



Pests Act 1954

1954 CHAPTER 68

PART II

AMENDMENT OF LAW AS TO USE OF SPRING TRAPS AND AS TO SPREADING MYXOMATOSIS

8 Restriction on type of trap in England and Wales

- (1) Subject to the provisions of this section, a person shall be guilty of an offence under this subsection if, after the appointed day, either—
 - (a) for the purpose of killing or taking animals, he uses, or knowingly permits the use of, any spring trap other than an approved trap, or uses, or knowingly permits the use of, an approved trap for animals or in circumstances for which it is not approved; or
 - (b) he sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under the foregoing paragraph; or
 - (c) he has any spring trap in his possession for a purpose which is unlawful under this subsection.
- (2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds or, if he has been previously convicted of such an offence, a fine not exceeding fifty pounds.
- (3) In subsection (1) of this section any reference to an approved trap refers to a trap of a type and make for the time being specified by order of the Minister of Agriculture and Fisheries as approved by him either generally or subject to conditions as to the animals for which or the circumstances in which it may be used, and any reference to the animals or circumstances for which a trap is approved shall be construed accordingly.
- (4) Paragraph (a) of subsection (1) of this section shall not render unlawful the experimental use of a spring trap under and in accordance with a licence or authority given by the Minister of Agriculture and Fisheries to enable a trap to be developed or tested with a view to its being approved under the last foregoing subsection.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (1) of this section shall not apply to traps of any description specified by order of the Minister of Agriculture and Fisheries as being adapted solely for the destruction of rats, mice or other small ground vermin.
- (6) The appointed day for the purposes of subsection (1) of this section shall be the thirty-first day of July, nineteen hundred and fifty-eight :
- Provided that the Minister of Agriculture and Fisheries—
- (a) may by order appoint a day earlier than the said thirty-first day of July (but not earlier than two years after the date of the order); or
- (b) if no order has been made under the foregoing paragraph, may from time to time by order postpone the appointed day for a period (or further period) of one year;
- but no order shall be made under paragraph (b) of this proviso, unless a draft of it has been laid before Parliament two years or more before the day for the time being appointed and has been approved by resolution of each House of Parliament.
- (7) Any order under this section (other than an order made under the last foregoing subsection) may be varied or revoked by a subsequent order of the Minister of Agriculture and Fisheries.
- (8) The power of the Minister of Agriculture and Fisheries to make orders under this section shall be exercisable by statutory instrument which, in the case of an order made under subsection (5) or varying or revoking an order so made, shall be subject to annulment by resolution of either House of Parliament.
- (9) This section applies to England and Wales, but not to Scotland.

9 Open trapping of hares and rabbits in England and Wales

- (1) Subject to the provisions of this section, a person shall be guilty of an offence under this subsection if, for the purpose of killing or taking hares or rabbits, he uses, or knowingly permits the use of, a spring trap elsewhere than in a rabbit hole.
- (2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds or, if he has been previously convicted of such an offence or of an offence under section five of the Prevention of Damage by Rabbits Act, 1939, a fine not exceeding fifty pounds.
- (3) Subsection (1) of this section shall not render unlawful the use of spring traps in such circumstances and subject to such conditions as may be prescribed by regulations made by statutory instrument by the Minister of Agriculture and Fisheries, or their use under and in accordance with a licence given by him.
- (4) A licence under this section—
- (a) may be embodied in a rabbit clearance order under this Act, or in a notice given under section ninety-eight of the Agriculture Act, 1947 ; and
- (b) whether so embodied or not, may be revoked by the Minister (in whole or in part) by giving notice of the revocation in such manner as he thinks sufficient to inform the persons concerned.
- (5) This section applies to England and Wales, but not to Scotland.

10 Amendment of Agriculture (Scotland) Act, 1948, as to spring traps

The following sections shall be substituted for section fifty of the Agriculture (Scotland) Act, 1948 (which regulates the use of firearms and spring traps for the purpose of killing hares or rabbits):—

“50 Prohibition of night shooting, and use of spring traps.

- (1) Subject to the (provisions of this section, a person shall be guilty of an offence under this subsection if—
 - (a) between the expiration of the first hour after sunset and the commencement of the last hour before sunrise, he uses a firearm for the purpose of killing hares or rabbits; or
 - (b) for the purpose of killing or taking animals, he uses, or knowingly permits the use of, any spring trap other than an approved trap, or uses, or knowingly permits the use of, an approved trap for animals or in circumstances for which it is not approved ; or
 - (c) he sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under the last foregoing paragraph; or
 - (d) he has any spring trap in his possession for a purpose which is unlawful under this subsection.
- (2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds or, if he has been (previously convicted of such an offence, a fine not exceeding fifty pounds.
- (3) In this section any reference to an approved trap refers to a trap of a type and make for the time being specified by order of the Secretary of State as approved by him either generally or subject to conditions as to the animals for which or the circumstances in which it may be used, and any reference to the animals or circumstances for which a trap is approved shall be construed accordingly.
- (4) Subject to the provisions of the next following subsection, the Secretary of State may from time to time by order authorise the use, for the purpose of killing or taking animals, of spring traps other than approved traps, and such authority may be granted—
 - (a) either generally or subject to such conditions as to the animals for which or the circumstances in which such traps may be used as may be specified in the order;
 - (b) either as respects all land in Scotland, or as respects the land in any county or any part of a county, or as respects any particular land or class of land, as may be so specified;and paragraph (b) of subsection (1) of this section shall not render unlawful the use of a spring trap under such an authority.
- (5) The Secretary of State may.—
 - (a) if he is satisfied, having regard to the quantities of approved traps available at reasonable prices and to such other considerations as seem to him relevant, that it is expedient to do so, by order withdraw any authority granted under the last foregoing subsection;

- (b) when he is satisfied that the power to grant authorities under the said subsection is no longer necessary, by regulation withdraw all subsisting authorities granted under that subsection;

and after such regulation has been made it shall not be lawful for the Secretary of State, unless the regulation is revoked under subsection (1) of section five of the Statutory Instruments Act, 1946, to grant an authority under the last foregoing subsection.

- (6) Paragraph (b) of subsection (1) of this section shall not render unlawful the experimental use of a spring trap under and in accordance with a licence given by the Secretary of State to enable a trap to be developed or tested with a view to its being approved under subsection (3) of this section.
- (7) Subsection (1) of this section shall not apply to spring traps of any description specified by order of the Secretary of State as being adapted solely for the destruction of rats, mice or other small ground vermin.
- (8) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument which, in the case of an order made under the last foregoing subsection, shall be subject to annulment by resolution of either House of Parliament.

50A Open trapping of hares and rabbits.

- (1) Subject to the provisions of this section, a person shall be guilty of an offence under this subsection if, for the purpose of killing or taking hares or rabbits, he uses, or knowingly permits the use of, a spring trap elsewhere than in a rabbit hole.
- (2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds or, if he has been previously convicted of such an offence, a fine not exceeding fifty pounds.
- (3) Subsection (1) of this section shall not render unlawful the use of spring traps under and in accordance with a licence given by the Secretary of State.
- (4) A licence under this section—
- (a) may be embodied in a rabbit clearance order under the Pests Act, 1954, or in a notice given under subsection (1) of section thirty-nine of this Act; and
 - (b) whether so embodied or not, may be revoked by the Secretary of State (in whole or in part) by giving notice of the revocation in such manner as he thinks sufficient to inform the persons concerned.”

11 Amendment of s. 85 (3) of Agriculture (Scotland) Act, 1948

After subsection (3) of section eighty-five of the Agriculture (Scotland) Act, 1948 (which provides that any power conferred by that Act to make an order shall include a power to revoke or vary the order) there shall be inserted the following proviso:—

“Provided that in relation to the power of the Secretary of State to make orders under subsection (4) of section fifty of this Act this subsection shall have effect subject to the provisions of subsection (5) of the said section fifty.”

12 Spreading of myxomatosis

A person shall be guilty of an offence if he knowingly uses or permits the use of a rabbit infected with myxomatosis to spread the disease among uninfected rabbits and shall be liable on summary conviction to a fine not exceeding twenty pounds or, if he has been previously convicted of such an offence, a fine not exceeding fifty pounds:

Provided that this section shall not render unlawful any experiment duly authorised under the Cruelty to Animals Act, 1876.