



Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

PART 2

WILDLIFE UNDER THE 1981 ACT

Snares

13 Snares

- (1) The 1981 Act is amended as follows.
- (2) In section 11 (prohibition of certain methods of killing or taking wild animals)—
 - (a) after subsection (1), insert—

“(1A) For the purposes of subsection (1)(aa), a snare which is of such a nature or so placed (or both) as to be calculated to cause unnecessary suffering to any animal coming into contact with it includes—

 - (a) where the person who sets in position or otherwise uses the snare does so to catch any animal other than a fox, a snare which is not fitted with a stop which is capable of preventing the noose of the snare reducing in circumference to less than 13 centimetres;
 - (b) where the person who sets in position or otherwise uses the snare does so to catch a fox, a snare which is not fitted with a stop which is capable of preventing the noose of the snare reducing in circumference to less than 23 centimetres;
 - (c) a snare which is neither—
 - (i) staked to the ground; nor
 - (ii) attached to an object,in a manner which will prevent the snare being dragged by an animal caught by it; and
 - (d) a snare which is set in a place where an animal caught by the snare is likely to—

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- (i) become fully or partially suspended; or
- (ii) drown.”,
- (b) subsections (3) to (3B) and (3D) are repealed.
- (3) After that section, insert—

“11A Snares: training, identification numbers, tags etc.

- (1) Any person who sets a snare in position must have an identification number (see also subsections (3), (4) and (7) in relation to identification numbers and training).
- (2) Any person who sets in position or otherwise uses a snare must ensure—
 - (a) that a tag is fitted on the snare in such a manner that it is not capable of being easily removed from the snare;
 - (b) that there is displayed on the tag (in a manner in which it will remain readable) the identification number of the person who set the snare in position; and
 - (c) where the snare is intended to catch the following types of animal—
 - (i) brown hares or rabbits; or
 - (ii) foxes,
 that there is also displayed on the tag (in a manner in which it will remain readable) a statement that it is intended to catch the type of animal in question.
- (3) For the purposes of this section and sections 11D and 11E, the identification number of a person who sets a snare in position is the identification number issued to him by a chief constable.
- (4) A chief constable—
 - (a) on receipt of an appropriate application from any person for an identification number for the purpose of setting snares in position in the chief constable's police area; and
 - (b) on being satisfied that the applicant 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,
 must grant the application and issue the applicant with an identification number.
- (5) Any person who fails to comply with subsection (1) is guilty of an offence.
- (6) Any person who—
 - (a) has an identification number and sets in position or otherwise uses a snare; but
 - (b) fails to comply with subsection (2) in any respect,
 is guilty of an offence.
- (7) Where an identification number has been issued by a chief constable under subsection (4), the person to whom it is issued—
 - (a) may use it also for tags fitted on any snares which he sets in position in any other chief constable's police area; and

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- (b) need not apply to any other chief constable for a separate identification number in relation to setting any such snare in position.
- (8) The Scottish Ministers may by order make provision as regards—
- (a) when a person 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;
 - (b) how a chief constable is to be satisfied that an applicant for an identification number has been so trained;
 - (c) the manner in which a tag is to be fitted for the purposes of subsection (2)(a) (including the material from which a tag is to be made);
 - (d) the manner in which an identification number is to appear on a tag for the purposes of subsection (2)(b), and in which a statement is to be displayed on a tag for the purposes of subsection (2)(c);
 - (e) the form of and manner of making an application for an identification number;
 - (f) the determining by the Scottish Ministers, or by chief constables in accordance with the order, of any fee to accompany the application and the charging of any such fee;
 - (g) the issuing of identification numbers under subsection (4);
 - (h) the keeping of records of identification numbers issued, the persons to whom they are issued and the sharing of information from such records;
 - (i) such other matters in relation to training, tags or identification numbers (including the making of an application for, or the issuing of, an identification number) as they consider appropriate.
- (9) In this section—
- “appropriate application” means an application made in accordance with the provisions of an order under subsection (8);
 - “chief constable” means a chief constable of a police force appointed under section 4(1) of the Police (Scotland) Act 1967;
 - “chief constable's police area” means the police area for which the police force of which the chief constable is such officer is maintained; and
 - “police area” is to be construed in accordance with section 50 of that Act.

11B Snares: duty to inspect etc.

- (1) Any person who sets a snare in position must while it remains in position inspect it or cause it to be inspected, at least once every day at intervals of no more than 24 hours, for the following purposes—
- (a) to see whether any animal is caught by the snare; and
 - (b) to see whether the snare is free-running.
- (2) Any person who while carrying out such an inspection—
- (a) finds an animal caught by the snare must, during the course of the inspection, release or remove the animal (whether it is alive or dead); and
 - (b) finds that the snare is not free-running must remove the snare or restore it to a state in which it is free-running.

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- (3) Subject to the provisions of this Part, any person who—
- (a) without reasonable excuse, contravenes subsection (1); or
 - (b) contravenes subsection (2),
- is guilty of an offence.
- (4) For the purposes of this section, a snare is “free-running” if—
- (a) it is not self-locking;
 - (b) it is not capable (whether because of rust, damage or other condition or matter) of locking; and
 - (c) subject only to the restriction on such movement created by the stop fitted in accordance with section 11(1A)(a) or (b), the noose of the snare is able at all times freely to become wider or tighten (and is not prevented from doing so whether because of rust, damage or other condition or matter other than the stop).

11C Snares: authorisation from landowners etc.

Subject to the provisions of this Part, any person who without reasonable excuse—

- (a) while on any land has in his possession any snare without the authorisation of the owner or occupier of the land; or
- (b) sets any snare in position on any land without the authorisation of the owner or occupier of the land,

is guilty of an offence.

11D Snares: presumption arising from identification number

The identification number which appears on a tag fitted on a snare is presumed in any proceedings to be the identification number of the person who set the snare in position.

11E Snares: record keeping

- (1) Any person who has an identification number must keep a record of the following—
- (a) the location of every snare set in position by the person which remains in position;
 - (b) the location of every other snare set in position by the person within the past two years;
 - (c) the date on which each snare mentioned in paragraph (a) or (b) was set;
 - (d) the date on which each snare mentioned in paragraph (b) was removed;
 - (e) in relation to each animal caught in a snare mentioned in paragraph (a) or (b)—
 - (i) the type of animal;
 - (ii) the date it was found;
 - (f) such other information as the Scottish Ministers may by order specify.

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- (2) For the purposes of subsection (1)(a) and (b), the location of a snare is to be recorded—
 - (a) by reference to a map; or
 - (b) by such other means (for example, by means of a description) capable of readily identifying the location.
- (3) Any person who, without reasonable excuse, fails to comply with the duty under subsection (1) is guilty of an offence.
- (4) Any person who—
 - (a) is requested to produce the record kept under subsection (1) to a constable; and
 - (b) fails to do so within 21 days of being so requested,is guilty of an offence.
- (5) Subsection (1) does not apply in relation to any snare set in position by a person before the person is issued with an identification number.

11F Snaring: review and report to the Scottish Parliament

- (1) The Scottish Ministers must carry out, or secure the carrying out by another person of, a review of the operation and effect of—
 - (a) section 11 and any orders made under that section (in so far as the section and the orders make provision as regards snaring);
 - (b) sections 11A, 11B, 11C, 11D and 11E and any orders made under those sections.
 - (2) A review must be carried out under subsection (1) no later than—
 - (a) 31st December 2016 (“the first review date”);
 - (b) the end of the period of 5 years beginning with the first review date; and
 - (c) the end of each subsequent period of 5 years.
 - (3) In carrying out a review under subsection (1), the matters that must be considered include whether in the opinion of the Ministers (or, if the review is being carried out by another person, that person) amendment of this Act or enactment of other legislation is appropriate.
 - (4) In carrying out a review under subsection (1), the Scottish Ministers (or, if the review is being carried out by another person, that person) must consult such persons and organisations as they consider (or, as the case may be, the other person considers) have an interest in it.
 - (5) The Scottish Ministers must, as soon as practicable after a review is carried out under subsection (1), lay a report of the review before the Scottish Parliament.”.
- (4) In section 16(3) (certain offences not committed if activity done in accordance with licence), after “11(1), (2) and (3C)(a)” insert “, 11C ”.
 - (5) In section 17 (false statements made for obtaining registration or licence etc.)—
 - (a) in the title, after “registration” insert “, identification number ”,
 - (b) after “7(1)” insert “, an identification number under section 11A(4) ”.

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Commencement Information

- I1** S. 13(1)(2) in force at 1.1.2012 by S.S.I. 2011/433, **art. 2(1)(c)(i)**
- I2** S. 13(3) in force at 1.1.2012 for specified purposes by S.S.I. 2011/433, **art. 2(1)(c)(ii)**
- I3** S. 13(3) in force at 22.11.2012 for specified purposes by S.S.I. 2011/433, **art. 2(3A)(a)** (as inserted (22.11.2012) by S.S.I. 2012/281, art. 2(2))
- I4** S. 13(3) in force at 1.4.2013 in so far as not already in force by S.S.I. 2011/433, **art. 2(4)** (as amended (26.12.2011) by S.S.I. 2011/437, art. 2(2) and (22.11.2012) by S.S.I. 2012/281, art. 2(3))
- I5** S. 13(4) in force at 1.1.2012 by S.S.I. 2011/433, **art. 2(1)(c)(iii)**
- I6** S. 13(5) in force at 22.11.2012 by S.S.I. 2011/433, **art. 2(3A)(b)** (as inserted (22.11.2012) by S.S.I. 2012/281, art. 2(2))

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