

Member's Debate: Snaring, Thursday 18 May 2017
Parliamentary Briefing

Motion S5M-05012: Snaring

That the Parliament acknowledges the recent Scottish National Heritage report, *Review of Snaring for the Scottish Government*, which offers what it sees as only a limited number of recommendations to strengthen the legislation on snaring; understands that the League Against Cruel Sports considers the review to be a “wasted opportunity” given its limited scope and that OneKind has said that the report was “destined to fail” as it excluded consideration of whether snares should be used at all; notes that the October 2016 report, *Cruel and Indiscriminate: Why Scotland must become snare-free*, which was commissioned jointly by the League Against Cruel Sports and OneKind, suggested that, regardless of any future tweaks to the legislation, snares would continue to be cruel and indiscriminate; further notes that this paper cited instances of evisceration, strangulation and agonising deaths experienced by the animals, including non-target animals such as Scottish wildcats, mountain hares, badgers, hedgehogs, deer, otters, and even family pets, and notes the calls for the Scottish Government to consult on an outright ban on snaring in the South Scotland region and across the country

Key points

OneKind and the League Against Cruel Sports Scotland (League Scotland) welcome the debate on snaring in the name of Colin Smyth MSP. OneKind and the League Scotland, along with many other conservation and wildlife organisations, many veterinary professionals and the majority of the Scottish public, believe that the use of snares to trap wild animals must be banned as they are:

1. **Inhumane** - Snares have long been known to inflict extreme physical and mental suffering on captured animals, and recent legislation has not reduced this to any acceptable level.
2. **Indiscriminate** - Snares capture a wide range of non-target animals, including protected species such as badgers and otters, as well as dogs and cats. Reports by government bodies and charities such as the Scottish SPCA, as well as reports logged on the specialist SnareWatch website, indicate a non-target capture rate that is consistently between 60% and 70%, and involving badgers, otters, deer, livestock and family pets.
3. **Non-selective** - Snares can capture lactating and pregnant animals or juveniles, including within populations of protected species that may be adversely affected by the use of non-selective traps. The snaring of mountain hare, for example, may adversely affect their local distribution or abundance¹.
4. **Incompatible with conservation** - UK populations of three main target species for which snares are generally used in Scotland – red fox, rabbit and brown hare – are all in decline. Figures for UK mammal populations published in July 2016 by the British Breeding Bird Survey (BBS)² identified significant declines in populations of rabbits (59%) and red fox (34%) over the period from 1996 – 2014. Brown hare populations have declined by 5% and combined mountain and Irish hare populations by 32%. SNH and other major conservation bodies managing land in Scotland do not use snares. In addition, the

¹ Conservation (Natural Habits &c) Regulations (Amendment) Scotland) Regulations 2007

² British Trust for Ornithology/Joint Nature Conservation Committee/RSPB Breeding Bird Survey – Mammals Survey 2016

widespread trapping of native wildlife damages Scotland's reputation as an ecotourism destination.

A poll of Scottish adults carried out in March 2016 found that 76% supported a ban on the sale and use of snares in Scotland.³

What is a snare?

A snare is a simple anchored noose, used in the shooting and farming industries to capture foxes, rabbits and hares. Fox snares are made of steel cable and rabbit snares of brass. The snare is positioned on an animal track where an animal will walk into it and become trapped by the neck, abdomen or leg. Snares continue to be widely used across Scotland, principally to protect gamebirds such as grouse and pheasants from fox predation, and continue to cause Scotland's wildlife and pets unnecessary and unjustifiable suffering.

Alternatives to snaring

Where management measures are considered necessary, there are many alternatives to the use of snares. Research commissioned by OneKind from the University of Bristol⁴ cited and assessed a range of alternatives which could be used, including cage traps, habitat management, shepherding, exclusion fencing, shooting, novel disturbances, tree guards, gassing and ferreting, no control and novel deterrents such as llamas which are increasingly used to guard livestock, especially sheep, from predators.

The use of snares in Scotland

Fieldwork carried out in spring and summer 2016 on behalf of OneKind and the League Scotland suggests that the overall extent of snare use may have reduced somewhat since the regulations were introduced. However, it is clear that some land managers continue to use large numbers of snares as part of an intensive predator control regime.

Snares were found at some sites closed or half-closed and left lying on the ground, causing a danger to animals that might step into the closed loop and get caught. Snares were also found still anchored and while not technically set, they had an open loop of about five to eight centimetres in diameter – large enough to capture an animal. Some of these half-closed loops were almost touching the ground, posing a greater risk of capturing non-target animals such as cat, pine marten, badger or otter. Such snares, being theoretically inactive, would not be checked and any trapped animal would probably die from starvation, dehydration or predation. Field workers observed several locations where the ground had been disturbed in a circular pattern – the classic “doughnut” – as well as other signs of an animal's desperate struggle to escape. Two examples include:

- i. **Young foxes eviscerated by snares** - In September 2014, the OneKind field officer visited Glenogil estate in Angus to gather evidence of legal snare use and its effects on animal welfare. Two foxes were found in snares around 15 metres apart. The first fox was dead but the second was still alive. The snare was slicing through her abdomen but she was still struggling. The Scottish SPCA was called and an Inspector euthanased the animal at the site. The gamekeeper who set the snare

³ Poll of 1,009 Scottish adults carried out by YouGov on behalf of the More For Scotland's Animals coalition, March 2016

⁴ Ross, S and Harris, S, University of Bristol *Alternatives to Snaring* for Chapter 3 *OneKind Snaring Report* http://www.snarewatch.org/images/resources/onekind_report_snaring_2010.pdf

was charged with not checking his snares every 24 hours and failing to keep records as the law requires. However, the Crown later dropped the case.

- ii. **Untagged snares** - Untagged snares were found set on a steep bank close to a pheasant pen on an estate in North Ayrshire in July 2016. It is illegal to set a snare where an animal may become suspended, and to set a snare without an identification tag.

The use of stink pits in conjunction with snares

The use of stink pits, also known as middens, is a fundamental part of intensive predator control on shooting estates. Gamekeepers are taught to dig a “grave” and fill it with bait such as wildlife carcasses, fish and other animal remains, and to build low walls of brash and branches to direct foxes towards gaps where snares are placed. Stink pits are designed to lure in and catch all foxes and other mammals in an area. Animals found in stink pits in Scotland since the introduction of the snaring legislation include foxes, deer, salmon, pink-footed geese, pheasants, rabbits, hares and cats.

To the public, the discovery of rotting carcasses with snares set around them to trap wild animals often causes disgust and disbelief, but the technique is currently legal in Scotland. Under animal by-products regulations, other land users such as farmers would not be permitted to leave heaps of rotting carcasses around the countryside, but there are specific derogations for hunters and shooters.

Current legislation

New regulations governing the placing and setting of snares in Scotland were first introduced in April 2010⁵. The provisions were re-stated in s.13 of the Wildlife and Natural Environment (Scotland) Act 2011 (the WANE Act)⁶, which inserted detailed new provisions into s.11 of the Wildlife and Countryside Act 1981, along with provisions for user training and requirements for identification tags on snares set for foxes, rabbits or brown hares. Snare operators are recommended to follow a voluntary Practitioners' Guide⁷ produced by a consortium of industry bodies at the request of the Scottish Government.

Scottish Natural Heritage Review of legislation

Section 11F of the WCA as amended by the WANE Act required the Scottish Ministers to carry out a review of the operation and effect of the new provisions by December 2016 and every five years thereafter. The Scottish Government tasked Scottish Natural Heritage (SNH) with carrying out the review. The Review offered the Scottish Government an opportunity to assess whether the legislation was improving protection for Scotland's animals, but this opportunity was not taken. The evidence considered and the consultation carried out were extremely limited, and the option of a ban was not considered. Our key concerns are:

- i. **Failure to consider all relevant evidence and data** – The only data considered in detail in the review were the snaring offences reported to the Crown Office and Procurator Fiscal Service (COPFS). The review itself acknowledges that this sample size was too small to perform statistically significant analysis. This approach ignored information submitted about incidents that did not constitute offences, and reports documenting animal suffering.

⁵ Snares (Scotland) Order 2010

⁶ <http://www.legislation.gov.uk/asp/2011/6/contents/enacted>

⁷ <http://www.gov.scot/resource/0041/00412984.pdf>

- ii. **Failure to adequately assess animal welfare** –No systematic attempt was made to evaluate the impacts of snaring on the welfare of target and non-target animals. Indeed, only one page in the entire review report is dedicated to the topic.
- iii. **Limited scope and public consultation** – The review specifically did not consider the option of banning snares, and no formal public consultation was carried out to seek the views of and evidence from all relevant stakeholders.

As a result of these limitations, with the exception of the welcome commitment not to issue licences for the snaring of mountain hare on animal welfare grounds, the review only put forward modest recommendations to strengthen the current legislation. Other recommendations include:

- 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.

OneKind and the League Scotland do not disagree with these recommendations, but we believe that much more could have been proposed, including continued consideration of an outright ban on snares. Failing this, more of the suggestions from the Technical Assessment Group, organised in parallel with the Review Group could have been taken up.

The report concludes that the number of reported incidents of snaring-related offences has reduced, that the training administration procedure is satisfactory, and that *“the legislation is working in its current state and [the Review Group] are not making any fundamental recommendations requiring changes to legislation.”* OneKind and the League Scotland do not believe that the evidence considered by the Review Group justifies this conclusion.

Recommendations

OneKind and the League Scotland urge the Members of the Scottish Parliament to accept that snaring has had its day and must now be eradicated from the Scottish countryside. The time for a comprehensive ban on the manufacture, sale, possession and use of snares is now long past.

The SNH Review had three aims: to assess the "efficacy of the legislation", to consider "any evidence of outstanding animal welfare implications", and to "review snare training". We believe that it has clearly failed to meet the first two of these three objectives. We are therefore calling for:

- i. SNH to be asked to produce an updated review that addresses these omissions
- ii. A public consultation on the final report and any recommendations made.

For more information please contact:

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