POLICY NOTE

THE WILDLIFE MANAGEMENT (CONSEQUENTIAL AMENDMENTS) (SCOTLAND) REGULATIONS 2024

SSI 2024/268

The above instrument was made in exercise of the power conferred by section 34(1) of the Wildlife Management and Muirburn (Scotland) Act 2024 ("the 2024 Act"). The instrument is subject to negative procedure.

Summary Box

This instrument in consequence of the commencement of the prohibition of the use of snares under the 2024 Act, the effect of this instrument is revoke provisions which are no longer required and to remove the WCS Collarum (a type of snare) from the Spring Trap Approval (Scotland) Order 2011.

Policy Objectives

These Regulations are being introduced to remove the WCS Collarum from the Spring Trap Approval (Scotland) Order 2011 ("STAO"). The Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 2 and Saving Provision) Regulations 2024 commences section 6 of the Wildlife Management and Muirburn (Scotland) Act 2024 on 25 November 2024. Section 6 prohibits the use of a snare in Scotland:

- for the purpose of killing any animal (other than a wild bird);
- other than one which is operated by hand to take any animal (other than a wild bird);
- in any way that is likely to injure any animal coming into contact with the snare.

As the WCS Collarum is a type of snare, and is not operated by hand, it will be prohibited for use in Scotland and should therefore be removed from the STAO. These Regulations will be progressed alongside the Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 2 and Saving Provision) Regulations 2024 to commence section 6 of the 2024 Act.

These Regulations also revoke the Snares (Identification Numbers and Tags) (Scotland) Order 2012 and the Snares (Training) (Scotland) Order 2015.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation on snaring as part of the Natural Environment Bill process took place from 22 August 2023 to 3 October 2023.

As a result of that consultation 70% of respondents supported prohibition on the use of snares (including the WCS Collarum).

The removal of the WCS Collarum from the STAO will not require any further evidence gathering given it is a snare and snaring will be prohibited under the Wildlife Management and Muirburn (Scotland) Act 2024.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website[1].

Impact Assessments

A Child Rights and Wellbeing impact assessment has been completed on The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 and is attached.

It is considered that The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 as summarised above will bring no discernible reduction or progress in children's rights or their wellbeing.

Financial Effects

The Minister for Agriculture and Connectivity confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Environment and Forestry Directorate
Nature Division

September 2024

[1] https://www.gov.scot/publications/wildlife-management-muirburn-scotland-bill-use-snares-powers-scottish-spca-inspectors-analysis-responses-consultation-exercise/