1958 No. 1778 (S. 90)

The Agriculture (Spring Traps) (Scotland) Order, 1958

Made - - - - 23*rd October*, 1958
Coming into Operation 1*st May*, 1959

In exercise of the powers conferred on me by subsection (4) of section 50 of the Agriculture (Scotland) Act, 1948(a), as amended by section 10 of the Pests Act, 1954(b), and of all other powers enabling me in that behalf, I hereby make the following Order : —

1.—(1) This Order may be cited as the Agriculture (Spring Traps) (Scotland) Order, 1958, and shall come into operation on the 1st day of May, 1959.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The use, for the purpose of killing foxes or otters, of spring traps other than traps of a type and make approved by the Secretary of State in terms of subsection (3) of section 50 of the Agriculture (Scotland) Act, 1948, as amended by section 10 of the Pests Act, 1954, is as respects all land in Scotland hereby authorised :

Provided that any spring trap used for the purpose of killing an otter shall be of such design and set in such a manner as reasonably to ensure that immediately the trap is sprung the otter will fall or dive into a depth of water sufficient to cause it to die by drowning.

3. The Agriculture (Spring Traps) (Scotland) Order, 1954(d), is hereby revoked.

Dated this 23rd day of October, 1958.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under Section 50 of the Agriculture (Scotland) Act, 1948, as amended by Section 10 of the Pests Act, 1954, it is an offence to use for the purpose of killing or taking animals any spring trap other than one of a type and make approved by the Secretary of State. The Secretary of State is, however, empowered to authorise the use of unapproved traps, and in the Agriculture (Spring Traps) (Scotland) Order, 1954, he authorised the use of unapproved traps for the purpose of killing any wild animals. By this Order, which takes effect as from 1st May, 1959, the Secretary of State authorises the use of unapproved traps for the purpose of killing foxes or otters, and withdraws the authority to use unapproved traps for other purposes.

(a) 11 & 12 Geo. 6. c. 45.
(b) 2 & 3 Eliz. 2. c. 68.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1954/1587 (1954 I, p. 153).