

Briefing for the Public Petitions Committee**Petition Number:** [PE01762](#)**Main Petitioner:** Libby Anderson and Bob Elliot on behalf of OneKind**Subject:** End the killing of wildlife on grouse moors and elsewhere in Scotland

Calls on the Parliament to conduct a full review of the animal welfare impacts of the use of traps and snares on grouse moors and elsewhere in Scotland.

OneKind is calling for a review by the Scottish Parliament of the ethics and sustainability of routine killing of wildlife (with a particular emphasis on practices associated with grouse moor management), the case for banning snares, Larsen traps and other types of live traps on animal welfare grounds, animal welfare issues surrounding lethal traps, and mechanisms to ensure scrutiny of practices undertaken by hunters, shooters and trappers. OneKind is a member of the [Revive coalition](#), a group of organisations calling for significant reform of Scotland's grouse moors.

Wildlife control in Scotland – methods and legality

Trapping and snaring can be legally undertaken in Scotland for the control of some types of wildlife. Methods fall into two categories - those designed to catch animals alive and those designed to kill the animal. This may be for conservation purposes, to protect agricultural or sporting interests or for health and safety reasons. Management of upland areas to maintain game populations for driven grouse shooting is often [associated with intensive predator management](#).

The use of traps and snares is subject to legal restrictions designed to prevent harm to non-target species (potentially harming their conservation status) or unnecessary cruelty. Information on the [legality and conditions of using live animal traps in Scotland](#) can be found on the Scottish Government website.

The [Scottish Government website states](#):

“Pest and predator control is an integral part of land management in Scotland. Just as you may wish to trap or remove mice from your kitchen, land managers frequently need to reduce the impact of pests and predators on their crops or livestock.

In addition, the removal of certain birds and mammals can be carried out to benefit the breeding success of wild birds and protect public health by preventing the spread of disease...

While most of the trapping and snaring that takes place in the Scottish countryside is legitimate - and undertaken by pest controllers, game keepers and farmers - others may use either traps or snares in an illegal manner or for illegal activities, such as poaching...

It is also important, for the industries that use traps, that the illegal use of traps and snares is stamped out. Successive governments have made it clear that the continued use of snares and traps in Scotland is dependent upon all operators acting to the highest possible standards.”

Trapping birds

All wild birds, their nests and eggs are protected by law under the [Wildlife and Countryside Act 1981](#) (as amended) and it is an offence to intentionally or recklessly kill, injure or take any wild bird (with some exceptions e.g. the shooting of species specified in Schedule 2 outside the closed season), unless licensed to do so by Scottish Natural Heritage (SNH).

The use of traps to catch certain species of birds alive is authorised under the [Scottish General Licences](#), which enable people to carry out activities that would otherwise be illegal, without the need to apply for an individual licence. These licences permit authorised persons to use [crow cage traps and Larsen traps](#) for specific purposes, such as an aid to the conservation of wild birds and to protect crops and livestock, as long as conditions are observed. General Licences are designed to cover situations where SNH accept that there may be no other satisfactory solution, and “operators must be able to explain what other alternatives they have tried if challenged.” Conditions for legal use include that operators must release non-target species unharmed, and check traps each day to ensure the welfare of live ‘decoy’ birds.

Trapping mammals

There is no overall legal protection for mammals. Mammals that cannot be killed or taken are covered by separate pieces of legislation including: those listed in Schedule 5 of the [Wildlife and Countryside Act 1981](#) (as amended), European Protected Species listed in the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended) and badgers, under the [Protection of Badgers Act 1992](#) (as amended). Schedule 6 of the Wildlife and Countryside Act 1981 lists mammals that cannot be killed or taken by certain methods that are otherwise legal, including trapping and snaring. Under the [Wild Mammals \(Protection\) Act 1996](#) (as amended) it is illegal, with exceptions (including actions made lawful by means of a snare or trap lawfully used), to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

There are four main methods of legal control of predatory mammals: shooting, cage traps, spring traps and snares. **Spring traps** consist of a trigger plate and jaw and are designed to kill mammals such as rats and stoats. They can only be used if approved under [the Spring Traps Approval \(Scotland\) Order 2011](#), as amended, which approves specific traps, conditions for use and species which may be controlled. Where used with tunnels, entrances

must prevent non-target species e.g. otter, pine marten from entering. The [British Pest Control Association](#) state that spring traps “are essential control measures for professional pest controllers, allowing us to control a number of species where toxic control measures may be illegal or inappropriate”.

RSPB Scotland’s [Illegal Killing of Birds of Prey in Scotland 2015-17](#) report sets out a number of incidents where investigations staff have discovered spring traps claimed to have been set illegally, fatally injuring birds such as red kites, buzzards and gulls. The SSPCA have [previously raised incidences of discovery of illegally set spring traps](#) as circumstances in which they could benefit from having additional powers to investigate wildlife.

Snares are anchored wire nooses designed to trap an animal and restrain it by tightening around the animal. They are used to restrain foxes, rabbits and brown hares. The use of snares is governed by a number of pieces of legislation, mainly the [Wildlife and Countryside Act 1981](#). The [Wildlife and Natural Environment \(Scotland\) Act 2011](#) created requirements for snare operators to be accredited and set snares to be tagged from 2013.

The Scottish Gamekeepers Association, British Association for Shooting and Conservation and the Game and Wildlife Conservation Trust have published a [Practitioner’s Guide to the legal use of snaring](#). It states that fox and rabbit control in Scotland is necessary to mitigate damage to crops, livestock, trees, game and habitats, and that snaring is “a vital tool to achieve these ends”.

Snares have attracted criticism from animal welfare groups for their perceived cruelty and from some conservation groups as [they can catch non-target species](#) such as badgers and capercaillie. [OneKind consider](#) that snares inflict considerable suffering as struggling against the snare can cause it to tighten leading to injury or death. A [2016 report on snaring in Scotland](#) by OneKind and the League Against Cruel Sports said that changes to legislation have not reduced levels of suffering to an acceptable level. The review presents results of investigation of suspected illegal snaring by the SSPCA from 2013 to 2016. Out of 316 snares recovered, 233 were illegal. A total of 71 SSPCA investigations resulted in 13 charges reported to the Crown Office and Procurator Fiscal Service.

Levels of illegal trapping and snaring

The Scottish Government publishes an annual wildlife crime report. Trapping and snaring crime is not shown as part of recorded crime statistics as offence data cannot be broken down to that level. However the [Wildlife Crime Annual Report 2017](#) sets out Police Scotland disaggregated offence data showing that 15 illegal trapping and snaring offences were recorded for 2016-17.

It is recognised [by Scottish Government](#) and [Police Scotland](#) however that there are challenges with detecting wildlife crime. RSPB Scotland set out in their [Illegal Killing of Birds of Prey in Scotland 2015-17](#) report that discovered incidents of illegal persecution of birds, including through traps, should be considered as the ‘tip of a very large iceberg’, given the remoteness of large areas of uplands including areas managed for driven grouse shooting.

In 2017, SNH published an '[Analyses of the fates of satellite tracked golden eagles in Scotland](#)' following a request by the Scottish Government. The report found that of 131 eagles tracked, as many as 41 disappeared under suspicious circumstances and that some, but not all, areas managed as grouse moors were strongly associated with the disappearance of many of the tagged eagles. One of the tagged eagles found dead had two broken near-severed legs which was assumed to have been a result of trapping.

Scottish Government Action

Grouse Moor Management Group (Werritty review)

In 2017, in response to the findings of [the SNH eagle tagging review](#), the Scottish Government [set up an independent group](#) to look at the environmental impact of grouse moors. The Group is expected to publish its report in the coming weeks and the Scottish Government committed to respond to its recommendations in the [2019-2020 Programme for Government](#). The petitioners note the work of this Group but said that its terms of reference to "look at the environmental impact of grouse moor management practices" do not allow for full consideration of the animal welfare consequences of trapping and snaring practices on grouse moors.

Programme for Government (PfG) 2019-2020 commitments

Commitments in the [Scottish Government's 2019-2020 PfG](#) potentially relevant to this petition include:

- To "develop a strategic approach to wildlife management that puts animal welfare at the centre while protecting public health and economic and conservation considerations" and publish a set of principles in 2020.
- The Government is in the process of [establishing an interim Scottish Animal Welfare Commission](#), which will provide independent expert advice on animal welfare and advise the Government on how particular concerns should be prioritised and addressed through legislation or other routes.

Scottish Parliament Action

There was a [debate on snaring in the Scottish Parliament on 18 May 2017](#). The Cabinet Secretary for Environment, Climate Change and Land Reform (ECCLR), Roseanna Cunningham, said in concluding the debate:

"Parliament explicitly considered and rejected an outright snaring ban in 2011 when we looked at amendments to the Wildlife and Natural Environment (Scotland) Bill. Instead, we changed the legislation to improve animal welfare outcomes. Part of that package of changes was a commitment to review how well those intended improvements were working in practice, and that is the review that we have just carried out.

The review found that compliance with the new snaring regulations appears to be high, judged by the number of snaring offences reported to the procurator fiscal. Members have referred to specific incidents of bad practice, but we have reduced and will continue to reduce the number of such incidents by carefully thought through and implemented

technical changes. Many of the worst incidents that we see and hear about involve illegally set snares. Banning snaring will not prevent those who are operating outside the law from continuing to do...”

The [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Bill](#), currently at Stage 1, increases penalties for a number of wildlife offences (see Annex A of the Policy Memorandum) in line with recommendations of [Wildlife Crime Penalties Review Group](#) (Poustie review). The Government aims that increasing penalties will increase the level of deterrent and better reflect the serious nature of some wildlife offences. The increased penalties are relevant to illegal predator control methods – which for example could result in a conviction for intentionally or recklessly killing or injuring a wild bird.

[PE01615: State regulated licensing system for gamebird hunting in Scotland](#) (lodged 22 August 2016) calls on the Scottish Parliament to introduce a licensing system for gamebird hunting and urges the Scottish Government to implement the recommendations of the Review of Wildlife Crime Penalties in Scotland. The Public Petitions Committee took evidence from stakeholders and referred the petition to the ECCLR Committee in [December 2016](#).

[PE1705 Wildlife crime - penalties and investigation](#) (lodged 26 September 2018) calls on the Parliament to urge the Scottish Government to review legislation relating to the investigation of and penalties applicable to wildlife crime in Scotland. The Public Petitions Committee [agreed in April 2019 to refer the petition](#) to the ECCLR Committee.

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30/10/2019

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