

The Traps (Sark) Ordinance, 2013

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 10th April, 2013, and in exercise of the powers conferred on them by section 37 of the Reform (Sark) Law, 2008^a, and of all other powers enabling them in that behalf, hereby order:-

Prohibition on use of snares.

1. A person is guilty of an offence if -
 - (a) for the purpose of killing or taking animals, that person uses or knowingly permits the use of a snare, or
 - (b) that person uses, or knowingly permits the use of, a snare which is of such a nature or so placed as to be likely to cause unnecessary suffering to any animal coming into contact with it.

Prohibition on use of spring traps.

2. (1) A person is guilty of an offence if -
 - (a) for the purpose of killing or taking animals, that person uses or knowingly permits the use of a spring trap, or

^a Order in Council No. V of 2008 as amended by Order in Council No. VI of 2008, No. XXVII of 2008, No. XVI of 2010 and No. XII of 2011.

- (b) that person uses, or knowingly permits the use of, a spring trap which is of such a nature or so placed as to be likely to cause unnecessary suffering to any animal coming into contact with it.

(2) Nothing in subsection (1) prohibits a person from using, or knowingly permitting the use of, a spring trap commonly known as a break-back trap -

- (a) within a building for the purpose of the destruction of rats, mice or other small ground vermin, and
- (b) constructed solely for the purpose of the destruction of rats, mice or other small ground vermin.

Offences and penalties.

3. (1) A person guilty of an offence under this Ordinance is liable, on conviction, to -

- (a) imprisonment for a term not exceeding one month, or
- (b) a fine not exceeding level 4 on the uniform scale,

or to both.

(2) On the conviction of a person for an offence under this Ordinance, the court by or before which that person is convicted, may order the seizure, destruction, or other disposal, of the snare, spring trap or other trap to which the conviction relates.

(3) An order made under subsection (2) is to be treated as a sentence for the purposes of -

(a) the Magistrates Court (Criminal Appeals) (Guernsey) Law, 1988^b, and

(b) the Court of Appeal (Guernsey) Law, 1961^c.

(4) The court shall not make an order under subsection (2), where a person claiming to be the owner of the snare, spring trap or other trap, or otherwise interested in it, applies to be heard by the court, unless that person has been given the opportunity to show cause why the order should not be made.

Consequential repeal.

4. The Spring Trap (Sark) Ordinance, 1970 is repealed.

Interpretation.

5. (1) In this Ordinance -

"**animal**" means a vertebrate other than Man,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect, and

^b Ordres en Conseil Vol. XXX1, p. 83.

^c Ordres en Conseil Vol. XVIII, p. 315.

"**uniform scale**" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Sark) Law, 1989^d.

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

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

Citation.

6. This Ordinance may be cited as the Traps (Sark) Ordinance, 2013.

^d Ordres en Conseil Vol. XXXI, p. 320; for the current scale of fines see the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2006, section 1.

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