



DEBATE PACK

Number CDP 2016/0148, 19 July 2016

Ban on the manufacture, sale, possession and use of snares

This pack has been produced ahead of the debate to be held on Thursday 21 July 2016 on a **ban on the manufacture, sale, possession and use of snares**.

The topic for this debate has been nominated by the Backbench Business Committee. The debate will be introduced by Jim Dowd MP on the motion:

That this House notes the indiscriminate and cruel nature of snares, the failure of previous attempts at voluntary and self-regulation amongst operators, and the continued suffering caused to thousands of animals every year by these traps; and calls on the Government to implement a full ban on the manufacture, sale, possession and use of snares at the earliest opportunity.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Summary

Snares are commonly used in the UK to catch certain animals prior to their killing.¹ They can legally be used, subject to certain conditions, to catch animals including foxes, rabbits, rats and grey squirrels.

While snares can restrain animals without causing injury, they have the potential to cause injury and death. They can also catch non-target animals such as badgers and cats.² Their use is therefore controversial.

Snares are controlled in England and Wales under the *Wildlife and Countryside Act 1981*. This:

- Prohibits the use of self-locking snares. These are not defined in the Act, but they are generally taken to be snares that continue to tighten when the animal struggles and thereby lead to asphyxiation;
- Prohibits the setting of any type of snare in places where they are likely to catch certain non-target animals such as badgers;
- Requires snares to be inspected on a daily basis.

In 2005 DEFRA issued a non-statutory Code of good practice on the use of snares in fox and rabbit control. This was followed by DEFRA-commissioned research on [Determining the Extent of Use and Humaneness of Snares in England and Wales](#).

As a result of this research the Welsh Government published The Code of Best Practice on the Use of Snares in Fox Control in September 2015. This aimed “to deliver higher animal welfare standards, increased efficiency in terms of fox control, and ensure that fewer non-target species are being caught”.³

In Northern Ireland similar controls on snares apply under the *Wildlife (Northern Ireland) Order 1985*. However, in October 2015 the Northern Ireland Government approved the *Snares Order (Northern Ireland) 2015* which would have added additional restrictions on the use of snares in NI. In November 2015 the NI government decided that it would “put a hold” on the Order while further consultation was conducted.⁴

In recent years Scotland has tightened regulations on snares beyond the situation in England and Wales. Snares must have safety stops fitted and users are required to now attend a training course and register for a personal identification number. This ID number is required to be displayed on all snares which are set.⁵ See [Snaring in Scotland: A practitioners' guide](#) for further information.

¹ <http://data.parliament.uk/DepositedPapers/files/DEP2012-0577/Document.pdf>

² *ibid*

³ <http://gov.wales/newsroom/environmentandcountryside/2015/animal-welfare-at-the-heart-of-new-snares-code/?lang=en>

⁴ <https://www.theyworkforyou.com/ni/?id=2016-01-26.5.15>

⁵ <http://www.gov.scot/Resource/0041/00412984.pdf>

The Wildlife and Countryside Act

The [Wildlife and Countryside Act 1981](#) regulates the use of snares in England, Wales and Scotland. Under this act it is an offence to:

- Set any self-locking snare in such a way as to be calculated to cause bodily injury to any wild animal (Section 11 (1) (a). The term self-locking snare is not defined in the Act and, according to Defra guidance, there has been no successful prosecution within a court high enough to clarify the law by legal precedent.⁶
- kill or take any wild animal using a self-locking snare. (Section 11(1)(b).)
- to 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 (e.g., a badger). (Section 11(2)(a).)
- to kill or take any animal listed in Schedule 6 of the Act (e.g., a badger) using a snare. (Section 11(2)(b).)
- fail to inspect a snare which has been set (or have someone else inspect it) at least once a day
- to 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. (Section 27(1).)
- to possess a snare for the purpose of committing any of the above offences. (Section 18(2).)

It is also an offence to kill or take deer using a snare under the *Deer Act 1991*.

In addition to this legislation, Defra issued a [Code of Practice](#) on the use of snares for fox and rabbit control. The Code included best practice recommendations, including:

- Only setting snares at sites likely to be used by foxes or at a time and place that maximises the chances of catching a rabbit and which minimises risks to non-target species.
- Only using snares as a restraining, rather than killing, device for foxes.

However, the Code of Practice is not statutory. The [National Anti-Snaring Campaign](#) has argued therefore that the Code “serves no useful purpose”. In March 2014 the then Government stated that it had no plans to put the Code on a statutory basis.⁷

In 2012 DEFRA published research on [Determining the Extent of Use and Humaneness of Snares in England and Wales](#).

In February 2016, the Government said that “following publication of the report, officials worked with stakeholders to explore options in light

⁶ Defra, [Defra code of practice on the use of snares in fox and rabbit control](#), October 2005,

⁷ [HC Debate 3 March 2014, cc621-622w](#)

of the report's findings. We are considering options and will make an announcement in due course".⁸

As a result of this research the Welsh Government published The Code of Best Practice on the Use of Snares in Fox Control in September 2015. This aimed "to deliver higher animal welfare standards, increased efficiency in terms of fox control, and ensure that fewer non-target species are being caught".⁹

The Law Commission published a review on Wildlife Law on 9 November 2015. It recommended that in the future "the operation and inspection of snares may benefit... from additional regulations prescribing how relevant snares should be operated and inspected".¹⁰

Scotland and snares

The *Wildlife and Countryside Act 1981* has been the principal legislation regarding snaring in Scotland. However, the [Wildlife and Natural Environment Act \(Scotland\) 2011](#) tightens restrictions further. It includes a requirement that snares can only be set if they have a fitted stop to prevent the snare tightening beyond a certain circumference, and that the snare be firmly anchored to prevent the trapped animal from being able to drag itself away while caught in the snare.

The [Snares \(Identification Numbers and Tags\) \(Scotland\) Order 2012](#) also requires snare users in Scotland to have approved accreditation and have a personal identification number from the police. As of 1 April 2013 it has been illegal in Scotland to set any snare without an ID number being attached to it.

[The Snares \(Training\) Scotland Order 2015](#) (which replaced the [Snares \(Training\) \(Scotland\) \(No. 2\) Order 2012](#)) makes it an offence to set a snare in Scotland unless a person has successfully completed a snaring course run by an approved body, from which they then are required to obtain an ID number from the Chief Constable.

Use of snares in Northern Ireland

The use of snares in Northern Ireland is regulated by the [Wildlife \(Northern Ireland\) Order 1985](#). The 1985 Order was then amended by the [Wildlife and Natural Environment Act \(NI\) 2011](#) which introduced new controls over the use of snares there. These are broadly similar to the regulations governing snares in England and Wales. Under the Northern Ireland legislation:

- The use of self-locking snares is prohibited and it is also an offence to sell or offer for sale a self-locking snare
- snares must be checked at least once a day (i.e. at intervals of no more than 24 hours) and any animals caught must be released or removed.

⁸ HC Deb 11 February 2016

⁹ <http://gov.wales/newsroom/environmentandcountryside/2015/animal-welfare-at-the-heart-of-new-snares-code/?lang=en>

¹⁰ [Wildlife Law](#), Law Commission, 10 November 2015

- it is an offence to use any snare which due to its design or the manner in which it is used, is calculated to cause unnecessary suffering
- no-one should be in possession of a snare or set a snare on any land where the permission of the owner has not been obtained – unless there is a reasonable excuse.

The [Wildlife and Natural Environment Act \(NI\) 2011](#) also gave the Department of Environment powers to set further statutory standards upon those who set and use snares by way of an “Order”. This Order was intended “to set legal requirements that promote higher technical standards in relation to the specification of the snare itself and operator practice”.¹¹

The Department published a [consultation](#) on its proposals to make subordinate legislation to further regulate the use of snares in Northern Ireland. In their summary of responses to this consultation, the Department of Environment (NI) rejected calls to follow the Scottish model (see below) on snares on the grounds that such a system would be considered “overly burdensome and disproportionate”. Instead, the Government response proposed prohibiting the use of drag snares (snares not attached to a permanent anchor).¹²

In October 2015 the Snares Order (Northern Ireland) 2015 was approved by the Northern Ireland Government. This would introduce the following additional restrictions and requirements on the use of snares:

- snares’ users are required, when conducting their daily checks, to ensure that a snare remains ‘free-running’ and to remove or repair the snare if it is not in such a state;
- all snares must be fitted with permanent safety stops which prevents the noose closing too far and inflicting injury to the caught animal;
- all snares are fitted with ‘swivels’ to facilitate twisting action by the animal caught by the snare;
- the use of ‘drag’ snares is prohibited i.e. all snares must be firmly staked into the ground or firmly anchored to an object in an appropriate manner, so that the snare cannot be dragged away by an animal caught by it; and
- snares should not be set in a place or in a manner where an animal is likely to become fully or partially suspended or of risk of drowning e.g. over water courses.¹³

In November 2015 the NI government decided that it would “put a hold” on the Order while further consultation was conducted, due to the strength of feeling on the issue.¹⁴

¹¹ [The Snares Order \(Northern Ireland\) 2013](#)

¹² DOE (NI), [Consultation on a proposed snares order \(Northern Ireland\): Synopsis of Responses](#), para 35

¹³ [The Snares Order \(Northern Ireland\) 2015](#)

¹⁴ PQ, Northern Ireland Assembly, 26 January 2016

2. News items

Game and Wildlife Conservation Trust

We must all abide by Welsh Government's snaring

24 March 2016

<http://www.gwct.org.uk/news/news/2016/march/we-must-all-abide-by-welsh-government%E2%80%99s-snaring/>

Independent

Peak District estate under pressure to remove snares after spate of injuries

Beren Cross 29 April 2015

<http://www.independent.co.uk/news/uk/home-news/peak-district-estate-under-pressure-to-remove-snares-after-spate-of-injuries-10213662.html>

3. Press releases

British Association for Shooting and Conservation

BASC calls for sense on snares

May 12, 2016

BASC has warned against an emotive and inaccurate campaign by the League Against Cruel Sports to ban snares, an important tool for conservation and food security.

Snares are a well-regulated widely-used tool for catching and managing pest species in the countryside in situations where other methods would be impractical or ineffective. Modern snares are not designed to kill but to restrain, they have several built in design features such as stops, swivels and breakaway links to ensure animal welfare. The League knows this but fails to mention any of the regulation and animal welfare measures associated with modern snaring in their briefing to parliamentarians, whom they seek to mislead.

As the police have said in Scotland “fox and rabbit control is necessary to ensure that damage to crops, livestock, trees, game and other wildlife and their habitats can be reduced to acceptable levels to maintain Scotland’s unique rural biodiversity. Snaring is a vital tool to achieve these ends”.

Predation on ground nesting birds and other vulnerable species can be significantly reduced to their benefit by management programmes which include snaring. Crop damage and consequent price increases for food can be addressed by snaring the species causing the damage. From the Krebs badger trials to snow leopards in the Himalayas snaring is the scientific method of choice for live capture without harming the animal. The League knows that there are scientific studies underpinning all this but chooses not to mention them in a deliberate attempt to deceive their audience by playing on their emotions.

Tim Russell, Director of Conservation at BASC, said: “The League should stop compromising livelihoods, food security and the biodiversity of the countryside. Their campaign against snaring involves deception on an industrial scale.

“We are always happy to take people out to show them the reality of snaring rather than the League’s deliberate misrepresentation of what actually happens on the ground – that offer still stands, even for the League.”

League Against Cruel Sports

Time's up for snares – politicians across the UK call for ban as campaign launches to stamp out 'landmines of the countryside'

10 May 2016

As new graphic video [footage](#) from the League Against Cruel Sports exposes the devastating effects of wire snares set by the game-shooting industry, MPs are pushing for a debate to question why these deadly devices are still legal.

With the UK one of just five remaining European countries to still allow snares, the League is calling for a ban on these archaic, indiscriminate and cruel nooses.

Trapping around 1,700,000 wild animals and family pets every year, wire snares are used mainly by game-keepers on commercial shooting estates and game-bird breeding farms. The nooses are set to catch animals such as foxes that might prey on the game birds. Ironically, the birds are only protected so they can be killed themselves at a later date by people who pay to shoot them dead for 'sport'.

Around 80 MPs from across the political spectrum have already declared their opposition to snaring. This growing groundswell is being led by Jim Dowd, MP for Lewisham West & Penge.

Leading the call for a backbench debate on snares, MP Jim Dowd said: "*Snaring is a cruel and ineffectual way to stop predators.*

"For the most part they don't even catch the species they're aimed at, instead inflicting slow and painful deaths on cats, badgers, and other medium-sized mammals. We know that in the 21st century farms have better, more humane methods of deterrence, and so these basic wire traps should be banned".

The League Against Cruel Sports is campaigning for snares to be banned because they are:

- *Indiscriminate*: 3 out of every 4¹ animals caught are unintended 'bycatch', including otters, hares, badgers, cats and dogs.
- *Prolific*: Every 20 seconds, an animal is caught in a snare somewhere in the UK. That's around 1.7m wild and domestic animals each year².
- *Cruel and lethal*: Although the snares are meant to be a restraining device rather than a lethal trap, in many instances the animals suffer a slow and painful death from strangulation, evisceration, exposure to the elements, predation, starvation or dehydration.
- *A sop for the commercial shooting industry*: used purely to maintain artificial levels of factory-farmed game-birds that are reared just so they can be killed later by paying clients

Eduardo Gonçalves, CEO of the League Against Cruel sports said: "*Wire snares are the landmines of the countryside. They are cruel*

and indiscriminate killers of wild mammals and pets and we can't understand why the government has not yet banned them.

"Is it acceptable that 1.7 million wild and domestic animals are trapped, maimed and killed every year, just so that factory-farmed game-birds on commercial shooting estates can be shot for fun? Does the public know that the interests of the commercial shooting industry are deemed more important by the Government than Britain's wildlife or its pets?"

"Our shocking video of a snared hare highlights why snares should be banned. We welcome moves for the issue to be debated in parliament and look forward to the UK falling into line with the majority of European countries that have already banned snares."

The [League's latest video](#) underscores the vicious and indiscriminate nature of snares. The harrowing footage taken by League Against Cruel Sports Investigations Officers shows a hare caught in a snare which then tightened round its abdomen.

The trapped hare was found by the Investigators during a League investigation on a well-known shooting estate in County Antrim, N Ireland³ in April 2016

The League Investigations Officer – who must remain anonymous - describes the suffering of the stricken animal: *"In the terrified hare's struggle to escape, the snare became twisted round both its rear legs.*

"We tried to gently remove the tightened wire which was cutting deeper and deeper into the animal. We rushed it to a vet who examined and treated it. At the time, she warned us that because of its severe injuries, the prognosis didn't look good. And sadly, despite medical treatment and after rallying for a couple of days, the hare died at a nearby animal sanctuary.

"Animals shouldn't be killed just so others can be used for live target practice".

On that same estate, the League's investigators also found numerous examples of snares set in a way that, in other parts of the UK, would breach the codes of practice in place: almost all the snares were set on fence lines; some snares were no longer free running as the snare was rusted or kinked; stops had become loose; and one snare had been reset where a badger had died

The power to legislate on snares falls to each of the devolved Parliaments for their constituent country, and the UK Parliament for England⁴.

The League Against Cruel Sports believes that anything short of a ban would be ineffective. A study by Defra⁵ found that although 95% of gamekeepers in England and Wales were aware of the Code of Practice in place for using snares, not a single fox snare operator they visited was fully compliant with the code.

The League Against Cruel Sports is therefore calling on all the UK's Parliaments and Assemblies to ban snares in their jurisdiction, whilst at

the same time raising the issue at a UK-wide level through a potential debate in the House of Commons.

Members of the public are urged to sign a [new petition](#) calling for a ban on snares in all parts of the UK

Please contact the League's Press Office on 01483 524250 (24hrs) or email press@league.org.uk for any image or comment requests.

Notes to Editors:

- 1.** Determining the extent of use and humaneness of snares in England and Wales, Defra 2012
- 2.** Defra's report looks at the number of snares used in England and Wales and on how many days each snare is used. On average, each snare is used on 206 'snare days', making a total of 53.5m snare days in England and Wales every year. During the study, there was an average 'capture' rate of one animal in every 31 snare days. If this average is consistent across England and Wales, the conclusion must be that 1.7m animals are caught in snares each year.
- 3.** The snared hare was found on Cleggan Lodge shooting estate, near Ballymena, Co Antrim. <http://clegganshoot.com/> during an investigation by League Against Cruel Sports Investigations Officers from 7th-11th April 2016.

The League Investigators found numerous examples of poor practice at Cleggan Lodge: almost all the snares were on fence lines; some snares were no longer free running as the snare was rusted or kinked; stops had become loose; and snares were reset where a badger had died.

4. Status of snares across the UK

England – legislation covering the UK bans self-locking snares, but 'free running' devices remain legal. A Code of Practice was put in place for England in 2005, but has no legal authority.

Northern Ireland - The Wildlife Order (1985) Act 2012 makes similar provisions to the England and Wales Act on self locking snares.

Scotland – A licensing system is now in place, which theoretically may help improve identification of the snare owner, but does little to protect wildlife.

Wales – The same legislation as in England covers snaring, but there is a more stringent Code of Practice in place. Regardless, COPs have been proven ineffective in protecting wildlife

5. Defra report 2012, as above

4. Parliamentary Questions

[Animal Welfare: Trapping](#)

Asked by: Perkins, Toby

To ask the Secretary of State for Environment, Food and Rural Affairs, if she will make it her policy to introduce (a) stricter regulations and (b) a ban on the use of snares.

Answering member: Rory Stewart | Department: Department for Environment, Food and Rural Affairs

In 2012 Defra published research on the extent of use and humaneness of snares in England and Wales. Following publication of the report, officials worked with stakeholders to explore options in light of the report's findings. We are considering options and will make an announcement in due course.

HC Deb 11 February 2016 | PQ 25710

[Cats: Trapping](#)

Asked by: Cunningham, Alex

To ask the Secretary of State for Environment, Food and Rural Affairs, what information her Department holds on how many cats have been caught in snares on (a) private and (b) public land in each of the last five years.

Answering member: Rory Stewart | Department: Department for Environment, Food and Rural Affairs

Defra does not have data on the numbers of non-target animals caught in traps, including snares.

HC Deb 17 December 2015 | PQ 20012

[Trapping](#)

Asked by: Lord Black of Brentwood

To ask Her Majesty's Government when they expect to provide updated advice on the use of snares in order to reduce the incidence of indiscriminate trapping of cats and other animals.

Answering member: Lord De Mauley | Department: Department for Environment, Food and Rural Affairs

Ministers are considering options for improving guidance on snares. A date for publication is yet to be decided.

HL Deb 17 March 2015 | PQ HL5540

[Animal Welfare: Trapping](#)

Asked by: Roy, Lindsay

To ask the Secretary of State for Environment, Food and Rural Affairs, if she will take steps to ban the use of snares across the UK.

Answering member: George Eustice | Department: Department for Environment, Food and Rural Affairs

The Government takes animal welfare issues very seriously. My noble Friend, Lord de Mauley, has met interested parties from both sides of the debate. He has invited them to work with Defra to consider the range of solutions for improving welfare standards when managing fox and rabbit issues.

As part of this we are working with stakeholders to improve the Government's advice on how to comply with existing requirements.

HC Deb 08 September 2014 | PQ 208115

[Animal Welfare: Trapping](#)

Asked by: Henry Smith

To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the answer to the hon. Member for Livingston, of 27 January 2014, Official Report, column 389W, on animal welfare: trapping, if he will consider bringing forward legislative proposals to put code of practice on the use of snares on a statutory basis or offer otherwise to amend it to improve compliance.

Answering member: George Eustice | Department: Environment, Food and Rural Affairs

We have no plans to bring forward legislative proposals to put the DEFRA code of practice on the use of snares on a statutory basis. My colleague Lord de Mauley has had discussions with key stakeholders with the aim of improving compliance. As part of this we propose to work with stakeholders to update the code shortly.

HC Deb 03 March 2014 | PQ189354 | Vol 576 cc621-2W

5. Useful links and further reading

DEFRA *Determining the Extent of Use and Humaneness of Snares in England and Wales* 2012

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=14689>

<http://data.parliament.uk/DepositedPapers/files/DEP2012-0577/Document.pdf>

League Against Cruel Sports – Snares

<http://www.league.org.uk/our-campaigns/snares>

Report – *Snares: Time for a Ban* February 2016

http://www.league.org.uk/~/_media/Files/LACS/Publications/Snares-Time-For-A-Ban-2016.pdf

Snarewatch

<http://www.snarewatch.org/>

National Anti Snaring Campaign

<http://www.antisnaring.org.uk/>

Game and Wildlife Conservation Trust *Recommendations on fox snares*

<http://www.gwct.org.uk/policy/position-statements/recommendations-on-fox-snares/>

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