to cause or which, if caused by the animal, was likely to be severe.

Affected individuals should take legal advice on pursuing this course of action.

Tips for the owners of peacocks

1. Because of their nature, peacocks are not really suitable to be kept as pets in residential areas. Peacocks are ideally suited to Country Houses, or rural areas with no close neighbours.
2. If you are considering keeping peafowl, remember the ideal scenario is a peacock (male) and 4 or 5 peahens (female). In the breeding season males will become territorial and combative.
3. If you are keeping peafowl you should consider arrangements for re-homing any young they may have, especially cock birds.
4. Consider what other animals are around. Foxes prey on peafowl and many peahens are taken by foxes when incubating their eggs. Dogs will often go after peafowl even if it's only in play, peafowl are easily stressed and there are many of chased peafowl dying of fatal stress.
5. Unless you live in the middle of the countryside with acres of land, you should keep your peafowl fenced in to prevent them getting out onto roads or into your neighbours gardens, where they can cause damage or cause them a noise problem. Many people want their peafowl to roam free, however, this is not always a good option. If you have roads close to where you plan to allow the birds to roam, there's a possibility of them being hit by a car. Remember peafowl like to stand in front of and on top of cars, and may well cause damage to people's property and possessions.
6. Peacocks tend to make most noise early in the morning (first light) and late in the evening during the mating season. If you live in an area where you have neighbours close by you are very likely to have a problem with noise complaints. Remember if a statutory noise nuisance is established you may be subject to formal legal action. If you feed them the same time every night inside a shed or building, you can then close them in for the night. By keeping the enclosure dark, this should help prevent them calling at dawn. Another tip is to set their perch at a height that prevents them raising their neck to call.
7. When introducing peafowl to an area don't let them out right away or they will disappear down the road! The best way to acclimatise them is to pen them where they can see the area where they'll be living. After they've been penned for a minimum of 6 weeks or longer if it is a peacock with a full tail, let the hen out before the cock bird, as the hens are more social and will stay around the birds that are still penned up.
8. If a stray peafowl comes onto your land or into your garden, do not be tempted to feed it. If you feed it, you will encourage it to stay, and you may legally be seen as the keeper, and responsible for its actions.