

GUERNSEY STATUTORY INSTRUMENT

2014 No.

**The Animal Welfare (Designation and Control of Pest Animals)
Order, 2014**

<i>Made</i>	2014
<i>Coming into operation</i>	1 st July, 2014
<i>Laid before the States</i>	2014

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 14 and 79 of the Animal Welfare (Guernsey) Ordinance, 2012^a, and of all other powers enabling it in that behalf, hereby orders:-

Designated pest animals.

1. The animals described in Schedule 1 are designated as pest animals under section 14(1) of the Animal Welfare (Guernsey) Ordinance, 2012 except where the animal is a pet animal.

Control measures etc. relating to pest animals.

2. (1) Schedule 2 sets out the control measures which may be used, and the requirements applying in relation to the carrying out of such control measures, for the control of rats and mice which are pest animals.

(2) Schedule 3 sets out the control measures which may be used, and the requirements applying in relation to the carrying out of such control measures, for the control of carrion crows and magpies.

^a Ordinance No. III of 2012.

(3) Schedule 4 sets out the control measures which may be used, and the requirements applying in relation to the carrying out of such control measures, for the control of feral pigeons.

(4) For the avoidance of doubt, where a pest animal is controlled it must be controlled –

(a) using a control measure, and

(b) in accordance with the requirements specified in relation to the carrying out of that control measure,

set out in relation to that pest animal in Schedules 2 to 4 to this Order.

Interpretation.

3. (1) In this Order, unless the context requires otherwise –

"**air weapon**" means an air rifle or an air pistol capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy which is no more than –

(a) in the case of an air pistol, 6 foot pounds, or

(b) in the case of an air rifle, 12 foot pounds,

"**approved pest controller**" means a person who is the holder of an Award in Pest Management issued by the British Pest Control Association or who has successfully completed the Accredited Technician in Pest Control course provided by that Association,

"**approved rodenticide**" means a rodenticide approved in accordance with the Control of Poisonous Substances Regulations, 1995^b,

"**exsanguination**" means a process that causes blood loss to a degree sufficient to cause death,

"**Larsen trap**" means a cage with two (or more) compartments in which a previously caught bird is kept as a decoy to attract and trap other birds,

"**pest animal**" means an animal designated under article 1 as a pest animal,

"**shot gun certificate**" has the meaning in section 58 of the Firearms (Guernsey) Law, 1998,

and other expressions, unless the context requires otherwise, have the same meanings as in the Animal Welfare (Guernsey) Ordinance, 2012.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Order.

(3) Any reference in this Order to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

4. This Order may be cited as the Animal Welfare (Designation and Control of Pest Animals) Order, 2014 and shall come into force on 1st July, 2014.

Dated this day of , 2014

^b GSI No. 26 of 1995.

^c Ordres en Conseil Vol. XIII, p. 355.

Deputy K. A. Stewart
Minister of the States Commerce and Employment Department
For and on behalf of the Department

SCHEDULE 1

article 1

DESIGNATED PEST ANIMALS

Rat	Common brown rat	<i>Rattus norvegicus</i>
Mouse	House Mouse	<i>Mus domesticus</i>
Carrion crow		<i>Corvus corone</i>
Magpie		<i>Pica pica</i>
Feral pigeon		<i>Columba livia.</i>

SCHEDULE 2

article 2(1)

CONTROL MEASURES ETC. FOR THE CONTROL OF RATS AND MICE WHICH ARE PEST ANIMALS

PART I

CONTROL MEASURES AND OTHER REQUIREMENTS

1. Rats and mice which are pest animals may, subject to the following provisions of this Schedule, be controlled by any person at any time and during any period of the year, within a building, or within the curtilage of a building, using any of the control measures set out in paragraph 2.

2. The control measures referred to in paragraph 1 are –

- (a) trapping using a trap specified in the first column of the Table in Part II ("**approved trap**") in accordance with the requirements specified for that trap in the second column of Part II,
- (b) trapping using a spring trap of a type that has been specifically adapted for the control of rats and mice and is commonly known as a break-back trap,
- (c) trapping alive using a cage or a device, other than of a type specified in subparagraph (a) or (b), designed specifically for the purpose of trapping rats or mice alive without causing them physical harm and then –
 - (i) releasing, or

(ii) killing by using a control measure set out in Part III,
or

(d) poisoning using an approved rodenticide.

3. The control measures set out in paragraph 2 must be carried out in accordance with any instructions provided by the manufacturer of the trap, cage, other device, pesticide or any other thing comprising the control measure.

PART II
APPROVED TRAPS

Column 1 Type and make of trap	Column 2 Requirements
BMI Magnum 55 manufactured by or under the authority of Butera Manufacturing Industries, 1068 E 134th St., Cleveland, OH, 44110-2248, USA.	The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.
BMI Magnum 110 manufactured by or under the authority of Butera Manufacturing Industries, 1068 E 134th St., Cleveland, OH, 44110-2248, USA.	The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.
BMI Magnum 116 manufactured by or under the authority of Butera Manufacturing Industries, 1068 E 134th St., Cleveland, OH, 44110-2248, USA.	The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.
DOC 150 manufactured by or under the authority of the Department of Conservation, Wellington, New Zealand.	The trap may be used only for the purpose of killing rats. The trap must be set in an artificial tunnel constructed to any

DOC 200 manufactured by or under the authority of the Department of Conservation, Wellington, New Zealand.

recommended design specified by the manufacturer.

The trap may be used only for the purpose of killing rats. The trap must be set in an artificial tunnel constructed to any recommended design specified by the manufacturer.

DOC 250 manufactured by or under the authority of the Department of Conservation, Wellington, New Zealand.

The trap may be used only for the purpose of killing rats. The trap must be set in an artificial tunnel constructed to any recommended design specified by the manufacturer.

Fenn Vermin Trap Mark I, Fenn Vermin Trap Mark II, Fenn Vermin Trap Mark III and Fenn Vermin Trap Mark IV (Heavy Duty) manufactured by or under the authority of Mr A. A. Fenn of FHT Works, High Street, Astwood Bank, Redditch, Worcestershire, England and specified in British Patent Specification No. 763,891 and as illustrated in figures 1 to 3 of that Specification.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Fenn Vermin Trap Mark VI (Dual Purpose) manufactured by or under the authority of Mr A. A. Fenn of FHT Works, High Street, Astwood Bank, Redditch, Worcestershire, England and specified in British Patent Specification No. 763,891.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Imbra Trap Mark I and Imbra Trap Mark

The trap must be set in a natural or

II manufactured by or under the authority of James S. Low and Sons Ltd., Atholl Smithy, Atholl Street, Blairgowrie, Perthshire, Scotland and specified in British Patent Specification No. 682,427 and as illustrated in figures 1 to 4 of that Specification.

artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Juby Trap manufactured by or under the authority of the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London SW1, England and specified in British Patent Specification No.813,066 and as illustrated in figures 1 to 3 of that Specification.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Kania Trap 2000 manufactured by or under the authority of Kania Industries Inc., 63 Centennial Road, British Columbia, V9R 6N6, Canada.

The trap must be set within the housing provided by the manufacturer.

Lloyd Trap manufactured under the authority of the National Research Corporation and specified in British Patent Specification No.987,113 and as illustrated in figures 1 to 3 of that Specification.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Nooski manufactured by or under the authority of Nooski Trap Systems, 50 White Street, Rotorua, New Zealand.

The trap may be used only for the purpose of killing rats. The trap must be set within the housing and artificial tunnel provided by the manufacturer.

Nooski mouse trap manufactured by or under the authority of Nooski Trap Systems, 50 White Street, Rotorua, New Zealand.

The trap may be used only for the purpose of killing mice. The trap must be set within the housing and artificial tunnel provided by the manufacturer.

Sawyer Trap manufactured by or under the authority of James S. Low and Sons Ltd., Atholl Smithy, Atholl Street, Blairgowrie, Perthshire, Scotland.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Solway Spring Trap Mk4 manufactured by or under the authority of Solway Feeders Ltd., Main Street, Dundrennan, Kirkcudbright, DG6 4QH, Scotland.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Solway Spring Trap Mk6 manufactured by or under the authority of Solway Feeders Ltd., Main Street, Dundrennan, Kirkcudbright, DG6 4QH, Scotland.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Springer No. 4 Multi-purpose (Heavy Duty) manufactured by or under the authority of AB County Products Ltd., Unit 3, Wellington Works, 15 The High Street, Redditch, Worcestershire, England.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

Springer No. 6 Multi-purpose manufactured by or under the authority of AB County Products Ltd., Unit 3, Wellington Works, 15 The High Street, Redditch, Worcestershire, England.

The trap must be set in a natural or artificial tunnel which is, in either case, suitable for the purpose of setting a trap.

WCS Tube Trap International manufactured by or under the authority of Wildlife Control Supplies, LLC, P.O. Box 538, East Granby, CT 06026, USA.

The trap may be used only for the purpose of killing rats. The trap must be set within the artificial tunnel provided by the manufacturer.

WiseTrap 110 (article number 100110 or 110110), **WiseTrap 160** (article number

The trap may be used only for the purpose of killing rats. The trap must be set within

100160, 110160, 101160 or 111160), a sewer, drainpipe, or similar structure.
WiseTrap 200 (article number 100200,
110200, 101200 or 111200), and **WiseTrap**
250 (article number 101250 or 111250)
manufactured by WiseCon A/S,
Skovgaardsvej 25, DK-3200 Helsingør,
Denmark.

PART III

APPROVED CONTROL MEASURES FOR KILLING TRAPPED RATS AND MICE

The control measures for the killing of trapped rats and mice, referred to in paragraph 2(c)(ii) of Part I, are killing by –

- (a) destruction of the brain by a strong and accurate blow to the head with a suitable implement, or
- (b) destruction of the brain by shooting with an air weapon or a shot gun by –
 - (i) the owner or occupier of the land on which the trap is located provided that, where a shot gun is used, he is the holder of a shot gun certificate in respect of that gun,
 - (ii) any other person provided that –
 - (A) he has the written permission of the owner or occupier of the land on which the trap is located to control rats on the land, and

(B) where a shot gun is used, he is the holder of a shot gun certificate in respect of that gun.

SCHEDULE 3

article 2(2)

CONTROL MEASURES ETC. FOR THE CONTROL OF CARRION CROWS AND MAGPIES

PART I

CONTROL MEASURES AND OTHER REQUIREMENTS

1. Carrion crows and magpies may be controlled at any time and within any period of the year by -

(a) shooting with an air weapon or a shot gun by -

(i) the owner or occupier of the land on which the bird is found provided that, where a shot gun is used, he is the holder of a shot gun certificate in respect of that gun,

(ii) any other person provided that -

(A) he has the written permission of the owner or occupier of the land to control such birds on the land, and

(B) where a shot gun is used, he is the holder of a shot gun certificate in respect of that gun,
or

(b) trapping alive by an approved pest controller using a Larsen trap -

- (i) of a design or type specified in paragraph 1 of Part II, and
- (ii) meeting the requirement in paragraph 2 of Part II ("**approved Larsen trap**").

2. Approved Larsen traps must be used in accordance with the requirements set out in Part III and birds trapped alive in such a trap may be -

- (a) released, or
- (b) killed by using a control measure set out in Part IV.

PART II APPROVED LARSEN TRAPS

1. An approved Larsen trap is -

- (a) a trap that conforms to the design of the Game and Wildlife Conservation Trust,
- (b) a twin catch top entry magpie Larsen trap,
- (c) a twin catch top entry magpie centre decoy Larsen trap, or
- (d) a twin catch side entry crow Larsen trap,

and for the avoidance of doubt, does not include a clam type trap, a Larsen Mate or a Larsen Pod trap.

2. The compartments for the decoy bird in the Larsen trap must be –

- (a) large enough for decoy birds to stretch their wings out without touching the sides of the compartment, and
- (b) no smaller than 762mm (30") long by 457mm (18") tall by 381mm (15") wide.

PART III

REQUIREMENTS FOR THE USE OF APPROVED LARSEN TRAPS

1. A person who uses a trap must provide decoy birds with adequate food, water, suitable perches and protection from wind, rain and sun when they are used in a trap.
2. A trap must be checked when in use, at least twice every day, at intervals of no more than 16 hours and such a check must be sufficient to determine whether there are any live or dead birds or other animals in the trap.
3. Any species other than a carrion crow or magpie must be released unharmed immediately on being found in a trap.
4. A dead or sickly decoy bird must be removed immediately from a trap.
5. Only one decoy bird may be used in a trap and it must be kept in a separate compartment and a decoy bird must be removed from the trap when not in use.
6. When any trap is not in use it must be immobilised and rendered incapable of use.
7. A trap must carry a tag or sign that gives the name and telephone contact number of the person using it when it is in use.

8. A trap must be firmly pegged or staked to the ground or securely tied to a tree when in use.

PART IV

APPROVED CONTROL MEASURES FOR THE KILLING OF TRAPPED CARRION CROWS AND MAGPIES

The control measures for the killing of trapped crows and magpies, referred to in paragraph 2(b) of Part I, are killing by –

- (a) means of a concussive device that is specifically designed to kill such a bird, or
- (b) means of exsanguination or dislocation of the neck, whilst the animal is stunned, such stunning having been done using a concussive device that is specifically designed to stun such a bird.

SCHEDULE 4

article 2(3)

CONTROL MEASURES ETC. FOR THE CONTROL OF FERAL PIGEONS

1. Feral pigeons may be controlled by an approved pest controller carrying out a control measure set out in paragraph 2 in accordance with the requirements set out in paragraph 3.

2. The control measures referred to in paragraph 1 are –

- (a) live trapping or the destruction of birds and nests, or
- (b) the killing of birds after live trapping by means of –
 - (i) a concussive device that is specifically designed to kill such a bird, or
 - (ii) exsanguination or dislocation of the neck, whilst the bird is stunned, such stunning having been done using a concussive device that is specifically designed to stun such a bird.

3. The requirements referred to in paragraph 1 are that -

- (a) the Department must be notified by the approved pest controller of –
 - (i) the proposed carrying out of control measures at least 7 working days before such measures are to be carried out, and
 - (ii) such notification must include –

- (A) a declaration by the approved pest controller to the effect set out in subparagraph (b), and
 - (B) a copy of the written permission of the owner of the land referred to in subparagraph (c),
- (b) the approved pest controller must be satisfied that the feral pigeons are causing damage to a building or that they represent a risk to public health,
- (c) the written permission of the owner of the land, where such measures are planned to be carried out, must be obtained, and
- (d) any ringed pigeons which are trapped whilst carrying out the control measures must immediately be released.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the animals that are pest animals for the purposes of the Animal Welfare (Guernsey) Ordinance, 2012 (see article 1 and Schedule 1 to this Order) and prescribes the control measures which may be used to control such pest animals and the requirements applying to the carrying out of such measures.

The control measures and related requirements for specified kinds of rats and mice which are designated as pest animals are set out in article 2(1) and Schedule 2, those for carrion crows and magpies in article 2(2) and Schedule 3 and those for feral pigeons in article 2(3) and Schedule 4.

The Order specifies that where pest animals are controlled they must be controlled using one of the control measures set out in the Order in relation to those pest animals and in compliance with the requirements applying to that control measure (article 2(4)).

It is an offence to contravene a requirement of this Order under section 14(4) of the Animal Welfare (Guernsey) Ordinance, 2012 and such a contravention may also result in another offence being committed under the Ordinance in particular under section 1 or 7.

This Order comes into force on the 1st day of July, 2014.