

P-05-1026 Petition to ban the snaring of wildlife for use in the fur trade

Y Pwyllgor Deisebau | 13 Hydref 2020
Petitions Committee | 13 October 2020

Reference: RS20/13589-1

Petition Number: P-05-1026

Petition title: Petition to ban the snaring of wildlife for use in the fur trade.

Text of petition: While fur farming was banned in the UK in 2000, fur trapping is still legal for certain wild animals such as foxes, rabbits and mink.

We are campaigning to close this loophole to prevent more animals suffering in these barbaric traps, being killed inhumanely and skinned for their pelts.

We request that all snaring of wild animals for use in the fur trade be abolished and for this law to be upheld by the appropriate authorities and monitored closely.



1. Background

The use of snares

Snaring involves trapping and restraining an animal, often prior to it being killed. It is predominantly used in the UK by farmers and other land managers to control wildlife such as foxes, rabbits, rats, grey squirrels and mink. It is also used legally by some to catch wildlife for its fur.

Under the *Wildlife and Countryside Act 1981* it is an offence to:

- set a self-locking snare in such a way as to be calculated to cause bodily injury to any wild animal;
- kill or take any wild animal using a self-locking snare;
- set a snare (or other article) in such a way as to be calculated to cause bodily injury to any animal listed in Schedule 6 of the Act, for example badgers;
- kill or take any animal listed in Schedule 6 of the Act using a snare;
- set a snare and then fail to inspect that snare (or have someone else inspect it) at least once every day;
- set any type of snare unless they are an 'authorised person' under the Act (that is, the owner or occupier of the land on which the snare is set, any person authorised by the owner or occupier of the land, or a person authorised in writing by the Local Authority for the area); and
- possess a snare for the purpose of committing any of the above offences.

Section 11(4) of the *Wildlife and Countryside Act 1981* gives the Welsh Ministers limited powers to amend the regulation of snare use, but only for the “purpose of complying with an international obligation”. For any other amendments, changes to primary legislation are needed.

Under Section 9 of the *Animal Welfare Act 2006*, individuals must take reasonable steps to ensure that the welfare needs of all animals under their control are met, and that the animal is protected from pain and suffering.

Section 14 of the *Animal Welfare Act 2006* makes provision for the Welsh Ministers to publish codes of practice. In 2015, the Welsh Government published the *Code of best practice on the use of snares in fox control* (detailed below in ‘Welsh Government action’).

The [Deer Act 1991](#) prohibits the use of snares to capture, kill or cause bodily harm to deer (Section 4).

The [Wild Mammals Protection Act 1996](#) prohibits violent acts with intent to inflict unnecessary suffering on wild mammals (Section 1).

There are currently no legislative controls in place on the manufacture and sale of snares.

The fur trade

The [Fur Farming \(Prohibition\) Act 2000](#) 'prohibits the keeping of animals solely or primarily for slaughter for the value of their fur' in England and Wales.

Whilst fur farming is banned, it is legal in the UK to import and export fur from a range of species such as fox, rabbit and mink. Snaring of animals for pelts is legal, whilst adhering to certain legislation, see above.

The Welsh Government [has referred](#) to banning the sale and import of real animal fur as a complex matter which includes devolved and non-devolved powers.

2. Welsh Government action

The use of snares

Code of best practice on the use of snares in fox control

On 25 September 2015, the Welsh Government published a '[Code of best practice on the use of snares in fox control](#)' (a statutory code under the *Animal Welfare Act 2006*). The code summarises the current legal obligations on those using snares and sets out best practice guidelines that should be followed. The code states: 'the purpose of the snare is to hold the fox and avoid causing unnecessary suffering whilst the fox is held, until it can be killed humanely.' It is focused on controlling foxes in rural areas rather than trapping for pelts.

Failure to comply with such a code is not an offence in itself. However, failure to comply with a relevant provision of a code of practice may be relied upon by a court as tending to establish liability.

In April 2019, the Welsh Government published a [report on the 2015 code](#) following a recommendation from the Senedd's Climate Change, Environment

and Rural Affairs (CCERA) Committee that annual reports be published on the code (see 'Welsh Parliament action').

The 2019 report detailed a February 2018 stakeholder event on the code. It stated that a 'wide range of stakeholders attended the event, with differing views on the use of snares'. It said:

Stakeholders confirmed the Code has been widely disseminated to their members who use snares as part of their day to day job. These stakeholders believe their members are complying with the recommendations of the Code. However, there is little empirical evidence and it is acknowledged that it is difficult to quantify or evidence good practice and compliance with the Code as the setting and using of snares mostly takes place on private land.

The next steps detailed in the 2019 report included that Welsh Government officials were to meet with stakeholders again in May 2019. Evidence gathered would then be used as part of the ongoing process to determine if the 2015 code 'is working or not and whether further measures including legislative options need to be considered'. The Research Service has been unable to find any public information on the planned May 2019 event.

Taking forward Wales' sustainable management of natural resources consultation

The Welsh Government's 2017 consultation, Taking forward Wales' sustainable management of natural resources, sought views on the regulation of snares (Chapter 10). It included seven proposals covering aspects of snare design and snare operator practice asking whether there should be further Order making powers for the Welsh Ministers to regulate snares.

In the 2017 consultation, the Welsh Government referred to the use of snares in the context of pest control, but did not refer to use of snares for the fur trade:

Snares should remain available to land managers as a legal method of dealing with pest species and the use of snares must be subject to robust safeguards.

A large proportion of the respondents to the 2017 consultation opposed the use of snares in general and felt they should be completely banned.

The Welsh Government concluded that the banning of snares was not a proposal set out in the consultation, so a complete picture of peoples' views on a ban on

snare, either positive or negative, could not truly be obtained through this consultation.

There have been no further steps taken on regulation of snare use since the 2017 consultation.

The Agriculture (Wales) Bill

The letter from the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths MS, (hereafter 'the Minister'), responding to this petition, states that she will publish a White Paper for the anticipated Agriculture (Wales) Bill, this year. The Bill is expected during the Sixth Senedd. She intends the Bill to provide the legislative powers to '**regulate all aspects of the sale and use of snares in Wales**'.

3. Welsh Parliament action

The use of snares

In 2016/17 the CCERA Committee carried out an inquiry into the use of snares. In June 2017 the Committee published its '[Report on the use of snares in Wales](#)'. It concluded:

This inquiry has shown us that there are considerable gaps in the data available to understand the scale, efficacy, and humaneness of snare-use in Wales.

We have set out recommendations that aim to establish a framework for obtaining the requisite data and to apply this data to a review of current policy.

If the efficacy and humaneness of this approach can be demonstrated through the data, then we have recommended that the Welsh Government keeps its approach under regular review. If not, then the Welsh Government must be in a position to act swiftly. [...] We have recommended that the Welsh Government prepares draft legislation now so that it is in a position to act immediately should the combined efforts of government, the industry and landowners fail to deliver the ambitions of the Code.

The Committee recommended the Welsh Government should undertake annual reviews of the 2015 code and publish a report of that review. As discussed, [the](#)

Welsh Government's annual report on the 2015 code of practice was published in April 2019.

The fur trade

This Committee is also considering the petition P-05-901 Ban the Sale of Real Fur in Wales which condemns the trapping of wild animals for fur.

The Committee received a letter (August 2019) from the British Fur Trade Association, in relation to the P-05-901 petition. The letter set out the role of the fur trade in driving up animal welfare standards in the UK and internationally, and highlights that implementing a ban would threaten these standards. It said that the industry would shortly launch and roll out FURMARK, an international mark intended to guarantee standards in these areas across the supply chain, including at the point of sale.

In a letter (October 2019) to the Committee on the P-05-901 petition, the Minister said that any legislation in this area is heavily dependent on the UK's future relationship with the EU. She set out the Welsh Government's position on the issue:

We currently support the UK Government's position which states while some fur products may never be legally imported into the UK, national bans are less effective than working at an international level on animal welfare standards.

The Minister outlined international efforts to bring about higher standards, supported by EU rules and regulations around the fur trade. She concluded by saying that the UK Government has previously stated it will ensure these controls are not removed once the UK leaves the EU.

In February 2017, Paul Davies MS asked the (then) Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, to make a statement on the Welsh Government's position in relation to the selling of animal furs in Wales. In response, the then Cabinet Secretary said:

Fur Farming was banned by the UK Government in England and Wales on ethical grounds in 2000. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the import, re-export, sale or movement of endangered wild animals or their parts and aims to ensure international trade in wild animals species does not threaten their survival.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.