



Code of practice for the use of vertebrate traps

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Acknowledgements

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Background

1.1 History

Traps have been extensively used for the control of pests and to capture animals either for food or for their fur – pitfall and deadfall traps being early and primitive examples. The gin was an early form of spring trap which had square or rounded, toothed jaws designed to hold the target animal by a leg. The jaws were closed and held in this position by means of either a flat, bow or coiled wire spring, or a semi-circular spring in the small round traps designed to sit on posts (pole traps). All such traps were designed as leg hold devices and due to their mode of action, were indiscriminate. They were often triggered by non-target animals such as dogs, cats, or wildfowl and could cause extended suffering, death due to blood loss or amputation of the limb.

Pole traps ranged in size from the kingfisher trap which had two inch jaws, to traps with eight inch jaws designed to catch large birds of prey. General purpose or small vermin traps would range from between two and a half inches for rats through to five inches for larger mammals.

Legislation in 1827 banned the use of man traps, including the large versions of the gin making it illegal to set them for the purpose of protecting property. In 1904 it became illegal to set a trap in an elevated position with the intention of catching birds (pole traps).

In England and Wales, the use of gin traps was banned on 31st of July, 1958.

In Scotland, gin traps remained legal for use against foxes (and under certain conditions, otters) and were finally banned in 1974.

The Phelps leg snare was designed to replace the gin trap as a more humane alternative for fox control. The mode of action consisted of a powerful spring which, when released by pressure on the trigger plate, pulled a wire snare tight around the fox's leg. Although perhaps an improvement on metal jaws, the snare would be sufficiently tight around the animal's leg to pose the risk of injury as it struggled to free itself. A later development allowed adjustment to be made which prevented the snare tightening around the leg while still holding the animal fast.

This method of trapping is no longer permitted. Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibits the use of leg-hold traps in the Community.

1.2 Scope

This document relates to the following methods of trapping

Restraining traps

Cage traps: - of varying dimensions and generally constructed with wire mesh of a gauge appropriate for the target animal. The entrance to the trap can be at one end or both, or in the case of cage traps intended to capture birds there can be multiple entrances at ground level and/or in the top. Doors can be closed by

gravity, springs or may be replaced by bob wires or funnels in types of bird trap. Where doors are present they can be released by pressure treadles or suspended triggers. Cage traps can be designed as single or multi catch.

Box traps: - generally of wooden construction with an entrance at one end and a pivoting ramp counter-balanced to tip up under the weight of even a small mammal. A wire prop retains the ramp in the upright position once tipped.

Drop traps: - mainly used to catch rabbits moving along or through fences. The trapping section is a box buried below ground level with a door by which trapped rabbits are removed. The mechanism consists of a hinged floor within a wooden tunnel. When set the weight of the rabbit causes the floor to pivot dropping the rabbit into the box below. Gravity returns the floor to the set position ready for the next capture.

Snares: - Snares are designed to catch and hold the running target species by means of a snare constructed of twisted strands of copper or steel wire anchored in place. The snare is held at the appropriate height on well used runs and closes around the neck restraining the animal. In the main snares are used to catch foxes to protect livestock and game, and rabbits as a pest control technique or for food.

Spring traps: - The term "spring traps" normally applies to traps which use the power of a spring to strike and hold the target animal on a part of the body with sufficient force to kill it and that are required to be approved under The Spring Traps Approval Order.

Some spring traps have a different mode of operation and place a constricting rubber band around the neck of the target animal (rats or mice only) which leads to rapid asphyxiation.

Detailed information on traps such as setting, location, bait preferences and seasonal variances will not be included in this code unless they have a bearing on best practice, humaneness or efficacy. Further advice on trapping can be found on the following websites:

- Defra (or devolved administrations elsewhere in the UK)
- The British Association for Shooting and Conservation (BASC)
- The Forestry Commission
- The Game and Wildlife Conservation Trust (GWCT)
- Natural England (NE)
- National Gamekeepers Organisation (NGO)

A Risk Assessment must be carried out in order to establish whether control should be undertaken and to determine the most appropriate form of control.

This document should not be used as a substitute for the full versions of the various legislation or accompanying explanatory notes.

Legislation



2.1 Relevant Acts

The law is neither clear nor specific on the use of traps, whether lethal or restraining, and in some areas may be contradictory.

Other legislation which is not specific to the legality of trapping or the use of traps may need to be considered.

The items of legislation which follow are set out in chronological order and restricted to only those species (mammals and birds) which may be affected by the activities covered by this code.

- The Protection of Animals Act 1911,
- Protection of Animals (Scotland) Act 1912
- Pests Act 1954
- The Agriculture (Spring Traps) Scotland Act 1969
- The Welfare of Animals Act (Northern Ireland) 1972
- The Spring Traps Approval Orders
- The Small Ground Vermin Order 1958
- The Wildlife and Countryside Act 1981 (as amended)
- Wildlife (Northern Ireland) Order 1985
- Wildlife Acts 1976 and 2000 – Republic of Ireland
- The Protection of Badgers Act 1992
- Conservation (Natural Habitats etc.) Regulations 1994 (“Habitats regulations”)
- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995
- The Wild Mammals (Protection) Act 1996
- The Countryside and Rights of Way Act 2000 (CROW)
- Nature Conservation (Scotland) Act 2004
- Animal Welfare Act 2006
- Welfare of Animals Act (Northern Ireland) 2011
- Animal Health and Welfare (Scotland) Act 2006 - Part 2, Animal Welfare
- Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Wildlife and Natural Environment (Scotland) Act 2011

2.2 Licence Procedures

Schedule 2 of the Wildlife and Countryside Act 1981 (as amended) — Birds which may be killed or taken (Part II) listed those species of birds considered pests. These are now covered by a series of licences.

General Licences are issued which permit authorised persons to carry out actions which would otherwise be illegal e.g.: -

- to use a cage trap, the dimensions of which do not satisfy the requirements of section 8(1) of the Act
- to use any hand held or hand propelled net to take birds whilst not in flight

General Licences specify which birds are covered by that particular Licence and where appropriate, which of the above actions can be employed. General Licences are issued to cover the following circumstances –

- a. To kill or take certain birds to preserve public health or public safety
- b. To kill or take certain wild birds to prevent serious damage or disease
- c. To kill or take certain wild birds to conserve flora and fauna (including wild birds)

The Licences issued by NE apply to England only. Licences covering other parts of the UK may vary in content and are issued by agencies in Scotland, Wales and Northern Ireland. Operators should ensure that they are aware of the conditions and species included in the General Licences issued in their region of the UK.

General Licences are issued annually and are valid for the period 1 January to 31 December (inclusive) except for Northern Ireland where the Licence is issued in September for a twelve month period.

These conditions include the requirement that the user must be satisfied that legal (including non-lethal) methods of resolving the problem are ineffective or impracticable.

Users do not need to register to use this licence and there is no requirement for recording and reporting unless specifically requested.

Class licences

The key features of a typical Class Licence are:

- You must be registered to use most Class Licences
- You remain eligible to use the Class Licence(s) for as long as you remain registered.
- There is a recording and reporting requirement

Class Licences are available for the following areas of pest control: -

- a. To kill or take certain wild birds to preserve air safety

- on, or in the vicinity of an aerodrome*
- on, or in the vicinity of an aerodrome*
- within and up to 250m outside of the perimeter of the aerodrome

*Although these areas of use are the same, the species listed differ

- b. To take certain birds trapped in food premises to preserve public health or public safety

Authorised persons to take (and then release alive and unharmed) any of the wild birds listed on the Licence

As with the General Licences, Class Licences specify which birds are covered by that particular Licence and where appropriate, which methods can be employed.

- c. To trap edible dormice for the purposes of preserving public health and public safety, and to prevent serious damage to crops, fruit, growing timber and others forms of property

As with General Licences, these conditions include the requirement that the user must be satisfied that legal (including non-lethal) methods of resolving the problem are ineffective or impracticable.

Class licences are (at the time of going to press) only issued by NE.

Individual licences

Licences to undertake actions relating to certain species of birds or mammals must be applied for on an individual basis. Application must be made to the relevant Executive Agency outlining the reasons for the request and any non-lethal methods which have been employed to resolve the problem. Licences can be applied for at:

England

Customer Services Wildlife Licensing
Natural England, First Floor,
Temple Quay House, 2 The Square,
Bristol BS1 6EB
Tel: 0845 601 4523 (local rate)
Fax: 0845 601 343
wildlife@naturalengland.org.uk

Scotland

Scottish Natural Heritage
Licensing Team, Great Glen House
Leachkin Road, Inverness, IV3 8NW
Tel: 01463 725000 Fax: 01463 725067
specieslicensing@scotland.gsi.gov.uk

Wales

Natural Resources Wales
Tŷ Cambria, 29 Newport Road,
Cardiff, CF24 0TP Telephone: 0300 065 3000
specieslicence@naturalresourceswales.gov.uk

Northern Ireland

Northern Ireland Environment Agency
Klondyke Building, Cromac Avenue
Gasworks Business Park, Lower Ormeau Road
BELFAST, BT7 2JA
(028) 9056 9557

A system exists in Scotland to control the use of snares. Details can be found under The Wildlife and Natural Environment (Scotland) Act 2011. An identification number is issued by a Chief Constable on being satisfied that the applicant has been trained to set a snare in position. If issued, the applicant must use the identification number on each snare along with details of the target animal. As a condition of the registration all procedures for the use of snares including record keeping as laid out in the Act must be followed.



Trapping as a method of bird management



3.1 Live/Restraining traps

Overview

Birds may be captured by various means. An early method was the use of a glue type material, often referred to as bird lime, placed on alighting surfaces such as bushes or strategically placed twigs. Although this method was made illegal by the Protection of Birds Act 1954 in the UK and is rigorously condemned by bird and animal welfare organisations, it is still employed in some overseas countries.

The use of mist nets under licence to capture birds in flight is restricted to research purposes such as bird ringing, with the exception of removal of birds from food premises for the purpose of pest control. The use of any hand held or hand propelled net is permitted under the appropriate General Licence, but only to take birds whilst not in flight.

The most practical method of live capture of birds is by cage traps. These are generally constructed of a frame supporting a wire mesh which, although sufficiently strong to hold the target, is of a lighter gauge and larger mesh size than would be required for a mammal trap. In the case of multi catch cage traps intended to capture birds which are attracted in groups, there are generally several entrances at ground level or in the top. Doors, where present, are closed by gravity or weak springs in order to prevent injury to the bird or may be replaced by bob wires or funnels. Where closing doors are present, they can be released by pressure treadles or suspended triggers.

Birds can be induced to enter the trap by a bait or a decoy which causes other birds to enter either through the attraction of a ready and safe food source or the urge to remove a rival from their territory. Unlike mammals, birds seem unable to locate the end of entry tunnels when trapped and fly towards the sides and top. Although they can drop through the larger roof entrances they are prevented from leaving by their wingspan.

Considerations

The mode of action of multiple entry cage traps can present a risk to non-target species of bird particularly those set for corvids. The larger species of gulls, ravens and birds of prey such as buzzards will enter traps either to access the bait or attack the birds which have been caught.

Clam type traps are employed to catch individual birds. The action of this trap brings two sides of a hinged trap together enclosing the bird.

Under the terms of the General Licence, decoy birds kept in cage traps such as Larsen traps must be provided with adequate food, water at all times and appropriate shelter. The Animal Welfare Act (AWA) 2006 would also consider failure to meet with these conditions an offence.

The use of live prey species as decoys may be used only under a Wildlife and Countryside Act (1981) licence to assist in the capture of birds of prey for ringing or marking for the purpose of research and/or conservation.

Legal requirements and best practice

The law requires that cage traps set for birds should be checked at a minimum frequency of once in each 24 hour period. As target bird species likely to be caught in cage traps (feral pigeons; collared doves; corvids) can be considered to be active during daytime, traps should be checked at dusk.

The following factors should be taken into account when deciding if more frequent visits are necessary:

- Trap location – are captive birds at risk from predators
- Weather – will captive birds be exposed in the trap for extended periods during inclement weather (hot or cold).
- Pest numbers – will a more effective catch rate be achieved if traps are emptied more frequently.
- Species – members of the crow family may become trap shy if there is additional human activity around multi catch traps.

If an extra visit is deemed necessary, it should be made around two hours following the dawn feeding activity period of birds and another at dusk.



3.2 Trap and release of birds

Overview

Class licences permit registered persons to take (and then release alive and unharmed) certain birds trapped or present in food premises for the purpose of preserving public health or public safety.

As with the General Licences, Class Licences specify which birds are covered by that particular Licence and where appropriate, which methods can be employed. Details of the licence can be found at

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/classlicences>

Considerations

Individual or small numbers of birds can be more difficult to entice into a trap; particularly in food premises where there is alternative food. In these circumstances, a trap which is activated manually may prove more successful.

Trapping as a method of mammal management



4.1. Live/Restraining traps

4.1.1 Box/cage traps

Overview

Cage traps are rectangular wire mesh structures, with a treadle arm activating a free-falling or spring-loaded mesh or metal sheet door.

Dimensions vary depending on the size of the target animal. The following are approximate dimensions in cm (L x W x H) of the most commonly used:

| | |
|---------------|---------------|
| Rat | 30 x 10 x 10 |
| Grey squirrel | 45 x 12 x 11 |
| Mink | 60 x 18 x 16 |
| Feral cat | 75 x 30 x 25 |
| Rabbit | 70 x 25 x 23 |
| Fox | 150 x 45 x 45 |

Animals are usually enticed into the trap by the presence of suitable bait. In many cases a period of pre-baiting is required to overcome the target animal's natural suspicion of the trap. In these cases the trap entrance or doors will be tied open for a period of time to allow unobstructed access and exit.

A further recommendation is that the trap offers a level of protection from the elements and predators. Where natural cover is used it can be pulled in to provide bedding. This protection will also help to keep the animal calm. The risk of flooding should always be taken into account when setting traps along waterways.

The GWCT has designed a Mink Raft with an integral tracking cartridge containing a sand/clay mixture which is used for the early detection of the presence of mink. A cage trap is set in place of the cartridge whenever a mink is detected.

Drop box trapping

Drop boxes are designed to be used in conjunction with wire-mesh fencing. A tunnel is either inserted into the fence line at right angles or placed parallel to the fence on the harbourage side of the barrier. Rabbits are caught when they enter the tunnel and fall through a hinged flap into a box that has been buried in the ground. The lid is returned to position by means of a counter balance weight fixed to it.

Permanently sited traps can be an effective method of capturing rabbits where fences are newly erected and where rabbits are passing through holes in established fences. Drop box traps should be visited at least once a day, when set, preferably early in the mornings. Captured rabbits must be despatched humanely. Traps should not be installed where they may be at risk from flooding.

Checking cage traps

Unless specified in a Licence, there are no prescribed periods or intervals for checking live capture cage traps. General licences issued under the WCA specify checking times as a condition of use, and organisations such as BASC and GWCT have produced their own guidelines for checking traps. The Animal Welfare Act 2006 contains provisions including a requirement to consider providing captured animals with food, water or shelter. Failure to meet the welfare needs of such animals could constitute an offence.

Legal requirements and best practice

An animal caught in a cage trap is protected under the AWA, making it an offence to cause unnecessary suffering. Cage traps should therefore be inspected at periods which take account of:

- The activity periods of the animal concerned
 - Nocturnal - active during the night
 - Diurnal - active during day and sleeping at night
 - Crepuscular - animals which are active during twilight (dawn and dusk). They may also be active during bright moonlight (nocturnal predator avoidance)
- Factors which may increase the stress of being captured such as the onset of daylight in the case of a nocturnal animal or the risk of exposure to predators or inclement weather
- The reaction of the animal when caught and the likelihood of it inflicting injury on itself by trying to escape

Activity levels and recommended visit times in accordance with UFAW guidelines. (Does not infer a legal requirement).

| Species | Activity level | Minimum requirement | Best practice (to maximise trapping efficacy and minimise effect on animal) |
|--|--|--|--|
| Edible dormouse | Nocturnal | Daily | Daily, within a few hours following dawn |
| Feral cat | Mainly nocturnal/ crepuscular but may be active any time of day. | Daily in morning | Twice daily – within 1 – 2 hours following dawn and within 1 – 2 hours after dusk |
| Fox | Nocturnal and crepuscular. a) Rural – pre-sunrise and post sunset. b) Urban – as above but can appear in day | Daily in morning | a) Daily, within a few hours following dawn. b) Twice daily – within 1 – 2 hours following dawn and within 1 – 2 hours after dusk if active in day. |
| Grey squirrel | Diurnal. Activity not terminated by sunset. Peak activity in the hours after sunrise and before sunset. | Daily | Twice daily – within 1 – 2 hours following dawn and at dusk within 1 – 2 hours after dusk |
| House mouse | Nocturnal. May be caught within 2 hours of darkness. | Twice daily | Twice daily – within 1 – 2 hours following dawn and at dusk within 1 – 2 hours after dusk |
| Mink | Nocturnal or crepuscular | Twice daily | Twice daily – within 1 – 2 hours following dawn and at dusk within 1 – 2 hours after dusk |
| Mole | Three periods of activity in 24 hours – not necessarily related to sunrise/sunset. | Twice daily – within 1 – 2 hours following dawn and late afternoon | The use of live traps against moles is not recommended on humaneness grounds unless checked at least three times each day |
| Norway rat | Nocturnal. Diurnal in undisturbed locations or due to food availability/social pressure. | Twice daily | Twice daily – within 1 – 2 hours following dawn and at dusk within 1 – 2 hours after dusk |
| Rabbit | Crepuscular and nocturnal. Activity is reduced during strong winds and heavy rain and when bright moon. | Daily in morning | Twice daily – within 1 – 2 hours following dawn and at dusk within 1 – 2 hours after dusk |
| Water vole (where cage traps employed for rat control) | Diurnal, particularly where rats are foraging at night | Daily in evening | Twice daily – within 1 – 2 hours following dawn and at dusk within 1 – 2 hours after dusk |

The frequency and timing of checking traps should not be delegated to a third party as the welfare of any trapped animal remains the responsibility of the person setting the traps.



4.1.2. Snares

Overview

The use of snares has regularly been a subject of controversy due to their perception as an inhumane method of pest control. This is due to the use of low quality, cheap components, inappropriate methods of setting and failure to inspect snares which has led to unnecessary suffering of both target and non-target animals.

There has also been confusion over the most appropriate methods of using snares. The use of self-locking fox snares in the sixties along with methods of setting which led to the fox effectively hanging itself are now banned.

Free running snares are still an essential tool, but if they are not to be considered an indiscriminate means of control, their use must be subject to a thorough risk assessment in order to avoid the capture of non-target animals.

Snares are most frequently used for fox and rabbit control.

Considerations

An animal caught in a snare is protected under the AWA, making it an offence to cause unnecessary suffering. Details of the components and methods of setting snare that will reduce the risk of suffering occurring, can be found in codes of practice produced by Defra, GWCT and BASC.

The use of snares is regulated under the WCA, which makes it an offence to set in position any trap or snare calculated (intended) to kill or cause bodily injury to any protected wild animal.

The Deer Act 1991 makes it an offence to set in position any trap or snare calculated to cause bodily injury to any deer coming in contact with it, or to use any trap or snare for the purpose of killing or taking any deer.

Under the WCA the use of a 'self-locking' snare is prohibited; only free-running snares can lawfully be set.

The terms free-running (a) and self-locking (b) are not defined in the Act but can be interpreted as (a) a wire loop that relaxes when the animal stops pulling and (b) a wire loop that continues to tighten by a ratchet action as the animal struggles. A free-running snare may therefore become self-locking through damage or kinking.

It is a legal requirement that all snares must be inspected at least once every day. To avoid unnecessary suffering, inspections should be carried out shortly after dawn and again at dusk. Where target animals are active following an early sunrise, the first inspection can be delayed until around 8 am, with the second inspection in the evening.

The decision to use snares as a method of control must be based on a risk assessment to weigh up the benefits of snares over other control methods against the risk to non-target species.

Snares should be set only at sites where target animals are regularly active. This will maximise the chances of capture and minimise the risk of catching non-target species. When setting snares, every effort must be made to avoid the capture of non target and protected species.

Any non-target animal caught must be released immediately, unless badly injured and has to be killed on humane grounds. When releasing any non-target animal the wire should be cut at the noose so that there is no risk of the snare remaining around the animal and becoming entangled elsewhere. Care must be taken to avoid being bitten by larger animals.

The WCS Collarum is a restraining snare which is spring activated by means of a pull action trigger. When activated, it throws a wire loop over the head of the fox. The fox is held by the end of the wire which is anchored to ground and, at this point, is to all intents and purposes snared. Although the action is not intended to kill, this device has been approved under the Spring Traps Approval Order 2012.

An appropriate means of humane dispatch of any trapped animal must be available when inspecting set snares.

4.1.3. Glue boards

The Code of Best Practice for the Humane Use of Rodent Glue Boards produced by the Pest Management Alliance provides clear guidelines on the use of glue or "sticky" boards.

In order to protect public health within high-risk environments, the use of rodent glue boards remains an important last option when all other control methods have been considered ineffective. Although glue boards are not designed to physically harm rodents, their use raises valid concerns and they should only be used by technicians who have been given adequate training and are competent in the effective and humane use of this technique.

4.2 Spring traps

Overview

Spring traps are designed to be lethal to the target animal by either delivering a sharp blow to the head, neck or spinal column or by constriction of the thorax. Under the Pests Act 1954, only approved spring traps may be used. Those currently approved under the Spring Traps Approval (England) Order 2012 (STAO) are shown in Appendix A.

Under EU law, since July 2013, only killing traps that meet the standards of the AIHTS should be used for stoats.

Considerations

The Protection of Animals Act 1911 requires that all spring traps set for the purpose of catching rabbits (or hares) should be inspected at reasonable intervals and at least once every day between sunrise and sunset.

The AWA designates any animal caught in a trap as “under the control of man” and as such the resulting unnecessary suffering of an animal caught and not killed by a spring trap could be considered an offence. Where traps are set in a manner which minimises the risk of non-lethal catches, the frequency of checking is dictated by the necessity of removing the dead animal and resetting the trap.

Guidance on frequency and timing of inspecting spring traps can be established using activity patterns of target animals as for cage traps (4.1.1 above).

Legal requirements and best practice

In order to maximise efficacy and where appropriate, traps should be set firmly in position with the treadle plate flush with the ground. The plate should be concealed by covering lightly with soil or leaves. To minimise the risk to non-target species the traps must be set in natural or artificial tunnels. This is a requirement of the STAO although tunnels may not be necessary in areas where an assessment demonstrates that there is no risk to non-target species due to the traps location, e.g. in an enclosed loft or cavity.

Although designed to kill, there are occasions when target species may not be killed outright by a spring trap. These are usually due to target animals crossing the treadle or entering the jaws at the wrong angle and being caught by a limb or tail, the risk of this occurring can be reduced by:

- Use of the correct model or size of trap
- Correct placement of the trap in relation to the movement of the target animal.
- Use of a mandatory tunnel of precise dimensions to direct the target over the treadle.
- ... and with headroom reduced to the minimum height required to allow the jaws to close.
- Placement of bait to direct the head of the target animal into the lethal area of the trap.

To further minimise the risk to non-target species, stock and pets should be excluded from the trapping area.



5

Management of trapped species



Humane dispatch of birds is generally achieved by neck dislocation or a sharp blow to the back of the head.

Captive mammals in cage traps must be dispatched quickly to avoid unnecessary stress and risk of injury from attempts to escape.

For large animals including snared foxes, a shot at close range using a suitable firearm/ammunition combination is required. Air weapons are not considered to be sufficiently powerful for the dispatch of foxes.

Air weapons, where used for smaller species, should use steel tipped pellets which provide superior penetration into the skull than lead alloy pellets.

When dispatching an animal in a cage trap care must be taken to avoid the risk of ricochet. In order to present a steady target it may be necessary to restrict the animal's movements by means of a slotted or comb shaped panel inserted into the mesh which can be used to hold the animal in place with its head against the side of the trap.

The barrel should be placed close to (but not touching) the head and the shot directed into the brain stem as this should result in immediate and irreversible loss of consciousness.

Rabbits can be humanely killed by administering a sharp blow to the head with a suitable instrument. Dislocation of the neck can be an appropriate alternative method if the person carrying it out is experienced in the technique.

Death should be confirmed by absence of the eye blink reflex (see section 6), and absence of breathing.

Release of animals

The release of animals into another location may appear to be the solution to concerns over the dispatch of pest or problematic wild animals. Releases of animals or birds which have been accidentally caught are not an issue here, providing they are released uninjured into their original environment. Where birds have been trapped under the conditions of a licence, their release is approved but controlled under the terms of that licence.

A recognised method of reducing the problems caused by feral cats is by capture and release following neutering or spaying. This form of population control relies on the acceptance of the continuing existence of the problem with little increase from breeding and an eventual reduction through natural wastage.

The trapping and release of certain non-indigenous pest species is illegal under the WCA. Any such animal caught in a restraining trap must be dispatched humanely.

The capture and translocation of other animals, often into a different environment, such as urban foxes released in rural areas may require consideration under the AWA. As recognised previously, the person setting the trap and capturing the animal is "responsible" for the animal during the period (of whatever length) it is in their care. In addition when the animal is released they must take reasonable steps to ensure that it is able to survive in the new location. In the case of a fox which has lived entirely a commensal life where food is reasonably easy to come by it may be unable to hunt with sufficient success to avoid starvation. Another factor which must be considered is the presence of members of the same species already resident in the new territory. Insufficient resources for extra animals and stress due to competition could constitute unnecessary suffering. For the reasons stated above, the trapping and translocation of certain species is not recommended.

6

Public concerns

Apart from the fundamental aversion which people may have towards the use of traps and methods of trapping, the main concern which must be addressed is that of humaneness. Although there are several interpretations of humaneness, for the purpose of this document the term “to avoid or minimise pain, suffering and distress to target and non-target animals” (Humane Vertebrate Pest Control Working Group 2004) is used.

In pest control and wildlife management the actions taken should aim to reduce the time to death wherever possible and to minimise the impacts on the animal’s welfare prior to killing. This can be achieved by:

- Reducing the time the animal is held captive. This will reduce the risk of injury and the effects of stress
- Ensuring the method of despatch causes minimum suffering
- Providing food, shelter and water where necessary to avoid the effects of exposure or dehydration
- Reducing the effects of fear or stress by visiting traps at the most appropriate frequency and time of day.
- Minimising the impact of pain caused either during the action of being caught or through trying to escape by correct siting and setting of traps and by timely inspections.
- Preventing the escape of injured animals by correct placement of traps and preventing interference by predators.
- Ensuring death is confirmed by the absence of corneal reflex (failure to blink when the surface of the eye is touched), and absence of breathing.

References

Mammal trapping: a review of animal welfare standards of killing and restraining traps
G Iossa, CD Soulsbury and S Harris*

Humaneness assessment of cage traps
Janet Talling, MK Gomm, D Owen, Katja van Driel, and Ian Inglis

Appendix A – Legislation

The Protection of Animals Act 1911, Protection of Animals (Scotland) Act 1912

The Protection of Animals Act 1911 gave general protection to domestic and wild animals. Under this Act it is an offence to do (or omit to do) anything likely to cause unnecessary suffering to domestic or wild animals. Where animals are captured by a trap, the animal within the trap could be judged to be “confined” or “impounded”. When a person takes charge or control of a wild animal they are in a position to prevent unnecessary suffering.

In the case of spring traps set for rabbits and hares, the law is specific and requires that the traps are inspected at least once a day.

The aims of these Acts have been incorporated into the **Animal Welfare Act 2006**

Pests Act 1954 Also the Agriculture (Spring Traps) Scotland Act 1969

Under the Pests Act 1954, only certain types of spring traps are approved for killing and taking animals.

Section 9 is also clear on the 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.

The **Welfare of Animals Act (Northern Ireland) 1972** made similar provisions and included a requirement to inspect any trap or snare at least once a day between sunrise and sunset.

A list of approved traps can be found in The **Spring Traps Approval Orders** issued by Defra, The Spring Traps Approval (Scotland) Orders, The Spring Traps Approval (Wales) Orders and The Spring Traps Approval (Northern Ireland) Orders - generally recognising the same approvals. Details are available on their websites.

Such traps must be used in accordance with their conditions of approval.

Break-back traps commonly used for the destruction of rats, mice and other small ground vermin are exempted from the requirement to be approved.

The **Small Ground Vermin Order 1958** identified two such trap types. These are spring traps known as break-back traps commonly used for rats, mice and other small ground vermin, and spring traps of the kind commonly used for catching moles in their runs.

The Wildlife and Countryside Act 1981(as amended) Also Wildlife (Northern Ireland) Order 1985 Wildlife Acts 1976 and 2000 – Republic of Ireland

When enacted to implement the **Convention on the Conservation of European Wildlife and Natural Habitats (the ‘Bern Convention’)** and the **European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/EEC)** in Great Britain, the Wildlife and Countryside Act 1981 provided a relatively straightforward source of wildlife law in Great Britain. However, the legal picture is now more complicated. Firstly, the introduction of the Habitats Regulations 1994 created a separate set of rules for those species (and habitats) protected under the Habitats Directive. Secondly, devolution has meant that changes to the 1981 Act (through the Nature Conservation (Scotland) Act 2004) and the Habitats Regulations have been made differently in Scotland than in England and Wales.

The relevant sections are

PART I - Wildlife

Sections 1 – 8 are concerned with the protection of birds

- 1 - Protection of wild birds, their nests and eggs.
 - 2 - Exceptions to section 1.
 - 3 - Areas of special protection.
 - 4 - Exceptions to sections 1 and 3.
 - 5 - Prohibition of certain methods of killing or taking wild birds.
 - 8 - Protection of captive birds.
- (1) If any person keeps or confines any bird whatever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence. (This requirement does not apply to the trapping of birds under a General Licence)*

Sections 9 - 12 are concerned with the protection of other animals

- 9 - Protection of certain wild animals.
- (1) Subject to the provisions of this Part, if any person intentionally or recklessly kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence. This includes disturbance of the structure or place that any animal listed in Schedule 5 uses for shelter or protection.*
- 10 - Exceptions to section 9.
 - 11 - Prohibition of certain methods of killing or taking wild animals. This section prohibits the use of self-locking snares.
 - 12 - Protection of certain mammals referred to in Schedule 7.

Section 14 is concerned with the introduction of new species etc.

(1) *Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or (b) is included in Part I of Schedule 9, he shall be guilty of an offence.*

The species to which the above sections apply are listed in Schedules (only those relevant to this document are shown).

SCHEDULE 1

Birds which are protected by special penalties
Part I — at all times
Part II — during the close season

SCHEDULE 2

Birds which may be killed or taken
Part I — outside the close season (Part II listed those species of birds considered pests. These are now subject to General and Case Licenses)

SCHEDULE 5

Animals which are protected
Bats (all species); common otter; pine marten; hazel dormouse; Scottish wildcat; red squirrel; water vole.

SCHEDULE 6

Animals which may not be killed or taken by certain methods
Badger; bats, (all species); wildcat, dormice (all species); hedgehog; pine marten; otter; polecat; shrews (all species); red squirrel.

SCHEDULE 9

Part 1 — Animals which are established in the wild but may not be released:-
Edible dormouse; American mink; ship rat; grey squirrel.

The Protection of Badgers Act 1992

This legislation makes it an offence to:

- wilfully kill, injure, take or attempt to take a badger from the wild;
- possess the body or any the remains of a dead badger;
- possess, sell or offer for sale a living badger;
- cruelly ill treat any badger;
- use badger 'tongs' in any attempt to kill or take a badger from the wild;
- dig for a badger;
- use a firearm to kill a badger.

It is also an offence under the Act to interfere with a badger sett, whether by obstructing the entrance, destroying the sett, encouraging a dog to enter the sett or in any way disturbing the occupant. The Protection of Badgers Act

1992 does allow for some exceptions. Licenses issued by Natural England or Defra do permit the humane killing of badgers in exceptional circumstances.

Conservation (Natural Habitats etc.) Regulations 1994 ("Habitats regulations")

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

These regulations bring into force the obligations of the 'Habitats Directive' in Great Britain, setting out the procedure for:

- choosing conservation sites;
- assessing and reporting on habitats and species in conservation sites; and
- assessing and controlling projects affecting Natura 2000 sites.

This legislation provides protection to a list of European Protected Species (EPS) which include all Bats, the Otter and Wildcat.

Section 41 lists the prohibited means of killing of any of the species listed in Schedule 3 to these Regulations

Schedule 2 - European protected species of animals
Bats (all species), Wild cat (*Felis silvestris*), Dormouse (*Muscardinus avellanarius*), Common otter (*Lutra lutra*).

Schedule 3 - animals which may not be taken or killed in certain ways
Mountain hare (*Lepus timidus*), Pine marten (*Martes martes*), Polecat (*Mustela putorius*)

The Wild Mammals (Protection) Act 1996

This Act extends to wild animals the protection given to captive animals under other legislation..

Section 1: - If, save as permitted by this Act, any person mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild mammal with intent to inflict unnecessary suffering he shall be guilty of an offence.

Relevant exceptions from offence under the Act. (England, Wales and Scotland)

A person shall not be guilty of an offence under this Act by reason of—

(a) the attempted killing of any such wild mammal as an act of mercy if he shows that the mammal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering;

(b) the killing in a reasonably swift and humane manner of any such wild mammal if he shows that the wild mammal had been injured or taken in the course of either lawful shooting, hunting, coursing or lawful pest control activity;

(d) any act made unlawful by section 1 if the act was done by means of any snare, trap, dog, or bird lawfully used for the purpose of killing or taking any wild mammal;

In this Act “wild mammal” means any mammal which is not a domestic or captive animal within the meaning of the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912.

The Countryside and Rights of Way Act 2000 (CROW)

This Act extends the public’s right to enjoy the countryside while protecting landowners and occupiers. The Act:

- creates a new right of access to open countryside and registered common land;
- modernises the rights of way system;
- gives greater protection to sites of special scientific interest (SSSI);
- provides better management arrangements for areas of outstanding natural beauty (AONB); and
- strengthens wildlife protection laws.

Nature Conservation (Scotland) Act 2004

Added recklessness to most offences and changed the law relating to the use of snares

Animal Welfare Act 2006

Also **Welfare of Animals Act (Northern Ireland) 2011**

Animal Health and Welfare (Scotland) Act 2006 - Part 2, Animal Welfare.

This piece of legislation has replaced the old The Protection of Animals Acts as the primary legislation in place to prevent cruelty to animals.

Section 2 defines a “Protected animal”
An animal is a “protected animal” for the purposes of this Act if—

- (a) it is of a kind which is commonly domesticated in the British Islands,
- (b) it is under the control of man whether on a permanent or temporary basis, or
- (c) it is not living in a wild state.

A mammal or bird held in any type of trap is considered “under the control of man”.

Section 3 defines responsibility for animals

(1) In this Act, references to a person responsible for an animal are to a person

responsible for an animal whether on a permanent or temporary basis.

Under this Act a pest control operator who captures a bird or mammal in a trap is “responsible” for it.

Section 4 is concerned with unnecessary suffering

(1) A person commits an offence if—

(a) an act of his, or a failure of his to act, causes an animal to suffer,

(b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,

(c) the animal is a protected animal, and

(d) the suffering is unnecessary.

(2) A person commits an offence if—

(a) he is responsible for an animal,

(b) an act, or failure to act, of another person causes the animal to suffer,

(c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and

(d) the suffering is unnecessary.

(3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—

(a) whether the suffering could reasonably have been avoided or reduced;

(b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;

(c) whether the conduct which caused the suffering was for a legitimate purpose, such as—

(i) the purpose of benefiting the animal, or

(ii) the purpose of protecting a person, property or another animal;

(d) whether the suffering was proportionate to the purpose of the conduct concerned;

(e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Section 9 defines the duties of person responsible for an animal to ensure welfare
The relevant sections are:

(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

(2) For the purposes of this Act, an animal’s needs shall be taken to include—

- (a) its need for a suitable environment,
 - (b) its need for a suitable diet,
 - (c) its need to be able to exhibit normal behaviour patterns,
 - (d) any need it has to be housed with, or apart from, other animals, and
 - (e) its need to be protected from pain, suffering, injury and disease.
- (3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—
- (a) any lawful purpose for which the animal is kept, and
 - (b) any lawful activity undertaken in relation to the animal.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Natural Environment and Rural Communities Act 2006

Strengthens the powers of wildlife inspectors in England and Wales under the WCA.

The Conservation of Habitats and Species Regulations 2010

The Conservation of Habitats and Species regulations 2010 consolidate all the various amendments made to the Conservation (Natural Habitats, etc.) regulations 1994 in respect of England and Wales.

Wildlife and Natural Environment (Scotland) Act 2011

PART 2 updates protection given to wildlife under the 1981 Act.

PART 2 covers

Wild birds, their nests and eggs; Wild hares, rabbits etc.; Snares; Non-native species etc.; Species licences; Annual report on wildlife crime

PART 3 covers deer and deer management

PART 4 covers other wildlife etc.

Protection of badgers; *Muirburn* (heather burning).

PART 5 covers Biodiversity

Agreement on International Humane Trapping Standards (AIHTS)

The Agreement on International Humane Trapping Standards applies to listed species (total of 19) regardless of the reason for trapping, including:

- Wildlife management purposes, including pest control
- Obtaining fur, skin, or meat
- The capture of mammals for conservation

The AIHTS establishes criteria for rating traps by species and by method of use and approval and certification standards for all types of traps.

8

Appendix B – List of trap types

| CATEGORY | TYPE | MODE OF ACTION | INTENDED TARGET |
|-------------------|--|---|---|
| Restraining traps | Snares | Set on runs. Holds target by neck. | Fox, rabbit, rat and squirrel. |
| | WCS Collarum | Pull action trigger. When activated throws cable loop over head of fox. Fox held by end of cable anchored to ground. | Restraining foxes only. Manufacturer claims specific to canines due to pull action trigger. Subject to Spring Traps Approval Order. |
| | Rabbit drop trap | Pivoting floor of wooden tunnel set in or along fence allows rabbit to drop into holding box buried in ground. | Rabbits |
| | Single catch cage | Treadle or suspended bait on hook. Door released by spring or gravity | Available in a range of sizes for fox; rabbit; feral cat; mink; grey squirrel; rats and other species of equivalent size |
| | Box trap | Wooden tunnel with an entrance at one end and a pivoting, counter-balanced ramp | Small mammals depending on dimensions of tunnel |
| | Multiple catch cage | One-way door returned by gravity. | Effective against grey squirrels. Less so against rats. |
| | Multiple catch mouse | Spring loaded or gravity, trap re-set after each catch | Baited on or by runs/areas of activity. Most effective only when large numbers of mice present. |
| | "Humane" mole trap | Set in underground runs. One-way doors trap mole within tube. | Mole |
| | Larsen | Spring loaded doors close when target lands on internal perch. Usually two catching compartments and a larger section to hold a decoy bird. | Corvids - mostly magpies |
| | Larsen "Mate" or clam trap | Small version of above but single catch | Corvids - mostly magpies |
| | Crow | Large capacity cages with non-return funnels at ground level or in the top | Corvids |
| | Pigeon | As above but smaller in size | Pigeons |
| | Finch/sparrow | As above but smaller in size | Small species of bird |
| | Chardonneret | Door closes when target lands on internal perch. Gravity close but can be assisted by means of a rubber band | Small species of bird |
| | Potter trap | Gravity operated vertical sliding door closes when target lands on internal perch or treadle. | Small species of bird |
| Spring traps | Aldrich spring activated animal snare | Passively activated foot snare | Large, non-indigenous, mammalian carnivores |
| | Fenn Trap Mk I, Fenn Trap Mk II, Fenn Trap Mk III | Flat treadle. Jaws close upwards | |
| | Fenn type - Mk 4, Springer Mk 4, Solway Mk 4 | Flat treadle. Jaws close upwards | Grey squirrel, stoats*, weasels, rats and mice |
| | Fenn type - Mk 6, Springer Mk 6, Solway Mk 6 | Flat treadle. Jaws close upwards | Grey squirrels, mink, rabbits, stoats*, weasels, rats and mice. |
| | Fenn rabbit Mk 1, | Flat treadle. Jaws close upwards | Rabbits |
| | Imbra Mk I & Mk II | Flat treadle. Arms close upwards encircling the body | Grey squirrels, rabbits, stoats*, weasels, rats and mice. |
| | Juby | Flat treadle. Arms close upwards encircling the body | Grey squirrels, rabbits, stoats*, weasels, rats and mice. |
| | Sawyer | Flat treadle. Sprung arm closes upwards trapping the body against vertical loop | Grey squirrels, stoats*, weasels, rats and mice |
| | Fuller | Spring loaded bar closes downwards | Grey squirrels |
| | Lloyd | Arms close with same action as gin trap but are long enough to encircle the animal | Grey squirrels, stoats*, weasels, rats and mice |
| | | BMI Magnum body grip - 55 | Vertical wire trigger. Jaws close in two directions |
| | BMI Magnum body grip - 110 and 116 Victor Conibear 110-2,120-3 | Vertical wire trigger. Jaws close in two directions | Grey squirrel, stoats*, weasels, rats and mice |
| | WCS tube trap | Spring loaded tunnel trap. Target is trapped between moving jaws and bars set inside tube. | grey squirrels, mink, rats, stoats* and weasels |

| | | | |
|-----------------------------|-------------------------------|--|--|
| | DOC 150 | Spring loaded bar closes downwards crushing target against base of trap and tunnel | Grey squirrels, rats, stoats* and weasels |
| | DOC 200 | Spring loaded bar closes downwards crushing target against base of trap and tunnel | Grey squirrels, mink, rats, stoats* and weasels |
| | DOC 250 | Spring loaded bar closes downwards crushing target against base of trap and tunnel | Grey squirrels, mink, rabbits, rats, stoats* and weasels. |
| | Kannia 2000 | Spring loaded bar closes downwards | Grey squirrels, mink, stoats*, weasels, rats and mice |
| | Kannia 2500 | Spring loaded bar closes downwards | Edible dormice, grey squirrels, mice, mink, rabbits, rats, stoats* and weasels |
| | Skinns Superior Squirrel Trap | Spring loaded bar closes downwards. Similar to Kannia | Grey squirrel |
| | V S squirrel trap | | Grey squirrel |
| Mole traps* | Scissor | Spring loaded pincer | Mole |
| | Half-barrel | Double entry spring loaded wire loops | Mole |
| | Talpex | Spring loaded pincer | Mole |
| | Trapline | Spring loaded pincer | Mole |
| | Fenn | Spring loaded wire loop | Mole |
| | Talpirid | Spring loaded pincer | Mole |
| | Mole-X | Vertical wire trigger. Jaws close in two directions | Mole |
| | Victor spear trap | Spring loaded spears driven vertically down through run | Mole |
| Asphyxiating band | Nooski - rat and mouse sizes | Rubber band rolled onto rodents neck. Constricts preventing breathing | Rats and mice |
| High voltage | Rat | Target is killed by current when it touches both plates | Rat |
| High voltage | Mouse | Target is killed by current when it touches both plates | Mice |
| Radar CO₂ | Rat | Target is killed by carbon dioxide released when doors are closed by breaking infra red beams. | Rat |
| | Mouse | Target is killed by carbon dioxide released when doors are closed by breaking infra red beams. | Mice |
| Break back** | Rat | Flat treadle or bait pan releases metal loop or plastic jaws which close down on target | Rat |
| | Mouse | Flat treadle or bait pan releases metal loop or plastic jaws which close down on target | Mice |
| Wise trap | Rat | Sophisticated mechanism which is inserted in sewer and kills rat by impact. | Rat |
| Glue boards | Rat/mouse | Target is caught and held by strong adhesive. | |

*From July 2013, should only be used on stoats if meet requirements of AIHTS for stoats.

**Exempt from Spring Traps Approval Order



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