



Agriculture (Scotland) Act 1948

1948 CHAPTER 45 11 and 12 Geo 6

PART III CONTROL OF INJURIOUS ANIMALS, BIRDS AND WEEDS

Amendments of Law relating to Killing of Hares and Rabbits

[^{F1}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 [^{F2}subsections (4A) and (5)], the Secretary of State may from time to time by order authorise the use, for the purpose of killing or

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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.

[An order made under subsection (3) may not specify any type or make of trap as ^{F3}(4A) approved, and an order made under subsection (4) may not authorise the use of any trap, where the trap is a leghold trap.]

(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 [^{F4}subsection (4)];
- (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 ^{M1}Statutory Instruments Act, 1946, to grant an authority under [^{F4}subsection (4)].

- (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.

[In subsection (4A), “leghold trap” means a device designed to restrain or capture an ^{F5}(9) animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.]]

Textual Amendments

- F1** Ss. 50, 50A substituted for s. 50 by [Pests Act 1954 \(c. 68\), s. 10](#)
- F2** Words in s. 50(4) substituted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\)](#), regs. 1(1), **8(a)**
- F3** S. 50(4A) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\)](#), regs. 1(1), **8(b)**

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- F4** Words in s. 50(5) substituted (28.3.2019) by The Humane Trapping Standards Regulations 2019 (S.I. 2019/22), regs. 1(1), **8(c)**
- F5** S. 50(9) inserted (28.3.2019) by The Humane Trapping Standards Regulations 2019 (S.I. 2019/22), regs. 1(1), **8(d)**

Modifications etc. (not altering text)

- C1** S. 50(1) excluded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 12, **Sch. 7 para. 2(1)**
- C2** S. 50(2) has effect as if the maximum fines there mentioned were fines not exceeding level 3 on the standard scale by virtue of 1975 c. 21, ss. 289C, 289G, **Sch. 7C** (as inserted by 1977 c. 45, Sch. 11 paras. 5, 13 and by 1982 c. 48, s. 54) (which 1975 Act was repealed (1.4.1996) by 1996 c. 40, ss. 6, 7(2), **Sch. 5**) and (1.4.1996) by virtue of 1996 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), **Sch. 2 Pt. II**.
- C3** S. 50(4) amended by Agriculture (Spring Traps) (Scotland) Act 1969 (c. 26), s. 2, s. 50(4)(5) repealed as from 1st April 1973 by Agriculture (Spring Traps) (Scotland) Act 1969 (c. 26), ss. 1, 3

Marginal Citations

- M1** 1946 c. 36.

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