

## Remoti System Legal Questions

The Remoti System enables the remote monitoring of animal traps. We regularly get asked questions regarding the legality of the system based on the so called "twenty four hour rule". The following fact-sheet has been created after consultation with DEFRA and recommended good practice guidelines contained within are in-line with the Danish Ministry of Environment recommendations on the use of electronic trap monitoring devices.

To be clear upfront : There is currently no legal precedent in UK law for the use of such devices and as such the use of such devices is at the landowners discretion.

### Q1) Where does the 24h rule arise in law?

There are two trap inspection regimes. One set out in the Wildlife and Countryside Act 1981 (snares) and the other in the Protection of Animals Act 1911 (hare and rabbit traps). These require visual inspection at least once every day at intervals of no more than 24 hours / at least once every 24 hrs between sunrise and sunset so as to be certain whether or not they hold an animal.

The Protection of Animals Act 1911 Section 10. Inspection of traps:

*"Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any hare or rabbit, or which is so placed as to be likely to catch any **hare or rabbit, shall inspect, or cause some competent person to inspect, the trap at reasonable intervals of time and at least once every day between sunrise and sunset, and, if any person shall fail to comply with the provisions of this section, he shall be liable, upon summary conviction, to a fine"***

The Wildlife and Countryside Act 1981 Section 11. Prohibition of certain methods of killing or taking wild animals:

*"(b)while the **snare** remains in position fails, without reasonable excuse, to inspect it, or cause it to be inspected, at **least once every day,**"*

As these acts apply to snares, hare and rabbit traps, the **Remoti System is indeed ILLEGAL to use on snares, hare and rabbit traps**. However there is no legal basis in these two acts to require the visual inspection of other types of traps on a daily basis.

While the wording in the Wildlife and Countryside Act 1981 with regard to the term 'inspect' leaves the possibility of using the Remoti System on a snare, we would advise against such usage as this is a significant legal grey area.

### Q2) So why is the '24 hour rule' recommended good practice?

The Animal Welfare Act 2006 Section 4 states :

*"(1)A person commits an offence if—*

*(a)an act of his, or a failure of his to act, causes an animal to suffer,*

*(b)he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,*

*(c)the animal is a protected animal, and*

*(d)the suffering is unnecessary."*

The key term here is the "causing an animal to suffer" and hence industry recommended guidance is to inspect a trap every 24 hours. While a visual inspection is not a legal requirement (unless a snare, rabbit or hare trap), it has been judged that this guidance will meet the requirements of the Animal Welfare Act 2006.

To be clear: If the use of an electronic trap monitoring device could be expected to result in the unnecessary suffering of an animal, it would indeed be illegal to use such a product.

However the correct use and function of the Remoti System should reduce the possibility of unnecessary suffering. We strongly recommend the following in this regard:

1. Upon being notified of a trap activation, physically inspect the trap in a reasonable time, with a maximum of a 12 hours delay.
2. Automated unit 'reporting in' should be set to 12 hours (twice a day). Upon receiving a trap error notification, physically inspect the trap within 12 hours.
3. The use of the Remoti system does not negate the need for trap inspection as traps should be maintained as part of good trap management practice
4. Ensure all traps are fully compliant with current legal requirements and adhere to industry best practice.
5. It is recommended that a physical inspection of the trap occurs at least once a day for the first three days in order to ensure that the device is active and functioning properly.

**Q3) Does DEFRA take a position?**

We have been in consultation with DEFRA regarding the use of the Remoti System. However DEFRA is keen to stress that: *"We can only set out the legislative framework which applies. It is not for us to give legal advice on interpretation of legislation."*

**Q4) Are there any precedents in law?**

Yes. The Danish Ministry of Environment has made a specific mention of automatic trap monitoring in the "Order on Game" legislation which can be found at : <https://www.retsinformation.dk/Forms/R0710.aspx?id=136344#K7>

*CS. 4. Inspection morning and evening, see. Paragraph.1 pt. 2 may be replaced by an electronic communication device (eg. Sms sender) that notifies as soon as the trap is triggered. From the message is sent, there is a maximum go 12 hours before the trap inspected physically. The communication unit must carry an electronic trap supervision morning and evening, so as to ensure that the communications unit works as intended and the trap is triggered (status message). If a status message fails to appear or report a bug, there is a maximum go 12 hours before the trap inspected physically. When setting up a trap with electronic communication device, the trap inspected physically at least once a day for the first three days in order to ensure that the communication device is active and functioning properly.*

Lacking any specific mention of electronic trap monitors in UK law, the recommendations contained within this fact-sheet are in line with the guidance issued by Denmark.

**Q5) Will British law make specific provision for automatic trap monitoring systems?**

At the present time we are unaware of any moves to update the legislation in line with these modern approaches to wildlife management. However as usage of such devices becomes more prevalent this situation may change.

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