

Briefing for evidence session with Rural Affairs and Islands Committee on Snaring and Scottish SPCA powers

What	Giving evidence to the Rural Affairs and Islands Committee on Scottish SPCA powers and Snaring as part of Stage 1 of the Wildlife Management and Muirburn (Scotland) Bill
Where	Committee Room 2
When	09:00 – 10:30am
Key message(s)	We intend to bring forward stage 2 amendments to increase powers for Wildlife Investigators in the Scottish SPCA and ban the use of snares.
Who	<p><b>Committee members</b></p> <p>Convener – Finlay Carson (Conservative)</p> <p>Deputy Convener – Beatrice Wishart (Lib Dem)</p> <p>Karen Adam (SNP)</p> <p>Alasdair Allan (SNP)</p> <p>Ariane Burgess (Green)</p> <p>Jim Fairlie (SNP)</p> <p>Kate Forbes (SNP)</p> <p>Rhoda Grant (Labour)</p> <p>Rachael Hamilton (Conservative)</p> <p><b>Substitute Committee Members</b></p> <p>Christine Grahame (SNP)</p> <p>Jamie Halcro Johnston (Conservative)</p> <p>Liam McArthur (Lib Dem)</p> <p>Mercedes Villalba (Labour)</p>
Why	An opportunity to discuss policy with the committee scrutinising the Bill.
Supporting official	[Redacted – regulation 11(2) - personal info] Wildlife Management Unit

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	<p>[Redacted – regulation 11(2) – personal info]</p> <p>[Redacted – regulation 11(2) – personal info] Nature Division Bill Unit</p> <p>[Redacted – regulation 11(2) – personal info]</p> <p>[Redacted – regulation 11(2) – personal info] Solicitor</p> <p>[Redacted – regulation 11(2) – personal info]</p>
Briefing contents	<p><b>Annex A:</b> Opening statement (2 minutes) sent up separately</p> <p><b>Annex B:</b> Background on snaring</p> <p><b>Annex C:</b> Snaring lines to take</p> <p><b>Annex D:</b> Stakeholder input into the wider review on snaring</p> <p><b>Annex E:</b> Snaring facts and figures</p> <p><b>Annex F:</b> Scottish SPCA powers background</p> <p><b>Annex G:</b> Scottish SPCA lines to take</p> <p><b>Annex H:</b> Lines to take on other provisions in the Bill</p> <p><b>Annex I:</b> Consultation findings</p>

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## **Annex B – Background on Snaring**

### **Background**

What animals can you currently use snares for?

- Snares are used predominantly in Scotland for foxes, rabbits and brown hares.
- Under the Conservation (Natural Habitats, &c.) Regulations 1994, it is illegal to deliberately or recklessly capture, injure or kill a wild animal of a European protection species, such as wild cat and otter unless a licence has been granted to do so by NatureScot.
- Under the Wildlife and Countryside Act 1981 it is illegal to use snares to intentionally or recklessly kill, injure or take any wild animal listed in Schedule 5, for example, otters and red squirrels unless a licence is granted under section 16 of the 1981 Act. It is also illegal to position a snare where it is likely to cause bodily injury to any wild animal included in Schedule 6 or 6ZA, for example badger, pine marten, otter, red squirrel, and hedgehog unless a licence is granted under section 16 of the 1981 Act
- Under the Deer (Scotland) Act 1996 it is an offence to use a trap or snare to take or kill a deer or set in position any trap or snare calculated to cause bodily injury to any deer.

Other legal requirements:

- You must not set any snare without the permission of the land owner or occupier
- Snares should not be set where there is evidence of regular use by non-target species e.g. badger and mountain hare
- Snares must be free running (not self-locking) and must have a safety stop fixed at a minimum of 23cm (for foxes) and 13cm (for all other wild mammals)
- Snares should not be placed in a way that may cause unnecessary suffering to any animal coming into contact with it
- Snares must be inspected at least every 24 hours. During these inspections, any animal found in the snare, dead or alive, must be released or removed
- Possession or sale of any snare capable of operating as a self-locking snare (or any type of snare provided for in an order), without reasonable excuse is an offence
- Snares must be firmly anchored, either staked to the ground or attached to an object in a manner that will prevent the snare being dragged by the animal caught by it.
- It is an offence to set snares in places where captured animals are likely to become fully or partially suspended or drown
- Any person who sets a snare in position must have achieved approved accreditation and received a personal identification number from the Police.
- The ID number must be permanently displayed on every snare on a durable metal or plastic tag and must remain legible. The target species intended for capture must also be clearly displayed on the tag as F(for fox), R (for rabbit) or BH (for brown hare).
- Any person, once issued with an ID number, must keep a record of the following:

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- (a) the location of every snare currently set in position
  - (b) the location of every other snare set within the past 2 years (only following issue of an ID number)
  - (c) the date on which each snare in (a) or (b) was set
  - (d) the date on which each snare mentioned in (b) was removed
  - (e) the type and date of every animal caught and found in snares identified in (a) or (b)
- Snare locations must be recorded by reference to a map, GPS or a description capable of readily identifying the location.
  - Once an animal is captured, it is considered to be 'under the control of man' and therefore falls under the Animal Health and Welfare (Scotland) Act 2006.
  - It then becomes an offence to cause the animal unnecessary suffering by an act or omission and the person knew, or ought reasonably to have known that the act or omission would have caused the suffering or be likely to do so.

The Wildlife and Countryside Act requires a statutory review of the operation and effect of the snaring regulations every five years.

The Statutory Review Group comprised representatives from Police Scotland, Crown Office Procurator Fiscal Service, Science and Advice for Scottish Agriculture, Scottish Government and NatureScot.

The main recommendations of the review were as follows:

- *The outstanding recommendations from the Snaring Review undertaken in 2017<sup>1</sup> should be introduced as soon as a suitable legislative route can be taken.\**
- *Given the continuing concerns regarding the welfare of animals caught in snares, a wider review of snaring should be undertaken as soon as is practicable.*

\* The 2017 Snaring review made a number of recommendations of which the following still require legislative amendments:

- *“Furthermore that consideration is given to the introduction of the power of disqualification for a snaring offence, in line with Section 1 of the WCA regarding the use of general licences to control birds.*
- *“Consideration should also be given on how a strengthened Code of Practice can be better endorsed through legislation in a manner comparable with how the WANE (Scotland) Act 2011 (Section 15) applies the Code of Practice for Non-Natives.”*

In November 2021 the Minister for Environment and Land Reform announced that alongside the statutory review of snaring in Scotland, we would also extend the review to consider the banning of snares.

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<sup>1</sup> [Review of snaring for Scottish Government - March 2017](#)

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As part of the wider review on snaring, we requested that the Scottish Animal Welfare Commission undertake a review of the welfare implications of snaring. We also asked the Rural Environment Land Management Group (RELM) group to conduct a review on the implications of a ban on land management practices. This was conducted by the Game & Wildlife Conservation Trust (GWCT) on behalf of RELM.

The conclusions and recommendations from the SAWC report were:

*“Wild mammals and birds are known to be sentient and capable of experiencing pain and other negative sensations. Any traps that do not instantly kill or render them irreversibly unconscious are likely to impact their welfare. Therefore, the use of snares in the lethal control of terrestrial mammals raises significant welfare concerns. Non-target species caught in snares will also suffer and may die, often very slowly. Neonates and juveniles may starve to death, if traps catch an adult on which they are dependent within their breeding season.”*

*“SAWC concludes that snares cause significant welfare harms to members of both target and non-target species.”*

*“SAWC recommends that the sale of snares and their use by both public and industry are banned in Scotland, on animal welfare grounds.”*

The RELM group concluded:

The summary findings of the RELM report are set out below:

- “Technical adjustments to cable restraints including safety stop positioning, double swivels and breakaway sections now considerably reduce welfare risks
- “The Wildlife and Natural Environment (Scotland) Act 2011 has accelerated behavioural change including more selective use and siting of snares and reduction of the time during which they are deployed
- “The Act has prompted novel use of mobile technology to improve record-keeping and use of information gathered during checks. We suggest that use of this facility is at least given fair chance to assess changes to welfare, record-keeping, and incident statistics.
- “Significant concern regarding the conservation status of emblematic Scottish bird species means that all current, legal forms of predator control must be retained for the time being if we are to assist their recovery
- “Data on incidents and prosecutions suggests a steady decline since changes introduced by the Wildlife and Natural Environment (Scotland) Act 2011.
- “Nevertheless, this information can be further improved to understand and isolate problems.
- “It would be illiberal to remove snaring without better insight and objective assessment of any concerns relative to the public good deriving from species conservation.”

Position in the rest of the UK

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The use of snares is currently permitted in England and Northern Ireland, subject to certain conditions laid out in their applicable legislation.

The Welsh Government banned the use of snares through the Agriculture (Wales) Act 2023, which was passed by the Senedd on 27 June 2023. Amendments brought forward by the Welsh Conservative Party at Stages 2 and 3, which would have allowed snares to be used in limited circumstances for conservation purposes, were not supported by the Welsh Government and were not passed. The Act was passed unanimously by the Senedd.

### Position in Europe

Snares are banned in most EU countries; however, they currently remain legal in Belgium, France, Ireland, Spain, and Latvia.

### Humane cable restraints

Under the Wildlife and Countryside Act 1981 it is already an offence to use a “self-locking” snare to capture a wild mammal.

Some rural stakeholders are pushing for all other types of snares to be banned unless they meet the criteria for what they term ‘humane cable restraints’. Humane cable restraints can be described as snares with:

- A larger loop – to prevent the snare closing as tightly and reduce welfare issues when both target and non-target species are caught.
- Double swivels – a backup swivel ensures the wire does not twist if the primary swivel is not working.
- Breakaway – a weak joint in the snare which causes the loop to break if non-target species such as badgers are caught.

These amendments make the snare in line with the recommendations of the changes recommended by the 2016 Snaring review with the addition of a breakaway. However, there is currently no statutory requirement for land managers to use these types of snares.

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## **Annex C – Snaring Lines to take**

[Redacted – regulation 6(1)(b) – publicly available information & regulation 10(4)(e) – internal communications]



## **Annex D – Stakeholder Input to the Wider Review of Snaring**

British Veterinary Association, and the British Veterinary Zoological Society joint policy position on snaring

“In light of the above evidence [set out in the paper], we call for an outright ban on the use and sale of snares. We consider that there are sufficient alternative means of prevention and deterrence and lethal control available, including cage trapping and shooting, such that there is no justification for the use of snares even under a licensing regime. A ban should encompass the use of homemade snares.”

And recommend that:

“The UK Governments should introduce an outright ban on the use and sale of snares to both the general public and trained operators.”

### Ministerial meetings

<b>Stakeholder</b>	<b>Date</b>	<b>Minister/Official</b>
RALRI and League Against Cruel Sports	24 May 2023	CabSec RALRI
OneKind	1 June 2023	Cab Sec RALRI
BASC	13 June 2023	Cab Sec RALRI
SGA	13 June 2023	Cab Sec RALRI
SLE	28 June 2023	MEE
RSPB	20 July 2023	MEE
Round table on humane cable restrains	26 September 2023	MEE
RSPB	20 September	MEE
BASC	3 October 2023	MEE
NFUS	17 October 2023	MEE
OneKind	24 October 2023	MEE

### Officials Meetings

<b>Stakeholder</b>	<b>Date</b>
RSPB	27 July 2023
OneKind and WAWC	21 August 2023
Police Scotland	6 September 2023
SLE	25 September 2023
OneKind	5 October 2023
Welsh Government Officials	10 October 2023
RSPB	30 October 2023
SLE/RELM	30 October 2023

## Annex E – Snaring Facts and figures

Unfortunately we do not have any reliable evidence on the number of animals caught using snares in Scotland. However the recent SAWC report on snaring estimated that proportion of non-target species caught in snares set for foxes has been estimated as ranging from 21% to 69%.

### Efficacy of the current legislation

Data from the Crown Office Procurator Fiscal Service (COPFS) demonstrated that the number of snaring incidents in the period 2017-2021 has decreased from the previous reporting period (2012-2016). As demonstrated by the table below:

Reporting period	Standard Prosecution Report received by COPFS	Cases prosecuted	Cases resulting in conviction	PF Direct measures issued
2012-2016	23	15	12	2
2017-2021	18	4	2	9

### OneKind reports of snaring incidents they record

Note there is no requirement for OneKind to record crime. The snaring incidents OneKind have records for are submitted by members of the public via their Snarewatch website. In any case where illegal activity is suspected OneKind report it to the police or Scottish SPCA, if the person involved has not already done so.

OneKind recorded that between 2016 and 2021 there were 27 snaring incidents submitted by members of the public via their Snarewatch website. Of those, 12 appeared to involve illegal use of snares, 5 appeared to involve legal snaring and there is insufficient information in relation to the remaining cases. Species involved included foxes, rabbits, badgers, cats, dogs. For comparison, OneKind recorded 27 incidents between 2013 (enactment of the WANE Act) and November 2016, with 5-8 of these recorded as 'crimes'.

Approximately half (3-4) of these 'crimes' involve snares which did not have an identification number attached.

The Scottish SPCA recorded 45 incidents between 2016 and 2021. It is not clear from the information provided which are 'crimes.'. The equivalent figure for incidents between 2013 and November 2016 was 60. 13 of these incidents involved snares which did not have an identification number attached, 13 involved snares with an identification number and a further 11 are not listed.

The number of snaring Incidents reported to the Scottish SPCA

Snaring Incidents Recorded by the SSPCA Year	Number of Incidents	Legally Set	Illegally Set	Tagged	Untagged	Wildlife (2)	Domestic Animal (2)	Submitted to COPFS (1)
2013-14	6	1	4		5	4	1	6
2014-15	17	5	4	5	5	12	2	7
2015-16	16	2	5	1	9	7	6	0
2016-17	21	1	16	1	16	15	7	3
<b>TOTAL</b>	<b>60</b>	<b>9</b>	<b>29</b>	<b>7</b>	<b>35</b>	<b>38</b>	<b>16</b>	<b>16</b>
2017-18	8		7		7	8		1
2018-19	17	1	11	7	3	13	3	4
2020-21	20	5	13	6	10	9	7	3
<b>TOTAL</b>	<b>45</b>	<b>6</b>	<b>31</b>	<b>13</b>	<b>20</b>	<b>30</b>	<b>10</b>	<b>8</b>

(1) This figure is the number of incidents submitted to the COPFS. The actual number of offences reported to COPFS may be higher than shown as some incidents may have breached more than one snaring offence.

(2) Each incident may involve one or more species, including wildlife and domestic animals.

## NFUS survey on snaring to protect livestock

Officials asked NFUS for information to help us to understand how much snaring is used to protect livestock, and the implications of a ban on snaring in the context of farming.

NFUS conducted a survey of members to inform the current position on snaring, a summary of this is below:

- The survey was completed by 61 members. 46% of members responding to the survey stated that snaring is absolutely necessary to their business with a further 21% stating they frequently rely on snaring, 21% sometimes relying on snaring, 5% rarely using it and only 7% saying they did not use snaring at all.
- The use of snaring and its impacts on farming businesses is not always straightforward. There are a significant number of businesses that may not undertake pest control/snaring themselves, but consciously or unconsciously may benefit from stringent pest control taking place on neighbouring farms or estates.
- Of those carrying out snaring 75% used it for fox control, 7% for rabbits and 18% using snaring to control both species.
- When asked what respondents considered the impact of a ban on snaring would be there was overwhelming concern around the impacts of increased predation on stock and wildlife. Many were concerned about the impact on businesses from eroding the already thin margins found in sheep production, suggesting concerns around the future of the sector.

## Annex F – Scottish SPCA powers background

In 2022, the Scottish Government set up a taskforce to examine whether the powers of Scottish Society for the Protection of Cruelty to Animals (“Scottish SPCA”) Inspectors should be extended to allow them to investigate wildlife crimes.

Under the Animal Welfare (Scotland) Act 2006 (the “2006 Act”), inspectors appointed by the Scottish Ministers have certain powers to investigate relevant offences relating to companion and domestic animals.

### Scottish SPCA taskforce

Susan Davies was appointed on 17 June 2022 to undertake a review to determine whether the Scottish SPCA inspectors should be given further powers to investigate wildlife crime.

As part of the review, the previous history of consideration of this issue was reviewed and virtual discussions were held with stakeholders from statutory bodies, Scottish Government officials and from NGOs who were both for and against the proposal.

The taskforce only recommended Enhanced Partnership Working, with the main reason being that:

*“It is evident that without the full institutional support of COPFS, PS and the NWCUC an extension of powers, whatever the scope of those might be, to the SSPCA would be fraught. Such institutional support is not readily forthcoming due particularly to concerns over primacy of responsibility, access to intelligence or interference with other cases and health and safety risks to personnel.”*

Whilst the report sets out a number of options and a clear recommendation, that recommendation is based almost entirely on the supposition that the police and COPFS would not support any extension of powers to the Scottish SPCA.

Instead, as a reasonable compromise and having engaged with the police and COPFS, the Scottish Government suggests the below additional powers and limitations:

- The Scottish SPCA could only use the new powers in situations and on land or non-domestic property where they are already responding to a case under their existing powers in the Animal Health and Welfare (Scotland) Act 2006.
- The Scottish SPCA can only use the following powers:
  - To search for, search or examine things if they suspect with reasonable cause that the evidence will be found in or on that thing;
  - seize and detain potential evidence or things which provide evidence of the commission of, or participation in a relevant offenceRelevant offences in this case means those contained within Part 1 of the Wildlife and Countryside Act and part 1 of the Wildlife Management and Muirburn Act..

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We believe the additional powers proposed will address the main concern about evidence being lost before Police Scotland have been able to attend the incident, by which time evidence of illegal activity or evidence may have been removed. At the same time it would not lead to the Scottish SPCA becoming an alternative first port of call for the public reporting wildlife crime. That will continue to be the police.

A compromise position has not previously been part of formal consideration of this issue. The previous debate has centred around whether the Scottish SPCA should be given the full range of powers or not at all. Hopefully this limited compromise position could finally resolve this long-running issue.

Comparison between full section 19 powers and suggested limited powers:

Full Section 19 powers	Suggested limited Scottish SPCA powers
Without a warrant:	
<ul style="list-style-type: none"> <li>stop and search the person if they suspect with reasonable cause that evidence will be found on that person;</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<ul style="list-style-type: none"> <li>search for, search or examine things if they suspect with reasonable cause that evidence will be found in or on that thing;</li> </ul>	<ul style="list-style-type: none"> <li>Can only search for, search or examine things if they suspect with reasonable cause that the evidence will be found in or on that thing having entered non-domestic premises in exercise of an existing power under the Animal Health and Welfare (Scotland) Act 2006,</li> </ul>
<ul style="list-style-type: none"> <li>arrest the person;</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<ul style="list-style-type: none"> <li>seize and detain potential evidence or things liable to forfeiture under the Act;</li> </ul>	<ul style="list-style-type: none"> <li>seize and detain potential evidence Of a relevant offence (i.e. an offence under Part 1 of the 1981 Act or Part 1 of the Bill)</li> </ul>
<ul style="list-style-type: none"> <li>and enter land other than a dwelling or lockfast premises.</li> </ul>	<ul style="list-style-type: none"> <li>enter land other than a dwelling or lockfast premises only if the original power they are acting on allows for this.</li> </ul>
With a warrant:	
<ul style="list-style-type: none"> <li>enter premises, if necessary using reasonable force, not covered by the provisions described above.</li> </ul>	<ul style="list-style-type: none"> <li>N/A – the intention is that if required, it will be Police Scotland who acquire a warrant.</li> </ul>

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[Redacted – regulation 10(5)(d) - Confidentiality of proceedings provided for by law/legal advice]

### Police response

In an email to policy officials, the Police confirmed that Police Scotland would not oppose the extension of Scottish SPCA powers, provided the following conditions are met:

- Scottish SPCA only utilise section 19 WCA 1981 search powers when already on land lawfully, i.e. utilising other search powers already afforded to them.
- Whilst already on said land the Scottish SPCA are responding to time critical circumstances only, where there is a significant risk of evidence being lost / compromised by waiting for police to respond.
- Any evidence of wildlife crimes are provided to Police Scotland as soon as practicably possible, who will continue to have primacy over offences under terms of WCA 1981, and as such will progress the investigation. However, in certain circumstances, if agreed by Police Scotland and the Scottish SPCA, the Scottish SPCA may report subsequent cases.
- No powers of arrest, search of persons, or to crave a search warrant are provided.

[Redacted - regulation 10(4)(e) – internal communications]

[Redacted - regulation 10(4)(e) – internal communications]

On 26 June 2023 MEE agreed to proposals to provide the Scottish SPCA with further limited powers to investigate wildlife crime as set out below. The **report was published** and **SG response** was announced on 27 June 2023.

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### Our proposals

Our proposal is to provide Scottish SPCA inspectors who are acting under their existing powers under the 2006 Act, as set out in above, with additional powers to search, examine and seize evidence in connection with the following offences:

#### Wildlife and Countryside Act 1981

- Section 1 (protection of wild birds, etc),
- Section 5 (prohibition of certain methods of killing or taking birds),
- Section 6 (sale, etc. of wild birds),
- Section 7 (registration of certain captive birds),
- Section 8 (protection of captive birds),
- Section 9 (protection of certain wild animals and prevention of poaching),
- Section 10A (protection of wild hares),
- Section 11 (prohibition of certain methods of taking wild animals),
- Section 11G (prevention of poaching: wild hares, rabbits, etc),
- Section 11 (sale, possession, etc. of wild hares, rabbits, etc),
- Section 12A (requirements for use of traps),
- Section 12F (authorisation from landowners etc. to use traps),
- Section 15A (possession of pesticides)

#### Wildlife Management and Muirburn (Scotland) Bill 2023

- Section 1 (offence of using a glue trap),
- Section 2 (offence of purchasing a glue trap).

The additional powers will only be able to be exercised when an inspector is already responding to a case using their existing powers under the 2006 Act.

For example, as the law currently stands, a Scottish SPCA inspector who is responding to a case of a live animal caught in an illegally set trap, is not able to seize any other illegal traps in the immediate vicinity which don't contain live animals or search the area for evidence of other illegally set traps.

Under our proposals, in these circumstances an inspector would have the power to seize the illegally set traps and search for evidence of other illegally set traps in the vicinity.

These powers would only be given to an inspector appointed by the Scottish Government under section 49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act") and each inspector would be separately and individually authorised by the Scottish Government in connection with the new powers.

The power conferred on a local authority to appoint inspectors under section 49(2)(b) of the 2006 Act will be left unchanged. All inspectors would be required to undertake specified training prior to being given authorisation to exercise the new powers. Authorisations could be withdrawn at the discretion of the Scottish Government.

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Police Scotland will retain primacy over investigation of wildlife cases including offences under the 1981 Act and the Wildlife Management and Muirburn (Scotland) Bill 2023.

In addition to the additional training requirements for Scottish SPCA inspectors, protocols will be established between the Scottish SPCA and Police Scotland, to ensure effective partnership working, and to clearly set out the role of the Scottish SPCA within the limit of these powers. Under our proposals Scottish SPCA inspectors would not be given the powers to stop and search people or powers to arrest people suspected of committing a wildlife crime.



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## **Annex G – Scottish SPCA Lines to take**

[Redacted – regulation 6(1)(b) – publicly available information & regulation 10(4)(e) – internal communications]

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## **Annex H - Line to take on other provisions in the Bill**

[Redacted – regulation 6(1)(b) – publicly available information & regulation 10(4)(e) – internal communications]

## **Annex I - Consultation findings**

- We ran a consultation from the 22 August to 3 October on snaring and Scottish SPCA powers.
- The consultation received 5289 responses. The majority of respondents who answered the questions agreed with the Scottish Government's proposals to ban the use of snares (70%) and extend the powers of Scottish SPCA inspectors to investigate certain wildlife crime offences (71%).

This interim summary presents the findings from the initial analysis of responses to the closed (yes/no) questions, a full summary of responses to the consultation will be produced in due course.

On snaring;

- 70% of respondents agreed with proposals to ban the use of snares and other cable restraints.
- 71% of respondents did not want an exception to allow snaring for research purposes.
- 73% of respondents did not want any other exceptions.

On Scottish SPCA powers

- 71% of respondents agreed with proposals to extend the powers of the Scottish SPCA to investigate wildlife crime.
- 71% of respondents agreed with proposals for these powers to include glue trap offences.
- 66% of respondents agreed with proposals to place limitations and conditions on the extended powers.

### **Police Scotland response**

Police Scotland acknowledges and appreciates the Scottish Government is committed to the limited increase in powers set out in the most recent consultation for the Wildlife Management and Muirburn (Scotland) Bill.

With the scope of proposed powers considered, Police Scotland maintains some concerns.

Impartiality remains a significant concern.

We also have concerns about the possible negative public reaction to Inspectors enforcing their new powers, and with PPE considerations in general.

Power to search land under Sec 19 WCA 1981 is a significant and intrusive undertaking. It is essential that the Scottish SPCA have the necessary oversight.

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Transparency, fairness and accountability are vital considerations when granting a charity additional investigative powers which will infringe on people's rights.

The following section of the proposal will be crucial as far as Police Scotland is concerned;

“Police Scotland will retain primacy over investigation of wildlife cases including offences under the 1981 Act and the Wildlife Management and Muirburn (Scotland) Bill 2023...”

A Joint working 'standard operating procedure' will be required to ensure that Police Scotland are retaining primacy as mentioned in the consultation proposal. Effective lines of communication between the Scottish SPCA and our Local Wildlife Crime Police Officers will be key.

Police Scotland will ensure any increase in Scottish SPCA powers will be met with our full and meaningful cooperation.

### Scottish SPCA response

The Scottish SPCA would like to make clear that once again that these limited additional powers are to enhance and not replace the work of Police Scotland.

The Scottish SPCA is willing to take every step required to be able to work alongside Police Scotland. The Society believes these additional powers will save time and resources for both agencies. The Scottish SPCA acknowledges and respects Police Scotland's primacy on all wildlife cases.

Scottish SPCA inspectors currently have the powers to report alleged breaches of animal welfare legislation to The Crown Office and Procurator Fiscal Service (COPFS) that meets the requirements and criteria of COPFS. However, if Scottish Ministers identify any further training that Scottish SPCA inspectors are required to fulfil, then the Scottish SPCA will readily comply.

As Scottish SPCA inspectors are already trained in their existing enforcement powers under the 2006 Act, and presenting cases directly to the Procurator Fiscal, this added training is not expected to be too challenging for Scottish SPCA inspectors.

## Snaring

### Ministerial evidence session 28 June 2023

When asked for an update on the timing of a decision on the snaring review the Minister responded:

*“When my officials were in front of the committee three or four weeks ago, we hoped to have a decision by today on whether we would seek to amend the bill in that regard. The reality is that we are still looking at proposals that have been put to us about other types of snares. We do not want to make a decision before we have fully investigated those proposals, but our decision will be imminent.*

*I am conscious that, as Christine Grahame said at the 31 May meeting, the committee will need time to scrutinise whatever we decide to do; I am completely alive to that fact. When I convened committees, I got quite upset when things changed halfway through a bill process and there was not adequate time for scrutiny, so I understand that the committee needs to know our position on snaring quite quickly. The committee can expect a decision very soon.*

*When stakeholders tell us—as they have done, particularly from the gamekeeping fraternity—that there are more humane ways of doing things that they would like us to look at and that there has been modernisation in the field, it is incumbent on us not to dismiss that out of hand and simply barrel on regardless. We need to consider whether the mechanisms are humane, and we do that with veterinary and animal welfare colleagues. To respond to Ms Wishart’s question, I cannot give a date, because I do not know it yet, but it will be soon.”*

### PFG Commitment

The 2023-2024 Programme for Government included a commitment to “ban snaring through the Wildlife Management and Muirburn (Scotland) Bill.”

### Committee correspondence

The Minister wrote to the RAI committee on 22 August:

*“Dear Convener,*

*I am writing to make the Rural Affairs and Islands Committee aware of the Scottish Government’s intention to bring forward amendments to ban the use of snares in Scotland at Stage 2 of the Wildlife Management and Muirburn (Scotland) Bill 2023.*

*This decision follows a review of the welfare and land management implications of the use of snares in Scotland. There will now be a formal consultation on our proposals. The consultation will also seek views on our plans to give limited additional powers to Scottish SPCA inspectors (my letter of 27 June refers).*

*I attach a link to the [consultation document](#).”*

[Redacted – regulation 6(1)(b) publicly available information & 10(4)(e) internal communications]

## **SSPCA powers**

[Redacted – regulation 6(1)(b) publicly available information & 10(4)(e) internal communications]

Police Scotland comments on ‘official investigation’ at committee on 21 June

**The Convener:** *Therefore, immediately upon someone contacting the police with a complaint that involves an allegation of some sort of criminality, there is an official investigation.*

**Detective Sergeant Lynn:** *Technically, yes, because it needs to be resolved in one way or another. As I said, it could very quickly be established that there has been no criminality, in which case, it would be an incredibly short investigation.*

[Redacted – regulation 6(1)(b) publicly available information & 10(4)(e) internal communications]

## **Muirburn season**

### **Background**

[Redacted – 10(4)(e) internal communications]

The Bill currently sets out that, except under exceptional circumstances, muirburn is permitted only during the statutory muirburn season (the “open season”), which runs from 1st October to 15th April inclusive.

The reason for the close season for muirburn is to reduce the risk of wildfire occurring during the hottest and driest part of the year, and to protect vulnerable wildlife, such as ground nesting birds and mammals, during their main breeding season.

[Redacted – regulation 10(4)(e) internal communications]

[Redacted – regulation 6(1)(b) publicly available information]