

Snares in Wales

Y Pwyllgor Deisebau | 27 Medi 2016
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Research Briefing:

Petition number: P-05-715

Petition title: A Ban on the Manufacture, Sale and Use of Snares in Wales.

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to ban the manufacture, sale and use of snares in Wales.

Snares are thin wire nooses designed to trap 'predator' species. The nature of their design means that – despite supposedly being used as a restraining device – they cause severe injuries to those animals they catch. These injuries include limb amputation, strangulation and often death.

According to Defra, up to two thirds of those animals caught are not even the target species. Most frequently snares are set to catch foxes, but in reality, they catch badgers, deer, and domestic pets. In Wales, some 370,000 animals are snared every year. That's more than 1,000 a day.

In 2015, the Welsh Government introduced a Code of Best Practice on the use of snares, but compliance with the Code is voluntary and there are no checks in place or penalties for those who do not comply. Even a Code-compliant snare is a crude, indiscriminate device, more likely to cause injury or death than to restrain an animal.

The Welsh Assembly has the power to end this practice, and lead the way for animal welfare in the UK by banning the manufacture, sale and use of snares in Wales.

Background

Snares are most commonly used to control foxes and rabbits but can also be set for a variety of other purposes including, for example, to capture rabbits for food and foxes in research

programmes. Other target species that can legally be snared include rats, grey squirrels and mink.

There are two types of animal snare: free-running, and self-locking. A free-running snare is designed to slacken once an animal stops pulling, while a self-locking snare will continue to tighten. While free-running snares are legal throughout the UK, use of self-locking snares for wildlife management reasons is banned.

In 2012, the UK Department for Environment, Food and Rural Affairs (Defra) published a report titled '[The extent and humaneness of snares in England and Wales](#)'. In the research period covered (2008–2012), between 17,200 and 51,600 snares were used at any given time in Wales. Of the 1.7 million animals caught in the UK each year, 73% were non-target species. This increases to 81% with fox snares specifically. Non target species include badgers, hares, pheasants, deer, cats and dogs. Badgers were the most frequently caught non-target species and were caught in all of the fox snare trials. Of the 17 users of rabbit snares included in the study, five had caught a domestic cat at least once. The House of Commons Library produced a [debate pack](#) for a UK Parliament debate on 'a ban on the manufacture, sale, possession and use of snares' in July 2016 which Members may wish to read for additional information.

Current legislation

At present the legislation governing snares contained within Section 11 of the [Wildlife and Countryside Act 1981](#), [Deer Act 1991](#) and the [Animal Welfare Act 2006](#).

Under the Wildlife and Countryside Act 1981 it is currently an offence to:

- set a self-locking snare in such a way as to be calculated to cause bodily injury to any wild animal (S 11(1)(a));
- kill or take any wild animal using a self-locking snare (S 11(1)(b));
- set a snare (or other article) in such a way as to be calculated to cause bodily injury to any animal listed in Schedule 6 of the Act, for example badgers (S 11(2)(a));
- kill or take any animal listed in Schedule 6 of the Act using a snare (S 11(2)(b));
- set a snare and then fail to inspect that snare (or have someone else inspect it) at least once every day (S 11(3)(b));
- set any type of snare unless they are an 'authorised person' under the Act (that is, the owner or occupier of the land on which the snare is set, any person authorised by the owner or occupier of the land, or a person authorised in writing by the Local Authority for the area (S 27(1));
- possess a snare for the purpose of committing any of the above offences (Section 18(2)).

Section 11 (4) gives Welsh Ministers some limited powers to amend the regulation of their use but only for the ‘purpose of complying with an international obligation’. For any other amendments changes to primary law would be needed.

[The Deer Act 1991](#) makes it an offence to set in position any trap or snare calculated to cause bodily injury to any deer coming in contact with it, or to use any trap or snare for the purpose of killing or taking any deer.

Under the [Animal Welfare Act 2006](#) an individual is responsible for taking reasonable steps to ensure that the welfare needs of all animal under their control, including those caught in snares are met including that the animal is protected from pain and suffering.

Welsh Government action

On 25 September 2015 the Welsh Government published a [new Code of Practice](#) on the use of snares in fox control aimed at those who currently use snares in the countryside. The Code summarises the current legal obligations on those using snares and sets out best practice guidelines that should be followed. In her paper to the Committee, the Cabinet Secretary states that she is planning to meet with interested parties to discuss the Code of Practice to coincide with its first anniversary. The aim of the meeting is to gather evidence on snare operational standards since the Code was published, and identify any further steps which can be undertaken to increase compliance with the Code and further improve animal welfare standards. It is the Cabinet Secretary’s view that at this time the published Code of Practice provides clear guidance on the operation and inspection of snares.

The Scottish Government has [tightened the regulation](#) on the use of legal snares, including a requirement that all individuals setting snares are required to undertake training, that snares set have tags and that snares can be traced back to an individual.

The Law Commission Review of Wildlife Protection Legislation

In 2011 the Law Commission was asked by Defra with support from the Welsh Government, to review current wildlife protection legislation and consider whether it was fit for purpose.

On 10 November 2015 the Law Commission for England and Wales [published the findings](#) of its review of wildlife protection law. In its final report the Law Commission has concluded that current law on protecting wildlife in England and Wales is complex, overly complicated and sometimes contradictory. It has therefore recommended that a new Wildlife Bill should be introduced to replace a number of the existing pieces of legislation in this field.

The Law Commission suggests that this Bill could be taken forward as an England and Wales Bill with a Legislative Consent Motion being laid before the Assembly or as two separate but identical pieces of legislation, one for Wales and one for England.

In relation to snares the Law Commission [concluded that the prohibition](#) (Final Report Volume 1 paras 5.147– 5.149) on the use of self-locking snares should continue. In relation to snares other than self-locking snares it concluded that these types of snares should be more tightly regulated but did not outline a view on the banning of them.

The previous Welsh Government stated that it was considering the contents of the Law Commission's report and the recommendations they made but did not outline whether or not a new Wildlife Bill would be taken forward in Wales.

National Assembly for Wales action

Animal health and welfare is a devolved subject over which the Assembly has competence. In theory primary legislation could be brought forward to regulate or ban the use of snares provided that it met all other tests of competence. Legislation which proposed to ban/regulate the manufacture or sale of such snares could also be said to relate to animal welfare. More detailed consideration of a specific proposal to ban all snares would be needed before it could be confirmed that it was within the Assembly's competence. There is a possibility that any proposed legislation to ban or regulate the manufacture or sale of snares in Wales could have an impact on the regulation of international trade, but that would depend very much on the detail of the proposals.

On 22 June 2016 Julie Morgan AM [asked](#) the Cabinet Secretary for Environment and Rural Affairs:

Will the Minister confirm that there are no statutory barriers preventing the introduction of Welsh legislation to ban the use of snares in Wales?

The Cabinet Secretary responded:

Should changes be proposed on the use of snares in Wales, the introduction of Welsh primary legislation could be required.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

