

*These notes relate to the Wildlife and Natural Environment (Scotland)
Act 2011 (asp 6) which received Royal Assent on 7 April 2011*

WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Part 2 – Wildlife under the 1981 Act

Section 13 – Snares

Subsection (2)

75. Subsection (2) amends section 11 of the 1981 Act to insert a new subsection (1A).
76. Section 11(1A) of the 1981 Act sets out circumstances in which a snare is to be considered to be of a nature or set in a way calculated to cause unnecessary suffering for the purpose of the offence in section 11(1)(aa) of that Act. It requires snares to be fitted with stops (subsection (1A)(a) and (b)), attached to the ground or an object to prevent them being dragged (subsection (1A)(c)) and not set in a place which is likely to cause an animal to become suspended or drown (subsection (1A)(d)).
77. Section 11(1A) of the 1981 Act re-enacts with modifications articles 4 to 6 of the Snares Order. In particular, the requirement in the Snares Order to fit stops on snares intended to catch foxes and hares is extended to all animals.
78. Subsection (2) also repeals section 11(3) to (3B) and (3D) of the 1981 Act. Those provisions are re-enacted by new sections 11B and 11C of that Act as inserted by the Act.