

Pests Act 1954

Control of rabbits: Information for occupiers of land

1. Responsibilities of occupiers to control rabbits

Under Section 1 of the Pests Act 1954, the whole of England, apart from the City of London and Isles of Scilly, has been declared a rabbit clearance area. Under Section 1(2) of the 1954 Act, all occupiers of land in a rabbit clearance area have a continuing obligation to kill or take any wild rabbits living on, or resorting to, their land, unless they can establish that it is not reasonably practicable to do so. If it is not practicable to destroy the rabbits, occupiers have an obligation to prevent the rabbits from causing damage elsewhere by, for example, fencing them in with rabbit-proof fencing. The obligation to control rabbits is irrespective of the use being made of the occupier's land or that of their neighbours.

2. Enforcement of the obligation to control rabbits

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. Natural England feels it would only be appropriate to spend public money issuing and enforcing Notices in exceptional circumstances; these would not normally be damage at a holding or parish scale.

3. Methods of controlling rabbits

Occupiers may use any legal method to control rabbits on their land, e.g. gassing, trapping, snaring, shooting, fencing etc. Further advice on methods of control is given in the Natural England advisory leaflet "rabbits" TAN03, "Rabbits: use of fencing to prevent agricultural damage" TAN23 and "Rabbits: use of cage-trapping to prevent agricultural damage" TAN24 which are available from Natural England at the address opposite.

4. The right to shoot rabbits

The Ground Game Act 1880 gives an occupier the right to shoot rabbits on his/her land during the day and to authorise in writing one other person to do so. That person must be a member of the occupier's household or staff, or be employed for reward. An occupier may apply to Natural England for authority to use a reasonable number of extra guns, if the owner of the shooting rights will neither permit the occupier to use extra guns, nor undertake to destroy the rabbits themselves. If you wish to apply to use extra guns, contact Natural England at the address below.

Under the 1880 Act, as interpreted by the courts and as read with the Wildlife and Countryside Act 1981, only the following are allowed to shoot rabbits at night:

- An owner-occupier with shooting rights;
- A landlord/landlady who has reserved their shooting rights;
- A shooting tenant not in occupation who has derived the shooting rights from the owner; and
- An occupier, or one other person authorised by them in writing, where the occupier has written authority from another person with shooting rights.

5. Dealing with rabbit damage

If you are suffering damage from rabbits coming from neighbouring land, you should identify the landowner(s) concerned and liaise with them to agree how the issue will be resolved.

Natural England believes that the long-term resolution of rabbit complaints is best achieved by co-operation. Without co-operation, problems are almost certain to recur. If co-operation fails, occupiers do have options such as rabbit fencing to prevent damage.

If rabbits are harbored on land owned by Network Rail you should put your complaint directly to the company using Network Rail's National Helpline 08457 114141.

Natural England considers it would only be appropriate to spend public money taking on complaint cases in exceptional circumstances, as compulsion is not the best way of resolving problems with rabbits in the mid to long term. Exceptional circumstances would, for example, be a situation that had national rather than local significance; it would not normally be damage at a holding or even parish scale.

Should you require further information on managing problems with rabbits, or be considering making a complaint, you should contact the Wildlife Licensing Unit at the address below:

Wildlife Licensing Unit
Natural England
First Floor
Temple House Quay
2 The Square
Bristol BS1 6EB.
Tel: 0845 6014523 (local rate)