EXPLANATORY MEMORANDUM TO

THE GLUE TRAPS (LICENSING) REGULATIONS 2024

2024 No. 702

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Rebecca Pow, Parliamentary Under Secretary of State (Minister for Nature) at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Sarah Swash, Deputy Director and Head of National Biodiversity at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Victoria McGoun at the Department for Environment, Food and Rural Affairs Telephone: 07825 387 944 or email: Victoria.McGoun@defra.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument delegates the Secretary of State's power to grant a glue trap licence to Natural England. A glue trap licence may be granted to an authorised pest controller, for the purposes of controlling rodents to preserve public health and safety, where there is no other satisfactory solution.

4.2 This instrument permits Natural England to charge fees for the grant or modification of a glue trap licence and are strictly limited to cost recovery i.e. Natural England will not profit from issuing a licence.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument is England and Wales.

4.4 The territorial application of this instrument is England.

5. Policy Context

What is being done and why?

5.1 The Glue Traps (Offences) Act 2022 restricts the use of glue traps as a means of pest control on the grounds of animal welfare. However, the Government accepts that glue traps may be necessary when the speed of capturing rodents is important, in order to prevent a serious risk to public health or public safety (e.g. in places with critical

infrastructure involving wiring and electrics where there is a danger of gnawing damage and in extremis, fire – perhaps a data centre or a power station control room).

5.2 Glue trap use will be regulated via a licensing regime to enable professional pest controllers to use glue traps in exceptional circumstances, when necessary to preserve public health or public safety, where there is no satisfactory alternative. Licences will impose conditions to minimise detrimental impacts on animal welfare.

5.3 The Glue Traps (Offences) Act 2022 permits the Secretary of State to delegate licencing functions to a competent public body and to make provision for, or in connection with, the charging of fees or other charges in relation to an application for the grant or modification of a glue trap licence, including those incurred by a public authority.

5.4 This instrument appoints Natural England as the competent public authority and sets out the fees and charges for the grant or modification of a glue trap licence. Fees and charges will not exceed cost recovery.

What was the previous policy, how is this different?

5.5 Glue traps have the potential to cause immense suffering to animals caught in them. The British Veterinary Association reports that trapped animals can suffer from torn skin, broken limbs, hair removal, and die a slow and painful death—from suffocation, starvation, exhaustion, and even self-mutilation.

5.6 While they are sold as rodent traps, many animals get caught on them, with more than 200 incidents reported to the RSPCA over a five-year period, involving cats, garden birds, hedgehogs, squirrels, and even a parrot. The animals suffer horrendous injuries.

5.7 Prior to the Glue Traps (Offences) Act 2022 coming into force on 31 July 2024, anybody could set in position a glue trap to catch rodents.

5.8 When the Glue Traps (Offences) Act 2022 is commenced on 31 July 2024, glue traps will be prohibited as a method of rodent control. However, professional pest controllers will be able to apply to Natural England for a licence to use a glue trap to preserve public health and safety, where there is no other satisfactory solution.

5.9 This Statutory Instrument gives effect to:

section 2(5) of the Glue Traps (Offences) Act 2022; to make provision for, or in connection with, the charging of fees or other charges in relation to an application for the grant or modification of a glue trap licence.

section 2(7) of the Glue Traps (Offences) Act 2022; for the Secretary of State to delegate glue trap licensing to any public authority which the Secretary of State considers to be competent to exercise the function concerned.

6. Legislative and Legal Context

How has the law changed?

6.1 The Glue Traps (Offences) Act 2022 gained Royal Assent in 2022 to ban the use of glue traps in all but the most exceptional circumstances, where they may still be used by a professional pest controller to preserve public health and safety, where there is no other satisfactory solution.

6.2 The Act was not to be commenced until a licensing regime had been set up. The licensing regime has now been developed and the commencement date of the Glue Traps (Offences) Act 2022 is 31 July 2024.

6.3 This Statutory Instrument appoints Natural England as the licensing authority, as indicated during the passage of the Act, and permits the charging of fees for granting or modifying a glue trap licence.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation has not been undertaken. The Department for Environment, Food and Rural Affairs has directly engaged with targeted organisations and individuals with an interest in this policy area including, but not limited to: the British Pest Control Association, the National Pest Technicians Association, the British Veterinary Association, Humane Society International and the Royal Society for the Prevention of Cruelty to Animals.

The Department has set out its intention to appoint Natural England as the licensing regime regulator, who will charge fees for the grant or modification of a glue trap licence at cost recovery. No profit is to be made on glue trap licensing, which is in line with HM Treasury's *Managing Public Money* guidance.

A membership organisation has expressed concern at the cost of fees and affordability to businesses. The Department has subsequently clarified that licence fees may only be charged in relation to successful licence applications and that the primary businesses expected to successfully secure a glue trap licence are high risk organisations with no satisfactory alternative method of preserving public health and safety such as aircraft and hospitals, rather than e.g. catering and hospitality businesses.

8. Applicable Guidance

8.1 Guidance is not required in relation to appointing Natural England as a licensing authority or charging fees. Natural England will provide guidance on how to apply for a glue trap licence and any associated fees at the time of issuing licence application forms.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is an exclusion within the Better Regulation Framework covering measures relating to Taxes, Duties and other Charges (which includes fees). This exclusion brings this regulation out of scope of the Better Regulation Framework. This measure only covers the fees and doesn't seek to impose any new restrictions or conditions on business, so is therefore exempt in its entirety.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities, or voluntary bodies because this measure represents a low cost to business.

9.3 The legislation does impact small or micro businesses. However, the costs associated with obtaining a glue trap licence can be passed on to the end user. This is in line with the "polluter pays" principle.

9.4 There is no, or no significant, impact on the public sector because Natural England will be able to recover the costs of licensing.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister Pow has made the following statement "No specific action is proposed to minimise regulatory burdens on small businesses. This instrument applies equally to all businesses using glue traps, and the costs associated with obtaining a glue trap licence can be passed on to the end user. The cost of administering glue trap licences is not mitigated by the size of the business. Glue traps may only be used in exceptional circumstances for the purposes of preserving public health and safety where there is no satisfactory alternative. Fees are set at cost recovery i.e. no profit will be made, in line with HM Treasury's *Managing Public Money* guidance therefore a review would be disproportionate given that costs cannot be lowered any further.".

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Rebecca Pow, Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs, has made the following statement regarding Human Rights:

"In my view the provisions of the Glue Traps (Licensing) Regulations are compatible with the Convention rights.".

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").