

# Finally ban the manufacture, sale and use of animal snares in Wales

Y Pwyllgor Deisebau | 16 Gorffennaf 2021  
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Reference: SR21/0189-2

**Petition Number:** P-06-1159

**Petition title:** Finally ban the manufacture, sale and use of animal snares in Wales

**Text of petition:** Ask most people in Wales and they would probably tell you that they believe the practice of setting snares for wild animals must have been banned in the dark ages, but sadly the truth is very different. In fact thousands of wild and domestic animals are killed or severely injured in Wales every year due to the use of snares.

Currently we only have a Code of best practice on their use despite the fact that the traps are fundamentally cruel. They have no place in a modern wildlife friendly Wales.

Snares are thin wire nooses designed to trap and eventually cause the death of their victim. The very nature of their design means that they very often cause the limb amputation or strangulation of the trapped animal and a slow death.

To suggest a "Code of best practice" is the equivalent of having a "Code of best practice" for the use of the Electric Chair. Both are fundamentally cruel and inhumane.

It is also extremely difficult to enforce the regulations for snaring, which occurs primarily on private land in remote locations.

At a time when we are attempting to reintroduce many long lost (due to past ignorant persecution and hunting) species, such as the pine marten, red squirrel, deer, otter and even



beaver, the indiscriminating design of the snare will mean that many of these protected species will end up being killed or severely injured.

These indiscriminate traps also pose a very real and unacceptable threat to our beloved family pet cats and dogs. Please make Wales snare free!

## 1. Background

### Regulation of snare use

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 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).

These are currently no legislative controls in place in Wales specifically on the manufacture and sale of snares.

## The UK Internal Market Act 2020

The *UK Internal Market Act 2020* established new rules for the regulation of goods across the UK. The Act established the principles of mutual recognition and non-discrimination, and enshrined them in UK law as Market Access Principles.

Under the mutual recognition principle, if a good complies with the rules relating to its sale in the part of the UK in which it was produced or imported to, then it can be sold in any other part of the UK without having to meet the standards in those other parts, even if they are different.

Under the non-discrimination principle, any rules regulating how goods must be sold in one part of the UK which discriminate directly or indirectly against providers from other parts of the UK do not generally apply.

Banning the manufacture, sale and use of animal snares may come within the scope of the Market Access Principles in the *Internal Market Act 2020*. This means that the effect and enforceability of the petition’s proposal may be impacted in practice.

## 2. Welsh Government action

### Programme for Government

The Welsh Government's recently published Programme for Government includes an objective to "ban the use of snares".

### The Agriculture (Wales) Bill

In January 2021, a letter from the then Minister for Environment, Energy and Rural Affairs, Lesley Griffiths MS, responding to a previous petition, stated that the Agriculture (Wales) Bill, expected during the Sixth Senedd, could provide the legislative powers to "regulate all aspects of the sale and use of snares in Wales".

### 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 best practice guidelines that should be followed. It is focused on controlling foxes in rural areas.

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 Fifth 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 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”. Senedd Research has been unable to find any public information on the planned May 2019 event.

## Taking forward Wales’ sustainable management of natural resources consultation

The previous 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.

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

There has been no further regulation of snare use following the 2017 consultation.

## 3. Welsh Parliament action

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 Petitions Committee of the Fifth Senedd considered **Petition P-05-1026 - to ban the snaring of wildlife for use in the fur trade**. In light of the Welsh Government's intention to introduce an Agriculture Bill during the Sixth Senedd, the Committee agreed there were no further actions it could undertake ahead of the 2021 Senedd elections.

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.