
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 124

WILDLIFE

The Snares (Training) (Scotland) Order 2012

<i>Made</i>	- - - - -	<i>23rd April 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - - -	<i>25th April 2012</i>
<i>Coming into force</i>	- -	<i>4th June 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 11A(8)(a) and (i) of the Wildlife and Countryside Act 1981⁽¹⁾ 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 extent

1. This Order may be cited as the Snares (Training) (Scotland) Order 2012 and comes into force on 4th June 2012.

Interpretation

2. In this Order—

- (a) “1981 Act” means the Wildlife and Countryside Act 1981;
- (b) “approved body” means a person or body specified in the Schedule; and
- (c) “trained” means trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control for the purposes of section 11A(4) of the 1981 Act.

⁽¹⁾ 1981 c.69; section 11A is inserted by section 13 of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), and was brought into force by S.S.I. 2011/433, article 2(c) to the extent necessary to enable the Scottish Ministers to make provision by order under that section.

Training certificates

3.—(1) A person is trained when that person holds a training certificate issued in accordance with paragraphs (2) and (3).

(2) The training certificate is issued by an approved body.

(3) The training certificate is issued to a person who the approved body determines (by examination or otherwise) is competent to—

- (a) select an appropriate location for a snare to be set;
- (b) set a snare in accordance with the law;
- (c) identify and remedy defects in the setting and use of a snare; and
- (d) set a snare in such a manner, and in such a place, that it is reasonable to expect that—
 - (i) use of the snare is consistent with animal welfare; and
 - (ii) the setting of the snare is an appropriate method of predator control.

(4) The approved body may have regard to training undertaken, or qualifications obtained, by the person before the coming into force of this Order when making a determination of competence for the purposes of paragraph (3).

(5) Where an approved body, having made a determination of competence in relation to the matters set out in paragraph (3), issued a training certificate on or after 1st May 2010 and before the coming into force of this Order, that training certificate is deemed to be a training certificate issued in accordance with paragraphs (2) and (3).

St Andrew's House,
Edinburgh
23rd April 2012

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2(b)

Approved bodies

British Association for Shooting and Conservation(2)

Game & Wildlife Conservation Trust(3)

Scottish Association for Country Sports(4)

Scottish Gamekeepers Association(5)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision about training in relation to setting snares.

Article 3 makes provision as regards 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 for the purposes of section 11A(4) of the Wildlife and Countryside Act 1981.

Article 3(1) specifies that a person is trained when the person holds a training certificate issued in accordance with article 3(2) and (3). The training certificate must be issued by an approved body (article 3(2)). The approved bodies are those listed in the Schedule to the Order (article 2(b)).

Article 3(3) provides that the training certificate must be issued to a person who the approved body determines (by examination or otherwise) is competent in the matters listed in sub-paragraphs (a) to (d).

Article 3(4) provides that when determining that a person is competent in terms of article 3(3), an approved body may have regard to training undertaken, or qualifications obtained, by that person before the coming into force of the Order.

Article 3(5) deems training certificates issued by an approved body on or after 1st May 2010 and before the coming into force of the Order to be training certificates issued in accordance with article 3(2) and (3).

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Environmental Quality Division, Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

(2) Registered Industrial and Provident Society No. 28488R.

(3) A charitable company limited by guarantee (Company No. 05579632 and registered charity number 1112023).

(4) An unincorporated association with a place of business at SACS, Netherholm, Netherburn, Larkhall, ML9 3DG.

(5) The Scottish Gamekeepers Association comprises two parts; a company limited by guarantee, (Company No SC386843), responsible for the day to day management of the Association, and a charitable trust, registered in Scotland charity number SC386844, responsible for deliver of training initiatives.