CHAPTER 43.

An Act to make provision for the prevention of damage by rabbits; and to amend the law relating to the use of poison and the use of spring traps above ground for the purpose of killing hares or rabbits. [28th July 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PREVENTION OF DAMAGE BY RABBITS.

Power of local authorities to require prevention of damage by rabbits.

1.—(1) Where, by reason of the presence of an excessive number of rabbits on land in the occupation of any person, substantial damage is being caused or is likely to be caused to crops, trees, shrubs, pasturage, fences, banks or works on land in the occupation of any other person, the council of the county or county borough in which the first mentioned land or any part thereof is situate may, on a complaint made to them by that other person, serve on the occupier of that land a notice in writing requiring that within such reasonable time, not being less than twenty-one days, as may be specified in the notice he shall—

(*a*) in a case in which the land is a warren kept for the purpose of breeding rabbits, so fence the

PART I. —*cont.*

warren as to prevent, so far as is reasonably practicable, the escape of rabbits therefrom; or

(*b*) in any other case, take such steps as are reasonably practicable for the destruction of the rabbits;

and if an occupier upon whom such a notice is served fails to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, and to a further fine not exceeding five pounds for each day on which the failure continues after conviction:

Provided that, where a notice has been served under this subsection in relation to any land, no further notice shall be so served in relation to that land until the time specified in the first mentioned notice has expired, or the notice has been withdrawn, whichever event first occurs.

(2) Where a person incurs any expense necessary for the purpose of compliance with the requirements of a notice served on him under the preceding subsection, then, if he alleges that the expense ought to be borne wholly or in part by some other person having an interest in the land to which the notice relates, he may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they desire to call, may make such order for securing that the applicant is wholly or in part indemnified by that other person in respect of the said expense as the court considers just and equitable in the circumstances of the case.

(3) Where a notice is served by a council under subsection (1) of this section, any person authorised in writing by the council may, on giving not less than forty-eight hours' notice to the occupier on whom the notice under the said subsection was served, and (if the land to which the notice relates is the subject of a tenancy, and the name and address of the landlord within the meaning of the Agricultural Holdings Act, 1923, are known to the council) to the landlord, enter on the land for the purpose of ascertaining whether or not the requirements of the notice are being or have been complied with; and any person who, after having had produced to him the written authority of any person so authorised, obstructs him in the exercise

13 & 14 Geo. 5. c. 9.

PART I. —*cont.*

of his powers under this subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.

Power of local authorities to assist occupiers of land to destroy rabbits.

2.—(1) The council of any county or county borough may, for the purpose of assisting occupiers of land within the county or borough to take any necessary steps to reduce the number of rabbits on land in their occupation, employ such persons and provide such equipment, appliances and other material as appear to the council to be requisite for that purpose.

(2) A council may make such reasonable charge, if any, as they think fit in respect of services rendered by persons employed by the council under the foregoing subsection, and the use of such equipment, appliances and other material as aforesaid, and may recover the amount of the charge summarily as a civil debt from the occupier of the land.

Service of notices.

3. Any notice under this Part of this Act may be served by post.

PART II.

AMENDMENTS OF LAW RELATING TO KILLING OF HARES AND RABBITS.

Provisions as to use of poison in rabbit holes 1 & 2 Geo. 5. c. 27.

4. A person shall not be guilty of an offence under section eight of the Protection of Animals Act, 1911, by reason only that he uses poisonous gas in a rabbit hole, or places in a rabbit hole a substance which, by evaporation or in contact with moisture, generates poisonous gas.

Prohibition of use of spring traps above ground.

5.—(1) If, for the purpose of killing hares or rabbits, any person uses or knowingly permits the use of a spring trap, except in a rabbit hole, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a person convicted of a second or subsequent offence under this section to a fine not exceeding fifty pounds.

43 & 44 Vict. c. 47.

(2) So much of section six of the Ground Game Act, 1880, as provides that no person having a right to kill ground game shall, for the purpose of killing ground game, employ spring traps except in rabbit holes, or employ poison shall cease to have effect.

PART III.

SUPPLEMENTARY PROVISIONS.

Short title, interpretation and extent.

6.—(1) This Act may be cited as the Prevention of Damage by Rabbits Act, 1939.

(2) In this Act the expression "occupier" includes in relation to any land any person who, by virtue of any interest which he has in that land, is entitled to kill the rabbits thereon.

(3) This Act shall not extend to Scotland, to Northern Ireland or to the administrative county of London.

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