

Glue Traps (Offences) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Environment, Food & Rural Affairs with consent of Baroness Fookes, the Member in Charge of the Bill, have been ordered to be published as HL Bill 109 —EN.

Glue Traps (Offences) Bill

[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Make certain uses of glue traps an offence; and for connected purposes.

BE IT ENACTED by the Queen'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:—

*Offences***1 Offences relating to glue traps in England**

- (1) A person who sets a glue trap in England for the purpose of catching a rodent commits an offence.
- (2) A person who sets a glue trap in England in a manner which gives rise to a risk that a rodent will become caught in the glue trap commits an offence. 5
- (3) Subsections (1) and (2) do not apply if the glue trap is set under, and in accordance with the terms of, a glue trap licence (see section 2).
- (4) A person who knowingly causes or permits an offence to be committed under subsection (1) or (2) commits an offence. 10
- (5) A person commits an offence if the person—
 - (a) finds a glue trap in England that has been set in a manner which gives rise to a risk that a rodent will become caught in the glue trap, and
 - (b) without reasonable excuse, fails to ensure that the glue trap no longer gives rise to such a risk. 15
- (6) If the person reasonably believes that the glue trap was set under, and in accordance with the terms of, a glue trap licence, the person has a reasonable excuse for the purposes of subsection (5)(b).
- (7) A person guilty of an offence under subsection (1), (2) or (4) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or a fine (or both). 20
- (8) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine.

- (9) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (7) to 51 weeks is to be read as a reference to six months.
- (10) The court by which a person is convicted of an offence under this section—
- (a) must order the person to forfeit any glue trap in the person's possession or control which has been used in the course of, or in connection with, that offence, and
 - (b) may order the person to forfeit any other glue trap in the person's possession or control.
- (11) In this Act “glue trap” means a trap which—
- (a) is designed, or is capable of being used, to catch a rodent, and
 - (b) uses an adhesive substance as the means, or one of the means, of capture.

Licences

- 2 Glue trap licences**
- (1) The Secretary of State may grant a licence under this section (a “glue trap licence”) authorising a pest controller specified or described in the licence to engage in conduct, for the purpose of preserving public health or public safety, which would otherwise amount to an offence under section 1(1) or (2).
- (2) The Secretary of State may not grant a glue trap licence for a purpose mentioned in subsection (1), unless the Secretary of State is satisfied that, as regards that purpose, there is no other satisfactory solution.
- (3) A glue trap licence—
- (a) may be, to any degree, general or specific,
 - (b) may be granted to all pest controllers, a class of pest controllers or a particular pest controller (whether or not on an application from the controller or controllers concerned),
 - (c) may be subject to any conditions specified in the licence,
 - (d) may be modified or revoked at any time by the Secretary of State (whether or not on an application from the controller or controllers authorised by the licence), and
 - (e) subject to paragraph (d), is to be valid for the period specified in the licence.
- (4) The Secretary of State may require an application for the grant or modification of a glue trap licence, or of a glue trap licence of a particular description, to be made in such form, and to be accompanied by such documentation or information, as the Secretary of State considers appropriate.
- (5) The Secretary of State may by regulations—
- (a) 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 (and such fees or other charges may be set by

- reference to any costs incurred, or expected to be incurred, by the Secretary of State or a public authority in connection with this section or section 5, including costs unconnected with the application);
- (b) make provision for, or in connection with, appeals in respect of—
- (i) a decision to refuse an application for the grant or modification of a glue trap licence; 5
 - (ii) a decision to modify or revoke a glue trap licence.
- (6) Regulations under subsection (5)(b) may, in particular, include provision about—
- (a) the grounds upon which an appeal may be made; 10
 - (b) when an appeal may be made;
 - (c) the court, tribunal or other person who is to determine the appeal;
 - (d) the procedure for making, or determining, an appeal.
- (7) The Secretary of State may by regulations make provision for, or in connection with, the delegation of a function of the Secretary of State under this section (including a function involving the exercise of a discretion) to any public authority which the Secretary of State considers to be competent to exercise the function concerned. 15
- (8) Regulations under subsection (7) may not delegate a power to make regulations. 20
- (9) Regulations under this section—
- (a) are to be made by statutory instrument;
 - (b) may make consequential, supplementary, incidental, transitory, transitional or saving provision.
- (10) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 25
- (11) In this section “public authority” means any person certain of whose functions are functions of a public nature.
- (12) In this Act “pest controller” means a person—
- (a) who, in the course of a business, provides a service which consists of, or involves, pest control, or 30
 - (b) is employed by a public authority to carry out pest control.

3 Offences in connection with licences

- (1) A person commits an offence if, in connection with an application for the grant or modification of a glue trap licence, the person— 35
- (a) makes a statement or representation, or provides a document or information, which the person knows to be false in a material particular, or
 - (b) recklessly makes a statement or representation, or provides a document or information, which is false in a material particular. 40

- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or a fine (or both).
- (3) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2) to 51 weeks is to be read as a reference to six months. 5

Enforcement and other powers

4 Enforcement powers of constables

- (1) If a justice of the peace is satisfied by information on oath that—
 - (a) there are reasonable grounds for believing that an offence under section 1 is being or has been committed, and 10
 - (b) evidence of the offence, or any glue trap which may be liable to be forfeited under section 1(10), may be found on any premises,
 the justice of the peace may grant a warrant to any constable to enter and search those premises, if necessary using reasonable force, for the purpose of exercising a power conferred by subsection (2). 15
- (2) After a constable has entered premises under subsection (1), the constable may seize and detain for the purposes of proceedings under this Act—
 - (a) anything the constable reasonably believes to be evidence of the offence, or 20
 - (b) any glue trap which may be liable to be forfeited under section 1(10).
- (3) A constable may, for the purpose of assisting the constable in exercising a power conferred by subsection (2), when entering premises under subsection (1), take with them—
 - (a) any other person, and 25
 - (b) any equipment or materials.

5 Enforcement powers of authorised inspectors

- (1) An “authorised inspector” is a person authorised in writing under this subsection by the Secretary of State.
- (2) An authorisation under subsection (1) is subject to any conditions or limitations specified in it. 30
- (3) An authorised inspector may, at any reasonable time, enter and inspect premises (other than a dwelling) occupied by any pest controller who is authorised by a glue trap licence, for the purposes of—
 - (a) verifying any statement or representation made, or document or information provided, by the pest controller in connection with an application for the grant or modification of a glue trap licence, or 35
 - (b) ascertaining whether any condition to which a glue trap licence is subject has been complied with.

- (4) An authorised inspector must produce evidence of the inspector's authorisation under subsection (1) before entering any premises under subsection (3), if requested to do so by a person entitled to be on the premises.
- (5) After an inspector has entered any premises under subsection (3), the inspector may for a purpose mentioned in subsection (3)(a) or (b) –
 - (a) inspect any document, record or other thing found on the premises;
 - (b) take a sample from anything found on the premises;
 - (c) question any person on the premises;
 - (d) require any person on the premises to give the inspector such assistance as is reasonable in the circumstances;
 - (e) take a photograph or video recording of anything that is found on the premises;
 - (f) take copies of any document or record on the premises (in whatever form it is held);
 - (g) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form;
 - (h) seize and detain anything which the inspector reasonably believes to be evidence of the commission of an offence under section 3 or non-compliance with any condition to which a glue trap licence is subject.
- (6) Subsection (5)(h) does not include power to seize an item which the person exercising the power has reasonable grounds for believing to be subject to legal privilege (within the meaning of section 10 of the Police and Criminal Evidence Act 1984).
- (7) The inspector must, on request, provide a record of anything that is seized under subsection (5)(h) to any person who –
 - (a) is an occupier of the premises, or
 - (b) has possession or control of the thing seized immediately before its seizure.
- (8) Anything which has been seized in the exercise of a power under subsection (5)(h) may be retained so long as is necessary in all the circumstances, including in particular –
 - (a) for use as evidence in proceedings under this Act, or
 - (b) for forensic examination or for investigation in connection with an offence under this Act.
- (9) But nothing may be retained for either of the purposes mentioned in subsection (8) if a photograph, video recording or a copy would be sufficient for that purpose.
- (10) The authorised inspector may, for the purpose of assisting the inspector in exercising any of the powers conferred by subsection (5), when entering premises under subsection (3) take with them –
 - (a) any other person, and

(b) any equipment or materials.

- (11) A person taken onto premises under subsection (10) may exercise any power conferred by subsection (5) if the person is in the company, and under the supervision, of the inspector.
- (12) In subsection (3), “dwelling” includes any yard, garden, garage or outhouse which is used for purposes in connection with a dwelling. 5

6 Offences in connection with authorised inspectors

- (1) A person who intentionally obstructs an authorised inspector acting in the exercise of powers conferred by section 5 commits an offence.
- (2) A person who fails without reasonable excuse to comply with a requirement for assistance reasonably made under section 5(5)(d) commits an offence. 10
- (3) A person who, with intent to deceive, falsely pretends to be an authorised inspector commits an offence.
- (4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine. 15
- (5) A person guilty of an offence under subsection (3) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both). 20
- (6) In relation to an offence committed before the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, the reference in subsection (5)(a) to 12 months is to be read as a reference to six months.

General

7 Offences by bodies corporate 25

- (1) This section applies if an offence under this Act is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a senior officer of the body corporate, or 30
 - (b) a person purporting to act in such a capacity,
- the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In this section—
- “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; 35
 - “senior officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

8 Crown application

- (1) Subject to the provisions of this section, this Act binds the Crown.
- (2) The Crown is not to be criminally liable under this Act.
- (3) Despite subsection (2), this Act applies to persons in the service of the Crown as it applies to other persons. 5
- (4) But the powers conferred by sections 4 and 5 are not exercisable in relation to premises occupied by the Crown.
- (5) In circumstances where, but for subsection (2), the Crown would be criminally liable under this Act, the High Court may make a declaration to that effect.
- (6) Nothing in this Act affects Her Majesty in her private capacity. 10
- (7) Subsection (6) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.

9 General interpretation

- In this Act— 15
- “authorised inspector” has the meaning given by section 5(1);
 - “glue trap” has the meaning given by section 1(11);
 - “glue trap licence” has the meaning given by section 2(1);
 - “pest controller” has the meaning given by section 2(12);
 - “premises” includes any place and, in particular, includes— 20
 - (a) any vehicle, vessel, aircraft or hovercraft;
 - (b) any tent or movable structure.

10 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) The provisions of this Act come into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint and different days may be appointed for different purposes. 25
- (3) This Act may be cited as the Glue Traps (Offences) Act 2022.

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