EXECUTIVE NOTE

THE SPRING TRAPS APPROVAL (SCOTLAND) ORDER 2011

S.S.I 2011/393

The Spring Traps Approval (Scotland) Order 2011 ("the Order") is made under S.50(3) and 85(3) of the Agriculture (Scotland) Act 1948.

The Order is subject to the default laying requirement provided for by S.30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Policy objectives

The Order updates the list of approved traps on The Spring Traps Approval (Scotland) Order 1996. It incorporates both the existing approved traps (with one exception) and 16 new ones, and revokes the current Order so that it is no longer in force.

This Order provides that the following spring traps are approved for the purposes of section 50 of the Agriculture (Scotland) Act 1948:—

- any spring trap of a type and make specified in column (1) of the Schedule; and
- any trap which corresponds to a trap so specified in construction, in materials, in impact force or momentum, and in all other respects which are relevant to its effect or manner of operation as a trap (an "equivalent trap").

These approvals are subject to the conditions specified in the corresponding entry in column (2) of the Schedule as to the animals for which, and the circumstances in which, the spring trap (or equivalent trap) may be used.

Unlike the other traps which are approved, the WCS Collarum Stainless UK Fox Model is designed and approved for the purpose of restraining the fox, but not killing the animal. As such, the Order provides for more extensive conditions as to the manner in which it must be used.

Technical Standards

This Order was notified in draft to the European Commission and the other Member States in accordance with Directive 98/34/EC of the European Parliament and of the Council (O.J. No. L 24, 21.7.1998, p.37) which lays down a procedure for the provision of information in the field of technical standards and regulations.

Legislative Background

The Order is made under S.50(3) and 85(3) of the Agriculture (Scotland) Act 1948, the former being a provision which allows the Scottish Ministers to specify by Order the types and makes of spring trap which are to be approved for the purposes of that section (s.85(3) is included only to enable the revoking provision). S.50(1)(b) creates an offence in relation to the use of traps other than approved traps (or of approved traps for animals or in circumstances for which they are not approved). S.50(1)(c) and (d) create offences in relation to the sale or possession of such traps.

None of the traps listed in the Order is a leghold trap within the meaning of Article 1 of Council Regulation (EEC) No. 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or traps which do not meet international humane trapping standards (O.J. No. L 308, 9.11.1991, p.1).

Business Regulatory Impact Assessment (BRIA)

A BRIA has not been produced for this instrument, as the instrument will not in itself, impose new regulatory burdens on business, charities or the voluntary sector. The Order will provide more spring traps to choose from in Scotland. This will therefore enable people to choose a spring trap which meets their needs more closely, and will generate business for manufacturers, distributors and pest controllers.

Equalities impact assessment

There are no equality impact issues.

Rural and Environment Directorate
Scottish Government
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