

Review of Snaring for Scottish Government

Prepared by SNH

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**REVIEW OF SNARING FOR SCOTTISH GOVERNMENT
PREPARED BY SNH
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EXECUTIVE SUMMARY

The Review of Snaring Group (Review Group) is satisfied that the number of reported incidents of snaring-related offences has reduced.

Feedback from the approved training bodies indicates that the administration procedure is satisfactory.

The Review Group have made proposals that would further refine and codify snaring practices and components, the majority of which can be delivered through the Snaring Code of Practice.

The Review Group have made the following suggestions for changes to legislation that should be considered:

- Implement a time period for updating snare records and reduce the time allowed for producing records to the police;
- Increase the stop position on fox snares to enlarge the noose size to 26cm;
- Increase the number of swivels on fox snares to a minimum of two;
- Introduce the power of disqualification for a snaring offence;
- Consider how a strengthened Code of Practice can be better endorsed through legislation.

1. INTRODUCTION

The Wildlife & Natural Environment (Scotland) Act 2011 ('the WANE Act') made a number of amendments to the Wildlife & Countryside Act 1981 ('the WCA').

The provisions within Section 13 of the WANE Act introduced new requirements for the operation of snares by amending Section 11 of the WCA, particularly with regard to the introduction of training, record keeping and identification tags.

The provisions also introduced the need for establishment of approved training bodies to deliver snare training, and created an administrative role within Police Scotland to maintain records of trained operators.

The changes were implemented in stages between 1st January 2012 and 1st April 2013¹, and therefore any person who sets a snare in place after the relevant date and fails to comply with the requirements then in force will be guilty of an offence and may be liable to criminal prosecution.

Section 11F of the WCA (as amended) requires a review of snaring legislation by 31st December 2016.

Scottish Natural Heritage (SNH) has been tasked to undertake the Review of Snaring on behalf of Scottish Government.

2. SCOPE AND APPROACH OF REVIEW

The scope of the Review of Snaring is defined under Section 11F of the Wildlife and Countryside Act as:

11F Snaring: review and report to the Scottish Parliament

(1)The Scottish Ministers must carry out, or secure the carrying out by another person of, a review of the operation and effect of—

(a)section 11 and any orders made under that section (in so far as the section and the orders make provision as regards snaring);

(b)sections 11A, 11B, 11C, 11D and 11E and any orders made under those sections.

(2)A review must be carried out under subsection (1) no later than—

(a)31st December 2016 (“the first review date”);

(b)the end of the period of 5 years beginning with the first review date; and

¹ by a number of Statutory Instruments, namely:

The Snares (Identification Numbers and Tags) (Scotland) Order 2012

The Snares (Training) (Scotland) Order 2012

The Snares (Training) (Scotland) (No. 2) Order 2012

The Snares (Training) (Scotland) Order 2015

The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Order 2011

The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Amendment Order 2011

The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Amendment (No. 2) Order 2012

The Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012

(c)the end of each subsequent period of 5 years.

(3)In carrying out a review under subsection (1), the matters that must be considered include whether in the opinion of the Ministers (or, if the review is being carried out by another person, that person) amendment of this Act or enactment of other legislation is appropriate.

(4)In carrying out a review under subsection (1), the Scottish Ministers (or, if the review is being carried out by another person, that person) must consult such persons and organisations as they consider (or, as the case may be, the other person considers) have an interest in it.

(5)The Scottish Ministers must, as soon as practicable after a review is carried out under subsection (1), lay a report of the review before the Scottish Parliament.”

A Review of Snaring Group (Review Group) was established by SNH to oversee the Review of Snaring.

In order to facilitate an objective review of snaring, the Review Group included only key government bodies involved in snaring. The Review Group comprised representatives from Police Scotland (enforcement remit), Crown Office Procurator Fiscal Service (COPFS -prosecution remit), Science and Advice for Scottish Agriculture (SASA -technical remit), Scottish Government (SG -legislative remit) and SNH (lead).

The Review Group identified three key elements to conducting the Review of Snaring in relation to sections 11 to 11E of the legislation:

1. Assessing efficacy of the legislation (sections 11 and 11B-E of the WCA as amended);
2. Review snare training and assess the effectiveness and compliance with the administrative procedure for obtaining snaring ID (section 11A of the WCA as amended);
3. Consider any evidence of outstanding animal welfare implications in relation to snaring and whether these are sufficiently addressed through the provisions under section 11 of the WCA as amended.

Science and Advice for Scottish Agriculture (SASA) convened a Scottish Technical Assessment Group (TAG) on Snaring to examine in depth the practical working of the legislation. This report stands independent of but complementary to this review and as such is included in Annex 3. The Review Group are supportive of the work undertaken by TAG.

The methodology adopted in this review is provided in Annex 1.

3. ASSESSING THE EFFICACY OF THE LEGISLATION

3.1 Summary

The Review of Snaring Group received data from Crown Office Procurator Fiscal Service (COPFS) in relation to the number of Standard Prosecution Reports (SPRs) received in the calendar years 2006 to 2016 and the numbers of cases prosecuted and those leading to conviction²³.

Calendar Year	SPRs received by COPFS	Cases prosecuted	Cases resulting in conviction ⁴	PF Direct measures issued	Incidents ⁵ reported in SPRs	
					by year SPR reported	by year of occurrence
2006	3	2			3 ⁶	3
2007	3				3	1
2008	9	7	5		11	11
2009	6	5	2		6	7
2010	15	7	5	6	17	18
2011	2			1	3	1
2012	9	5	3		9	11
2013	3	1	1	1	9	8
2014	5	3	3	1	6	9
2015	5	5	4		8	4
2016	1	1	1		1	1

It is important to note that the sample size is too small to perform statistically significant analysis of the incident, SPR, prosecution and conviction data, therefore while any analysis may be broadly indicative of trends, it should not be read in isolation.

However, the Review Group noted that the number of SPRs submitted to COPFs were above average in the years 2008, 2010 and 2012 (as were the number of incidents to which they related). These were years in which the control of snaring was considered and/ or amended: the Scottish Parliament considered snaring in 2008 following a period of public consultation; the Snares (Scotland) order 2010 came into force in that year; and the

² Offences under Section 11 of the 1981 Act are liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale (£5k).

³ An SPR may relate to multiple charges and/or incidents and any prosecution may relate to more than one SPR.

⁴ The figures show only those cases in which the accused was convicted of a snaring offence or of a directly related offence. Cases in which the accused was convicted of a non-related offence only are not included.

⁵ The number of incidents represents the number of different dates on which the snaring offences included in the SPR occurred.

⁶ This figure includes 2 incidents which occurred in 2005.

amendments made by the WANE Act began to take effect in 2012. The figures may, therefore, reflect increased public awareness.

It is understood that some of the cases reflected individual operators being slow to adopt to the new requirements while others may have reflected increased awareness of members of the public and the new Section 11D of the WCA (presumption form identification number - see paragraph 3.6 below) is likely to have had an impact.

The Review Group was reassured by the Scottish SPCA's assessment⁷ that "following the introduction of the requirement for snares to be tagged and compulsory training courses etc., reports (in relation to the misuse or illegal use of snares) have definitely declined." Against the background that "...In practice, probably all of the investigations into snaring complaints in Scotland involve the Scottish SPCA...."⁸

The following parts of this report provide some information about convictions and sentences. It should be noted that in some cases the particular charge may have been one of several, in which case the sentence indicated will not reflect the disposal of the case in its entirety.

It is not possible to assess the impact of each sub-section. The Review Group considers that the requirement for training and accreditation under Section 11A has *likely* improved the overall competency of snare operators and raised awareness of the legislative requirements.

In addition, the ability for snare operators to be identified via the tag and identification numbers required under Section 11A is likely to encourage adherence to the legislation and help with identification of a suspect in the event of an offence (only in cases where a snare identification number has been used).

The Review of Snaring Group noted that the legislation does not provide for disqualification from entitlement to use snares on conviction.

This position can be contrasted with the trapping of wild birds. In certain circumstances trapping of birds permitted under the general licences issued under Section 16 of the WCA, if it is done in compliance with the terms of the licence. However, persons convicted of certain wildlife crimes may not rely on the licences and so is prohibited from such trapping.

While a conviction under the snaring provisions of the WCA would prevent reliance on the General Licences, it cannot be assumed that all snare operators will operate under the General Licences. It would seem appropriate as both a deterrent and punishment therefore that a conviction under the snaring provisions should also result in a disqualification from snaring.

⁷ Response by the Chief Superintendent of the Scottish SPCA to the Rural Affairs, Climate Change and Environment Committee, dated 22 January 2016,

⁸ "Cruel and Indiscriminate: Why Scotland must become snare-free," published by OneKind and the League Against Cruel Sports Scotland, 2016.

The Review Group was informed that proof of snaring offences can be expensive and resource intensive, for example, where post mortems and forensic examinations are required, even for sometimes minor aspects.

3.2 Section 11: Those provisions regarding snaring, including the setting of snares

Section 13 of the WANE Act amends section 11(1) of the WCA through the addition of sub section (1A).

Sub-section (1)(aa) was amended by the Nature Conservation (Scotland) Act 2004 regarding the offence of setting a snare with the intention to cause unnecessary suffering, while the subsequent sub-sections 11(1A)(a) through to (d) incorporate the conditions previously contained within the Snares (Scotland) Order 2010.

The Review Group concluded that the legislative changes have been largely effective in providing for snare administration and operating practices, but noted that they have also introduced a degree of difficulty in the enforcement and prosecution of snaring offences.

Self-locking snares

The Review Group noted that the requirements of sections 11(1)(aa) and 11(1A) do not apply to self-locking snares or any other snare to which section 11(1)(a) applies.

Prior to the WANE Act amendments, the term “self-locking” was used to describe any snare which by reason of its construction, rust, damage, etc. was not free-running. However, the distinction in section 11B between “self-locking” snares and those which are capable of locking because of rust, damage, etc. serves both to limit the application of section 11(1)(a) and to extend the application of section 11(1)(aa) to snares which would formerly have been viewed as self-locking.

There is potential for multiple offences to be identified within a single snaring incident, with some of these being seemingly conflicting (for example see paragraph 3.4 *Section 11B ‘Duty to Inspect’*). This can make a prosecution difficult.

One approach advocated by COPFS is that practice should be codified in legislation, in effect making a breach of a Code of Practice an offence. Codes have historically helped to direct best practice on the ground and provide practical guidance in respect of application of the legislation. For example in the WANE (Scotland) Act 2011, Section 15 *Non Native Species etc; Code of Practice* states that while failure to comply with a Code of Practice does not of itself constitute an offence it may be taken into account in determining any proceedings.

The Review Group took the view that SG should consider how a strengthened Code of Practice can be better endorsed through legislation.

Likelihood

The term 'likely' replaced 'calculated' in various provisions of Section 11 and it has had the benefit that *mens rea* or criminal intent does not need to be established in any prosecution. However the fact that an untoward incident has occurred does not of itself demonstrate the likelihood that it would have occurred and this has introduced the need to obtain suitable expert evidence to assess that likelihood.

3.3 Section 11A Training. Identification numbers, tags etc.

Section 13 of the WANE Act amends section 11(1) of the WCA through the addition of Section 11A which makes provisions for snare training, the use of snare tags and identification numbers and the registration process in order to obtain these⁹.

Snare Identification Numbers and Tags

The Snares (Identification Numbers and Tags) (Scotland) Order 2012 came into force on 22nd November 2012 and Article 7 of this Order prescribes how tags bearing identification numbers must be displayed upon all snares set.

The Review Group did not have access to numbers of snaring crimes recorded by the legacy Scottish Police Forces nor Police Scotland. Therefore it has not been possible to assess the efficacy of the legislation in identifying a suspect with regard to Section 11A by comparing between pre and post WANE Act recorded crime data.

Six prosecutions have resulted in a conviction for an offence under Section 11A, and a further case was dealt with by Procurator Fiscal (PF) direct measure.

Three of the convictions related to the accused setting snares in position which did not have identification tags attached.

Two of the convictions related to the accused setting snares without having been issued with an identification number.

One conviction related to the accused setting a snare in position without ensuring that a tag was fitted in such a manner that it was not capable of being easily removed.

⁹ Relevant Order: The Snares (Identification Numbers and Tags) (Scotland) Order 2012

The court disposals were as follows:

Year	Offence	Disposal
2013	section 11A(1) and (5)	Community Payback Order 240 hours
2014	section 11A(1)	£200 fine
2014	section 11A(2)	£300 fine
2014	section 11A(1)	Admonished
2014	section 11A(1)	PF Direct Measure
2015	section 11A(1) and (5)	Community Payback Order 200 hours
2015	section 11A(2)(b) and (6)	Admonished
2016	None	-

It is difficult to draw conclusions based upon this information. On the one hand, the identification of an operator will be inherently more difficult if a snare identification number is not used, which will result in lower prosecutions. On the other hand, the data could be interpreted as providing evidence that Section 11A improves detection of offences, and enables prosecution of technical offences, which otherwise may have gone undetected, ultimately improving compliance with the legislation.

3.4 Section 11B Duty to Inspect

Prior to April 2013 and the enactment of the WANE Act, Section 11(3) of the WCA made it a requirement for *'Any person who sets a snare in position or who knowingly causes or permits a snare to be so set must, while it remains in position, inspect it or cause it to be inspected at least once every day at intervals of no more than 24 hours.'*

Following the enactment of the WANE Act this requirement was substituted by Section 11B(1) of the WCA.

Eight prosecutions have resulted in a conviction for an offence of 'failing to inspect' between 2008 and 2016, a further case was dealt with by PF Direct Measure.

The relevant charge in five prosecutions (brought in 2008 – 2012) was under Section 11(3) and in three prosecutions (brought in 2013 – 2016) was under Section 11B(1).

Disposals included fines ranging from £240 to £500 and a Community Payback Order of 240 hours.

Year	Offence	Disposal
2008	section 11(3)	£500 fine
2008	section 11(3)	£400 fine
2008	section 11(3)	£200 fine
2009	None	-
2010	section 11(3)	£240 fine
2010	section 11(3) and 11(3A)(b)	PF Direct Measure
2011	None	-
2012	section 11(3)	£500 fine
2013	section 11B (2)(a)	Community Payback Order 240 hours
2014	section 11B(1)	£300 fine
2015	section 11B(1)	£500 fine
2016	None	-

The number of people operating snares prior to enactment of Section 13 of the WANE Act is not known, but it is reasonable to assume that a proportion of operators may have discontinued using snares rather than undergo training and registration.

The total number of snare operators registered with Police Scotland as of November 2016 is 1502.

While the lack of available data means it is not possible to compare the relative number of offences prosecuted in the pre and post WANE Act periods, the overall numbers of prosecutions remains very low.

The Review of Snaring Group concludes that Section 11B ('Duty to Inspect') of the Wildlife and Countryside Act 1981 (as amended) is serving its legislative requirements. However, the Review Group noted that while the objectives of the Section 11B are clear, its structure introduces a difficulty for enforcement.

Section 11B(3)(a) makes it an offence for a person who sets a snare in position, without reasonable excuse, to fail to inspect it or cause it to be inspected, at least once every day at intervals of no more than 24 hours. On the other hand, Section 11B(3)(b) makes it an offence for a person who, *while carrying out such an inspection*, fails to release any animal caught in it, or fails to ensure that it is free running.

It is not enough to prove simply that a snare has not been free running or that an animal has been trapped in it for more than 24 hours. While the inference might be that the operator has failed to check the snare as required, in the absence of specific evidence of what did or did not take place, it's equally possible that the operator checked it but failed to take the appropriate action.

3.5 Section 11C Authorisation from Landowners

Prior to April 2013 and the enactment of the WANE Act, Section 11(3D) of the WCA made it an offence for ‘*any person who, without reasonable excuse—*
(a) while on any land, has in his possession any snare without the authorisation of the owner or occupier of the land; or
(b) sets any snare in position on any land without the authorisation of the owner or occupier of the land’

Following the enactment of the WANE Act these prohibitions became Section 11C(a) and (b) respectively of the WCA 1981.

Six prosecutions have resulted in a conviction for activity ‘*without authorisation of the owner or occupier of the land’* between 2008 and 2016.

The relevant charge in three prosecutions (brought in 2008 – 2013) was under Section 11(3D) and in three cases prosecutions (brought in 2013 – 2016) was under Section 11C.

Disposals included sentences ranging from admonition, fines up to £100 and a Community Payback Order of 200 hours.

Year	Offence	Disposal
2008	11(3D)(a):	£75 fine
2009	11(3D)(a):	£100
2010	None	-
2011	None	-
2012	11(3D)(b):	CPO 100 hours
2013	None	-
2014	11(3D)(b):	Admonished
2015	11C(b):	Community Payback Order 200 hours
2015	11C(b)	Community Payback Order 180 hours + Restriction of Liberty Order curfew. The accused was also convicted of an offence under the Animal Health and Welfare (Scotland) Act 2006 and the court made a disqualification order.
2016	None	-

The overall number of cases is low, so it is difficult to draw any conclusions in terms of the efficacy of the legislation, however the Review Group consider that it would be very difficult to legislate for the actions of individuals where the *modus operandi* is to undertake an act of snaring with the intention of committing an associated crime.

Had the cases (and associated offences) suggested recklessness by trained operators then the inference would be that the legislation is failing. However the cases prosecuted tend to point to deliberate abuse for purposes ranging from poaching to badger persecution.

3.6 Section 11D Presumption arising from the Identification Number

In criminal cases, the burden of proof to identify the person who sets a snare lies on the prosecutor. This can be difficult, particularly on land where multiple snare operators work.

Prior to April 2013 and the enactment of the WANE Act there was no requirement for fitting of tags bearing identification of the operator or any other form of identification to snares.

Section 11D of the WANE Act has created the presumption that '*the identification number which appears on a tag fitted on a snare is presumed in any proceedings to be the identification number of the person who set the snare in position.*'

Due to both the complexity of recording and Data Protection issues, it is not possible for the Review Group to access Police Scotland and the legacy Scottish Police Forces Crime Report data in order to analyse the effect of Section 11D on the ability of the police to successfully identify a suspect through snare identification number.

Section 11A deals with offences in relation to identification numbers, and this is covered in more detail in the section by the same name above.

Concurrent work undertaken by the TAG identified the need for clarification over the use of identification numbers on snares and the presumption arising from them when one snare operator takes over temporary responsibility for checking snares from the operator identified by the tag (for instance during holidays or if the identified operator is sick).

Scottish Government confirmed to the TAG that anyone can undertake the requirement to *check* the snare in every 24 hour period, whether or not they possess a snaring ID number although they must be competent to deal with any snared animal they find. The detail of this should be agreed through the Code of Practice.

However, the person who *sets* the snare must have a valid ID number, and is responsible for it when set, even if checked by another individual. Therefore the *presumption* of identification remains irrespective of who is given responsibility for checking. The TAG concluded that this needs to be clarified.

An additional recommendation from the TAG relates to the requirement for operators to update snaring ID details when circumstances change, such as the operator moves or is no longer using snares. The TAG did not consider

how this may affect the presumption arising in the event of any snares found in position after details have been changed or updated.

While generally supportive of this recommendation, the Review Group suggests that further consideration is given to the implications of Section 11D should this recommendation be implemented through a revision of legislation.

3.7 Section 11E Record Keeping

The WANE Act introduces the requirement for snare operators to maintain detailed records of their snaring activity through the provisions under Section 11E. Prior to the enactment of the WANE Act there was no requirement for snare operators to maintain any form of records of snaring activity.

Critical to these provisions sub-section 11E(4) introduces the requirement to produce these records to a constable within 21 days of being requested. Failure to do so will constitute an offence.

Following enactment of the WANE Act only one case has been prosecuted under Section 11E in 2015, with a fine of £500 for failing to produce snaring records to the police. It is difficult to reach conclusions regarding the efficacy of Section 11E based upon one successful prosecution and conviction.

The Review Group and the TAG have questioned the reasoning behind the 21 day allowance for operators to produce records to the police. Both Groups feel that if operators are showing due diligence by completing records timeously then 21 days is excessive. Equally, for those operators who do not maintain up-to-date records, the 21 day period does not act as an incentive to comply.

As such both the Review Group and TAG suggest that Scottish Government should consider amending legislation to require operators to update records at least once every 48 hours unless they have a reasonable excuse not to do so, and to submit records to the Police on demand if the Police arrive at the location where the records are kept, or within 7 days to a police station. These considerations are similar to the requirements within the Deer (Scotland) Act 1996 regarding venison dealer records.

Aside from any legislative requirements there is a clear benefit to the snare operator in maintaining accurate and up-to-date records in adhering to best practice and in the event of any criminal enquiry demonstrating due diligence.

The TAG recommends that snare operators maintain records of all animals caught in snares. This is a simple measure that can be adopted by snare operators to help demonstrate due diligence and as such is supported for inclusion in the Code of Practice by the Review Group.

In addition the TAG recommend the development of a pro-forma record book to append the Code of Practice, which operators may choose to use if they wish. This recommendation is also supported by the Review Group.

4. REVIEW SNARE TRAINING AND ASSESS THE ADMINISTRATIVE PROCEDURE

4.1 Snare Training¹⁰

The Snares (Training) (Scotland) Order 2012 came into force on 4th June 2012 and introduces the need for competence in key areas in order to be issued with a training certificate as determined by an approved body. The Order specifies the following as approved training bodies: British Association for Shooting and Conservation, Game & Wildlife Conservation Trust, Scottish Association for Country Sports and Scottish Gamekeepers Association.

The Snares (Training) (Scotland) (No. 2) Order 2012 came into force on 21st June 2012 and revokes the previous Order. The following are added to the list of approved bodies: Borders College, Elmwood College, The North Highland College, The Scottish Agricultural College. There are no other substantive changes over the previous Order.

The Snares (Training) (Scotland) Order 2015 came into force on 1st January 2016 and revokes the previous Order. The list of approved bodies is amended to the following: Borders College, British Association for Shooting and Conservation Limited, Countryside Alliance, Game and Wildlife Conservation Trading Limited, The Board of Management of The North Highland College, Scottish Association for Country Sports, Scottish Gamekeepers Association Charitable Trust and Scotland's Rural College.

There are no other substantive changes over the previous Order.

To date a total of 2578 have been trained.

Key to all three Orders is article 3¹¹, which makes provisions regarding the training requirements that must be met prior to a person being deemed as being 'trained' by an approved body.

¹⁰ Relevant Orders: The Snares (Training) (Scotland) Order 2012
The Snares (Training) (Scotland) (No. 2) Order 2012
The Snares (Training) (Scotland) Order 2015
The Snares (Identification Numbers and Tags) (Scotland) Order 2012

¹¹ 3.—(1) A person is trained when that person holds a training certificate issued in accordance with paragraphs (2) and (3).
(2) The training certificate is issued by an approved body.
(3) The training certificate is issued to a person whom the approved body determines (by examination or otherwise) is competent to—
(a) select an appropriate location for a snare to be set;
(b) set a snare in accordance with the law;
(c) identify and remedy defects in the setting and use of a snare; and
(d) set a snare in such a manner, and in such a place, that it is reasonable to expect that—
(i) use of the snare is consistent with animal welfare; and
(ii) the setting of the snare is an appropriate method of predator control

The determination of trainee competence under article 3(3) and ability to set a snare in accordance with the law under 3(3)(b) is subjective and reliant on both the delivery methods of the approved training bodies and the quality assurance processes that they employ.

Assessment Process: The measures employed to assess competency of trainees vary slightly between approved training bodies, with differences in the pass mark required in the exam. The use of continuous assessment throughout the delivery of the course and identification and addressing areas of weakness is to be encouraged and seems appropriate.

A standardisation of the assessments methods and level of attainment required for a 'pass' and therefore competence should be encouraged either through agreement between the approved bodies in association with SASA or via incorporation as an annex in the Code of Practice.

Failure Rates: A total of 3 failures from 2578 passes (certified to operate snares) seems disproportionately low. It is not possible to establish whether this is due to the continuous assessment and training delivered to address any weakness or whether it is due to other factors. However the Review Group believe that standardisation of the attainment levels and agreed level of competence of trainees should address any questions raised by this low failure rate.

Quality Assurance: All respondents stated (to a greater or lesser degree) that the knowledge, experience and ongoing awareness of staff delivering training provided quality assurance in meeting the requirements of Article 3. One respondent also stated that training was delivered to meet with the Code of Practice. While it is likely that all approved training bodies do in fact adhere to the standards within the Code of Practice, the Review Group would like to see this formally incorporated into the delivery of all snare training, through agreement among the approved training bodies.

4.2 Administrative procedure for obtaining snaring ID

Articles 3 to 6 of The Snares (Identification Numbers and Tags) (Scotland) Order 2012 outline the administrative procedure for obtaining a snare identification number from Police Scotland and the requirement for Police Scotland to maintain records of identification numbers issued and the person to whom they relate.

The effectiveness of the administrative procedure for obtaining snaring identification has been assessed by the Review Group by questioning the approved training bodies on operators' perspectives and Police Scotland on their ability to provide a service.

The Review Group contacted approved training bodies to establish how (in their opinion) certified snare operators comply with article 3(3). A summary of the responses is provided in Annex 4.

Registration Process with Police Scotland: Following successful completion of snare training, in order to apply for a snaring identification number operators must attend a designated police station with a completed application for a snaring operator identification number, copy of their training certificate, £20 administration fee, passport photograph and suitable identification.

Police Scotland issued initial guidance to the approved training bodies on the application process for obtaining a snare identification number. It is clear from the responses provided to the two questions (see Annex 4) that operators are fully informed by the approved training bodies about the process for registering for a snare identification number and any problems have been isolated.

Comments were made by the approved training bodies about an apparent lack of awareness experienced at a limited number of police stations about the snaring registration process.

Police Scotland provided a PowerPoint presentation to all Police Officers and Staff and this remains available on the force intranet. In addition, information on the registration process is available in the Police Scotland Wildlife Crime Standard Operating Procedure and in the Wildlife Crime Guidance booklet. It is also available to all on the intranet wildlife crime page as part of a wildlife crime presentation initially aimed at those involved in call handling. Information can also be found on the publicly available PSoS internet.

The consensus from approved training bodies is that the uptake of training has slowed significantly since Section 13 of the WANE Act was enacted. Police Scotland have provided reassurance that the initial information and guidance for police officers and staff on their role in the application process for snaring identification number is still available, however the requirement for this is likely to be at a low level.

Police Scotland has stated the turnaround for issue of a snaring identification number as approximately 14 days from submission of application at a police station. This is qualified however by other resource demands on the Police Scotland Firearms Licensing Department, who have been tasked with the administration of snaring identification numbers.

This seems fairly consistent with the timeframes indicated by the approved training bodies.

4.3 Compliance with the administrative procedure for obtaining snaring identification

The Review Group assessed the compliance with the administrative procedure for obtaining snaring identification by reviewing prosecuted cases involving non-compliance under Section 11A and the evaluation of the uptake of training against the number of operators who applied for an identification number. It must be noted however that this latter is merely a reflection of the number of people who have not chosen to register with Police Scotland for an

identification number and criminality cannot be inferred by any discrepancy between the numbers.

As discussed in Section 11A 'Training. Identification numbers, tags etc.:' (above) six prosecutions have resulted in a conviction for an offence under Section 11A, and a further case being dealt with by PF direct measure.

At least two of the convictions relate to individuals who had received snare training but not applied for an identification number.

A total of 2578 people have successfully completed snare training and 1502 of these have registered with Police Scotland and received a snaring identification number. The approved training bodies have proposed a number of explanations for this difference:

- Not all students are successful in gaining employment as gamekeepers;
- Some gamekeepers may lose employment and not need to operate snares;
- Many gamekeepers are switching to thermal imaging / light intensifiers equipment for pest control; The burden placed upon operators by the legislation is too onerous and some choose not to continue snaring;
- Concerns of being falsely accused of an offence in cases where snares have been tampered with;
- Some trainees (land owners and land managers) undertake training solely to gain a better understanding of snaring;
- Some trainees attend training but do not have an immediate need to operate snares.

All of these explanations seem valid, although concerns regarding being falsely accused in the event of snares being tampered with could be potentially mitigated through accurate and timely record keeping. None of these explanations points to a failure to comply with the administrative procedure, and it is therefore the view of the Review Group that it is currently meeting the requirements of the legislation.

5. IMPACT OF LEGISLATION ON ANIMAL WELFARE

The primary objective of the changes to snaring legislation was to better assure that practices were not causing unnecessary suffering. It is not within the scope of this review to assess whether that degree of suffering is acceptable. As such the discussion and assessment of the various sections with their associated prosecution rates provides a view as to the effectiveness of the legislation with regards animal welfare.

The TAG report (Annex 3) comprehensively considered how welfare concerns could be addressed through further guidance incorporated into the Code of Practice or through regulation.

There are two recommendations which would require change to legislation which the Review Group highlight for consideration.

Fox snare stop position: In order to reduce the risk of constriction injury where large specimens of the target species are caught and to lessen welfare issues associated with accidental capture around body (target & non-target species), TAG proposed to increase the stop position on fox snares to enlarge noose size to 26cm.

Number of swivels on fox snare: To reduce the risk of entanglement, especially if a single swivel becomes locked, e.g. with vegetation, TAG proposed to increase the required number of swivels on a fox snare to two.

Mountain hares

Section 11A(2)(c) of WCA¹² requires that snares intended to catch brown hares, rabbits and foxes must display a code to identify the target species. No such requirement applies to other potential target species, including mountain hares. Clarification is sought whether it is the intention of the legislation to prohibit the snaring of mountain hares.

It is SNH's view that snaring a mountain hare does require a specific licence on the basis that it could be considered 'indiscriminate', 'non-selective', or 'capable of causing local disappearance or serious disturbance to a population' of mountain hares (Reg. 41(2)(c) of the Habitats Regulations), and is therefore otherwise illegal unless licensed.

In addition concerns have been raised with SNH over the welfare impacts of snaring hares to the effect that it is difficult to advise on a method of snaring that does not cause unnecessary suffering – that they cannot be used effectively as a 'killing' trap because animals take too long to die and are not effective as a restraining means because there is too high a risk of killing or injury. The lack of any apparent means or guidance to avoid this means that SNH will not be minded to issue licences unless the contrary can be evidenced.

¹² and The Snares (Identification Numbers and Tags) (Scotland) Order 2012

6. RECOMMENDATIONS

The Review Group have considered all of the information made available (through COPFS, Police Scotland, the TAG, the approved training bodies and that provided by SSPCA, Scottish Badgers, OneKind) in respect to Section 11 of WCA (as amended by the WANE Act 2011), and in accordance to the requirements in Section 11F of the same Act.

The Review Group is satisfied that the reported incidences of snaring related offences have reduced.

Feedback from the approved training bodies indicates that the administration procedure is satisfactory.

The Review Group are therefore content that the legislation is working in its current state and are not making any *fundamental* recommendations requiring changes to legislation. However we ask the Scottish Government to consider the merit of amending legislation to require operators to update records at least once every 48 hours unless they have a reasonable excuse not to do so, and to submit records to the Police on demand if the Police arrive at the location where the records are kept, or within 7 days to a police station.

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.

The Review Group make the following recommendations which can largely be incorporated within the Snaring Code of Practice:

With respect to Section 11A: Training. Identification numbers, tags etc.;

- A standardisation of the assessments methods and level of attainment required for a 'pass' through agreement between the approved bodies in association with SASA;
- A requirement for approved training bodies to deliver training to meet the minimum requirements outlined in the Code of Practice.

With respect to Section 11 D: Presumption arising from the Identification number;

- Clarification within the Code of Practice that permission may be granted to another operator to check snares (in the event of the identified operator being unavailable due to sickness or holiday). It should also be made clear that the responsibility (and presumption arising) remains with the operator identified on the snare irrespective of the person performing checks;

- Further consideration be given to the requirement for operators to update snaring identification details when circumstances change and in particular how this may affect any subsequent presumptions made under Section 11D.

With respect to Section 11 E: Record keeping;

- The development of a pro-forma record book to append the Code of Practice, for use by operators if they choose to do so.

With regard to animal welfare:

- Consider regulation to increase the stop position on fox snares to enlarge the noose size to 26cm;
- Consider regulation to increase the number of swivels on fox snares to a minimum of two.

December 2016

Annex 1

Methodology Adopted in the Review

1. Assessing efficacy of the legislation

Relevant Sections:

Section 11 - Those provisions regarding snaring, including the setting of snares;

Section 11A - Training. Identification numbers, tags etc;

Section 11B - Duty to Inspect;

Section 11C - Authorisation from Landowners;

Section 11D - Presumption arising from the Identification number;

Section 11E - Record Keeping.

Relevant Order: The Snares (Identification Numbers and Tags) (Scotland) Order 2012

The most objective means of assessing the efficacy of and compliance with the legislation under section 11 and 11B-11E is through comparison of the incidences of snaring offences for the period after enactment of Section 11, with those for a similar period prior to enactment.

Recorded Crime:

Police Scotland was asked to provide details of the number of recorded crimes in relation to snaring offences. However the merger of the eight legacy Scottish Police Forces into Police Scotland in April 2013 has created difficulties in gathering and subsequent analysis of data, therefore this data has not been used in the review.

Recorded crimes relate only to those which have been detected and met with Scottish Crime Recording Standards to constitute a crime. The identification of a suspect and sufficiency of evidence with which to bring charges cannot be assumed for each recorded crime.

It is impossible to quantify the affect that any change in detection rates may have had on recorded crime figures. The publicity surrounding the snaring provisions under the WANE Act, increased awareness among snare operators through training requirements and changes to the structure of Scottish Policing through the formation of Police Scotland will all have impacted upon the level of crime detected.

Other Sources of Data

SSPCA were asked to provide details of the number of recorded crimes in relation to snaring offences. SSPCA are an investigatory agency with powers under the Animal Health and Welfare (Scotland) Act 2006 who may report crime under this Act directly to COPFS for prosecution.

While offences under the Animal Health and Welfare (Scotland) Act 2006 do not relate directly to the provisions made under the WANE Act, they may be

used as an indicator of associated snaring offences and provide a measure of the impact of the WANE Act on welfare-related offences.

Likewise Scottish Badgers and OneKind were also asked to provide details of the number of recorded incidents in relation to snaring. Neither organisation has a statutory remit for investigation of crime and do not report to COPFS, however incident data may be used to assess the impact of the WANE Act on the number of recorded incidents (including bad practice and those which do not constitute an offence but may have welfare implications).

There is no requirement for OneKind, Scottish Badgers and SSPCA to record crime to Scottish Crime Recording Standards as described in the *Police Scotland 'Crime Recording and Scottish Government Counting Rules (2016)'*, therefore detailed analysis and comparison of the datasets is not possible.

All datasets do show a general decrease in overall incidents (those perceived to be criminal and those perceived to be bad practice) from 2007 (earliest records) through to 2015. The number of incidents recorded by both OneKind and SSPCA peak in 2016, however the former may be due to the targeted fieldwork undertaken, which accounts for 14 of the 17 recorded incidents in 2016.

The general decrease in incidents, and in particular the marked decrease following the Snares (Scotland) Order 2010 is consistent with the incident data provided by COPFS.

Specific mention was given in all datasets as to whether snares were tagged or not tagged.

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.

SSPCA recorded 52 incidents between 2013 and November 2016. It is not clear from the information provided which are 'crimes.'

28 of these incidents involve snares which do not have an identification number attached, five involve snares with an identification number and a further 19 are not listed.

Standard Prosecution Reports

COPFS were asked to provide details of the number of Standard Prosecution Reports (SPRs) received from Police Scotland/legacy Scottish police Forces in relation to snaring offences.

SPRs can be used as an indicator of those recorded crimes where a suspect has been identified and the police or Scottish SPCA consider that it is appropriate to report the case to COPFS for consideration.

This, together with the number of recorded crimes will provide an objective assessment of the efficacy of the legislation in terms of compliance from snare operators but also the ability of the police to enforce the legislation when an offence has been committed.

Cases Marked for Prosecution

COPFS were asked to provide details of the number of cases marked for prosecution.

In marking cases COPFS review the available evidence and if the admissible evidence is sufficient to prove, prima facie, that an offence has been committed by an identified person, will go on to consider whether it is within the public interest for action to be taken, whether by prosecution or by the use of an alternative to prosecution (PF direct measure).

Convictions

COPFS were asked to provide details of the number of convictions for snaring offences.

COPFS also provided a note of the sentences imposed by the Courts in individual charges and also the number of direct measures issued.

A comparison of the number of recorded crimes with the number of convictions for the period after enactment of Section 11 with those for a similar period prior to enactment will give a relative indication of the enforceability of the legislation.

2. Review snare training and assess the effectiveness and compliance with the administrative procedure for obtaining snaring ID

Relevant Section: Section 11A - Training. Identification numbers, tags etc;

Relevant Orders: The Snares (Training) (Scotland) Order 2012
The Snares (Training) (Scotland) (No. 2) Order 2012
The Snares (Training) (Scotland) Order 2015
The Snares (Identification Numbers and Tags) (Scotland) Order 2012

The WANE Act introduced Section 11A 'Training. Identification numbers, tags etc.' to the WCA.

To comply with the requirements, snare operators must receive accredited training from an Approved Training Body. Approved Training Bodies are: British Association of Shooting and Conservation (BASC), Game and Wildlife Conservation Trust (GWCT), North Highland College, Scottish Association of Country Sports (SACS), Scottish Countryside Alliance, Scottish Gamekeepers Association (SGA), Scottish Rural College (SRUC) and The Borders College.

Police Scotland issue snare ID numbers in accordance with The Snares (Identification Numbers and Tags) (Scotland) Order 2012.

Snare operators must make an application for an individual snare identification number to Police Scotland. This number must be fitted in the prescribed way to all snares set by the operator.

Approved Training Bodies and Police Scotland were asked to provide information and their opinion in relation to the administrative procedure and the effectiveness of its operation.

Snare Training

Approved Training Bodies were asked to complete a questionnaire developed by the Review of Snaring Group to evaluate the training delivered and quality assurance of trainees prior to certification.

In addition Approved Training Bodies were asked to provide the number of people who have undertaken snare training, so this may be compared to the number who have applied for an ID number. Any discrepancy in number can be assumed to account for people who have been trained but chose to no longer operate snares.

GWCT maintain records of snare training certificates issued and were asked to provide the overall number and geographic distribution by postcode area.

Application for Snare ID

Approved Training Bodies were asked to complete a questionnaire to identify any common problems encountered by trained operators on application for a snare ID number form Police Scotland.

Police Scotland were asked to complete a questionnaire to identify any procedural problems with the administration of snare ID numbers and the geographic distribution of snare ID numbers which had been issued by postcode area.

3. Consider any evidence of outstanding animal welfare implications in relation to snaring and whether these are sufficiently addressed through the provisions under Section 11

Independent work has been undertaken by SASA to look at the technical elements of snares and their operation, with specific focus on welfare implications for target and non-target animals.

SASA created a Technical Assessment Group (TAG) to help direct this work comprising the Approved Training Bodies to enable a practitioners' perspective with technical knowledge of snare operation and both Police Scotland and SSPCA to provide input in relation to snaring offences under the WCA and Animal Health and Welfare (Scotland) Act 2006 respectively.

Annex 2

Section 13 Wildlife and Natural Environment (Scotland) Act 2011 made a number of amendments to the Wildlife and Countryside Act 1981 in relation to snares. It amends Section 11 by inserting an additional sub-section (1A) and introduces changes to Section 11(2) and 11(3). It also inserts sub-sections 11A through to 11F. The amendments are provided below.

Snares

13 Snares

(1) The 1981 Act is amended as follows.

(2) In section 11 (prohibition of certain methods of killing or taking wild animals)—

(a) after subsection (1), insert—

“(1A) For the purposes of subsection (1)(aa), a snare which is of such a nature or so placed (or both) as to be calculated to cause unnecessary suffering to any animal coming into contact with it includes—

(a) where the person who sets in position or otherwise uses the snare does so to catch any animal other than a fox, a snare which is not fitted with a stop which is capable of preventing the noose of the snare reducing in circumference to less than 13 centimetres;

(b) where the person who sets in position or otherwise uses the snare does so to catch a fox, a snare which is not fitted with a stop which is capable of preventing the noose of the snare reducing in circumference to less than 23 centimetres;

(c) a snare which is neither—

(i) staked to the ground; nor

(ii) attached to an object,

in a manner which will prevent the snare being dragged by an animal caught by it; and

(d) a snare which is set in a place where an animal caught by the snare is likely to—

(i) become fully or partially suspended; or

(ii) drown.”,

(b) subsections (3) to (3B) and (3D) are repealed.

(3) After that section, insert—

“11A Snares: training, identification numbers, tags etc.

(1) Any person who sets a snare in position must have an identification number (see also subsections (3), (4) and (7) in relation to identification numbers and training).

(2) Any person who sets in position or otherwise uses a snare must ensure—

(a) that a tag is fitted on the snare in such a manner that it is not capable of being easily removed from the snare;

(b) that there is displayed on the tag (in a manner in which it will remain readable) the identification number of the person who set the snare in position; and

(c) where the snare is intended to catch the following types of animal—

(i) brown hares or rabbits; or

(ii) foxes,

that there is also displayed on the tag (in a manner in which it will remain readable) a statement that it is intended to catch the type of animal in question.

(3) For the purposes of this section and sections 11D and 11E, the identification number of a person who sets a snare in position is the identification number issued to him by a chief constable.

(4) A chief constable—

(a) on receipt of an appropriate application from any person for an identification number for the purpose of setting snares in position in the chief constable's police area; and

(b) on being satisfied that the applicant has been trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control,

must grant the application and issue the applicant with an identification number.

(5) Any person who fails to comply with subsection (1) is guilty of an offence.

(6) Any person who—

(a) has an identification number and sets in position or otherwise uses a snare; but

(b) fails to comply with subsection (2) in any respect,

is guilty of an offence.

(7) Where an identification number has been issued by a chief constable under subsection (4), the person to whom it is issued—

(a) may use it also for tags fitted on any snares which he sets in position in any other chief constable's police area; and

(b) need not apply to any other chief constable for a separate identification number in relation to setting any such snare in position.

(8) The Scottish Ministers may by order make provision as regards—

(a) when a person has been trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control;

(b) how a chief constable is to be satisfied that an applicant for an identification number has been so trained;

(c) the manner in which a tag is to be fitted for the purposes of subsection (2)(a) (including the material from which a tag is to be made);

(d) the manner in which an identification number is to appear on a tag for the purposes of subsection (2)(b), and in which a statement is to be displayed on a tag for the purposes of subsection (2)(c);

(e) the form of and manner of making an application for an identification number;

(f) the determining by the Scottish Ministers, or by chief constables in accordance with the order, of any fee to accompany the application and the charging of any such fee;

(g) the issuing of identification numbers under subsection (4);

(h) the keeping of records of identification numbers issued, the persons to whom they are issued and the sharing of information from such records;

(i) such other matters in relation to training, tags or identification numbers (including the making of an application for, or the issuing of, an identification number) as they consider appropriate.

(9) In this section—

“appropriate application” means an application made in accordance with the provisions of an order under subsection (8);

“chief constable” means a chief constable of a police force appointed under section 4(1) of the Police (Scotland) Act 1967;

“chief constable's police area” means the police area for which the police force of which the chief constable is such officer is maintained; and “police area” is to be construed in accordance with section 50 of that Act.

11B Snares: duty to inspect etc.

(1) Any person who sets a snare in position must while it remains in position inspect it or cause it to be inspected, at least once every day at intervals of no more than 24 hours, for the following purposes—

(a) to see whether any animal is caught by the snare; and

(b) to see whether the snare is free-running.

(2) Any person who while carrying out such an inspection—

(a) finds an animal caught by the snare must, during the course of the inspection, release or remove the animal (whether it is alive or dead); and

(b) finds that the snare is not free-running must remove the snare or restore it to a state in which it is free-running.

(3) Subject to the provisions of this Part, any person who—

(a) without reasonable excuse, contravenes subsection (1); or

(b) contravenes subsection (2),

is guilty of an offence.

(4) For the purposes of this section, a snare is “free-running” if—

(a) it is not self-locking;

(b) it is not capable (whether because of rust, damage or other condition or matter) of locking; and

(c) subject only to the restriction on such movement created by the stop fitted in accordance with section 11(1A)(a) or (b), the noose of the snare is able at all times freely to become wider or tighten (and is not prevented from doing so whether because of rust, damage or other condition or matter other than the stop).

11C Snares: authorisation from landowners etc.

Subject to the provisions of this Part, any person who without reasonable excuse—

(a) while on any land has in his possession any snare without the authorisation of the owner or occupier of the land; or

(b) sets any snare in position on any land without the authorisation of the owner or occupier of the land,

is guilty of an offence.

11D Snares: presumption arising from identification number

The identification number which appears on a tag fitted on a snare is presumed in any proceedings to be the identification number of the person who set the snare in position.

11E Snares: record keeping

(1) Any person who has an identification number must keep a record of the following—

(a) the location of every snare set in position by the person which remains in position;

(b) the location of every other snare set in position by the person within the past two years;

(c) the date on which each snare mentioned in paragraph (a) or (b) was set;

(d) the date on which each snare mentioned in paragraph (b) was removed;

(e) in relation to each animal caught in a snare mentioned in paragraph (a) or (b)—

(i) the type of animal;

(ii) the date it was found;

(f) such other information as the Scottish Ministers may by order specify.

(2) For the purposes of subsection (1)(a) and (b), the location of a snare is to be recorded—

(a) by reference to a map; or

(b) by such other means (for example, by means of a description) capable of readily identifying the location.

(3) Any person who, without reasonable excuse, fails to comply with the duty under subsection (1) is guilty of an offence.

(4) Any person who—

(a) is requested to produce the record kept under subsection (1) to a constable; and

(b) fails to do so within 21 days of being so requested,

is guilty of an offence.

(5) Subsection (1) does not apply in relation to any snare set in position by a person before the person is issued with an identification number.

11F Snaring: review and report to the Scottish Parliament

(1) The Scottish Ministers must carry out, or secure the carrying out by another person of, a review of the operation and effect of—

(a) section 11 and any orders made under that section (in so far as the section and the orders make provision as regards snaring);

(b) sections 11A, 11B, 11C, 11D and 11E and any orders made under those sections.

(2) A review must be carried out under subsection (1) no later than—

(a) 31st December 2016 (“the first review date”);

(b) the end of the period of 5 years beginning with the first review date; and

(c) the end of each subsequent period of 5 years.

(3) In carrying out a review under subsection (1), the matters that must be considered include whether in the opinion of the Ministers (or, if the review is being carried out by another person, that person) amendment of this Act or enactment of other legislation is appropriate.

(4) In carrying out a review under subsection (1), the Scottish Ministers (or, if the review is being carried out by another person, that person) must consult such persons and organisations as they consider (or, as the case may be, the other person considers) have an interest in it.

(5) The Scottish Ministers must, as soon as practicable after a review is carried out under subsection (1), lay a report of the review before the Scottish Parliament”.

Annex 3

TECHNICAL ASSESSMENT GROUP SNARES & SNARING

The following report has been agreed by members of the Scottish Technical Assessment Group in October 2016. It summarises the content of three meetings, and suggests recommendations to be taken forward, either for further consideration, or for adoption prior to or after the Review of Snaring by SNH, scheduled for 31st December 2016.

The following bodies were represented on the Scottish Technical Assessment Group during these discussions.

Borders College
British Association for Shooting and Country Sports (BASC)
Elmwood College, Scottish Rural Colleges (SRUC)
Game and Wildlife Conservation Trust (GWCT)
Police Scotland / National Wildlife Crime Unit (PS / NWCU)
Science and Advice for Scottish Agriculture (SASA)
Scottish Association for Country Sports (SACS)
Scottish Gamekeepers Associated (SGA)
Scottish Government Animal Health and Welfare Division (SG)
Scottish Government Wildlife and Protected Areas Division (SG)
Scottish Society for the Prevention of Cruelty to Animals (SSPCA)

AMENDMENTS TO SNARE COMPONENTS

Amendment	Advantages	Disadvantages	Further information	Recommendation
Use of breakaways	<p>1. Welfare benefit by increasing the probability of humane escape by heavier species if a breakaway is an integral part of the noose part of the snare. For example, deer, badger and dog escape is more likely from fox snares; cat, dog, fox, badger and hare escape would increase from rabbit snares.</p>	<p>1. Industry is still refining the specifications that determine the optimal breaking strain for the retention of foxes, while allowing larger and heavier non-targets to escape.</p> <p>2. Requires restricting the length of the snare wire (see further information).</p> <p>3. Cannot use breakaway in conjunction with percussion springs (see below).</p> <p>4. Due to metal fatigue, breakaways will get weaker with repeated use.</p>	<p>Force (required to open the breakaway device) = mass (~weight of animal) x acceleration (maximum speed the animal can obtain before the end of the snare wire is reached).</p> <p>To reduce welfare risks, better to have a weaker breakaway and shorter wire length. Shorter wires will reduce max velocity that can be achieved, and reduce risk of injury if the breakaway holds.</p> <p>Breakaways are easy to incorporate in rabbit snares, by using a looped wire for an eye, at minimal cost.</p> <p>Several breakaway devices are now available commercially, either as an individual component or incorporated into a snare.</p>	<p>Code of Practice to state “All snares should incorporate a breakaway device into the snare noose. The breakaway must form the weakest part of the snare.”</p> <p>Re-examine developments in breakaway designs prior to the 2021 review, in order to determine:-</p> <ul style="list-style-type: none"> (a) If optimal breaking strains have been established for fox and rabbit snares; (b) If it is possible to prescribe weight bearing loads that can be applied to breakaways to allow practitioners and enforcement officers to test breakaway devices; (c) If so, to produce a method statement describing how to determine the breaking strain of a breakaway device.

Amendment	Advantages	Disadvantages	Further information	Recommendation
Restrictions to the length of snare wires	<ol style="list-style-type: none"> 1. Less risk of entanglement around objects or vegetation. 2. Less risk of suspension problems if set on steep incline or close to a vertical drop. 	<ol style="list-style-type: none"> 1. Will restrict the number of sites that can be used for snaring on stony hill ground. 	<p>Commercially available snares are an appropriate length, and current legislation provides incentives for reducing the risk of entanglement or suspension.</p> <p>Defined limitations may be required if breakaway devices are refined to within a narrow range of loading.</p> <p>Fox territory size very large in upland areas, therefore likely to be able to reposition a snare on ground that avoids stones. Research into rabbit snare lengths required.</p>	<p>No action.</p> <p>Until breakaway breaking strains can be defined, it is not appropriate to define snare lengths (see recommendations in relation to breakaways above).</p>
Increase the stop position on rabbit snares to enlarge the noose circumference to 15cm	<ol style="list-style-type: none"> 1. Reduces risk of constriction injury where large specimens of the target species are caught. 2. Lessens welfare issues associated with accidental capture around body for target and non-target species. 	<ol style="list-style-type: none"> 1. May increase risk of rabbit escapes. 	<p>TAG members agreed that virtually all people snaring rabbits manufacture their own snares, and incorporating proposed changes will have little commercial impact. However, further information is required on snaring efficacy.</p>	<p>Ask practitioners for feedback on impacts and encourage trialled use of larger stop size.</p> <p>May require separate consultation of snare users.</p> <p>No direct action for 2016 review.</p>
Alter design of eye	<ol style="list-style-type: none"> 1. Minimise risk of becoming self-locking. 	<ol style="list-style-type: none"> 1. Cost of replacing current eye designs 	<p>No evidence from SSPCA or Police that locking eyes are currently a problem in snares.</p>	<p>No action. Maintain legislation & Code of Practice.</p>

Amendment	Advantages	Disadvantages	Further information	Recommendation
<p>Increase the stop position on fox snares to enlarge noose size to 26cm</p>	<ol style="list-style-type: none"> 1. Reduces risk of constriction injury where large specimens of the target species are caught. 2. Lessens welfare issues associated with accidental capture around body (target & non-target species). 3. Evidence of lower brown hare by-catch. 4. Consistent with Defra COPFS, which will aid manufacturers. 	<ol style="list-style-type: none"> 1. Identification of stop position proving difficult for some. Risk of adding to confusion by changing position. 2. May increase risk of fox escapes, although little evidence to support this. 	<p>Used snares are inevitably replaced at regular intervals. Once users & manufacturers are more familiar with calculating the stop position, any change should not represent a problem.</p> <p>Stakeholders unaware of brown hare by-catch issue in Scotland.</p>	<p>Amend legislation and Code of Practice to increase stop size on fox snares to 26cm. Adjusting stop positions can damage the snare, so a phase-in period may be required to allow currently legal snares to be replaced.</p>
<p>Increase number of swivels on fox snare wire to a minimum of two</p>	<ol style="list-style-type: none"> 1. Reduces risk of entanglement, especially if a single swivel becomes locked, e.g. with vegetation. 	<ol style="list-style-type: none"> 1. Increases cost of snare but by a relatively small amount. 	<p>Two swivels now standard practice (one at anchor and one mid-snare wire) amongst many snare operators.</p> <p>Twine between tealer & anchor acts as swivel on rabbit snares.</p>	<p>Amend legislation & Code of Practice to include two in-line swivels, one at anchor point, and one mid-way along the snare wire.</p> <p>Maintain awareness of entanglement using rabbit snares, but no change at this time.</p>

Amendment	Advantages	Disadvantages	Further information	Recommendation
Require operators to use Approved snares	<ol style="list-style-type: none"> 1. Consistent snare used by all operators will help prevent issues with poor or inadequate components. 2. May simplify field checks by enforcements agencies if Approved snares are easy to identify. 	<ol style="list-style-type: none"> 1. Will require a system of testing and routine quality assurance with all manufacturers that claim to be selling an Approved snare. 2. May be difficult to enforce if Defra offer a different system of snare regulation elsewhere in UK. 3. May be in breach of EU requirements under free movements of goods. 4. Likely to increase unit price of snare. 5. Increased costs may promote extended use of snare beyond a reasonable lifetime. 	Further development of certain components such as the breakaway, still required.	<p>No action.</p> <p>May be considered as an option in the future if issues arise regarding inadequate quality of snare components.</p>
Require operators to use snares that are compliant with the Code of Practice	<ol style="list-style-type: none"> 1. Consistent snare construction, but source of components may vary. 2. Allows people to manufacture their own snares. 3. Promotes competition 	<ol style="list-style-type: none"> 1. Risk that components are poorly manufactured and liable to failure. 2. Poor components may result in an increased risk of 	Prosecutions can be pursued if operators fall short of the approved Code of Practice.	Amend Code of Practice to include options highlighted above.

	<p>between manufacturers.</p> <ol style="list-style-type: none">4. Helps to maintain a reasonable price for snares.5. Maintaining lower costs may promote discard of snares when appropriate.	<p>welfare issues developing for target and non-target animals.</p>		
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AMENDMENTS TO SNARING PRACTICES

Amendment	Advantages	Disadvantages	Further information	Recommendation
Increase the minimum height of the bottom of snare loop above ground/soil level	<ol style="list-style-type: none"> 1. May reduce risk of badger and brown hare by-catch in fox snares. 2. May increase snare efficiency when setting in longer vegetation. 	<ol style="list-style-type: none"> 1. Impossible to enforce since snare wires are regularly knocked and misaligned. 2. May increase risks of non-target by-catch, e.g. young foxes, in rabbit snares. 3. Complicated if setting snares on slopes. 	GWCT field evidence suggest badger by-catch not influenced by minimum height of bottom of snare loop.	No action. Maintain current Code of Practice recommendations.
Minimise risk of entanglement with tealer by restricting strength of attachment of snare to tealer and degree to which tealer fixed into the ground	<ol style="list-style-type: none"> 1. If loosely attached, snare will part from tealer when an animal is caught, and this will reduce entanglement risks. 2. If tealer pushed lightly into ground, it will be dislodged on capture of an animal and reduce risk of entanglement. 	<ol style="list-style-type: none"> 1. In extreme weather conditions, snare wire may break loose of the tealer if only loosely secured to it. 2. Difficult to regulate and enforce any requirement regarding depth of tealer since dependent upon substrate & conditions. 	Training providers teach practitioners to adopt approach of minimising risk of tealer entanglement.	Amend Code of Practice wording to state “Tealers must be placed in the ground in such a way to prevent entanglement. To reduce risks of entanglement, fox snares should be attached to the tealer to allow detachment from it on capture of an animal.” Training providers asked to reinforce message with practitioners.
Restrict height of anchor above ground to minimise entanglement risks	<ol style="list-style-type: none"> 1. Minimised when anchor stake flush with ground level. 2. Minimised now that drag anchors are prohibited. 	<ol style="list-style-type: none"> 1. For fox snares, the anchor/snare location may be reused on and off throughout the year, and relocating the anchor is harder if flush with the ground. 	<p>Possible to attach a marker to the anchor.</p> <p>No evidence from SSPCA or Police that drags are still in use.</p>	Amend legislation and/or Code of Practice to state “Anchors should be placed as close to flush with the ground as practical, so as not to pose an entanglement risk”.

Amendment	Advantages	Disadvantages	Further information	Recommendation
<p>Dispatching non-target species when severely injured</p>	<ol style="list-style-type: none"> 1. Avoid risk of offence under section 19 of AH&W (S) Act 2006, by causing suffering by an act or omission. 2. Avoid risk of offence under section 11B of WCA (amended) 1981 regarding release or dispatch of snared animal at time of snare inspection. 	<ol style="list-style-type: none"> 1. Risk of offence under section 1 of Protection of Badgers Act (1992). 2. Risk of offence under section 10A of WCA (amended) to kill Schedule 5A (brown hare) during closed season. 	<p>Significant concerns by stakeholder groups, and differing advice offered by training organisations. Need for guidance for practitioners to ensure consist approach which is endorsed by authorities.</p>	<p>Amend Code of Practice to include method of releasing, assessing and if necessary, dispatching of non-target captures (see Appendix 1-3 below).</p> <p>Actual method of dispatch for target or non-target species should be remain flexible, but defined as “a humane method of dispatch”. Examples of possible methods that may be used should be included (see Appendix 1).</p>
<p>Require disposal of snare if snare has caught an animal.</p> <p>Note: Legislation already specifies that damaged snares must be discarded (WCA, section 11B)</p>	<ol style="list-style-type: none"> 1. Minimises welfare risks if certain components fail, e.g. snare wire frays at capture. 	<ol style="list-style-type: none"> 1. Will increase costs of snares. 2. Target species may detect new snares more easily than old snares, which could affect capture rate, or even increase non-target capture rate if non-targets less sensitive to presence of snares. 	<p>Post-capture snares are sometimes without any apparent damage after catching an animal.</p> <p>Can re-use some undamaged components without risk.</p>	<p>Amend Code of Practice to raise awareness of possible weaknesses, e.g to breakaway, if snares have previously caught an animal.</p>

Amendment	Advantages	Disadvantages	Further information	Recommendation
<p>Compulsory requirement to mark field location of all rabbit snares. Note: these tend to be set in large numbers, either as batches or individually along rabbit runs across fields, and may be difficult to locate.</p>	<ol style="list-style-type: none"> 1. Minimises risk of losing snares which may then trap target or non-target species after other snares have been lifted. This could lead to an extreme welfare risk if animal does not break away from snare. 2. Reduces risk of offence being committed should snares get left in field. 	<ol style="list-style-type: none"> 1. May draw attention to presence of snares by members of the public. 2. Markers may get dislodged and become far less visible. 3. May increase risk of human scent close to rabbit run. 4. Setting and uplifting snares will take more time. 	<p>Markers are available that are relatively subtle and cannot be seen except at close quarters, but that are more visible than snares themselves. Markers need not be set immediately adjacent to snare (re: scent risks), but operator will have to devise their own individual approach.</p>	<p>Amend legislation and/or Code of Practice to require visible markers to be used when setting rabbit snares.</p> <p>Provide guidance to snare users on types of marker, e.g. wire pins and marker “flag” or mark scratched in soil. Markers may be used on individual snares or, when snares are set along single rabbit runs in batches, markers may be used to identify the first and last snare in each batch.</p>
<p>Minimise handling of snares & consider methods to reduce human scent on snare.</p>	<ol style="list-style-type: none"> 1. Maximises probability of target species capture, which may in turn minimise risk of non-target captures if fewer empty snares available. 	<ol style="list-style-type: none"> 1. Requires more effort to maintain and use snares, e.g. boiling snares. 2. May require change of established practice, e.g. using wire tealers with less surface area than wood based, e.g. hazel, tealers. 	<p>Will increase efficacy of snare operators.</p> <p>Can be achieved via training courses.</p>	<p>No action: advisory only – see GWCT guidelines.</p>

Amendment	Advantages	Disadvantages	Further information	Recommendation
<p>Impose requirement to place warning signs for public benefit, where snares are in use</p>	<p>1. Reduce risk of pet by-catch.</p>	<p>1. Increases risk of illegal interference with legitimately set snares. 2. Increases risk of conflict situations between individuals with differing views on snare use.</p>	<p>Should not be necessary since the training states that public access areas should be avoided where by-catch is an issue.</p>	<p>No action required. TAG members to maintain awareness.</p>

AMENDMENTS TO RECORD KEEPING, REPORTING & ADMINISTRATION

Amendment	Advantages	Disadvantages	Further information	Recommendation
Requirement to report dispatch of non-target species to the police	1. May help to support collection of statistics on non-target casualties.	1. Police may be required to follow-up on all dispatch notifications and lack resources to support a compliance initiative.	Current practice recommends reporting such incidents to Police. As a recommendation, Police have option to follow-up.	No Action. Maintain Code of Practice to <i>recommend</i> reporting such incidents to the Police.
Requirement to report dispatch of domestic dog to the police within 48 hours	1. Brings outcome in line with legislation involving traffic accidents and dog fatalities.	1. May require legislative change for a very infrequent occurrence.		Amend legislation to maintain consistent approach to accidental dog fatalities.
Require that snaring records are updated at intervals of 48 hours or less unless there is a reasonable excuse not to do so	1. Reduces risk of errors and accidental mis-reporting. 2. Reduces risk of noncompliance with legislation where a failure to record catches become habitual.	1. While it imposes no greater overall burden on registered snare users, it will increase administrative burdens at busy times of year.	Only incentive for updating records occurs when police ask to see them. Operators may argue that they can trust to memory if they have a small number of permanently set snares, and can generate records if required to do so.	Amend legislation requiring registered snare users to update records every 48 hours or less unless they have a reasonable excuse not to do so.
Reduce time required to submit a snaring record to the police from 21 to 7 days or on demand as appropriate	1. Provides incentives for keeping up-to-date snaring records. 2. Allows Police to follow-up complaints within a shorter time interval of a possible offence.	1. May create difficulties for snare users in remote areas, where the nearest Police station is far away and is open during restricted hours.		Amend legislation requiring operators to submit records to the Police on demand if the Police arrive at the location where the records are kept, or within 7 days to a police station.

Amendment	Advantages	Disadvantages	Further information	Recommendation
<p>Clarify or amend requirements for who can <i>check</i> and <i>set</i> snares and dispatch target species or severely injured non-targets.</p> <p>In relation to this, requirement to identify the person checking snares on the snaring record.</p>	<ol style="list-style-type: none"> 1. Reduce confusion over requirements when different individuals set and check the same snares (e.g. due to holiday or sickness). 2. If the person checking snares is capable of humane dispatch or release of animals, the time spent ensnared by an animal is minimised, enhancing its welfare. 3. Allows Police to identify all individuals associated with snare use in the event of report of a possible offence. 4. Reduces risk of offence under section 11 of WCA (amended) 1981. 	<ol style="list-style-type: none"> 1. Requirement to be able to dispatch or release a snared animal restricts the availability of people to check set snares. 2. If a person checking a snare commits an offence, then the snare operator is responsible, even if they may have put into place adequate instruction. 	<p>SG confirmed that anyone can undertake the requirement to <i>check</i> the snare in every 24 hour period, whether or not they possess a snaring ID number.</p> <p>However, the person who <i>sets</i> the snare must have a valid ID number, and is responsible for it when set, even if checked by another individual. Needs clarification in Code of Practice.</p> <p>Suggested amendment that the person checking the snare must be capable of humanely dispatching or releasing any snared animal as appropriate.</p>	<p>Amend Code of Practice (and/or legislation) such that only individuals who can humanely dispatch target (and release non-target species) can <i>check</i> snares, whether or not they possess an ID number.</p> <p>Amend Code of Practice (and/or legislation) to ensure that temporary responsibility for checking snares is recorded in the snare records, including the name of the person.</p>
<p>Requirement to record the fate of all animals caught in snares</p>	<ol style="list-style-type: none"> 1. Permits collection of data on fate of by-catch, in particular, the proportion accidentally killed in snares. 	<ol style="list-style-type: none"> 1. Non-target animals caught in snares may be injured due to reasons other than snaring event, but were subsequently caught in snare. 		<p>Amend legislation and/or Code of Practice for fate of all animals caught in snares to be recorded. If non-target is killed in snare, reason for death should also be recorded.</p>

Amendment	Advantages	Disadvantages	Further information	Recommendation
<p>Requirement to update snaring ID details when circumstances change, e.g. operator moves or no longer using snares</p>	<ol style="list-style-type: none"> 1. Prevents snaring register becoming out of date & invalid where details no longer accurate. 2. Helps prevent illegal use of ID numbers no longer in use. 	<ol style="list-style-type: none"> 1. Increased administrative burden for registered snare operators. 	<p>To reduce administrative burden, updates could be undertaken in conjunction with the following amendment.</p>	<p>Amend legislation to require registered snare operator to update their personal information (a) as necessary or; (b) annually or (c) at time of data request (see below).</p>
<p>Requirement to submit all snaring records to Government on request</p>	<ol style="list-style-type: none"> 1. Allows compilation of snaring data to inform Ministers of role of snaring in terms of numbers of target and non-target animals killed and non-targets released. 2. May be used to support collection of data on all forms of wildlife management. 3. Data could be submitted electronically or using SAEs sent directly to snare operator on request, and therefore at no cost to operator. 	<ol style="list-style-type: none"> 1. Additional administrative burden for snare operators, although randomised sampling approach means that no individual should receive a request to submit data more than once every five years. 	<p>Suggested approach would be to use a randomised stratified sample, where 1/5th of all registered operators are sent a request annually, with aim to collect data from all operators once every 5 years.</p> <p>SASA would be willing to administer system, collect and compile statistics, but would need access to personal information of registered snare operator.</p>	<p>Amend legislation to require data submission on request, with possible penalties for non-compliance.</p>

Amendment	Advantages	Disadvantages	Further information	Recommendation
Design proforma record book (see appendix 4)	<ol style="list-style-type: none"> 1. Avoid risk of offence under section 11E of WCA (amended) 1981 regarding record keeping. 	<ol style="list-style-type: none"> 1. Users may feel obliged to use proforma, reducing flexibility of approach to record keeping. 2. May restrict level of detail provided by those who would otherwise use a more extensive log. 	Need for BASC and GWCT apps to keep abreast of record keeping requirements.	Code of Practice to append record book, with statement affirming that registered snare users may adopt any appropriate approach to record keeping suitable for their needs.

AMENDMENTS TO PENALTIES

Amendment	Advantages	Disadvantages	Further information	Recommendation
Introduce penalties in relation to snaring when convicted of a wildlife offence	<ol style="list-style-type: none"> 1. Prevents anyone convicted of a serious snaring/wildlife offence from using snares to continue offending. 2. More consistent approach with General Licence and firearms restrictions. 	<ol style="list-style-type: none"> 1. Will require advice to Wildlife Procurator Fiscals on types of restrictions that may be imposed according to the severity of the crime, e.g. temporary or permanent removal of snaring ID number. 	Police powers to not issue a snaring ID number to a person convicted of a wildlife crime also required.	Amend legislation to permit temporary or permanent removal or acquisition of a snaring ID number according to the severity of the wildlife crime conviction. PAW Legislation sub-group to advise Fiscals.

Depending upon the outcome of the Ministerial Review of Snaring, SG/SASA should write to all commercial retailers and manufacturers of snares describing relevant changes to Scottish legislation and/or changes to the Scottish Code of Practice. This opportunity should be used to clarify how to measure the stop distance.

The revised Code of Practice needs to be made available at a larger print size, and in a downloadable and printable A4 format.

Appendix 1: Scottish Code of Practice for Snare Users: Preferred Methods of Dispatching Target Animals Caught in Snares

The chosen method of dispatch must be swift and humane. The following methods are considered appropriate and are the most commonly used, although other humane methods could be used by individuals with appropriate experience.

Foxes: Aim to kill a captured fox swiftly without alarming it unduly (from downwind if possible) to prevent both undue stress, and also to avoid it from breaking free; it's efforts to escape are likely to increase once it is aware of your presence.

Where it is safe to do so, use a rifle and scope. Alternatively, use a shotgun at a distance of no more than 20 metres, aiming at the head or chest. Always load two cartridges, in case a follow-up shot is necessary.

Rabbits and Hares: Dislocation of the neck is a swift and humane method for both rabbits and hares. Some operators may prefer to use a shotgun for large hares.

(Adapted from GWCT guidance)

Appendix 2: Scottish Code of Practice for Snare Users: Suggestions for Release of Non-target Animals Accidentally Caught in Snares

Equipment: Hook stick; garden fork or forked stick; wire cutters that will cut through snare wire with ease. Optional: animal handling/restraining pole.

Unless the animal is injured and unlikely to survive, you should release it immediately. Use the snare wire itself to restrict the animal's movements, then if possible, open the noose with a hook stick, or else to snip the wire at the noose with wire cutters. A hook-stick is simply a length of broom handle or other pole with an offset hook fastened into the end. You can form the offset hook out of a twisted nail, after fixing it in the stick, or by distorting a stout screw eye sideways in a vice.

If you need to release a badger, and you have other snares set in the area, we suggest that you remove any nearby snares on the same run, in case others are using it. You don't want to have to repeat the release procedure!

Badgers: A badger caught by the neck is relatively easy to handle. In most circumstances all you need to do is insert your hook into the noose and pull the running eye towards you, thereby opening the noose. As the noose is being opened the badger will typically shake its head aiding release. If this does not work drop the tines of your garden fork/forked stick over the snare wire and run it out along the wire until you come up close to the animal, then push the fork down into the ground. (Don't use your foot to stamp it in, as that will bring your foot too close to the badger's teeth! Also be careful to avoid the badger's feet with the fork tines.) Use the fork to pin the snare still; but avoid tightening it, which will cause the cable to tighten and be lost from sight in the animal's fur. The badger is now pinned down by the neck and will usually keep its head down. It's often possible to slip the hook between the noose and the badger's neck as described above. This is obviously easier if the snare is properly free-running and the stop position has been set such that the noose is not tight. If the hook stick cannot be used, snip the NOOSE of the snare with wire rope cutters. NEVER cut the snare anywhere else in the hope that 'the noose will fall off later'. Do not underestimate a badger's power, or the damage it can do to your hands. The same principle holds with all other similar sized non-target species caught by the neck. A badger, dog, or cat caught by the middle is harder to handle, because the distressed animal may be able and eager to bite you. Offering the animal a stick to bite will often keep it occupied long enough to release it. Again, restrict the movement of the snare, then pull the loop open, or cut the cable of the loop itself. An animal handling pole is especially useful for dealing with badgers caught around the middle. Loop the open noose (which should be about one foot in diameter) over the captive's head, and pull the draw-cord tight, which closes the noose. You can now pin the badger to the ground, by putting weight on the pole. Once you have restricted its head movements, loosen the snare cable from around its middle, and snip as described earlier. Animal handling poles are used by vets and RSPCA staff, and are available commercially.

Hares: Using snares with stop positions or 26cm or greater, will allow many hares to escape by allowing them to 'back out'. Although snares are a legal method of catching brown hares, they are subject to close seasons and are a non-target species in fox and rabbit snares, and should be released unharmed.

Both brown and mountain hares are highly athletic animals with massive power in their hind legs (hence their ability to occasionally pop a breakaway that would hold a fox). If you choose to release a hare, you must accomplish it quickly because once alarmed by your close presence the hare can do itself a lot of damage by jumping around. Shorten the snare cable using a fork as described above, or by treading along the cable with your foot. Now restrain the hare, by pinning it down (not by picking it up), to prevent it from kicking out with its back legs. Quickly decide whether the hare is fit for release. If it is obviously injured in some way, you may decide to dispatch it now,

by dislocating its neck. If the hare appears fit and well, snip the noose, release the hare and watch it away, guiding it away from other snares in the vicinity.

(Adapted from GWCT guidance)

Appendix 3: Scottish Code of Practice for Snare Users: Dealing with Injured Non-target Animals Accidentally Caught in Snares

On discovery of a live non-target wild animal in a snare:-

1. If the animal is obviously severely injured while in the snare, dispatch it humanely. The likely cause of the injury should be identified where possible and recorded by the snare operator.
2. If the animal is not obviously severely injured, release the animal from the snare and observe its behaviour. If the snare has been set according to official guidance, under the vast majority of circumstances, the animal will not be injured and will run away on release. If it walks or limps away, do not attempt to interfere with it unless it becomes obvious that it has a severe injury, when humane dispatch, or seeking veterinary help (such as from the SSPCA) should then be considered. Wild animals are often capable of surviving significant injuries, although they may suffer prolonged pain in the process. Do not at any time chase an animal with a loaded weapon.
3. If on releasing the animal from the snare, it does not move away, observe it from a distance for approximately two minutes. It may well walk away once you are out of the immediate area. If not, you may be able to see there is a problem. If the animal still has not moved but appears uninjured, leave the site altogether, but return within 10 to 30 minutes. If the animal is still present at the site, and cannot be encouraged to move away, e.g. by nudging it gently with a stick, either dispatch it humanely and record the incident, or seek veterinary help.

Under the Animal Health and Welfare (Scotland) Act 2006, a failure to prevent suffering to a protected animal by the person responsible for it, is an offence, while humane destruction is not. An animal in a snare falls under the definition of a protected animal within the terms of the Act. The SSPCA accepts current legal use of snares, and would be willing to assist snare operators under the circumstances described above at no cost to the caller.

SSPCA animal helpline number (injured or distressed animals): 03000 999 999. This helpline is open 7am to 11pm, and calls are in strict confidence.

Whenever non-target wild animals are dispatched, it is recommended that you notify the police within 24 hours of taking action, and record your actions in your snaring records.

Appendix 4: Scottish Code of Practice for Snare Users: Template Record Keeping Book

The documents 'FOX Snaring Record Book-template.xls' and 'RABBIT Snaring Record Book-template.xls' can be downloaded and used as a template for keeping snaring records. Snare operators are not obliged to use these templates, although they will ensure that sufficient details are kept on snare use and catch.

Mobile telephone apps are also available at the following web address.

GWCT: <http://www.gwct.org.uk/trapper>

Please note that mobile telephone coverage is not required for this 'app' to work. Data will be retained on the mobile phone memory card until phone coverage is acquired, at which point, the data will be uploaded onto a secure remote server, which can later be accessed from the internet by the individual trapper.

Annex 4

SNARE QUESTIONS AND RESPONSES FROM APPROVED TRAINING BODIES

The Review of Snaring Group contacted approved training bodies to establish how they comply with article 3(3) of the The Snares (Training) (Scotland) Order 2015. Five responded, the questions and answers provided are detailed below:

Q. What measures do you employ to assess competency of trainees to attain a snaring certificate- for instance is a scoring matrix used with a minimum score required to attain a pass?

Answers provided:

1. All candidates must demonstrate a level of competency, throughout the course. Any weaknesses are discussed. We also stipulate a 100% pass mark with the multiple choice question paper. Continuous assessment and training of trainees to address weaknesses.
2. We use the standard issue assessment paper as used by all trainers.
3. Our trainers assess the competence of trainees throughout the training course and they are then required to obtain a minimum score in order to attain a pass.
4. Scoring matrix for written exam with a minimum pass mark.
Practical assessments carried out by experienced assessors.
5. Minimum score of 21 out of 24 to be achieved in the exam paper.

Q. Do any trainees fail the training course and if so how many?

Answers provided:

1. Our intention is not to fail, it is a training awareness related course. All candidates are reminded of their responsibilities, as an operator.
2. To date none have failed
3. Not to date.
4. 2 – College students who did not meet the required standard.
5. GWCT has failed only one candidate over the years since the course was ratified. This candidate passed after second sitting. The Industry prides itself on thorough course delivery.

Q. What measures do you employ to ensure quality assurance of the training course and trainer to meet the requirements of Article 3 of The Snares (Training) (Scotland) Order 2015 (see Appendix)?

Answers provided:

1. Staff, are currently up to date with current industry best practice. All training delivered is tailored to meet the current standards associated with the COPFS.

Certification, is awarded where an individual demonstrates the evidence requirements for this award / certification.

2. All teaching staff have the relevant training \ assessing qualifications as well as relevant industrial experience

3. Our trainers are active snaring practitioners who have a thorough understanding of the relevant legislation as well as wider wildlife management practice and law.

4. All information and processes are frequently updated and current
Trainer/Assessor is experienced in course delivery and also in the operation of the hardware

Trainer knowledge base is constantly updated and current

Contemporary materials/equipment used to deliver the course.

5. The GWCT trainer responsible for delivering the course is in close contact with GWCT researchers who undertake predation control research, including on-going development of humane hardware. The GWCT communicates developments to Industry groups, Trust members and Approved snare training bodies.

GWCT responsible for course development.

The existing course content and exam has been approved by Scottish Government.

Q. Are operators familiar with the registration process with Police Scotland to obtain a snare ID number, and is it clear where they can attend to submit a registration application?

Answers provided:

1. This information is normally given as course delivery material. Yes.
2. The relevant information that clients require is included in their training packs

3. SACS provides trainees with the necessary application form and explains the registration process as part of the training. Prior to attending the training course, candidates are not generally familiar with the process, although they usually understand that there is Police involvement.
4. On the whole yes. There has been recent confusion after a new operator tried to register at his local Police Station, only to be told by a junior officer that he must go to Glasgow and register there. The operator lives 2 hours from Glasgow! The process should be clarified with all Police Staff.
5. All operators are familiar with the registration process. The procedure is clearly explained during snare training courses.

We feel it is important that Police Scotland informs Approved Training Bodies as to which (all) stations are 'equipped' to deal with snare certificate applications.

Q. Are operators aware of the information required by Police Scotland to complete the registration?

Answers provided:

1. A hard copy of this information is given (application document). Yes
2. Yes
3. Again, SACS informs candidates of the information required as part of the training; candidates are not usually fully aware of what is required prior to attending a training course.
4. Yes. This is fully covered during the course delivery.
5. The Police Scotland certificate application form (included in the course 'pack') is completely clear on what is required.

Training bodies responsible for delivering the snare training course are thorough in ensuring candidates are fully aware of and clear on the application process.

Q. What is the average turnaround period to obtain a snare ID number, from the time a registration application is submitted?

Answers provided:

1. I am not entirely sure of this timescale.

2. 4 – 6 weeks
3. We do not have this information
4. Not fully known but a recent applicant was told “It may be a few weeks”.
5. We believe it to be 2-3 weeks, with only occasional problems/unacceptable delay encountered by the applicant. Given the demands of other work received by Police Scotland, we feel that a 2 week turn-around should be achievable.



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