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PE1124/O



Frank McAveety MSP  
Convener  
Public Petitions Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

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Dear Frank

**PE1124: SNARING**

I am writing in response to the letter to Scottish Government officials from the Clerk to the Public Petitions Committee of 10 September 2008 seeking further information in response to points considered by the Committee and the detailed submission from the petitioners dated 14 January 2009.

Firstly, I would like to respond to the petitioners submissions (PE1124/M) and (PE1124/N).

The Petitioners repeat their claim that the results from an opinion poll are a compelling reason that snaring should be banned. In an opinion poll, conducted by 'CommunicateResearch' on behalf of LACS, 1036 Scottish adults were asked if it is legal or illegal to use snares to trap wild animals. Sixty-eight percent thought it illegal and 13% did not know. After being informed that snaring was legal, 75% stated that they thought snaring should be banned. This suggests to me that while a large percentage of individuals have expressed an opinion about snaring, an even greater percentage (81% in total) is clearly not well-informed about this issue and in particular has not heard the arguments of the land managers for whom this is an important management tool. Legislation must be based on facts and well-informed arguments, and not just on opinion polls.

The Petitioners claim that the Scottish Government cites the Game and Wildlife Conservation Trust (GWCT) "as its authority for questioning the requirement for a licence to snare" mountain hares. This is a misrepresentation of the position. The SASA paper presented to the Committee noted that there was a difference in view between GWCT and the Scottish Government on the effect of the law on the snaring of mountain hares. While the Scottish Government disagrees with the GWCT position on this, we accept that their view is genuinely held. There have however been no prosecutions on this issue and so the law remains untested. We continue to advise anyone wishing to snare



mountain hares to apply for a licence. Prosecutions are a matter for the police and the Procurator Fiscal Service.

The Petitioners reiterate the list of possible adverse welfare impacts as set out in The Independent Working Group on Snares (IWGS). It is by no means inevitable that all snared animals will suffer these impacts. The IWGS also state "It is believed that, if they (snares) are used carefully, their adverse welfare consequences can be relatively minor." Other independent groups (Macdonald *et al.*, 2000) have also stated "Most of the non-target animals were alive and uninjured when the snare was inspected and would probably not have suffered lasting ill-effect after release." The IWGS also states "On the other hand, at the other end of the spectrum, there is no doubt that if used carelessly or irresponsibly (and especially if not inspected, or if an animal escapes whilst still entangle by the snare) they can cause extremely severe welfare problems." The Ministerial statement proposes to address many of these *potential* welfare impacts, for instance by the compulsory use of a stop, the creation of defined standards on the construction of snares, and compulsory attendance by snare users to an accredited training course.

The Petitioners claim that the use of snaring is dictated by operator cost and convenience rather than welfare and conservation. Cost is of course an important issue in maintaining the viability of rural businesses and the communities and employment that depend on them. There is no doubt that without snaring many Scottish estates and farms would not be able to afford predator control and their livestock and shooting businesses would suffer with the inevitable loss of income and employment in rural areas. However the Petitioners also ignore the welfare implications of attempting to shoot foxes at times of poor visibility and through long vegetation, when it is likely that injury rates due to shooting, will increase.

The Petitioners raise the issue of rabbit snares. In the scientific study quoted by SASA, not one rabbit captured in snares died of "slow strangulation" as suggested. Unfortunately the data are not quoted accurately in the report. To clarify, of all rabbits caught in snares, 86% were alive at the time of capture, 8% had been killed by a predator, and 6% had died instantaneously by cervical dislocation, almost certainly as a result of impacting with the snare at speed.

The Petitioners allege that snaring poses a risk to capercaillie and wildcat populations. Without data on the recorded incidence of *lethal* by-catch of wildcats and capercaillie in snares, it is not possible to make an informed judgement of the possible threat snares may have to these species. Cosgrove and Oswald (2001) record a total of 46 capercaillie killed in snares since the 1960s, which amounts to approximately one a year. While this is almost certainly a minimum estimate, the current population of Capercaillie is approximately 2000 individuals. Furthermore, the RSPB does not list snaring as an issue threatening this species (see [www.rspb.org.uk/ourwork/conservation/species/casestudies/capercaillie.asp](http://www.rspb.org.uk/ourwork/conservation/species/casestudies/capercaillie.asp)), while fox predation of birds and eggs are listed as factors compounding the recovery of this species.

The Scottish wildcat population has been estimated at 3500, but due to hybridisation with the domestic cat, the actual population of pure wildcats may be as low as 400. Deliberate or accidental (since the wildcat may be confused with a feral cat) persecution, by snaring and shooting, is believed to be a major cause of death, particularly in NE Scotland (Harris and Yalden, 2008). However, the compulsory use of stops should significantly reduce capture

rates and welfare implications, since the neck circumference of a wildcat is less than that of a fox, and wildcats should be able to back out of a snare with a loop of 22 cm. In addition to which, where wildcats are confused with feral cats, snaring offers far greater opportunity for survival compared with shooting, since a snared wildcat can be released unharmed.

For both species of conservation concern, tighter regulations on the use of snares to minimise by-catch through appropriate training, the compulsory use of stops, and the prohibition on setting snares in places where entanglement can lead to death, should mitigate against many concerns.

I would now like to respond to the questions arising from the Committee discussions.

The Committee asks to what extent does snaring put biodiversity at risk, as pests and predators are also part of the ecosystem. Estimates for the adult population of rabbits and foxes in Scotland are approximately 9.5 million and 23,000 respectively (Harris *et al.*, 1995). Snaring is not the major source of mortality for either species and therefore does not pose a conservation threat to these species.

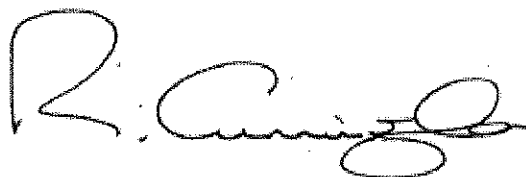
The Committee also asked how the new regulations would ensure that protected species are not at risk of being caught (will the snares be the kind used in Canada where only specific species can be caught)? Macdonald *et al* (2000) state "it is clear that snares placed to catch foxes are genuinely selective for foxes" but that "this selectivity towards foxes is achieved not by the design of the snare, which is capable of catching all the species listed, but by the field-craft involved in its placement." The training accreditation planned for snare users will help to ensure that protected species have minimal risk of being caught, although it would be wrong to suggest that all risk will be eliminated. The use of snares with stops will also ensure that more non-target species can be released unharmed. We are not aware of any snares in Canada or elsewhere that can only catch a specific species.

As far as what kind of snares will be used to minimise suffering to animals, the compulsory use of stops, specific requirements for the materials and design of the snare, and careful placement to avoid entanglement, will together significantly reduce any suffering that an animal may experience. The Partnership for Action Against Wildlife Crime Legislation sub-group is looking at the issues involved in specifying snare design.

The Committee also asked what involvement will organisations such as the Petitioners have in developing the training for gamekeepers and land managers in the use of snares. The Scottish Government will welcome any organisation that wishes to contribute constructively to training or developing training.

Finally, the Committee asks about the number of landowners who manage their lands without using snares. The number or distribution of such landowners is unknown. Much will depend on the objectives and use the land owner has for the land in question. Any landowner whose land is unaffected by fox predation or rabbit grazing or whose objectives are not affected by these animals will clearly fall into this category. All other land managers will be likely to consider some form of pest or predator control to be necessary. The type of control they use is likely to be determined by a combination of factors including the resources at their disposal, densities of target species, terrain and vegetation.

I hope this reply is helpful to the Committee in its consideration of this petition. My officials will be happy to supply any further information that is required.



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