

2010 No. 8

WILDLIFE

The Snares (Scotland) Order 2010

Made - - - - - *20th January 2010*

Laid before the Scottish Parliament *21st January 2010*

Coming into force - - - *11th March 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 11(3E) and (4A) of the Wildlife and Countryside Act 1981(a) and all other powers enabling them to do so.

For the purposes of section 26(4)(a) of that Act they consider that no local authority is affected by this Order.

In accordance with that provision, they have given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order.

In accordance with section 26(4)(b) of that Act, they have consulted Scottish Natural Heritage.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Snares (Scotland) Order 2010 and comes into force on 11th March 2010.

(2) In this Order “the Act” means the Wildlife and Countryside Act 1981.

Check that snares are free-running

2.—(1) Any person who sets a snare in position must, while it remains in position, check that it is free-running or cause it to be so checked at least once every day at intervals of no more than 24 hours.

(2) Any person who, while carrying out such a check, finds that the snare is not free-running must remove the snare or restore it to a state in which it is free-running.

Snare stops and anchors

3. A snare is to be treated as having been used in a manner which constitutes an offence under section 11(1)(aa)(b) of the Act if it is used otherwise than in accordance with articles 4 and 5.

(a) 1981 c.69. Section 11 was amended by paragraph 10 of schedule 6 to the Nature Conservation (Scotland) Act 2004 (asp 6) (“the 2004 Act”).

(b) Paragraph 11(1)(aa) was inserted by paragraph 10 of schedule 6 to the 2004 Act.

Snare stops

4.—(1) A person who sets in position or otherwise uses a snare must ensure that the snare is fitted with a stop which complies with this article.

(2) The stop must be capable of preventing the noose of the snare closing beyond the stop.

(3) Where the person intends to use the snare to catch animals of the family *leporidae*, the stop must be fixed no less than 13 centimetres from the running end of the snare.

(4) Where the person intends to use the snare to catch foxes, the stop must be fixed no less than 23 centimetres from the running end of the snare.

Snare anchors

5. A person who sets a snare in position must—

- (a) stake it to the ground, or
- (b) attach it to an object,

in a manner which will prevent the snare being dragged by an animal caught by it.

Location of snares

6. A snare is to be treated as having been having been set in a manner which constitutes an offence under section 11(1)(aa) of the Act if it is set in a place where an animal caught by the snare is likely to—

- (a) become fully or partially suspended, or
- (b) drown.

St Andrew's House,
Edinburgh
20th January 2010

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision about the use of snares.

Article 2 requires someone who sets a snare to check that it remains free-running every 24 hours. It is an offence under section 11(3E) of the Wildlife and Countryside Act 1981 to use a snare or to knowingly cause or permit someone else to use a snare without complying with the requirement specified in that article.

It is an offence under section 11(1)(aa) of the 1981 Act to set or otherwise use a snare in a manner calculated to cause unnecessary suffering to an animal. Article 3 specifies that a snare is to be treated as having been used in such a manner if it is used without complying with articles 4 and 5. Article 4 requires a stop to be fixed to a snare before it is used. Article 5 requires a snare to be staked in place or attached to another object to prevent it being dragged.

Article 6 specifies that a snare is to be treated as having been set in a manner which is calculated to cause unnecessary suffering to an animal if it is set in a location where a snared animal could become suspended or drown.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Rural Directorate, Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY.

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