

**Response by the League Against Cruel Sports to the National Assembly for Wales' Petitions Committee's request for feedback on the response of the Welsh Government to the report by the National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee report on the use of snares in Wales, October 2017**

The League Against Cruel Sports broadly welcomes the Government response to Climate Change, Environment and Rural Affairs Committee report on the use of snares in Wales, which we feel is a comprehensive and thorough report which recommended a ban on the use of snares should it be proven that the current code of practice, which we argue is not effective, is failing, and also called for measure to address the lack of data on snare use in Wales. The Welsh Government's response highlights the challenge of gathering this data. The response also references the recent 'Taking Forward Wales' Sustainable Management of Natural Resources' consultation which the League has responded to.

- *Recommendation 1 : The Committee recommends that The Welsh Government should undertake an annual review of the Code and publish a report of that review.*

*Response: Accept*

The League is pleased to see that Welsh Government will publish a report of the findings of each of these annual stakeholder events on the Welsh Government website from September 2018.

When producing these reports we urge Welsh Government not to rely solely on information provided by snare operators (and the organisations which represent them), as it would be in their interest to mislead the Government into believing that the code is fully complied with and that not further restrictions of the use of snaring are necessary. Therefore, we expect that the conclusions of the reports would be mainly based on information from independent and objective sources, and if such sources cannot be found it should be concluded that the current code of practice regime is no longer viable.

The League would also like to see data collected and published annually on major landowners in Wales who do not use snares to manage their land.

- *Recommendation 2: The Committee recommends that if the annual review of the Code shows that it is not working then the Welsh Government should tighten the law on the use of snares in Wales, including the introduction of sanctions for non-compliance with the Code.*

*Response: Accept in principle*

The League welcomes this acceptance in principle. We would add that any future Order making power should allow for a total ban on the manufacture, sale and use of snares in Wales. It remains our view that this is the only way to effectively prevent the harm that snares do to wildlife. We would also remind Welsh Government that the following EU countries have already banned the use of snares: Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia and Slovenia.<sup>1</sup>

- *Recommendation 3: The Committee recommends that: If evidence shows the voluntary approach has not succeeded, we recommend that the Welsh Government should prepare draft legislation. In preparing that legislation, the following options should be considered: – the introduction of similar requirements to those in Scotland, for training and identification and exploring a licensing system to be funded by users; – whether the liability for prosecution should be placed on the landowner where snares are found; this could reduce the problems of determining ownerships of snares and the difficulty of gaining successful prosecutions.*

*Response: Accept in principle*

It remains our view that a total ban on the manufacture, sale and use of snares this is the only way to effectively prevent the harm that snares do to wildlife and despite the tighter regulation of snare use in Scotland, the League continues to press for a total ban there too, as their regulation proved to be insufficient to prevent the animal welfare and conservation problems that snaring generates.

Under the Wildlife and Natural Environment Act (Scotland) 2011 any person who sets a snare in position must have an identification number, which can only be obtained from a police station on the production of a certificate indicating they have received approved training from an authorised provider and that they have shown competence to use snares. Any person who sets in position a snare must ensure that a tag is fitted on the snare in such a manner that it is not capable of being easily removed from the snare; that there is displayed on the tag the identification number of the person who set the snare in position; and that where the snare is intended to catch brown hares, rabbits or foxes there is displayed on the tag a statement that it is intended to catch the type of animal in question.

However, this system has not worked as it should, and it is unlikely to work. The League Against Cruel Sports & OneKind's 2016 report 'Cruel and Indiscriminate: Why Scotland must become snare-free' report <sup>2</sup> details how the Scottish licensing system has operated to date and includes key points such as:

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<sup>1</sup> pp37-38, 'The Problems of Snaring in the UK, and its alternatives', League Against Cruel Sports (2017) <http://bit.ly/2xgbdSF>

<sup>2</sup> Cruel and Indiscriminate: Why Scotland must become snare-free', League Against Cruel Sports and OneKind, (2016) <http://bit.ly/2gvVMPr>

- the number of accredited snare operators in Scotland is 1438, considerably lower than the 5000 users estimated by the shooting industry when the 2011 legislation was being developed;
- since 2013, the Scottish SPCA has received 63 complaints of snaring offences requiring investigation; and
- many of Scotland's most important land-owning conservation organisations manage land without using snares, including Scottish Natural Heritage, RSPB Scotland, Forestry Commission Scotland, the Scottish Wildlife Trust, the John Muir Trust, the Woodland Trust, and Plantlife Scotland. A survey of Scottish local authorities in 2008 found that no councils used snares for management purposes at that time.

It appears that in Scotland, as in England in Wales, snaring is predominantly associated with game-bird shooting interests. This is demonstrated, as in England and Wales, by the degree of engagement of shooting interests with the snaring issue

- *Recommendation 4 : The Committee recommends that: If it is shown that the reformed enforcement measures listed in Recommendation 3 do not increase the humaneness and efficacy of pest control by snaring, then the Welsh Government should consider legislating to ban the use of snares.*

*Response : Accept*

We welcome Welsh Government's clarification in this part of the response that 'the Consultation (referred to above) includes a proposal for the Welsh Ministers to take a power to ban by Order any type of snare (in addition to self-locking snares, which are already illegal) and/or to make requirements in relation to the use of a snare. Such an Order could provide a legal mechanism to ban snaring completely.'

However, we would like to make two important points regarding this question. Firstly, the term "pest control" used in the question is not accurate as foxes, the most common targeted victim of snaring, are not pests, nor are they officially classified as pests by either the UK Government or the Welsh Government. On the contrary, they are native wild mammals which play a vital role in the UK natural ecosystems, especially given that many other predator mammals have now become extinct in the British Isles. In contrast, game birds, such as common pheasants and red-legged partridges, are not native and are captive bred and released into the wild in great quantities, posing an ecological threat. Most of the snares operators use snares to try to kill foxes to protect these birds for commercial reasons, and therefore such activity cannot be considered "pest control". Consequently, banning snaring cannot be considered detrimental to the Welsh countryside.

The second point is that for snaring to be considered truly humane, there must be evidence that no animal has experienced pain or suffering as a result of snares being used. This must be the goal and measure of efforts to improve the humaneness of snares if a ban on their use is not in place. Snares must be made truly humane, and not simply more humane than they were previously. If that cannot be achieved then the reformed enforcement measures

listed in Recommendation 3 should be deemed not to have increased the humaneness of snaring to the minimum level required. Therefore, we urge the Welsh Government to include in their assessment of the humaneness of snaring an assessment of whether any individual animal experienced, at any time, pain, suffering or discomfort for being caught by a snare in Wales, and if it is proven that this happened at least once, then the Welsh Government should consider legislating to ban the use of snares.

- *Recommendation 5 : The Committee recommends that: The Welsh Government should undertake a gap analysis of the data available and takes urgent steps to obtain the information it needs to assess the efficacy of its policy.*

*Response: Accept*

We request that such analysis includes how reliable data can be if it is provided by snaring operators and their representatives, and the steps taken to obtain information not only cover data that is absent, but also data that is not reliable for not coming from independent sources.

- *Recommendation 6: The Committee recommends that: The Welsh Government should report by the end of September 2018 and thereafter on an annual basis, on the extent of the use of snares in Wales. As part of that reporting process, the Welsh Government should work with stakeholders to devise a mechanism to determine the number and species of animals caught in snares.*

*Response: Accept*

We welcome the acceptance of this recommendation and urge the Welsh Government to undertake independent research to cover this part of the work on snares. A sound evidence based is a must. In the absence of any other official sources of data on snare use, the 2012 Defra report statistics is a starting point, but more up to date research is needed, and it must be independently conducted. We maintain that it is the game sector which is the heaviest user of snares in Wales, as evidenced by the extent of engagement of that sector with the policy issue of snaring and with the development and promotion of the Code of Practice to those within the sector. We urge Welsh Government not to rely solely on evidence submitted by the snare using sectors when assessing and compiling data on snare use in Wales, and as DEFRA did in 2012, conduct its own independent scientific research on this issue.

- *Recommendation 7: The Committee recommends that: The use of non-Code compliant snares should be banned on Welsh Government owned land.*

*Response: Accept*

The League welcomes the Minister's clarification on this issue in Plenary. The Government should make public the mechanism in place to monitor a ban on the use of non-Code compliant snares on Welsh Government owned land.

- *Recommendation 8: The Committee recommends that: The Welsh Government's review of the Code should report on: – enforcement action in relation to the Code and the numbers of successful prosecutions, if any; – the cost and availability of Code compliant snares; and – the numbers of people being trained to use snares according to the Code and the methods used to assess the effectiveness of that training.*

*Response: Accept*

The League welcomes the involvement of stakeholders listed.

The League is confused by some aspects of this recommendation from the Climate Change, Environment and Rural Affairs Committee and would like to highlight that no standalone prosecutions are allowed under the current Code as it is a non-statutory Code and compliance with it by snare users is totally voluntary. Therefore we believe that reporting should be on number of breaches of the code and corrective measures applied, rather than prosecutions, relative to the number of incidents investigated. We would also highlight that training on snare use is provided largely by those who promote and support the use of snares, as opposed to those whose focus is animal welfare or who are independent of the snare using sectors, and this is a problem.

On the availability of Code-compliant snares, we question what further measures Welsh Government could take beyond writing to manufacturers and retailers across Wales 'to urge them to make/stock only Code compliant snares.'

Other:

The Welsh Government's response does not address the following points from the Climate Change, Environment and Rural Affairs Committee's report which the League feels merit further comment from Welsh Government:

- Alternatives to snaring (p.23)

The League feels that while animal welfare and conservation must be the main driver of snaring policy, any policy must consider the alternatives to snaring, the experiences of landowners who manage their land successfully without the use of snares, and the extent to which fox control is necessary. Any policy should promote non-lethal wildlife management methods first and snaring should not be allowed if such methods have not been fully tried.

- Compliance with a voluntary Code (p.11)

While we welcome Welsh Government's openness to legislating to ban snares should the Code of Practice prove ineffective, even if strengthened, we reiterate the problem of the total lack of enforceability of a voluntary, non-statutory Code. A lack of sanctions for non-compliance with the snaring Code, coupled with the current lack of monitoring of snares, it is easy to see how snare users may feel and act as a law unto themselves, however strongly worded and clear a Code may be.

- Tagging and licensing (p.12)

The League believes that due attention should be paid to the Scottish experience of operating a licensing system for snare use and to the ongoing animal welfare issues despite stricter control of snare use in Scotland. Our 2016 report 'Cruel and Indiscriminate: Why Scotland must become snare-free'<sup>3</sup>, details our ongoing concerns including the continued suffering caused by legally set snares to target and non-target animals, the continued disregard of the law, lack of enforcement, continued use of stink pits and superficial snaring training.

- Training (p.17)

There is still no clear record of how many people in Wales have been trained in setting Code-compliant snares, and as training is not mandated by the Code of Practice and is simply 'recommended' instead, we question the efficiency of such training, especially if most of the training on snaring in Wales is provided by non-independent experts or bodies.

*For more information please contact:*

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<sup>3</sup> 'Cruel and Indiscriminate: Why Scotland must become snare-free', League Against Cruel Sports and OneKind, (2016) <http://bit.ly/2gvVMPr>