

[REDACTED] (Defra)

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**From:** [REDACTED]  
**Sent:** 29 April 2013 13:54  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Snaring report - follow up  
**Attachments:** DEFRA report commentary.docx

[REDACTED]

I was pleased to meet you around a year ago to discuss the DEFRA report on the extent of use and humaneness of snaring, and also to discuss the report with [REDACTED] by telephone. I am attaching a copy of our comments on the report for ease of reference.

These discussions were very useful for OneKind and I subsequently wrote to the then Minister, Lord Taylor, in July 2012, setting out our concerns about the report and asking what action was likely to follow publication. At the time it was expected that a consultation on the options would follow.

I am writing now to ask:

- what progress has been made by DEFRA towards further regulation of snaring;
- whether a consultation is pending and, if so, what options are likely to be considered; and
- whether it is the view of DEFRA that measures to ban or regulate the use of snares might be included in the proposed wildlife legislation for England and Wales under consideration by the Law Commission.

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In its consultation paper, the Law Commission suggested (para 5.48) 'that "animal welfare" could be added to the list of factors that decision makers must have regard to when taking decisions concerning wildlife within our provisionally proposed regime. Specifically, the welfare of those animals potentially affected by a decision should be considered.'

The example of licensing was given in this context, but it was not suggested that this was the only area where animal welfare should be a consideration. In its response, OneKind expressed the view that the Commission's proposed single wildlife statute should address the severe animal welfare problems caused by the use of snares in England and Wales.

Since we were in touch, further regulations have been introduced for Scotland under the Wildlife and Natural Environment (Scotland) Act 2011, covering the requirements for snare operators to be trained in the use of the traps, and to attach an identification number to each snare, showing whether it is intended to trap a fox, rabbit or brown hare. Early indications are, however, that the uptake of the training is lower than it should be (assuming that industry figures for the number of snare users are accurate); and our field officer has already found untagged snares in locations around Scotland, meaning that police time now has to be taken up on enforcement.

We remain convinced that an outright ban on snares, across the UK, is the only way to end the animal suffering and the high rate of non-target capture caused by snares, and that government has a legal and ethical duty on it to address these problems.

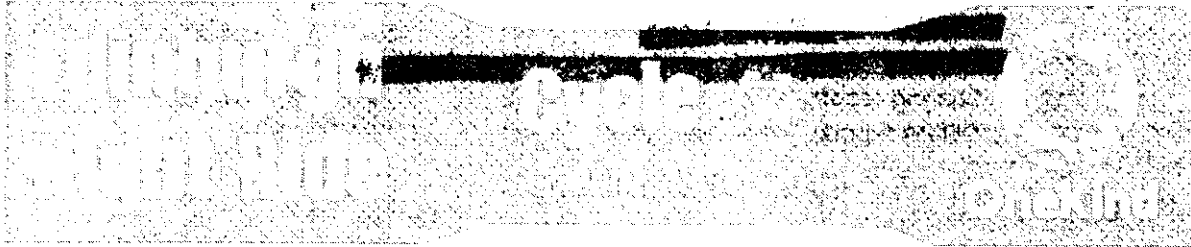
I should be very grateful if you could let me have an indication of current thinking in the department, and any developments expected in the near future.

With best wishes,

[REDACTED]

[REDACTED]

HumanKind. AnimalKind. **OneKind.**



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## DETERMINING THE EXTENT OF USE AND HUMANENESS OF SNARES IN ENGLAND AND WALES



### The report

The DEFRA report *Determining the extent of use and humaneness of snares in England and Wales* does not offer a comprehensive assessment of the animal welfare issues associated with the use of snares in the UK. It does however provide objective new evidence about the number of snares used in England and Wales (varying from between 80,000 and almost a quarter of a million, depending on the season). The user surveys and field trials undertaken for the report also show that:

- The DEFRA Code of Practice (CoP) published in 2005 is widely disregarded. No fox snare operator visited in the early stages of the research was fully compliant with the CoP and no commercially available snare assessed for the field trials was fully compliant with the CoP. Most snares in use were not CoP-compliant and snares were frequently set at sites where entanglement leading to poor welfare was a risk.
- Non-target capture continues to be at an unacceptably high level. In the first fox snare field trial, out of 20 capture events, only three foxes were caught, but 15 hares and two badgers. In the second trial, out of 44 capture events, only 14 foxes were caught, but seven hares, 14 badgers, two pheasant, three deer, a dog and three unidentified animals, making a 68% non-target capture rate. The Agreement on International Humane Trapping Standards (AIHTS) gives no indication as to how results from non-targets should be interpreted. The other two schemes referred to for comparison (New Zealand Animal Welfare Committee (NAWAC) and the International Standards Organisation (ISO)) assume that non-targets are uninjured and fit for release although this is by no means always the case, as the field trials demonstrated.
- A large number of animals escape from snares, and their welfare is unknown. In the first fox snare field trial, concern about a badger that escaped with the snare round it led to the end of the trial. In the second fox snare field trial, 47% of the animals escaped.

OneKind believes that these factors, allied with the suffering of animals demonstrated during the trials, add up to an objective case for reform of the regulation of snaring. Despite this OneKind has reservations about the approach to interpreting the evidence, and the report's conclusions.

We believe that proper analysis of animal welfare issues was hampered from the outset by the Objectives, which focussed on the Agreement on International Trapping Standards (AIHTS). Not only are the AIHTS standards inappropriately low in welfare terms for use in the UK; they only cover 19 furbearing species - not foxes, rabbits or hares, the species for which snares are normally set in the UK.

In particular AIHTS standards do not cover injuries specific to neck snaring, as acknowledged in section 5.6.3.2: "During development of the NAWAC guidelines and the AIHTS, injuries specific to neck snaring were not considered."

This disparity can lead to misunderstanding about the assessment of injuries. Section 5.6.3.2 quotes the NAWAC description of oedematous swelling or haemorrhage, stating that slight oedema causes "no observable discomfort" and that severe swelling "will cause temporary disuse or cautious use of the limb." This paragraph is misleading: it refers to oedema in a limb rather than in the head, neck or lungs, which is the type of injury likely to be sustained by a snared animal in the UK. One of the peer reviewers, commenting on the use of necropsy evidence, stressed the importance of describing oedema in the head, neck and lungs:

"This oedema is an indicator of significant and clinically important interference to the blood circulation to the head. It is an unambiguous indication that the welfare of the animal has been significantly compromised."

Other opportunities for relevant consideration of animal welfare have not been taken. For example, despite the high number of rabbits found dead in snares in the field trials (27 out of 50), no welfare assessment is made regarding the manner of their deaths:

"Time to irreversible unconsciousness for rabbits that were found dead in unstopped snares is unknown, and therefore we do not know whether these snares met the requirements of the AIHTS for killing traps." (Executive summary, paragraph 20)

This focus on the AIHTS standards precludes proper consideration of the animal welfare issues arising from the necropsy findings in these rabbits, which were consistent with their having died from asphyxia during strangulation and not from cervical dislocation or other sudden trauma. It is also at odds with the prolonged suffering of one rabbit observed in a pen trial, which took over six hours to die, including episodes of pulling, entanglement, gasping, fitting and twitching. These symptoms indicate the starvation of oxygen leading, eventually, to brain damage and fits and it is likely that many rabbits caught in snares in Britain today lose their lives in this manner.

The report does not produce any evidence that the time to irreversible unconsciousness in any of the animals which died in snares was short. As there is no clinical or scientific basis for assuming that the onset of unconsciousness was rapid, it must be concluded that in the light of the injuries in these animals and the well documented clinical distress seen in domestic animals with partial airway obstruction, the majority of the snared animals would have suffered significantly.

The report alternates between the AIHTS standards for killing traps and the standards for restraining traps which means that satisfactory answers are not given to obvious questions about animal welfare. An example of this is found in section 6.4.1: "The unstopped snares in this trial did not meet the requirements of the AIHTS for restraining devices, as 47% of rabbits had an indicator of poor welfare. However, the only indicator of poor welfare in the AIHTS found was death. *It is possible that these rabbits that were killed by the snare, were killed quickly and therefore it would be appropriate to assess this subset of rabbit captures using the AIHTS for killing traps.*"

It should be noted that the statement about killing times was pointed to at peer review as being incorrect, but it remains in the report:

“The pathology indicates that the rabbits did not die quickly. If they had suffered rapid death, insufficient time would have elapsed for haemorrhage, oedema and congestion to develop.”

The AIHTS standards do not cover predation of trapped animals. Predators were thought to have interacted with and killed six restrained rabbits in the field trials, but predation was not assessed as an indicator of welfare. Similarly, in the fox snare field trials, predated animals (non-target hares) were excluded from the humaneness analysis. The report states (section 6.4.2) that the impact of predation as a welfare cost was not included in any of the three international standards referred to for assessment of humaneness and that it was beyond the report’s scope to evaluate this. This further undermines any claim to a proper assessment of humaneness.

The AIHTS standards do not cover mental distress. Discussion of fear and distress is therefore not measured against the relevant Objective. In addition, the report states (section 5.6.3.3) that there is no robust method using behavioural indicators (such as the amount of disturbance to capture sites, fully documented in the field studies) to determine objectively what level of fear and distress has been invoked, and whether or not this is acceptable. Discussion of physiological responses such as defaecation is brief and speculative.

Altogether, the report draws few conclusions from the evidence gathered, to the extent that the peer reviewer considering the necropsy evidence said:

“The report significantly under-represents the veterinary medical evidence related to injury and suffering in a wide spectrum of animals. The focus on the AIHTS distorts the assessment of Objective IV which is stated as ‘humaneness of the use of fox and rabbit snares under best practice conditions’. Better balanced consideration of the injuries found in the rabbits, foxes and non-target species in this study should have challenged the validity of the limited list of ‘indicators of poor welfare’ included in the AIHTS. It is unlikely that objective assessment, by any of the regulatory bodies concerned with animal welfare in England and Wales, would support the view that partial or irreversible strangulation (of any animal) has ‘no indicators of poor welfare’.

“This is a serious criticism which undermines the core objective of determining ‘the humaneness of snaring’.”

### Options for change

OneKind believes that any change must be made by way of legislation, rather than amending the CoP. We doubt that even making the CoP into a statutory code would solve all the problems. The measures in the CoP are similar to those required by law in Scotland since 2010, but even now the problems of non-target capture and animal suffering persist.

Current legislation in Scotland (the Wildlife and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011) provides that snares must be stopped, firmly anchored (i.e. drag snares are prohibited) and not set in locations where a trapped animal might become fully or partially suspended, or drown. Snares must be inspected not less than once every 24 hours to see whether any animal is caught by the snare and whether it is free-running. Trapped

animals must be removed, whether alive or dead; and any snare that is no longer free-running must be removed or rendered free-running again. Snares may only be set with the permission of the landowner or occupier. Measures are currently being introduced to ensure that all snares carry an identification number which is issued to the user on completion of a snaring training course delivered by an approved body. If the snare is intended to catch brown hares, rabbits or foxes, this must also be stated. Any person issued with an identification number will also have to keep a record of snare locations and the animals caught in them, for a period of two years.

While these measures may appear comprehensive, it is regrettably still the case that non-target animals continue to be captured and snares are set that do not comply with all of the requirements.

It may be thought that operator compliance could be improved by increased training for snare users, but the experience in Scotland is that this too is unsatisfactory. OneKind is critical of the training being delivered in Scotland to snare users by gamekeeping bodies without any independent animal welfare or veterinary input. Courses appear to be delivered more with an eye to teaching participants how to avoid prosecution and interference by so-called "antis" rather than proactively achieving better welfare.

It is unlikely that a short course (only two hours) can address the welfare issues properly. Participants are not given advice about the number and nature of injuries that a snared animal may suffer, but are assured that if they set snares in accordance with the legislation, injuries are unlikely to occur. Participants are left to judge for themselves whether they should kill or release injured non-target animals, or call a vet. On a recent course, ~~participants were advised that a badger caught round the front leg should be released, even if bleeding, on the basis that "it will heal itself".~~ We consider that anyone following this advice would risk breaching the Animal Health and Welfare (Scotland) Act 2006 or, in England, the Animal Welfare Act 2006. Participants have also been advised that feral cats are legitimate targets of snares.

OneKind believes that there is a very strong case for an outright ban on snaring in all parts of the UK. Every week we hear reports of non-target animals, mainly cats and badgers, killed in snares around Britain, and the suffering of these individuals is graphically documented. There can be no ethical reason to allow this level of suffering to continue, either in non-target animals or in target species.

**OneKind**

**Edinburgh**

**18 July 2012**