POLICY NOTE

THE SNARES (IDENTIFICATION NUMBERS AND TAGS) (SCOTLAND) ORDER 2012

S.S.I. 2012/282

The Snares (Identification Numbers and Tags) (Scotland) Order 2012 is made under section 11A(8)(b), (c), (d), (e), (f), (g), (h), and (i) of the Wildlife and Countryside Act 1981 (the 1981 Act).

The enabling power was commenced for the purpose of making this Order on 1st January 2012 by article 2(1)(c)(ii)(aa) of the Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Order 2011 (SSI 2011/433).

The instrument is subject to the negative procedure.

Introduction

Following a public consultation on snaring in 2006, the then Minister for Environment, Michael Russell MSP, announced a package of measures to the Scottish Parliament in March 2008 designed to deliver improvements in the animal welfare aspects of the use of snares to control predator and pest species. This package of measures included a proposal that all set snares would have to be tagged with a snaring operator's identification number. This Order sets out the procedure for applying for a snaring identification number; the fee; how the chief constable will be satisfied that the snaring operator has successfully completed a snaring training course; how the identification number will be issued; the construction of the tag; how the tag should be fitted; and, the information the tag should display.

Legislative Background

Snaring is commonly used in Scotland as a means of control for some predator and pest species. Snaring must be carried out in accordance with the requirements set out in section 11 of the 1981 Act.

The Nature Conservation (Scotland) Act 2004 amended section 11 of the 1981 Act to impose a number of restrictions on the use of snares.

Further amendments to the 1981 Act were introduced through the Wildlife and Natural Environment (Scotland) Act 2011 (the 2011 Act). A number of these provisions were commenced on 1st January 2012 through the Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Order 2011 (SSI 2011/433), including the enabling power for this Order.

Sub-sections 11A(8)(b),(c),(d),(e),(f),(g),(h), and (i) of the 2011 Act provide that the Scottish Ministers may by Order make provisions as regards -

- how a chief constable is to be satisfied that an applicant for an identification number 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;
- the form of and manner of making an application for an identification number;
- the fee to accompany the application and the issuing of identification numbers;
- the keeping of records of identification numbers issued, the persons to whom they are issued and the sharing of information from such records;
- the manner in which the tag is to be fitted to the snare, including the material from which the tag is made, and (for some species) in which a statement is to be displayed identifying the intended target species; and
- such other matters in relation to tags or identification numbers, etc, as they consider appropriate.

Policy Objectives

The objective of the Scottish Government is to deliver improved compliance with the legislation in the 1981 Act relating to snaring and to ensure that good practice in the use of snares is followed by snaring operators.

From 1 April 2013, it will be an offence for a person to set a snare, unless they have an identification number obtained from the chief constable in the police area within which it is intended to set snares (section 11A(1) and (5)). Further, it will be an offence if a person who sets or uses a snare fails to fit a tag on the snare displaying the identification number of the person who set the snare and (for some species) also a statement of the intended target species (section 11A(2) and (6)). On receipt of an application, the chief constable is required to issue an identification number on being satisfied that an applicant has been trained in the setting of snares (section 11A(4)).

This Order is being made now to ensure that there is sufficient time for snaring operators to obtain a snaring identification number before 1 April 2013.

Article 3(1) and 3(2) sets out how an applicant must apply for a snaring identification number. An applicant, on successfully completing a snaring training course, will visit their local police station with the original snaring certificate, a completed application form, photographic ID such as a passport, driving licence etc, the fee, and a passport style photograph of the themselves.

Article 3 provides that the fee for the application will be £20.

Article 4 sets out how a chief constable is to be satisfied that an applicant has been trained for the purposes of section 11A(4) of the Wildlife and Countryside Act 1981. This will be the case where he or she is satisfied) that a training certificate has been issued to the applicant.

Article 5 provides that an identification number is to be issued to the applicant by registered or recorded delivery post, and also requires that notice of the issuing of a number is given to the Chief Constable of Strathclyde Police for the purpose of the records to be held under article 6.

Article 6 requires the Chief Constable of Strathclyde Police to keep records of identification numbers that have been issued, together with details of the person they have been issued to. It also provides that this information may be shared with the Scottish Ministers.

Article 7 provides that tags are to be made of plastic or metal, and sets out how they must be attached to the set snare. It also provides for the information the tag must display where it is intended to catch the species listed in section 11A(2)(c) of the 1981 Act.

Coming into Force

The Order comes into force on 22 November 2012.

Consultation

The Scottish Executive launched a public 'Consultation on Snaring in Scotland' on 27 November 2006 to honour a commitment made during the passage of the Nature Conservation (Scotland) Act 2004 (the "2004 Act").

A number of meetings with bodies with an interest in snaring were conducted at official and Ministerial level during the consultation on Wildlife and Natural Environment Bill. Organisations with an interest in snaring also gave evidence during the passage of the Wildlife and Natural Environment Bill through Parliament.

Section 26(4)(a) of the 1981 Act requires the Scottish Ministers to give any persons affected by the Order an opportunity to submit objections or representations with respect to the subject matter of the Order. Key stakeholders including the Scottish Gamekeepers Association, the Game & Wildlife Conservation Trust, British Association for Shooting and Conservation, and the Scottish Society for the Prevention of Cruelty to Animals have provided input into the snaring training course and had the opportunity to comment on the draft Order.

Section 26(4)(b) of the 1981 Act requires the Scottish Ministers to consult with whichever one of the advisory bodies they consider best able to advise them as to whether the order should be made. The Scottish Ministers have consulted Scottish Natural Heritage.

Business Regulatory Impact Assessment

A BRIA has been prepared for this Order and has been placed in the Scottish Parliament Information Centre.

Equality Impact Assessment

An EQIA has not been prepared for this Order as there are no equality issues.