

Policy Note

The Spring Traps Approval (Scotland) Amendment Order 2018

SSI 2018/389

The Spring Traps Approval (Scotland) Amendment Order 2018 (“the Order”) is made under S.50(3) and 85(3) of the Agriculture (Scotland) Act 1948.

The Order is subject to the default laying requirement provided for by S.30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Policy objectives

The Order updates the list of approved traps on The Spring Traps Approval (Scotland) Order 2011. It adds spring traps for the killing of stoat (including run-through configuration) to the Spring Traps Approval (Scotland) Order. This reflects the Agreement on International Humane Trapping Standards (AIHTS). It removes stoat from the species listed for the traps currently approved under the Spring Traps Approval (Scotland) Order (unless it is known that they meet the new standards); this removal takes effect on 1 April 2020 after which date there will only be 5 spring traps approved for the killing of stoat. All traps will however remain on the Order for use against the other species already listed as relevant to that trap. It adds new spring traps for the killing of mink, grey squirrels, rats, mice and weasels. It removes uncommonly used and obsolete spring traps as there are not many left in circulation.

Technical Standards

This Order was notified in draft to the European Commission and the other Member States (EU Notification number 2018/0453/UK) in accordance with Directive 98/34/EC of the European Parliament and of the Council (O.J. No. L 24, 21.7.1998, p.37) which lays down a procedure for the provision of information in the field of technical standards and regulations. No comments or any detailed opinions were received on this notification

Legislative Background

The Order is made under S.50(3) and 85(3) of the Agriculture (Scotland) Act 1948, the former being a provision which allows the Scottish Ministers to specify by Order the types and makes of spring trap which are to be approved for the purposes of that section (s.85(3) is included only to enable the revoking provision). S.50(1)(b) creates an offence in relation to the use of traps other than approved traps (or of approved traps for animals or in circumstances for which they are not approved). S.50(1)(c) and (d) create offences in relation to the sale or possession of such traps.

None of the traps listed in the Order is a leghold trap within the meaning of Article 1 of Council Regulation (EEC) No. 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by

means of leghold traps or traps which do not meet international humane trapping standards (O.J. No. L 308, 9.11.1991, p.1).

Business Regulatory Impact Assessment (BRIA)

A BRIA has not been produced for this instrument as no impact on the private or voluntary sector is foreseen. The Order will provide more spring traps to choose from in Scotland. This will therefore enable people to choose a spring trap which meets their needs more closely and will generate business for manufacturers, distributors and pest controllers.

Equalities impact assessment

There are no equality impact issues.

Natural Resources Division
Environment and Forestry Directorate
Scottish Government
18 December 2018