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In your consultation paper (no. 206) you state that:

“3.105 There are two principal reasons why the Pests Act concerns our project. First, it prohibits generally the use of, sale of and possession of spring traps unless of an authorised type, and used in an approved manner (that is, approved under The Act or licensed)”.

“4.2 There are, in our opinion, a number of problems with the current law...(3) it contains inconsistencies**”.**

In this light, I write with three points regarding important inconsistencies in the law related to trapping.

Point 1: All spring traps should require approval (ref The Pests Act 1954)

While spring traps generally require approval under The Pests Act, this does “...not apply to traps of any description specified by order of the Minister of Agriculture and Fisheries as being adapted solely for the destruction of rats, mice or other small ground vermin”.

Under The Small Ground Vermin Traps Order 1958 these are specified as:

1. Spring traps known as break-back traps and commonly used for the destruction of rats, mice or other small ground vermin.
2. Spring traps of the kind commonly used for catching moles in their runs.

Break-back traps and mole traps were originally exempted from the otherwise general requirement for approval on the advice of the Report of The Committee on Cruelty to Wild Animals (1951). In their report, The Committee stated that “the rat is regarded as one of the greatest animal pests...It is also a menace to public health...For these reasons its control and destruction are essential...”. They concluded that break-back traps for use with rats and mice did not involve any unnecessary suffering. Regarding mole trapping they said “...We have had no evidence that [mole] trapping causes unnecessary suffering, except that one organisation mentioned that they had been given to understand that the spring of the ordinary type of mole-trap [it is not clear which] was too weak to kill instantaneously”. As a result, The Committee concluded that there was no need to make any special recommendations regarding practices involving moles.

As a result, break-back traps and mole traps were made exempt from approval and this historical decision is still in force today. Perhaps not surprisingly, the rat, mouse and mole traps available on the market today vary widely in price and apparent quality. And, in a recent study, we demonstrated that the mechanical performance of a range of break-back rat traps, of break-back mouse traps, and of mole traps, each varied several-fold (Baker et al., 2012). We also found that the weakest rat trap was weaker than several types of mouse trap, although rats are around twenty times the weight of mice. Where all other types of spring trap are required to meet approval standards, approval is decided on the basis of the time taken for a trapped animal to reach irreversible unconsciousness. While no animals were killed in our study, and we are therefore unable to judge whether the rat, mouse and mole traps we tested would meet current approval standards, if required to do so, our results do reveal the potential welfare threat associated with their exemption from approval. And, the wide variation in mechanical performance in traps for each species, overlap in performance between rat and mouse traps and increasing availability of weaker plastic rodent traps indicate considerable scope for improving the humaneness of spring traps for rats, mice and moles.

In our study we concluded that all spring traps should be subject to the approval process. This is a view supported by FERA personnel, Talling & Inglis, in their recent review of trapping standards (2009, released 2011). Talling and Inglis also proposed that introducing three tiers of welfare category would encourage the improvement of trap standards further, and this is a view supported by our findings.

Point 2: Live traps should require approval

On a related issue, live traps (whether operated by a spring or not) should also require approval. As an example of the kind of situation that can arise in the absence of such a requirement, please see Baker & Macdonald (2012). In this we argued that the widely available plastic 'humane tube trap' for live-trapping moles should be withdrawn from sale because:

- a) its design is likely to compromise the welfare of trapped moles, including chilling, getting damp and potentially fighting among individuals captured together (which might occur because the trap doors are not sprung and continue to allow access after an animal has been caught), and;
- b) most people buying live mole traps are likely to do so with the intention of relocating a mole, but Natural England (2011) currently advises that a live-trapped mole should not be relocated, and should instead be humanely dispatched. Natural England states that "...release into another mole's territory may result in fighting between individuals", and that "...release into an area with no existing run system exerts considerable pressure on the mole to obtain sufficient food to survive and may be an offence under the Animal Welfare Act 2006".

Point 3: Inspection of live traps should be required by law

Under The Animal Welfare Act, a wild animal held in a trap becomes a Protected Animal, and it would be an offence for the person deemed responsible for it to cause it unnecessary suffering. However, The Act does not specify how frequently live capture cage traps should be checked (Natural England 2010). There should be a general legal requirement to inspect live traps, at a certain minimum frequency (as there is for snares under The Wildlife and Countryside Act 1981 and for Larsen traps under General Licences). This should apply to glue traps used for capturing rats and mice, as well as to cage/box traps. Currently there is no such requirement. Trap inspection frequencies may need to be specified for certain species, or groups of species, depending on the details of their particular biology (e.g. moles, see Baker and Macdonald, 2012). Details of minimum trap inspection times should be provided with traps when they are sold.

References

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