

# GLUE TRAPS (OFFENCES) BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Glue Traps (Offences) Bill as brought from the House of Commons on 7 February 2022 (HL Bill 109).

- These Explanatory Notes have been prepared by the Department for Environment, Food and Rural Affairs with the consent of Baroness Fookes, the Peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

- 1 The Glue Traps (Offences) Bill (“the Bill”) will make it an offence to set a glue trap for the purpose of catching a rodent, or in a manner which gives rise to a risk that a rodent will become caught.
- 2 The Bill allows the Secretary of State to grant licences authorising pest control professionals to use glue traps to catch rodents in exceptional circumstances, in order to preserve public health or public safety when there is no suitable alternative. The offence relating to the setting of glue traps will not apply to the setting of glue traps by a licensed pest control professional in accordance with the terms of the licensee’s glue trap licence.
- 3 Users of glue traps for the purpose of catching rodents will have two years from the date the Bill receives Royal Assent to stop doing so (unless authorised by a licence), at which point the offences in clause 1 are expected to be commenced. Regulations relating to the licensing regime may be commenced prior to this date to allow the licensing regime to be in place before the offences in clause 1 apply.

## Policy background

- 4 The Bill takes forward the Government’s policy to restrict the use of glue traps as a means of pest control, as set out in the Action Plan for Animal Welfare, published 12 May 2021. This is part of a broader approach to maintain and enhance the UK’s high animal welfare standards.
- 5 A glue trap is a board, often made of cardboard or plastic, on which a non-drying glue is applied. This is then placed, normally on the floor but also on other flat surfaces, so that small rodents – rats or mice – which walk on to them are unable to escape as their fur or limbs get stuck to the glue. They are distinct from most ‘sticky insect traps’ which target e.g. aphids and flies through adhesive substances being applied to both sides of a thin piece of card or tape which tends to be stood or hung vertically. The insects fly on to the trap and stick to the adhesive.
- 6 Glue traps are currently a lawful method of control for rodents in the UK and can be bought easily and cheaply online, in some high street retailers and in local corner shops. They are currently used as a means of rodent control in domestic and business (e.g. restaurant) settings. Many professional pest controllers also use rodent glue traps.
- 7 Glue traps are considered inhumane by animal welfare groups and many other stakeholders. According to the British Veterinary Association (BVA) rodents caught by glue traps can suffer from “torn skin, broken limbs and hair removal and die a slow and painful death from suffocation, starvation, exhaustion and even self-mutilation.” Non-target species can also be captured by glue traps when used improperly. The RSPCA alone has received around 200 reports of non-target species being caught, often fatally, in the last five years including wild birds, hedgehogs and pet cats.
- 8 The use of glue traps may however be necessary when speed of capture of 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). This is the reason for including a licensing regime to allow 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. Through the licence conditions, it will be possible to impose conditions on their use in order to minimise any detrimental impacts on animal welfare, such as the regular monitoring of glue traps that have been set.

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## Legal background

- 9 The Wildlife and Countryside Act 1981 already has provisions prohibiting a number of different means and methods of killing or taking wild animals (section 11). Some methods are prohibited entirely, whilst others are only prohibited as regards certain listed species. For offences relating to traps and snares, there are defences available where the trap or snare is set for identified purposes, such as public health and agriculture.
- 10 The Pests Act 1954 also contains provisions relating to the trapping of animals (section 8). Under this Act it is an offence to use any non-approved spring trap or to use an approved trap in unpermitted circumstances. However, this does not apply to traps which have been specified by Order as being adapted solely for the destruction of rats, mice or other small ground vermin, currently the Small Ground Vermin Traps Order 1958. The sale of an unapproved spring trap with a view to it being used for a purpose which is unlawful under the Act is also an offence, as is the possession of a spring trap for a purpose which is unlawful.
- 11 It is already an offence under the Animal Welfare Act 2006 for a person to allow or cause unnecessary suffering to any animal under their control or for which they are responsible – this would include a trapped animal.

## Territorial extent and application

- 12 Clause 10 sets out the territorial extent of the Bill, that is the jurisdictions in which the Bill forms part of the law. The extent of a bill can be different from its application. Application is about where a bill produces a practical effect. This Bill extends to England and Wales but applies to England only.
- 13 There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned. The matters covered by this Bill are within the legislative competence of the Scottish Government, the Senedd and the Northern Ireland Assembly.
- 14 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom as the Bill is currently drafted.

# Commentary on provisions of Bill

## Clause 1: Offences relating to glue traps in England

- 15 Subsection (1) sets out the central prohibition in the Bill, making it an offence to set a glue trap in England for the purpose of catching a rodent.
- 16 Subsection (2) sets out a further prohibition, making it an offence to set a glue trap in England in a manner which gives rise to a risk that a rodent will become caught in the glue trap.
- 17 Subsection (3) clarifies that the offences in subsections (1) and (2) do not apply if the glue trap is set in accordance with the terms of a glue trap licence, issued under clause 2.
- 18 Subsection (4) makes it an offence to knowingly cause or permit an offence to be committed under subsection (1) or (2).
- 19 Subsection (5) makes it an offence for a person who 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, to fail to ensure that the glue trap no longer gives rise to such a risk, unless the person has a reasonable excuse for failing to do so.
- 20 Subsection (6) clarifies that if a person 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).
- 21 Subsection (7) specifies that 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 of any amount (or both).
- 22 Subsection (8) specifies that a person guilty of an offence under subsection (5) is liable on summary conviction to a fine of any amount.
- 23 However, until section 281(5) of the Criminal Justice Act 2003 comes into force, the maximum custodial sentence under subsection (7) will be six months (see subsection (9)).
- 24 Subsection (10) makes provision for post-conviction orders. Where a person has been convicted of an offence under this section, the court must make a forfeiture order requiring that person to forfeit any glue trap in their possession or control which has been used in the course of, or in connection with, that offence. The court may also order that person to forfeit any other glue trap in their possession or control.
- 25 Subsection (11) defines a glue trap as being a trap which is designed, or is capable of being used, to catch a rodent, and uses an adhesive substance as the means, or one of the means, of capture.

## Clause 2: Glue trap licences

- 26 Subsection (1) allows the Secretary of State to grant a glue trap licence authorising a pest controller to use a glue trap for the purpose of preserving public health or public safety.
- 27 Subsection (2) specifies that a glue trap licence may only be granted if the Secretary of State is satisfied that there is no other satisfactory solution.
- 28 Subsection (3) sets out further provision relating to the scope and contents of glue trap licences.
- 29 Subsection (4) allows the Secretary of State to require the application for a glue trap licence to be made in such form, and to be accompanied by such documentation or information, as the Secretary of State considers appropriate.

- 30 Subsection (5) grants powers to the Secretary of State to: (a) make regulations regarding the charging of fees or other charges in relation to an application for the grant or modification of a glue trap licence; (b) make regulations concerning appeals in respect of licence applications.
- 31 Subsection (7) allows the Secretary of State to delegate the licensing functions specified in this section to any competent public authority.
- 32 Subsection (9) specifies that regulations under this section are to be made by statutory instrument, and may make consequential, supplementary, incidental, transitory, transitional or saving provision.
- 33 Subsection (10) specifies that a statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- 34 Subsection (11) defines the term “public authority”.
- 35 Subsection (12) defines the term “pest controller”.

### Clause 3: Offences in connection with licences

- 36 Subsection (1) makes it an offence for a person, in connection with a glue trap licence application, to (a) make a statement or representation, or provide a document or information, which the person knows to be false in a material particular, or (b) recklessly make a statement or representation, or provide a document or information, which is false in a material particular.
- 37 Subsection (2) specifies that 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 of any amount (or both).
- 38 However, until section 281(5) of the Criminal Justice Act 2003 comes into force, the maximum custodial sentence will be six months (see subsection (3)).

### Clause 4: Enforcement powers of constables

- 39 Clause 4 sets out the enforcement powers of constables.
- 40 Subsection (1) specifies the criteria under which a justice of the peace may grant a warrant to a constable to enter and search a premises, using reasonable force if necessary.
- 41 Subsection (2) sets out the powers of constables after entering premises under subsection (1), to seize and detain evidence, or any glue trap which may be liable to be forfeited.
- 42 Subsection (3) specifies that when entering a premises, a constable may take with them any other person, and any equipment or materials. For example, this could include a veterinary surgeon, if the constable judged this necessary.

### Clause 5: Enforcement powers of authorised inspectors

- 43 Clause 5 sets out the enforcement powers of authorised inspectors.
- 44 Subsection (1) defines an “authorised inspector” as a person authorised in writing under this subsection by the Secretary of State.
- 45 Subsection (2) states that an authorisation under subsection (1) is subject to any conditions or limitations specified in it.
- 46 Subsection (3) allows an authorised inspector to enter and inspect, at any reasonable time, premises (other than a dwelling) occupied by any pest controller who is authorised by a glue trap licence, for the purposes of verifying any information relating to a glue trap licence

application, or ascertaining compliance with any condition to which a glue trap licence is subject.

- 47 Subsection (4) specifies that an authorised inspector must, if requested to do so, produce evidence of the inspector's authorisation before entering any premises under subsection (3).
- 48 Subsection (5) sets out the powers an authorised inspector has after entering a premises under subsection (3), including inspection powers and the power to seize and detain evidence.
- 49 Subsection (6) specifies that the power to seize evidence under subsection (5) 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.
- 50 Subsection (7) requires the inspector, on request, to provide a record of anything that is seized.
- 51 Subsection (8) allows anything which has been seized under subsection (5) to be retained so long as is necessary, including for use as evidence in proceedings under this Act, or for forensic examination or for investigation in connection with an offence under this Act.
- 52 Subsection (9) clarifies that nothing may be retained for the purposes in subsection (8) if a photograph, video recording or copy would be sufficient.
- 53 Subsection (10) specifies that when entering a premises, an authorised inspector may take with them, for the purpose of assisting the inspector, any other person, and any equipment or materials.
- 54 Subsection (11) allows a person taken onto premises under subsection (10) to exercise any power conferred by subsection (5) if the person is in the company, and under the supervision, of the inspector.
- 55 Subsection (12) defines the term "dwelling".

#### Clause 6: Offences in connection with authorised inspectors

- 56 Subsection (1) makes it an offence to intentionally obstruct an authorised inspector.
- 57 Subsection (2) makes it an offence to fail without reasonable excuse to comply with a requirement for assistance reasonably made under clause 5(5)(d).
- 58 Subsection (3) makes it an offence to falsely pretend to be an authorised inspector.
- 59 Subsection (4) specifies that a person guilty of an offence under subsections (1) or (2) is liable on summary conviction to a fine of any amount.
- 60 Subsection (5) specifies that a person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine of any amount (or both); and on conviction on indictment, to imprisonment for a term not exceeding two years or a fine of any amount (or both).
- 61 Subsection (6) clarifies that the reference in subsection (5) to 12 months is to be read as a reference to six months, in relation to an offence committed before the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020.

#### Clause 7: Offences by bodies corporate

- 62 Clause 7 specifies who is considered liable if an offence is committed by a body corporate.
- 63 Subsection (2) provides for individual liability (of a senior officer or a person purporting to act in such a capacity) in some cases where there is also corporate liability.
- 64 Subsection (3) defines the terms "director" and "senior officer" used in this section.

## Clause 8: Crown application

- 65 Subsection (1) specifies that the Act applies to the Crown. This means that it binds all Government departments and other public bodies that are part of the Crown.
- 66 In accordance with normal practice, subsection (2) provides that the Crown is not subject to criminal liability if it contravenes the requirements of the Act.
- 67 Subsection (3) specifies that the fact that the Crown cannot itself be found criminally liable under the Act does not prevent criminal convictions being made against individuals, such as civil servants who are in the service of the Crown as public servants. They may be prosecuted under the Act in the same way as private individuals, private organisations and their staff.
- 68 Subsection (4) specifies that the powers conferred by sections 4 and 5 are not exercisable in relation to premises occupied by the Crown.
- 69 Subsection (5) grants power to the High Court to make a declaration that the conduct of the Crown is unlawful, in circumstances where, but for subsection (2), the Crown would be criminally liable under this Act.
- 70 Subsections (6) and (7) specify that nothing in this Bill affects Her Majesty in her private capacity.

## Clause 9: General interpretation

- 71 Clause 9 defines various terms used in the Bill.

## Clause 10: Extent, commencement and short title

- 72 Clause 10 sets out the territorial extent of the Bill. It also deals with the commencement of the provisions in the Bill and provides for the provisions to come into force in accordance with commencement regulations made by the Secretary of State. The Clause also specifies the short title of the Bill.

## Commencement

- 73 The provisions will be commenced by regulations made by the Secretary of State. The offences in clause 1 are expected to be commenced two years after Royal Assent. Regulations relating to the licensing regime may be commenced prior to this date to allow the licensing regime to be in place before the offences in clause 1 apply.

## Financial implications of the Bill

- 74 The Bill is expected to have a minimal impact on costs to the criminal justice system. The number of offences is expected to be low as the proposed delay to the commencement of the offences in clause 1 will enable users of glue traps to switch to alternative legal methods of pest control.
- 75 The licensing regime will incur costs, either to government should it pay for its administration, or to pest control operators through fees they are charged to recover costs of the regime. The annual costs of operating the licensing regime, including compliance inspections, are expected to be significantly less than £1m per year.

## Parliamentary approval for financial costs or for charges imposed

- 76 The House of Commons passed a money resolution for this Bill on 12 January 2022, to cover: expenditure by the Secretary of State or another public authority in administering the licensing regime for pest controllers (provided for by clause 2 of the Bill); and additional enforcement costs in connection with the offences created by the Bill.
- 77 The House of Commons passed a ways and means resolution for this Bill on 12 January 2022, to cover: the power granted to the Secretary of State under clause 2(5)(a) of the Bill to make provision for, or in connection with, the charging of fees or other charges in relation to applications under the licensing regime.

## Compatibility with the European Convention on Human Rights

- 78 As this is a Private Member's Bill, the Minister is not required to make a statement under section 19(1)(a) of the Human Rights Act 1998. However, the Department for Environment, Food and Rural Affairs has examined the compatibility of the provisions of the Bill with the European Convention on Human Rights and considers that the provisions of the Bill are compatible with the Convention rights.

## Related documents

- 79 The following document is relevant to the Bill and can be read at the stated location:
- [Our Action Plan for Animal Welfare](#), May 2021.

## Annex A – Territorial extent and application in the United Kingdom

80 The Annex below details the territorial extent and the application of the clauses in the Bill as relevant to the United Kingdom. The Bill extends to England and Wales only. The provisions of the Bill would apply to England only.

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1	Yes	No	N/A	No	N/A	No	N/A
Clause 2	Yes	No	N/A	No	N/A	No	N/A
Clause 3	Yes	No	N/A	No	N/A	No	N/A
Clause 4	Yes	No	N/A	No	N/A	No	N/A
Clause 5	Yes	No	N/A	No	N/A	No	N/A
Clause 6	Yes	No	N/A	No	N/A	No	N/A
Clause 7	Yes	No	N/A	No	N/A	No	N/A
Clause 8	Yes	No	N/A	No	N/A	No	N/A
Clause 9	Yes	No	N/A	No	N/A	No	N/A
Clause 10	Yes	No	N/A	No	N/A	No	N/A

## Subject matter and legislative competence of devolved legislatures

81 The devolved legislatures could make corresponding provision (legislate to do in their territory what is being put forward in this Bill as regards England). The Senedd has corresponding competence in relation to Wales (the matter not being reserved by Schedule 7A or 7B to the Government of Wales Act 2006), the Scottish Parliament has corresponding competence in relation to Scotland (the matter not being reserved by Schedule 5 to Scotland Act 1998), and the Northern Ireland Assembly has corresponding competence in relation to Northern Ireland (the matter not being excepted or reserved by Schedules 2 and 3 to the Northern Ireland Act 1998 respectively).

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