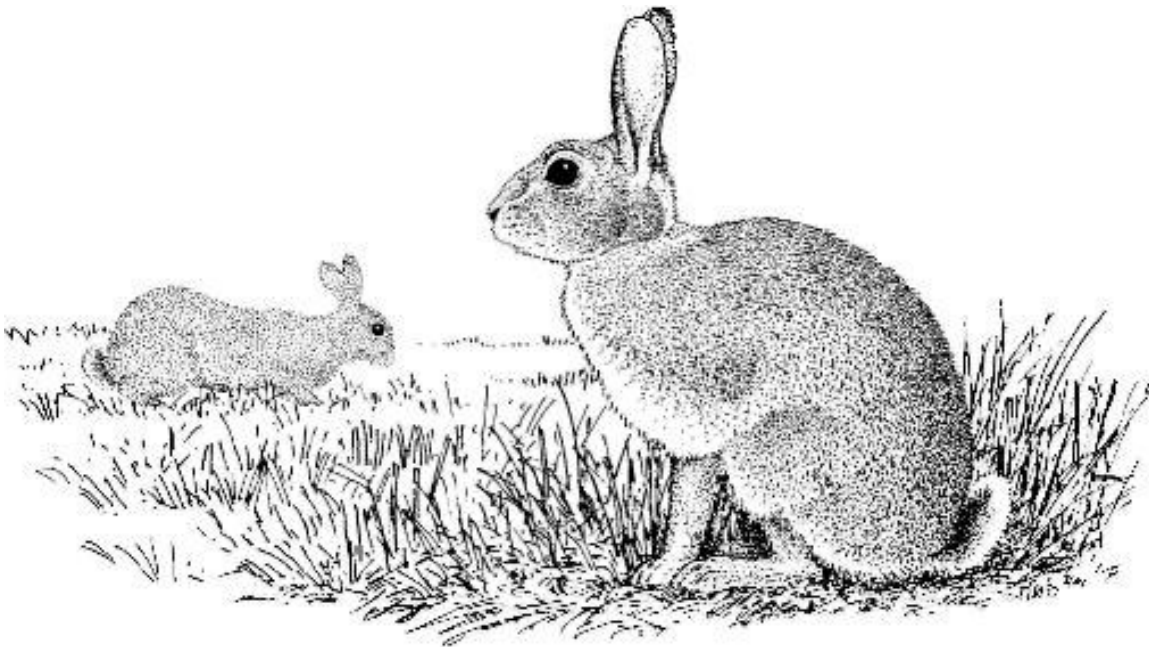


RABBITS

A guide to the law and their control



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1. General Information

The European rabbit has once again established itself as the major vertebrate pest of British agriculture, causing economic losses estimated to be in excess of £115 million annually¹. The total winter population is estimated to be at 35% to 40% of the pre-myxomatosis level (c. 1952) and is increasing by about 2% annually. This is due primarily to the reduced effect of myxomatosis, resulting from increased levels of genetic resistance. Given the problems associated with rabbits this increase in numbers is likely to be accompanied by a corresponding rise in the amount of serious crop damage reported. It is essential, therefore, that effective control strategies are available to ensure that crops vulnerable to rabbit damage are adequately protected. This will serve to benefit landowners and occupiers who have a statutory responsibility to manage rabbit infestations on their land and to prevent them causing damage to neighbouring properties.

¹ 2002 figure at which time the total annual cost of rabbit control was estimated to be £5 million. From Smith GC, Garthwaite DG, Prickett AJ. 2006. Rabbit control in Great Britain.

2. Damage

It is estimated that farmers are losing about £50 million per annum as a consequence of rabbit damage to cereals. In terms of annual yield, a loss of 1% per rabbit per hectare has been recorded for winter wheat and 0.33% per rabbit per hectare for spring barley.

The effect of rabbit grazing on pasture is less obvious than on cereals. Grazing may result in poor establishment of crops or complete failure of the sward. Rabbit grazing of established grassland reduces early grass and reduces yields of crops cut later for silage or hay. Permanent grass on good soils is better able to withstand close defoliation, but grazing by large numbers of rabbits can weaken or kill even persistent leafy ryegrass. Scratching and burrowing encourages the establishment of weeds. In terms of annual yield, recent studies have indicated the loss to be almost 1% per rabbit per hectare.

Rabbit damage has been recorded to a wide range of crops in Britain. Besides cereals and grassland, some of the most important include roots, brassicas and market garden crops, which can all suffer severe damage, both to the growing plants and the marketable end product.

Rabbits can damage or kill planted nursery stock and young trees of many species. Damage to the bark of large trees can also be serious and semi-mature hedgerows may also be vulnerable. In extreme circumstances, rabbits may prevent natural regeneration in woodlands. Damage ranges from the eating of young seedlings to the destruction of leading shoots, the browsing of branches and removal of bark. The burrowing activities of rabbits can also undermine root systems.

All occupiers have statutory obligations regarding wild rabbits on their land. An Order has been made under Section One of the Pests Act 1954 by which England and Wales (except for the City of London, the Isles of Scilly and Skokholm Island) have been declared a Rabbit Clearance Area. In this area, every occupier of land is responsible for destroying wild

rabbits on his land or for taking steps to prevent them causing damage. This is a continuing obligation.

3. Controlling rabbit numbers

Rabbit populations can withstand high mortality from natural causes, so control efforts by man must add to these if control is to be effective. Because of the size of the effort required, and the rabbit's inherent capacity for population increase, complete eradication is impractical. Instead, the aim should be to reduce rabbit numbers to levels at which damage is economically acceptable. The most effective time for control is between November and March in order to reduce the adult population before the breeding season. However, it is worth noting that the breeding season is extending due to milder winters. Rabbits do not respect boundaries and the most effective results will be achieved if management action is undertaken on adjoining land at the same time in a co-operative exercise.

Legal considerations: Under the Wild Mammals (Protection) Act 1996, it is an offence to intentionally inflict unnecessary suffering, as specified by the Act, on any wild mammal. This legislation may need to be considered where the destruction of occupied warrens and burrow systems is being contemplated.

Under Section 12 of the Pests Act 1954, it is an offence to knowingly spread myxomatosis to uninfected rabbits. The Specified Animal Pathogens Order 1998 (S.I. 1998/463) prohibits the introduction into an animal of the live virus causing viral haemorrhagic disease (VHD) of rabbits, except where such introduction is undertaken under the authority of a licence. These prohibitions mean that the deliberate spreading of myxomatosis or VHD cannot be used as a legal method of controlling rabbits.

Shooting²: Traditionally one of the more common ways of controlling rabbits is by shooting them. Under the *Ground Game Act 1880* the occupier of land has the right to shoot rabbits during the day and to authorise one other person in writing to do so. The authorised person must be a member of the occupier's household or staff, or be employed for reward (which can be the right to keep the shot rabbits).

The position concerning the shooting of rabbits at night is different. Only the following are entitled to shoot rabbits at night:-

- An owner-occupier with shooting rights
- A landlord who has reserved shooting rights
- A shooting tenant
- An occupier authorised in writing by the shooting tenant or one other person authorised by such an occupier.

Gassing³: Gassing is the most effective method of reducing rabbit numbers where burrows are accessible. When correctly used, under the right conditions, gassing can reduce the rabbit population by up to 80%. However, effectiveness decreases in porous soils, when soil moisture is low and also when air temperatures fall below 5°C. For best results, it is essential to drive rabbits to ground before gassing and to find and treat every entrance to the warren system. Selective scrub clearance may be necessary to gain access to burrows. Before embarking on a gassing programme, particular attention should be paid to the possible presence of badger setts, as it is illegal to gas badgers. Care should also be taken to avoid gassing fox earths, as no fumigant is approved for use against foxes. Burrows in or around badger setts and fox earths must not therefore be treated.

² See *CLA Guidance Note GN38-02 Rabbit Control and the Law*

³ See also the Health and Safety Executive *Agriculture Information Sheet No. 22 Gassing of rabbits and vertebrate pests* available via their Infoline 08701 545500 or www.hse.gov.uk/pubns/ais22.pdf

Since the withdrawal of Cymag as a vertebrate control agent, the only commercially available fumigants are formulations that generate phosphine gas on contact with moisture. These are available either in tablet or pellet form as Phostoxin or Talunex. All fumigants must be approved under the Control of Pesticides Regulations 1986 and must be used according to label instructions. **Gassing should only be undertaken by persons trained in the use of aluminium phosphide**, and familiar with the precautionary measures to be observed. Fumigants can be lethal to humans and it is essential that users follow the instructions on safety aspects. Users should be aware of the need to comply with the Control of Substances Hazardous to Health Regulations 2002. The effectiveness of all gassing treatments should be monitored by inspecting treated areas for signs of fresh activity 48 hours after the initial treatment. In many situations, a follow-up treatment of re-opened holes will be necessary. Ideally, the procedure should be repeated until no re-opened burrows are found.

Fencing⁴: Fencing is a particularly useful management tool where the nature of the rabbit activity makes other techniques impractical, or when complete exclusion is the aim. In many situations, fencing can be more cost-effective than control methods that have to be undertaken year after year. Traditionally, permanent wire-netting fences have been used to deny rabbits access to vulnerable areas but more recently, temporary electric fences, either netting or multi-strand wire systems, have become popular methods of crop protection. When correctly erected and maintained, wire-netting and electric fences can reduce rabbit numbers on protected fields by 85% to 90%, and both have a useful life of about ten years. Electric fencing is cheaper to purchase and erect than wire-netting, but its maintenance costs are higher.

⁴ A detailed advisory leaflet on the use of fencing (TIN23) is available from Natural England

⁵ A detailed advisory leaflet on the use of cage trapping (TIN24) is available from Natural England

Netting fences should be constructed of 18 gauge, 31 mm hexagonal mesh. They should be a minimum of 750 mm high with a further 150 mm lapped on the surface of the ground towards the rabbit harbourage. Turfs of grass should be placed on the lapped netting at 1 m (about 1 yard) intervals to hold it firmly in place (vegetation should later grow through the mesh to complete this job).

There are two types of electric fence in common use: netting and strained-wire. Both have been shown to be as effective as wire-netting fences. Electric-netting fences are available in a number of commercial designs. Basically, they all consist of a heavy-duty polythene twine mesh in which the horizontal strands are interwoven with electrically conductive stainless steel wire. To prevent shorting, the steel wires are omitted from the bottom strand. They are between 0.5 to 0.75 m high with posts already fitted. This type of fence is very quick and easy to erect and take down. The fencing must be powered by an energiser capable of producing an output of at least 1 joule when measured into a 500 ohm resistance. Most mains-operated energisers, and the more powerful battery-powered units, have this capability.

Trapping and Snaring:

- **Baited cage trapping⁵**: This technique involves the live capture of wild rabbits in galvanised wire-mesh cages baited with carrot. The technique can be used throughout the year, but is most effective at catching adult rabbits during the winter. Additional benefits are that the technique does not require access to burrows and non-target species can be released unharmed. The traps should be set in short open vegetation and checked twice a day, early morning and late afternoon. Captured rabbits must be dispatched humanely. Cage trapping has been shown to reduce numbers by about 65% and is most appropriate for protecting high value crops where manpower is available for frequent checking of traps.

- **Drop box trapping:** Drop boxes are designed to be used in conjunction with wire-mesh netting. A tunnel is either inserted into the fence line at right angles or placed parallel to the netting on the harbourage side of the barrier. Rabbits are caught when they enter the tunnel and fall through a hinged flap into a box that has been buried in the ground. The lid returns to place by means of a counter balance weight fixed to it. Drop box traps should be visited at least once a day, when set, preferably early in the mornings. Captured rabbits must be despatched humanely. Traps should not be installed where they may be at risk from flooding. Permanently sited traps can be an effective method of capturing rabbits where fences are newly erected and where rabbits are passing through holes in established fences.

- **Spring trapping:** Under the Pests Act 1954 only approved spring traps, designed to catch and kill rabbits humanely, may be used. Those currently approved by the Spring Traps Approval Order 1995 are the Imbra Trap Mark I and Mark II, Jubu Trap, Fenn Rabbit Trap Mark I, Fenn Vermin Trap Mark VI (Dual Purpose), Springer No. 6 (Multi Purpose), Victor Conibear 120-2, BMI Magnum 116, and clones of any of these listed spring traps. The traps should be set firmly in position with the treadle plate flush with the floor. The plate should be concealed by covering lightly with soil. To minimise the risk to non-target species, stock and pets should be excluded from the trapping area and the traps must be set only within the overhang of natural or artificial tunnels. The Protection of Animals Act 1911 requires that all spring traps set for the purpose of catching rabbits (or hares) should be inspected at reasonable intervals and at least once every day between sunrise and sunset.

- **Snaring:** Snares are intended for use to tether animals for subsequent humane despatch. They are made from stranded brass wires that run freely through a small eye made in one end of the wire. The looped end of the wire (100 mm diameter), into which the animal places its head, is positioned about 90 mm above the ground using a short, notched stick. The free end of the wire is securely tethered by a strong rot-proof cord to a peg, which is driven firmly into the ground. This prevents captured animals from escaping. Snares with a 'stop' or knot

about 140 mm from the eye can be used. The 'stop' prevents the loop from closing fully, thus ensuring the snare tethers rather than kills the rabbit. Snares should be set on well-used rabbit runs, in short vegetation, close to the harbourage from which rabbits are gaining access to crops. Where rabbits are numerous, the use of well-placed snares can catch animals quickly and efficiently, but results are poor during dry weather and frost.

The Wildlife and Countryside Act 1981 prohibits the use of self-locking snares and requires free-running snares to be inspected daily. All reasonable precautions should be taken to avoid catching non-target animals. Under the Wildlife and Countryside Act 1981 it is illegal to set a snare to catch certain animals, such as badgers and otters. It is recommended that all snares are inspected at dawn and dusk, and that they are not set where livestock are present or if there is a risk to domestic pets.

Ferreting: This involves the introduction of ferrets into the burrow system. The ferrets drive rabbits into nets, which are placed over the burrow entrances or to waiting guns that shoot them as they bolt from tunnel entrances. Ferreting is most successful outside of the breeding season and, having the advantage of capturing more females than males, may serve as a valuable technique for dealing with difficult populations.

If you require additional guidance on rabbit control contact the Natural England Wildlife Licensing Unit who will either assist you directly or put you in touch with your local wildlife management adviser.

4. Enforcement of the obligation to control rabbits

Where an occupier neglects a serious infestation on their land which is causing damage to neighbouring land, they will be reminded of their obligation by Natural England and given reasonable time to put matters right. If this warning is ignored, the Secretary of State has powers, under Section 98 of the Agriculture Act 1947, to serve a notice on an occupier requiring them to take specified action against the rabbits. If an occupier fails to take the specified action they would be liable for prosecution. In addition, the Secretary of State can also arrange for a third party to carry out the necessary control work on the occupier's land and then recover the cost of this work from the occupier.

How to make a complaint about rabbit damage

If rabbits harboured on a neighbour's land are causing serious damage and discussions with the relevant neighbour fail to resolve the problem, the matter can be referred to the Natural England Wildlife Management & Licensing service for investigation. To make a complaint obtain form WML-A02 from Natural England, complete and return to the Wildlife Licensing Unit at Bristol. If rabbits are coming from land owned by Railtrack the first point of contact should be the company's helpline 08457 114141.

Where a complaint is justified, powers can be applied to require rabbit control to be carried out; if this is not done, it may arrange for the necessary work to be undertaken at the expense of the occupier, who could also be liable to a fine.

Cases will be investigated where serious damage is occurring. Typically, cases investigated concern damage to agricultural and horticultural land. Non-agricultural situations (e.g. damage to golf courses and graveyards) may also be considered in certain circumstances. While the Department accepts that rabbit damage to domestic gardens and allotments can be a

severe annoyance, the level of damage is not normally considered sufficiently serious to justify enforcement action.

5. Further Information

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www.cla.org.uk

For local CLA office see contact details on front of this booklet

Wildlife Licensing Unit, Natural England

Burghill Road, Westbury-on-Trym, Bristol BS10 6NJ

Tel: 0845 6014523

email: wildlife@naturalengland.org.uk

Railtrack

Tel: 08457 114141

Health and Safety Executive

Tel: 08701 545500

www.hse.gov.uk/pubns

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**FOR EFFECTIVE RABBIT CONTROL
IN NORFOLK, SUFFOLK & ESSEX**