

Climate Change, Environment and
Rural Affairs Committee

Report on the use of snares in Wales

June 2017



National Assembly for Wales

Climate Change, Environment and Rural Affairs Committee

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Climate Change, Environment and Rural Affairs Committee

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The Committee was established on 28 June 2016 to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters, encompassing (but not restricted to): climate change; energy; natural resources management; planning; animal welfare and agriculture.

Current Committee membership:



Mike Hedges AM (Chair)
Welsh Labour
Swansea East



Gareth Bennett AM
UKIP Wales
South Wales Central



Jayne Bryant AM
Welsh Labour
Newport West



Huw Irranca-Davies AM
Welsh Labour
Ogmore



Siân Gwenllïan AM
Plaid Cymru
Arfon



David Melding AM
Welsh Conservative
South Wales Central



Jenny Rathbone AM
Welsh Labour
Cardiff Central



Simon Thomas AM
Plaid Cymru
Mid and West Wales

The following Members were also members of the committee during this inquiry.



Mark Reckless AM (Chair)
UKIP Wales
South Wales East



Vikki Howells AM
Welsh Labour
Cynon Valley

Contents

Conclusions and recommendations	5
01. Introduction.....	7
02. Current monitoring and enforcement regime	10
03. The efficacy of the Code of Best Practice on the use of snares for fox control	17
04. Future development of relevant animal welfare legislation	20
05. Alternatives to snaring	22
Annex – List of evidence	24

Conclusions and recommendations

Snaring is a method of pest control that poses a risk to the welfare of target and non-target species. We support the Welsh Government, and others, in their efforts to encourage careful use of snares as a last resort, through the implementation of the 'Code of best practice on the use of snares in fox control'.

Given the risk to animal welfare, we believe it is essential that every effort is made to ensure that Welsh Government policy in this area is supported by robust evidence.

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. The risk to animal welfare would, in these circumstances, be unacceptable. 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.

Should the data show unacceptable levels of non-target species being exposed to unnecessary levels of suffering in order to control foxes, then we think the Welsh Government should be prepared to act robustly. We have set out the action we think should be taken in Recommendations 3 and 4.

We intend to monitor this area of policy and plan to return to this issue later this year. We thank all those who gave oral and written evidence and look forward to engaging with these groups and others later in the year.

We have made the following recommendations:

Recommendation 1. The Welsh Government should undertake an annual review of the Code and publish a report of that review..... Page 15

Recommendation 2. If the annual review of the Code shows that it is not working then the Welsh Government should tighten the law on the use of snares in Wales, including the introduction of sanctions for non-compliance with the code. Page 15

Recommendation 3. If evidence shows the voluntary approach has not succeeded, we recommend that the Welsh Government should prepare draft legislation. In preparing that legislation, the following options should be considered:

- the introduction of similar requirements to those in Scotland, for training and identification and exploring a licensing system to be funded by users;
- whether the liability for prosecution should be placed on the landowner where snares are found; this could reduce the problems of determining ownerships of snares and the difficulty of gaining successful prosecutions..... Page 16

Recommendation 4. If it is shown that the reformed enforcement measures listed in Recommendation 3 do not increase the humaneness and efficacy of pest control by snaring, then the Welsh Government should consider legislating to ban the use of snares..... Page 16

Recommendation 5. The Welsh Government should undertake a gap analysis of the data available and takes urgent steps to obtain the information it needs to assess the efficacy of its policy..... Page 16

Recommendation 6. The Welsh Government should report by the end of September 2018 and thereafter on an annual basis, on the extent of the use of snares in Wales. As part of that reporting process, the Welsh Government should work with stakeholders to devise a mechanism to determine the number and species of animals caught in snares..... Page 16

Recommendation 7. The use of non-code compliant snares should be banned on Welsh Government owned land. Page 16

Recommendation 8. We recommend that the Welsh Government’s review of the Code should report on:

- enforcement action in relation to the Code and the numbers of successful prosecutions, if any;
- the cost and availability of Code-compliant snares; and
- the numbers of people being trained to use snares according to the Code and the methods used to assess the effectiveness of that training.
..... Page 19

01. Introduction

1. Snaring is used in the Welsh countryside by farmers and gamekeepers to control the fox and rabbit population. Their use involves trapping and restraining the animal prior to being killed. They can also be set for other purposes including, for example, to capture rabbits for food and foxes in research programmes. Other target species that can legally be snared include rats, grey squirrels and mink. Non-target species which can be caught include badgers, hares, pheasants, deer, cats and dogs.

2. There are two types of snare: free-running, and self-locking. A free-running snare is designed to slacken once an animal stops pulling, while a self-locking snare will continue to tighten. Although free-running snares are legal throughout the UK, use of self-locking snares is banned for animal welfare reasons.

Background and approach

3. In 2012, the UK Department for Environment, Food and Rural Affairs (Defra) published a report titled 'Determining the extent and humaneness of snares in England and Wales'.¹ The report details studies of the scale of the use of snares. In the research period covered (2008-2012), between 17,200 and 51,600 snares were used at any given time in Wales. It is estimated that 1.7 million animals² were caught each year across England and Wales.³ Badgers were the most frequently caught non-target species and were caught in all of the fox snare trials. Of the 17 users of rabbit snares included in the study, five had caught a domestic cat at least once.

Use of snares elsewhere in the UK

In England, the previously referred to Wildlife and Countryside Act 1981 governs the use of snares. As in Wales, there is a 'Code of best practice on the use of snares for fox control in England'.⁴ In Scotland, snares are covered by the Snares (Scotland) Order 2010,⁵ with an Industry guide produced to give snare operators advice regarding best practice in snaring⁶. The guide covers snaring methods for fox snares and rabbit snares. The Scottish Government has tightened the regulation⁷ on the use of legal snares. This includes a requirement that all individuals setting snares be required to undertake training and that snares set have tags to allow them to be traced back to an individual.

The use of snares in Northern Ireland is regulated by the Wildlife (Northern Ireland) Order 1985, which was then amended by the Wildlife and Natural Environment Act (NI) 2011,⁸ with the latter

1

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

² The House of Commons Library produced a debate pack on snares in July 2016. On page 10 it states that "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 Extent and humaneness of snares in England and Wales, report submitted to Defra, 2010

⁴ www.gwct.org.uk/media/680075/Snaring-Best-Practice-Booklet.pdf

⁵ www.legislation.gov.uk/ssi/2010/8/made

⁶ www.gov.scot/Resource/0041/00412984.pdf

⁷ www.gov.scot/Topics/Environment/Wildlife-Habitats/management/snaring-training

⁸ www.legislation.gov.uk/nia/2011/15/contents/enacted

introducing new controls over the use of snares. These are broadly similar to the regulation governing snares in England and Wales. In October 2015 the Snares Order (Northern Ireland) 2015⁹ was approved by the Northern Ireland Executive. This would have introduced a number of additional restrictions and requirements on the use of snares, but in November 2015 the Northern Ireland Executive decided that it would 'put a hold' on the Order while further consultation was conducted, due to the strength of feeling on the issue.

4. On 27 September 2016, the League Against Cruel Sports (LACS) presented a petition with 1,405 signatures, to the Petitions Committee.¹⁰ That Committee considered written evidence from interested parties alongside the petition, including a joint letter¹¹ from the Countryside Alliance, the Game and Wildlife Conservation Trust and the National Gamekeepers Organisation disputing the figures contained in the petition text and challenging LACS's comments on the inhumanness of snares. Relevant information can be found on the Petition Committee's web pages.¹²

5. The Petitions Committee of the National Assembly for Wales referred the matter to the Climate Change, Environment and Rural Affairs Committee for further consideration.

6. The Climate Change, Environment and Rural Affairs Committee ('the Committee') decided to investigate the practice and issues around the use of snares in Wales, and consider whether further action was needed.

7. On 30 November 2016, oral evidence was taken from the following stakeholders:

- The League Against Cruel Sports;
- The National Anti-Snaring Campaign;
- The Countryside Alliance;
- The British Association of Shooting and Conservation; and
- The Game and Wildlife Conservation Trust.

8. The Committee wrote to the Cabinet Secretary for Environment and Rural Affairs on 26 October 2016 asking for the Welsh Government's position on the use of snares in Wales.¹³ The Cabinet Secretary responded on 10 November 2016.¹⁴ On 14 December 2016, the Committee heard oral evidence from the Cabinet Secretary on the Welsh Government's position.¹⁵ Following that meeting on 14 December 2016, the Committee wrote to the Cabinet Secretary to ask for further information.¹⁶ The Cabinet Secretary responded on 18 January 2017.¹⁷

⁹ www.legislation.gov.uk/nisr/2015/352/contents/made

¹⁰ <http://senedd.assembly.wales/ieListDocuments.aspx?CId=430&MId=3726&Ver=4>

¹¹ www.senedd.assembly.wales/ieIssueDetails.aspx?IId=15974&Opt=3

¹² www.senedd.assembly.wales/ieIssueDetails.aspx?IId=15974&PlanId=0&Opt=3

¹³ Letter from the Chair of the Climate Change, Environment and Rural Affairs Committee to the Cabinet Secretary for Environment and Rural Affairs, 26 October 2016

¹⁴ [Letter from the Cabinet Secretary for Environment and Rural Affairs, 10 November 2016](#)

¹⁵ CCERA, 14 December para 163

¹⁶ [Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017](#)

¹⁷ Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017

9. Transcripts of these meetings and the written evidence presented have been published on our website.¹⁸

¹⁸ CCERA, <http://senedd.assembly.wales/documents/s56943/30%20November%202016.pdf>

02. Current monitoring and enforcement regime

10. On 25 September 2015 the Welsh Government published a 'Code of best practice on the use of snares in fox control'¹⁹ aimed at those who currently use snares in the countryside. This is a statutory code issued under Section 14 of 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.

11. The Committee chose to look at different aspects of the Code, including its uptake, compliance and monitoring, since it was introduced in 2015.

Legislative background

12. At present the legislation governing the use of snares is contained within Section 11 of the Wildlife and Countryside Act 1981, and the Animal Welfare Act 2006. Under the Wildlife and Countryside Act 1981 it is currently an offence to:

- set a self-locking snare in such a way as to be calculated to cause bodily injury to any wild animal (S 11(1)(a));
- kill or take any wild animal using a self-locking snare (S 11(1)(b));
- 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 (S 11(2)(a));
- kill or take any animal listed in Schedule 6 of the Act using a snare (S 11(2)(b));
- set a snare and then fail to inspect that snare (or have someone else inspect it) at least once every day (S 11(3)(b));
- 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 (S 27(1));
- possess a snare for the purpose of committing any of the above offences (Section 18(2)).

13. Section 11(4) gives Welsh Ministers some limited powers to amend the regulation of their use but only for the "purpose of complying with an international obligation". For any other amendments changes to primary law would be needed.

14. Under the Animal Welfare Act 2006 an individual is responsible for taking reasonable steps to ensure that the welfare needs of all animals under their control, including those caught in snares, are met, including that the animal is protected from pain and suffering.

15. Animal health and welfare is a devolved subject over which the Assembly has legislative competence. Welsh Ministers can also make amendments to the Animal Welfare Act 2006. Under Section 14 of the Animal Welfare Act 2006, Welsh Ministers can publish a code of practice to govern the use of snares for fox control.

¹⁹ <http://gov.wales/docs/desh/publications/150915-code-of-practice-snares-en.pdf>

Status of the Code of Practice

16. Some witnesses expressed concern about the legal status of the Welsh Government's Code of practice. The RSPCA and the LACS considered compliance with the Code of Practice to be effectively voluntary, saying:

“...the current situation is not only that there is no ban - there is a code of practice, which is in itself voluntary in practical terms. They might be statutory in the terms that the Animal Welfare Act says you can have a code of practice, but for the person who uses it, it's voluntary. If they don't want to use it and they don't break the law, you cannot prosecute a person for not using the Welsh code of practice. You can use it in court, if they have broken the law, to increase the sentences or perhaps as a defence, but as the Animal Welfare Act says specifically, the code of practice cannot be used for prosecution.”²⁰

17. In correspondence with the Committee, the Cabinet Secretary emphasised that the Code of Practice makes it clear that snaring should only be considered as a last resort. She also clarified the Code's legal status, stating that the Code is a statutory code under Section 14 of the Animal Welfare Act 2006, but added that:

“Failure to comply with the code is not an offence in itself, however, failure to comply with a relevant provision in the Code may be relied upon by a court as tending to establish liability.”²¹

Enforcement

18. The LACS and the Anti-Snaring Campaign believe that the law is difficult to enforce in this area. In particular, successful identification and prosecution of those using non-compliant snares is extremely difficult. LACS said:

“... most of the snares are on private land, so the only person who's going to see them is the landowner or the person that set them up. If there has been an infraction, obviously they will not report it to the police, and, if they won't report it to the police, it will be an infraction that is no breach. So, how do you ensure that the code works when it is self-policed by those that set the snares?”²²

19. They went on to say that a complete ban on the use of snares would be easier to enforce than the arrangements set out under the Code.²³

20. In response to a question on how the Code can be enforced, given the difficulties of accessing private land where they are used, the Countryside Alliance said:

“... we know as an organisation that this [Code] has been very well received. Our message has been pretty hard: you either use this code, use code-

²⁰ CCERA, 30 November 2016, para 82

²¹ Letter from Cabinet Secretary for the Environment and Rural Affairs, 18 January 2017

²² CCERA, 30 November 2016, para 32

²³ CCERA, 30 November 2016, para 82

compliant snares and get on with the job correctly, or you will face losing the use of the snare in Wales. So, our message can't really be any harder. What we're offering up, by means of training, has given us confidence, as organisations, that this is getting out there into the field, literally. But we do understand that this is a new code and we do have a lot of work to continue to promote this."²⁴

21. In relation to strengthening the requirements relating to the Code, the Committee explored the potential of introducing a similar system to that in place in Scotland. Such an approach would entail tagging snares as well as requiring a licence to set them.

22. The Cabinet Secretary addressed the question of whether there was a case to follow the Scottish model in correspondence with the Committee:

"Scotland has made additional legislation in relation to snares through the Wildlife and Natural Environment (Scotland) Act 2011. Snares must have safety loops fitted and users are required to attend a training course and register a personal identification number which must be displayed on the individual snares. We understand the Scottish Government is planning to review these arrangements shortly and I will be interested to see if these additional measures have had any success in driving up snaring standards."²⁵

23. In reference to the approach taken in Scotland, the Countryside Alliance said:

"Snares are tagged in Scotland. I'm not sure the evidence has come forward from Scotland that that has been a successful policing tool, and even if that policing tool is needed. There's a huge burden. It's another layer of burden, not only on the people who set the snares, but, importantly, on the police and whoever administers the tagging."²⁶

Monitoring

24. The Committee sought to clarify the extent to which the implementation of the Code is being monitored. Of the current monitoring regime, an official from the Welsh Government told the Committee: "There's no obvious kind of data collection or monitoring regime that picks up the use of snares".²⁷ He went on to say that they had asked at their stakeholder meeting held on 16 November 2016, for "evidence on how many of their members were involved in snaring, and could they put some information together for us on that".²⁸

25. In correspondence with the Committee, the Cabinet Secretary said:

"We have met with a wide stakeholder group with an interest in snares and many of these organisations have been promoting and providing training on

²⁴ CCERA, 30 November 2016, para 181

²⁵ Letter from Cabinet Secretary for the Environment and Rural Affairs, 18 January 2017

²⁶ CCERA, 30 November 2016, para 204

²⁷ CCERA, 14 December 2016, para 178

²⁸ CCERA, 14 December 2016, para 178

snaring practice and the Code. We are working with them to provide evidence of the uptake of the Code and the improvement of snaring practice.”²⁹

26. The Committee questioned whether this meeting constituted a formal review of the Code. The Cabinet Secretary, in oral evidence, described the meeting with stakeholders as:

“The meeting on the 16th was a kind of refresh of that, just to see how far we’d gone in terms of promulgating that within the industry - how well it had been taken forward, how it had been taken up, any particular issues or problems they’d identified with the code.”³⁰

Data gathering and information

27. Contributors to the Committee’s inquiry commented that the extent of the use of snares in Wales is hard to determine. There was a suggestion that an increase in the use of snares may be linked to an increase in game bird rearing in Wales. However, there is insufficient evidence to reach any firm conclusions.

28. The LACS made reference to a study from 2012 entitled ‘Selectivity and injury risk in an improved neck snare for live-capture of foxes’ for the Wildlife Society Bulletin,³¹ and said the study:

“... showed that most of the animals were not targeted animals, for a long range. The target was the foxes, and they only got 28 per cent. There were 54 per cent brown hares, 9 per cent badgers, 4 per cent deer, and 5 per cent others. Of course, these others may include pets, may include pine martens, may include otters, may include badgers.”³²

29. The GWCT were questioned by the Committee about a study carried out for the UK Department for Environment, Food and Rural Affairs published in 2010 called ‘Determining the extent and humaneness of snares in England and Wales’,³³ which contained figures on the high number of non-target species caught. In response, they said:

“I think those statistics refer to non-code-compliant snares, not code-compliant ones. Code-compliant ones don’t retain the same high numbers of non-target animals.”³⁴

30. They also warned of the danger of extrapolating figures from the Defra report:

“On DEFRA’s statistics, it seems to us that what the League Against Cruel Sports have done is take the results of one research scientist, operating in the south of England, to carry out that piece of work that we talked about a moment ago, where we caught 14 foxes and satisfied the AIHTS, and then

²⁹ Letter from Cabinet Secretary for the Environment and Rural Affairs, 18 January 2017

³⁰ CCERA, 14 December 2016, para 169

³¹ [Short, Weldon, Richardson and Reynolds: Selectivity and injury risk in an improved neck snare for live-capture of foxes, Wildlife Society Bulletin, April 2012](#)

³² CCERA, 30 November 2016, para 22

³³ [Determining the extent and humaneness in England and Wales, Defra](#)

³⁴ CCERA, 30 November 2016, para 114

multiplied that up by a number of snares that they think people, on average, are using, and then multiplied that by a guess as to how many people are using snares in Wales. Now, that ain't exactly sound statistical analysis. Taking one person's results and multiplying up, and multiplying up again, is a very, very spurious thing. And, indeed, the report authors said you should not extrapolate in that sort of way from these figures.”³⁵

31. The Countryside Alliance suggested that a more accurate way of estimating the scale of the use of snares was to use figures relating to snaring that are held by the police:

“If I take one particular police force, they have 10 wildlife crime officers working within that force, and the stats for what they called ‘snare-trapping incidents’ - which could include some other types of traps as well - in 2014, there were seven incidents; in 2015, there were 10, and, in 2016, there were seven. So, if we are going to take any notice at all of the insane figures that have been put forward by the league of 370,000 mammals a year being snared in Wales - that's more, incidentally, than the mammal population - and that goes by their statistics, which are something in the region of 125,000 hares and badgers; that's pre-breeding season. When we look at the police figures, they give us a clear indication that, if we are trapping that many animals or mammals in Wales on an annual basis, we would be seeing a lot more.”³⁶

32. In correspondence with the Committee, the Cabinet Secretary explained how Welsh Government collects data about the use and sale of snares in Wales, saying:

“The Welsh Government has been working with a wide range of stakeholders throughout the process of the development and implementation of the Code of Best Practice on the use of snares in fox control. They include the police, who investigate any reported contraventions of the Wildlife and Countryside Act 1981 in relation to snares. We have asked for any information on compliance and non-compliance with the Code. We are also in discussions with the main snare retailers in Wales and their suppliers about providing sales figures on snares.”³⁷

The use of snares on land owned by the Welsh Government

33. The Committee sought clarification from the Cabinet Secretary about whether the use of snares is permitted on Welsh Government-owned land. In response, the Cabinet Secretary said:

“Natural Resources Wales does not use snares on their woodland estate and do not encourage their use.”³⁸

³⁵ CCERA, 30 November 2016, para 131

³⁶ CCERA, 30 November 2016, para 123

³⁷ [Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017](#)

³⁸ [Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017](#)

Our view

The Committee notes that failure to comply with the Code is not an offence. However, failure to comply with the code can be used in court proceedings as tending to establish liability. The lack of sanctions for failing to adhere to the Code will clearly weaken its impact.

The review by the Scottish Government of its approach should be used to inform the approach taken in Wales. Any measures which increases the use of code compliant snares should be explored.

The Committee believes that the implementation of the Code and its impact should be monitored and kept under review. The Committee notes that discussions have been held at a meeting with stakeholders, approximately one year after the Code had been in operation, but this falls short of the review of the efficacy of the approach that is necessary. We expect the Welsh Government to put in place more formal review arrangements in time for the third anniversary of the introduction of the Code. That review process should, henceforth, take place annually and a report of the review, including its outcomes, should be published.

It is clear from the evidence received from the Welsh Government that there is a lack of data relating to snaring practices in Wales. It was clear that there was also a disagreement over the accuracy of the data which had been presented as evidence, with the caveat that the figures included a wide margin of error. This is a cause for concern for the Committee. Given the lack of clarity about the number of Code-compliant and non-Code compliant snares in use, it is difficult to see how Welsh Government can assess the efficacy of its policies without such data.

We believe Welsh Government, as part of its process of reviewing the Code, should put in place mechanisms to ensure that appropriate data is collected about the prevalence of the use and sales of code compliant snares. The data should be published by September 2018.

Based on its annual review of the available data, Welsh Government should give further consideration to whether further policy changes are necessary, including whether the Code should be statutory or whether primary legislation is required.

We believe the use of non-code compliant snares should be banned on Welsh Government-owned land and were not reassured by the response from the Cabinet Secretary on this matter.

Recommendation 1. The Welsh Government should undertake an annual review of the Code and publish a report of that review.

Recommendation 2. If the annual review of the Code shows that it is not working then the Welsh Government should tighten the law on the use of snares in Wales, including the introduction of sanctions for non-compliance with the code.

Recommendation 3. If evidence shows the voluntary approach has not succeeded, we recommend that the Welsh Government should prepare draft legislation. In preparing that legislation, the following options should be considered:

- the introduction of similar requirements to those in Scotland, for training and identification and exploring a licensing system to be funded by users;

- whether the liability for prosecution should be placed on the landowner where snares are found; this could reduce the problems of determining ownerships of snares and the difficulty of gaining successful prosecutions.

Recommendation 4. If it is shown that the reformed enforcement measures listed in Recommendation 3 do not increase the humaneness and efficacy of pest control by snaring, then the Welsh Government should consider legislating to ban the use of snares.

Recommendation 5. The Welsh Government should undertake a gap analysis of the data available and takes urgent steps to obtain the information it needs to assess the efficacy of its policy.

Recommendation 6. The Welsh Government should report by the end of September 2018 and thereafter on an annual basis, on the extent of the use of snares in Wales. As part of that reporting process, the Welsh Government should work with stakeholders to devise a mechanism to determine the number and species of animals caught in snares.

Recommendation 7. The use of non-code compliant snares should be banned on Welsh Government owned land.

03. The efficacy of the Code of Best Practice on the use of snares for fox control

34. As described in the previously, the Cabinet Secretary emphasised that the Code makes it clear that snaring should only be considered as a last resort.

35. The Code includes provision in relation to:
- Considering when and where to set fox snares, if at all;
 - How to set snares;
 - Inspecting and removing snares and carcasses.

Promotion and training

36. The Code states that ‘training is strongly recommended’.³⁹ The Game and Wildlife Conservation Trust told the Committee that they had trained about 2,000 gamekeepers across England and Wales to set snares in accordance with the Code.⁴⁰ They endorsed the value of training without explicitly agreeing that there should be a requirement for all who use snares to complete mandatory training. They argued that this was an incorrect approach as ‘People who set snares want to do it well’.⁴¹

37. The Cabinet Secretary confirmed that training on the use of snares and the Code was provided by the Game and Wildlife Conservation Trust and was available on demand.⁴²

Availability of Code compliant-snares

38. The Code sets out that only ‘free-running’ snares can be used. Free-running snares are defined in the Code as, “a wire loop that relaxes when the fox stops pulling”.⁴³ These types of snares are designed such that an animal bigger and more powerful than a fox can break the ‘weak line’ in the wire loop and free itself. ‘Self-locking’ snares are illegal.

39. We heard from the Anti-snaring Campaign that they are not convinced that allowing only free-running snares minimises animal suffering. Mr Wild said:

“Ninety per cent of commercial snares are bought in agricultural suppliers or on the internet and it was never defined what makes a self-locking snare, but we’ve taken it that they ratchet up and get ever tighter ... And so free-running snares really are a bit of a joke. They’re not humane.”⁴⁴

40. The Cabinet Secretary informed the Committee that the Welsh Government was:

³⁹ Code of best practice on the use of snares in fox control, Welsh Government, 2015

⁴⁰ CCERA, 30 November 2016, para 190

⁴¹ CCERA, 30 November 2016, para 194

⁴² Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017, <http://senedd.assembly.wales/documents/s58437/Letter%20from%20the%20Cabinet%20Secretary%20for%20Environment%20and%20Rural%20Affairs%20on%20the%20use%20of%20snares%20in%20Wales.pdf>

⁴³ <http://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/wildlife-management/foxes/?lang=en>

⁴⁴ CCERA, 30 November 2016, para 44

“... currently discussing options with the main supplier of 95% of snares to farm stores in Wales. He is working with his manufacturer and has provided us with an improved snare design. We have sought comment from the game sector on this snare and assessed its compliance with the Code. Our full appraisal of the snare has identified some areas for improvement. The supplier is taking our comments on board and is working with his manufacturer to produce a new snare for our consideration by mid-February. If this snare is unsatisfactory we plan to meet with the supplier and manufacturer to resolve the situation.”⁴⁵

41. The Cabinet Secretary went on to say:

“We have also stressed the importance of making a code compliant snare routinely available with other suppliers and retailers and through interested parties we have been widely promoting the Code and the use of code compliant snares.”⁴⁶

Our view

We believe that the Code, if properly implemented and enforced, offers a means of controlling the use of snares in Wales. However, as stated above, there is insufficient data to assess the efficacy of the Code. We have recommended that the Welsh Government addresses this, and reports with the requisite data by the end of September 2018.

We were told that 2,000 gamekeepers across England and Wales had been trained to set snares in accordance with the Code. However, the Committee was not provided with specific information about the number of gamekeepers in Wales that have undertaken the training. The Committee is concerned that without such information, the Welsh Government cannot assess accurately the extent of the training that has taken place in Wales.

Once this data is available, the Welsh Government should undertake a thorough review of the Code to determine whether it has succeeded in making the use of snares more humane, efficient and enforceable. The Welsh Government should also keep under continuous review the design of code-compliant snares, to satisfy itself that it meets the highest standards.

The Committee believes that the success of the Code rests heavily on the availability of code compliant snares at a reasonable cost. Consequently, the Committee is concerned by the slow progress that has been made with the primary supplier of snares in Wales. Given the availability of cheap snares on the internet, the need to make progress on ensuring compliant snares are cheap and widely available is even more urgent.

The Committee would like to see greater promotion of the code to ensure that all users of snares are reached, for example in urban communities.

⁴⁵ Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017

⁴⁶ Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017

Recommendation 8. We recommend that the Welsh Government's review of the Code should report on:

- enforcement action in relation to the Code and the numbers of successful prosecutions, if any;
- the cost and availability of Code-compliant snares; and
- the numbers of people being trained to use snares according to the Code and the methods used to assess the effectiveness of that training.

04. Future development of relevant animal welfare legislation

The Law Commission Review of Wildlife Protection Legislation

42. In 2011 the Law Commission was asked by Defra, with support from the Welsh Government, to review current wildlife protection legislation and consider whether it was fit for purpose.

43. On 10 November 2015 the Law Commission for England and Wales published the findings⁴⁷ of its review of wildlife protection law. In its final report the Law Commission concluded that current law on protecting wildlife in England and Wales is complex, overly complicated and sometimes contradictory. It therefore recommended that a new Wildlife Bill should be introduced to replace a number of the existing pieces of legislation in this field.

44. The Law Commission suggested that this Bill could be taken forward as an England and Wales Bill with a Legislative Consent Motion being laid before the Assembly or as two separate but identical pieces of legislation, one for Wales and one for England.

45. In relation to snares, the Law Commission concluded that the prohibition⁴⁸ on the use of self-locking snares should continue. In relation to snares other than self-locking snares it concluded that these types of snares should be more tightly regulated but did not outline a view on the banning of them.

46. The Welsh Government issued a Report on the Implementation of Law Commission Proposals on 16 February 2017 stating:

“The Welsh Government considered the Law Commission’s proposals in the context of both the passage of the Environment (Wales) Act 2016, which received Royal Assent in March 2016, and the outcome of the EU referendum in June 2016. In light of both, the Welsh Government has decided not to implement the recommendations of the Law Commission at this time, however both the report and draft Bill will be used as part of the underpinning evidence to inform future legislative opportunities to protect wildlife in Wales.”⁴⁹

47. The Committee sought further information from the Cabinet Secretary on the Welsh Government’s response to the Law Commission’s review. In response to that issue and a question about whether the report’s conclusion that free-running snares should be more tightly regulated, the Cabinet Secretary said:

“The Law Commission report will be used to shape the way forward for wildlife protection in Wales. It is illegal under the Wildlife and Countryside Act to use a self-locking snare. It is my view the published Code of Practice provides clear guidance on the operation and inspection of snares. Our aim

⁴⁷ www.lawcom.gov.uk/project/wildlife-law/

⁴⁸ Law Commission, Wildlife Law, volume 1 Report, LAW COM 362, November 2015

⁴⁹ [Report on the implementation of the Law Commission Proposals](#), Welsh Government, February 2017

is to ensure the use of free running snares comply with our Code of Practice on snares.”⁵⁰

48. In oral evidence, the Cabinet Secretary confirmed that the Assembly could legislate to ban the use of snares. In response to a query in June 2017 on whether or not there are any plans to legislate on snares the Welsh Government stated: ‘We are still actively reviewing our position on snares and this includes evidence gathering and promoting the Code of Practice on snares for fox control’.⁵¹

Our view

The Committee believes that the legality of snaring must be kept under review. We agree with the Law Commission’s conclusion that the use of snares should be more tightly regulated. If necessary, the Welsh Government should bring forward primary legislation to give effect to its policies.

⁵⁰ Letter from the Cabinet Secretary for Environment and Rural Affairs, 18 January 2017

⁵¹ Correspondence between Welsh Government and Research Services, National Assembly for Wales

05. Alternatives to snaring

49. The Welsh Government’s position is that snaring should be used as a last resort. The Code states that users should “Always consider non-lethal and other lethal methods of solving problems with foxes, and use snares only if the alternatives are impractical, prohibitively expensive, or would not be effective”.

50. The LACS and the Anti-Snaring Campaign⁵² believe that snares are indiscriminate and have stated that up to two thirds of the animals caught are not the foxes they are targeting. The Anti-Snaring Campaign suggested that the use of snares is often recorded only because domestic pets have been trapped and their owners subsequently report the incident.⁵³

51. LACS and the Anti-snaring Campaign believe that snares are not humane and cause distress and death to non-target species. LACS stated:

“The more the animal moves and tries to escape, the more it gets strangled and will probably die by strangulation.

You can’t have a system that releases all the non-targets perfectly well, very quickly, without creating fear or distress and only catches target animals.”⁵⁴

52. Both organisations believe that it is impossible to design a humane snare. For this reason, they advocate a total ban on their use.⁵⁵

53. In terms of suggested alternatives to snaring, the LACS stated that trapping and shooting are both preferable to snaring.⁵⁶ They also argued that there are alternatives for active wildlife management, including shepherding and allowing the self-regulation of the fox population.⁵⁷

54. In response to these suggestions, BASC, GWCT and the Countryside Alliance suggested that trapping also causes injury and distress to animals and that shooting is not practical at certain times of the year. For instance, the Countryside Alliance said:

“I think we’ve moved on from the days when you could afford to put a shepherd on the top of a mountain just to control foxes. In my opinion, that’s ridiculous. The use of fox control has gone down; there’s no hunting anymore is there? So, we have to look for the best methods for the area. The snare is a very important part of shepherding.”⁵⁸

55. BASC argued that although shooting may be preferable, it was not always feasible:

“So, when we talk about shooting foxes, yes, for me, that may well be a preferred option. This time of year, the cover is low, but when we move into

⁵² CCERA, 30 November 2016, para 20; Petition from LACS, 14 September 2016: www.senedd.assembly.wales/documents/s53912/Cover%20Sheet.pdf

⁵³ CCERA, 30 November 2016, para 44.

⁵⁴ CCERA, 30 November 2016, para 41.

⁵⁵ CCERA, 30 November 2016, para 95.

⁵⁶ CCERA, 30 November 2016, para 14 & 16

⁵⁷ CCERA, 30 November 2016, para 14

⁵⁸ CCERA, 30 November 2016, para 253

the spring and the summer when there are lambs about and I set snares on behalf of the farmers, also you have birds such as curlews, red-listed birds et cetera - I can't shoot foxes that time of year because the cover is this high. So, I need another method to catch those foxes that are a problem at that time and snares are the only method that fit the bill.”⁵⁹

56. In relation to the trapping as an alternative to snaring, BASC argued that this, too, was not practical:

“Not trapping. I mean, logistically - again, I'm talking about myself, I live in mid Wales. If I have a fox that's causing a predation problem on the hill, how am I going to carry a big trap across the farmer's field, damaging the crops? I can put three or four snares neatly in my bag, walk up a wheel mark and set them, catch the fox and bring the snares back.”⁶⁰

57. GWCT argued that trapping is not a more humane method of pest control.

“There's this widespread misunderstanding that animals caught in cages are all right. Domestic rabbits carried around in a cage are fine. Wild animals try to get out of cages, and in the process they injure themselves. We haven't tried to test it, but it's my firm belief that if you did try to test against the agreement on international humane trapping standards, you would find that cage-trapping foxes fails. They bite their way out and break teeth. They break their claws, and so on and so forth, and non-target animals, similarly - especially predatory ones - will cause themselves considerable injury.”⁶¹

Our View

There is insufficient evidence available to assess the relative efficacy, humaneness and practicality of alternative pest control measures. The Committee believes Welsh Government should undertake further work to assess alternatives to snaring.

⁵⁹ CCERA, 30 November 2016, para 309

⁶⁰ CCERA, 30 November 2016, para 311

⁶¹ CCERA, 30 November 2016, para 116

Annex – List of evidence

Oral evidence

Meeting of the Climate Change, Environment and Rural Affairs Committee, 30 November 2016	
Name	Organisation
Jordi Casamitjana,	Head of Policy, League Against Cruel Sports
Rhiannon Evans	Senior Public Affairs Officer for Wales, League Against Cruel Sports
Simon Wild	National Anti Snaring Campaign
Mike Swan	Game and Wildlife Conservation Trust
Rachel Evans	Countryside Alliance
Glynn Evans	British Association for Shooting and Conservation

Meeting of the Climate Change, Environment and Rural Affairs Committee, 14 December 2016	
Name	Organisation
Lesley Griffiths AM	Cabinet Secretary for Environment and Rural Affairs, Welsh Government

Written evidence

Date	Correspondence
27 September 2016	Petition submitted to the Petitions Committee of the National Assembly for Wales: A Ban on the Manufacture, Sale and Use of Snares in Wales.
13 September 2016	Letter from the Cabinet Secretary for Environment and Rural Affairs to Mike Hedges, Chair of the Petitions Committee
7 September 2016	Letter to the Members of the Petitions Committee from the Countryside Alliance, Game and Wildlife Conservation Trust and the National Gamekeepers Association
20 September 2016	Response from the League Against Cruel Sports to the Letters from the Countryside Alliance and the Cabinet Secretary for Environment and Rural Affairs
26 October 2016	Letter from the Chair of the Climate Change Environment and Rural Affairs Committee to the Cabinet Secretary for Environment and Rural Affairs
10 November 2016	Response from the Cabinet Secretary for Environment and Rural Affairs
13 December 2016	Letter from the countryside Alliance to Mark Reckless, Chair of the Climate Change, Environment and Rural Affairs Committee
18 January 2017	Letter from the Cabinet Secretary for Environment and Rural Affairs to Mark Reckless, Chair of the Climate Change, Environment and Rural Affairs Committee