

Responsibilities of occupiers to control rabbits _____

1. Under Section 1 of the Pests Act 1954, the whole of England, apart from the City of London and the 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 his neighbours.

Enforcement of the obligation to control rabbits _____

2. Where an occupier neglects a serious infestation on his land which is causing damage to neighbouring land, he will be reminded of his obligation by DEFRA 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 him to take specified action against the rabbits. If an occupier fails to take the specified action he 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.

Methods of controlling rabbits _____

3. 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 DEFRA advisory leaflets "Rabbits" (WM 1), "Rabbits: use of fencing to prevent agricultural damage" (WM 16) and "Rabbits: use of cage-trapping to prevent agricultural damage" (WM 17) which are available from DEFRA at the address opposite.

The right to shoot rabbits _____

4. The Ground Game Act 1880 gives an occupier the right to shoot rabbits on his 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 the Department 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 himself. If you wish to apply to use extra guns, contact DEFRA at the address below.
5. 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 who has reserved his 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 him in writing, where the occupier himself has written authority from another person with shooting rights.

Complaints about rabbit damage _____

6. If you are suffering damage from rabbits coming from neighbouring land and you have either asked your neighbour to control the rabbits but they have refused to do so or you cannot identify the neighbour, you should contact DEFRA at the address below:

**Department for Environment,
Food and Rural Affairs
Wildlife Management Team
Administration Unit
Burghill Road
Westbury-on-Trym
Bristol
BS10 6NJ**

Tel: 0845 601 4523 (local rate)