

From: [REDACTED] (Defra)
Sent: 03 April 2013 09:28
To: [REDACTED] (Defra)
Subject: FW: Snaring: follow-up note from the Game and Wildlife Conservation Trust
Attachments: Lord de Mauley snaring meeting follow up.docx

Have received the attached from [REDACTED] Am happy to put this to LdM but thought I could wait until your note on our proposed approach comes up. Any thoughts? I will acknowledge this anyway.

Dear [REDACTED]

We recommend the Scottish solution to the snaring question be adopted in England. As a second preference, we identify official adoption of the current Code of Practice (CoP) under the Animal Welfare Act, although this would, in our judgement, be an incomplete solution, because:

1. 1 It has legal relevance only if there is a case of poor welfare or capture of a protected species, and this is discovered, and a prosecution is brought – no-one could be prosecuted for setting a snare badly and therefore running a high risk of catching non-targets or causing very poor welfare.
2. 2 No-one would be obliged to follow the CoP except for fear of prosecution.
3. 3 No-one would be obliged to take training or even read the CoP except for fear of prosecution.
4. 4 Without the operator ID tag on each snare it is difficult for investigating police to establish who set the snare or when it was last checked.
5. 5 Without daily records it is very difficult to establish whether or not the operator followed the CoP w.r.t inspections.
6. 6 There would be no long-term sanction against offenders, only a fine (this is also true of the current Scottish system).

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Yours sincerely,

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Why should snare users (operators) follow a statutory Code of Practice any more than the current advisory one?

1. What changes are achievable without changes to primary legislation?

To avoid confusion, there is a distinction to be made between a statutory Code of Practice, which is simply a Code of Practice that is recognised in statutory legislation as the official code; and a compulsory Code of Practice, which is one which operators are obliged to follow because of legislation directly to that effect. The latter requires primary legislation. The Animal Welfare Act gives the opportunity to create a statutory CoP, but not a compulsory one.

2. Why would operators obey even a compulsory Code, given that the activity takes place on private land away from public scrutiny?

Because snares are used on private land and are difficult to see, policing is difficult. This would of course remain a problem were snares to be banned.

It is also an issue in many walks of life, where an unlawful activity may be difficult to detect. The fact of it being unlawful is generally seen to have a deterrent effect. In animal welfare issues, technical legislation is regarded as providing a valuable means of prosecution where there is an evident breach of care.

~~We would argue that the current situation requires a mixture of incentive and sanction; we consider training to be by far the most likely process to bring operating practice within the required bounds. The present Code of Practice has clearly lacked much persuasive power, but this has been because:~~

- ~~a) It was promoted only within (and by) the shooting 'industry'. We now know that many users lay outside that net.~~
- ~~b) Most of the CoP is advisory in nature (not compulsory) and earlier was not supported by evidence that it mattered. That evidence gap has been filled by the two recent pieces of research conducted by GWCT making the CoP far more persuasive.~~
- ~~c) There has been no compulsion or incentive for operators to avail themselves of training.~~

Current training emphasises that responsible operation of snares by the entire user community is essential for public tolerance of the method, and that operating practices are at least as important as good snare hardware. Non-target captures are in any case undesirable from the user's perspective because they render the location and snare useless for the target species; are more likely to be cases of poor welfare; and can lead to controversy and/or criminal investigation.

The expectation of good practice could be further reinforced by mandatory training, operator accreditation and ID tags on snares, all of which are now required in Scottish law; also by sanctions against offenders, which are not clearly built into the Scottish model. GWCT would strongly support a Government approach along these logical lines.

However, we recognise that these arrangements may not be possible in England and Wales without changes to primary legislation, and that opportunities for this may not easily arise. A more realistically achievable step would be to give the current Code of Practice statutory status under the

Animal Welfare Act; in conjunction with appropriate publicity from Defra this should create a strong incentive to all snare users to follow the Code.

Clarification of the Defra report: reference to captured animals being either alive or dead, with none recorded as injured

With the final (Type D) snare, all animals captured were either released alive via the breakaway, or were alive without significant injury when discovered. [The first (Type A) snare tested in field conditions did cause some deaths, some injuries and some escapes, all attributable to poor design and manufacture.]

Like any animal experiment the exploration of welfare in the Defra study was limited in scale (44 captures, including non-targets). In the separate GWCT study the aim was to compare capture success of the new breakaway snare versus other snares during routine management procedures; sample sizes were therefore much larger (1,296 captures). Condition of captured animals was also recorded, so we could relate the risk of injury or death to variation in working practices. The proportions uninjured, injured and dead for each species are given in our published paper. Virtually all of the variation in condition was explained by whether or not the captured animal had entangled the snare with nearby fixed objects. This can be avoided by following the Code of Practice.



GWCT

March 2013

