

POLICY NOTE

THE WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011 (COMMENCEMENT NO. 2) AMENDMENT (NO. 2) ORDER 2012

S.S.I. 2012/281 (C. 29)

The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Amendment (No. 2) Order 2012 (“the Order”) is made under section 43(1) and (2)(a) of the Wildlife and Natural Environment (Scotland) Act 2011.

Introduction

The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Order 2011, as amended by The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Amendment Order 2011, provided for the commencement of the snaring provisions contained in Section 13 of the Wildlife and Natural Environment Act 2011. Section 13 makes amendments to the Wildlife and Countryside Act 1981 (“the 1981 Act”)

As a result, from 1 January 2013, it would be an offence for a person to set a snare, unless they had an identification number obtained from the chief constable of the police area within which it was intended to set snares (section 11A(1) and (5) of the 1981 Act). Further, it would be an offence from that date if a person who set or used a snare failed to fit a tag on the snare displaying their identification number and also (for certain species) a statement of the intended target species (section 11A(2) and (6) of the 1981 Act).

The Order changes the coming into force date of these snaring identification number and tagging requirements from 1 January 2013 to 1 April 2013. This is to ensure that there is sufficient time for snaring operators to obtain a snaring identification number before it becomes a requirement to have an identification number when setting a snare. The Snares (Identification Numbers and Tags) (Scotland) Order 2012 is to come into force on or around 22 November, allowing a chief constable to issue snaring identification numbers from that date.

The Order also ensures that certain other provisions of section 13 which are required for the operation of the Snares (Identification Numbers and Tags) (Scotland) Order 2012 will be in force on 22 November.

Coming into Force

The Order comes into force on 22 November 2012.

Consultation

A number of meetings with bodies with an interest in snaring were conducted at official and Ministerial level during the consultation on Wildlife and Natural Environment Bill. Organisations with an interest in snaring also gave evidence during the passage of the Wildlife and Natural Environment Bill through Parliament.

Business Regulatory Impact Assessment

A BRIA has not been prepared for this Order as it will not, in itself, impose new regulatory burdens on business, charities or the voluntary sector. .

Equality Impact Assessment

An EQIA has not been prepared for this Order as there are no equality impact issues.