

Final Business and Regulatory Impact Assessment

Title of Proposal

The Snares (Training) (Scotland) Order 2015.

Purpose and intended effect

Background

Following a public consultation on snaring in 2006, the then Minister for Environment, Michael Russell MSP, announced a package of measures to the Scottish Parliament in March 2008 to deliver the recommendations that were largely based on the findings of the Report of the Independent Working Group on Snares (James Kirkwood et al., 2005) commissioned by DEFRA. Work has been undertaken by the Partnership Against Wildlife Crime (PAW) Scotland Legislation, Regulation and Guidance Sub-group to consider the practical implementation of the proposals. Proposals for the provisions of this Order were set out in the Wildlife and Natural Environment Bill which was debated before the Scottish Parliament in 2010-11 and received Royal Assent on 7th April 2011.

This Order sets out that

- all snaring operators who wish to set snares must successfully pass a snaring training course run by either the Scottish Gamekeepers Association Charitable Trust (SGA), British Association for Shooting and Conservation (BASC), the Game and Wildlife Conservation Trading Limited, the Scottish Association for Country Sports (SACS), the Countryside Alliance, The North Highland College, Borders College, and the SRUC.
- the content of the training course which determines if a person is competent to set a snare.
- This Order also revokes The Snares (Training) (Scotland) (No.2) Order 2012.

Objective

- Our policy objective is to implement a snaring commitment given to the Scottish Parliament in 2008 by Michael Russell which was that all snaring operators who wish to set snares must successfully pass a snaring training course.

Rationale for Government intervention

Proposals for the provisions of this Order were set out in the Wildlife and Natural Environment Bill which was debated before the Scottish Parliament in 2010-11 and received Royal Assent on 7th April 2011.

Consultation

Within Government

Scottish Natural Heritage formally responded to the original consultation.

Public Consultation

The Scottish Executive launched a public 'Consultation on Snaring in Scotland' on 27 November 2006 to honour a commitment made during the passage of the 2004 Act. A total of 247 valid separate representations were received by the closing date for submissions. Of the responses received, 71 were against a ban and 172 were for an all out banning of snares. The remaining 4 were in favour of limited snaring within a licensing system.

Following the consultation, the then Minister for Environment, Michael Russell MSP, announced a package of measures to the Scottish Parliament in March 2008 to deliver these snaring policy objectives. These were largely based on the findings of the Report of the Independent Working Group on Snares (James Kirkwood et al., 2005). Work has been undertaken by the PAW Scotland Legislation, Regulation and Guidance Sub-group to consider the practical implementation of the proposals.

A range of forum meetings for stakeholders with an interest in snaring were conducted at official and Ministerial level during the lead up to the WANE Bill.

The proposals in this Order were also extensively debated during the Wildlife and Natural Environment Bill.

Section 26(4)(a) of the Wildlife and Countryside Act 1981 requires the Scottish Ministers to give any persons affected by the Order an opportunity to submit objections or representations with respect to the subject matter of the Order. All of the current approved bodies were consulted about the Countryside Alliance being added to the Schedule of approved bodies and no objections were received.

Section 26(4)(b) of the 1981 Act requires the Scottish Ministers to consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made. The Scottish Ministers have consulted Scottish Natural Heritage and they are content for the Order to be made.

Business

The Scottish Government have met with key stakeholders, including the Scottish Gamekeepers Association, the Game and Wildlife Conservation Trust, British Association for Shooting and Conservation to discuss all aspects of the training course, and agreed the format of the training course. These organisations represent their members who make up the majority of those who set snares.

Options

(1) Introduce the Snares (Training) (Scotland) Order 2015

- **Sectors and groups affected**

All snaring operators who currently use snares as a means of pest and predator control would be affected. These include farmers, crofters, gamekeepers, and greenkeepers on golf courses.

- **Benefits**

An additional approved body, the Countryside Alliance, will give a better choice for snaring operators who are required to undertake the snaring training course. Successful completion of the snaring training course will provide an indication that the applicant has sufficient knowledge and experience to use snares responsibly and within the legislative requirements. This will raise the standard of operation of snaring activities across Scotland to improve the welfare of animals caught in snares. This and the requirement for snaring operators to include ID numbers tagged to each individually set snare will also make snaring operators more accountable for their actions since the identification number and tag will help identify the individual snaring operator.

- **Costs**

The expected cost of attending a snaring training course will be £40.

(2) Outright Ban on Snaring

- **Sectors and groups affected**

All snaring operators who currently use snares as a means of pest and predator control would be affected. These include farmers, crofters, gamekeepers, and greenkeepers on golf courses. Snaring operators would lose a vital tool for pest control. Farmers and land managers would see an increase in the loss of crops, livestock, and game due to the withdrawal of the use of snares. Shooting would then become the only method for controlling foxes. In some instances, snaring is the most humane method of fox control.

- **Benefits**

The accidental catching of non-target species would cease.

- **Costs**

No costs to snaring operators, but there would financial loss to land managers due to the increase in loss of crops, livestock, and game.

(3) Do Nothing

- **Sectors and groups affected**

All snaring operators

- **Benefits**

Snaring operators wouldn't have to undertake the training course.

- **Costs**

No costs to snaring operators

Scottish Firms Impact Test

This will not have a significant impact on businesses in Scotland.

- **Competition Assessment**

- We have applied the OFT's Competition Filter and find the Order will have no effect on competition.

- **Test run of business forms**

There are no new forms being introduced.

Legal Aid Impact Test

There will be no new penalties for non-compliance.

Enforcement, sanctions and monitoring

As with all wildlife crime, enforcement will be a matter for the Police, as set out in Section 19 of the Wildlife and Countryside Act 1981 (the 1981 Act). The penalties for failing to comply are set out in Section 21 of the Wildlife and Countryside Act 1981. Any person found guilty of an offence under Section 11 of the 1981 Act shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or both. As set out in section 11F of the 1981 Act (as inserted by section 13(3) of the Wildlife and Natural Environment Act 2011), the Scottish Government will review snaring every 5 years, including the effectiveness of the legislative changes to snaring. The first review is expected to be undertaken by the Scottish Government in 2016.

Implementation and delivery plan

The Countryside Alliance will be allowed to run training courses from the 1st January 2016.

- **Post-implementation review**
As set out in the Wildlife and Natural Environment Act 2011, the Scottish Government will review snaring every 5 years. The first review is expected to be undertaken by the Scottish Government in 2016.

Summary and recommendation

It is recommended that Option 1 is the preferred option since this was the option agreed by the Scottish Parliament. Snaring is an important tool for land managers in controlling foxes and rabbits, and banning snaring would take away this important method of pest control.

- **Summary costs and benefits table**

Option	Total benefit per annum	Total cost per annum
1	Raise the standard of snaring and improve animal welfare to animals caught in snares	A one-off £40 to undertake the training course
2	The accidental catching of non-target species would cease.	Increase in costs to agricultural damage done by rabbits and foxes to crops and livestock
3	Snaring operators wouldn't have to undertake the compulsory training	None

Declaration and publication

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:**Date:****Dr Aileen McLeod
Minister for Environment, Climate Change and Land Reform**

Scottish Government Contact point: John Gray