

Petition 1124**Response from petitioners– League Against Cruel Sports and Advocates for Animals on behalf of the Hare Preservation Trust, Hesselhead Wildlife Rescue Trust, International Otter Survival Fund, Scottish Badgers, Scottish Wildcat Association and 10,000 signatories**

March 2009

The petitioners thank the Public Petitions Committee for pursuing the concerns outlined in our previous submission of December 2008. This petition has been before the Committee for over a year and we appreciate the time and effort the Committee has put into progressing it.

Unfortunately, we believe that the Scottish Government has still not satisfactorily addressed the concerns raised in our earlier submissions.

We now request the Committee to take steps to respect the public desire for a ban on the sale, manufacture, possession and use of all snares:

- We request the Committee to institute its own inquiry into snaring in Scotland or refer the matter to the Rural Affairs Committee to do the same; or
- We request the Committee refers the matter to the full Parliament for a debate on snaring.

We have already set out the case against snaring in papers submitted to the Committee. In this paper, therefore, we will only address the points raised in the Scottish Government's submission of 18 February 2009.

Scottish Government proposals for Regulations

We do not support the regulation of snaring and continue to ask the Scottish Parliament to ban this cruel practice. However, if regulations are proposed, consideration of these measures must include professional input from animal welfare organisations. Yet to date, the petitioners and supporting organisations have had no input in discussions regarding the regulations. Despite this lack of engagement it is our understanding that the regulations may be laid before the summer recess.

Public opinion

The Scottish Government asserts that the opinion poll carried out by CommunicateResearch on behalf of the League Against Cruel Sports in February 2007 showed that a large percentage of the public (75 per cent in the poll) was not well informed on the issue of snaring and consequently that those figures were not conclusive in gauging public opinion on the subject. We dispute this interpretation. Furthermore, we can demonstrate that, following the public awareness campaign launched in January 2008 by the Campaign Against Snaring in Scotland, we believe the public is now well informed on the issue of snaring. The most recent poll, commissioned in October 2008 by Advocates for Animals asked whether snaring should be legal or illegal, and the result indicated that 79 per cent of people in now thought that snaring should be illegal.

Animal suffering

On the issue of adverse animal welfare impacts, the Scottish Government states in its paper that "It is by no means inevitable that all snared animals will suffer these impacts" and goes on to quote from the Independent Working Group on Snaring that "...adverse welfare consequences

can be relatively minor" and blames careless or irresponsible use for the worst animal welfare problems.

We agree that careless and irresponsible use - which is already illegal - is to blame for some of the animal suffering caused by snaring. However, we can also demonstrate that many animals suffer needlessly in legal snares. We ask Committee Members to view footage provided by Advocates for Animals at www.bansnares.com, which shows a badger in considerable distress after being caught in a fox snare on a shooting estate in Scotland in February 2009. This footage illustrates the reality of snares as they are legally used in Scotland today, and the nature of the animal suffering which we are asking the Committee to address.

The Scottish Government paper contends that measures outlined in the Ministerial statement of 20 February 2008 will address animal welfare impacts. We reiterate however that these regulations have yet to be placed before the Parliament, and that any progress towards their implementation has been made without input from animal welfare organisations such as the Petitioners.

Scottish Government approach to the regulations

Following the Ministerial statement on 20 February 2008, the League Against Cruel Sports and Advocates for Animals accepted an invitation from the Scottish Government to attend a working group on the proposed regulations for snaring. While we do not accept that it is possible eradicate the animal suffering caused by snares by adding to the complexity of regulation, we wished to ensure that animal welfare was to the fore in considering the proposed new regulations.

Unfortunately the proposed Working Group was cancelled at short notice and we were informed that recommendations for the regulations would instead be considered by the legislation and regulation sub-group of the Partnership for Action Against Wildlife Crime (PAW Scotland). Despite representations, and despite being members of PAW Scotland, neither Advocates for Animals nor the League Against Cruel Sports was allowed to have a place on this sub-group.

We have now learned that the sub-group has not made recommendations for the legislation but has simply looked at the issue of a "best practice" code. This is at odds with the answer to S3W-20212 by David Stewart MSP, when Mr Russell stated that: "The Legislation, Regulation and Guidance Sub-group of PAW Scotland has as its remit to review the operation in practice of wildlife legislation and regulations; identify areas for improvement and make recommendations. To produce guidance for wildlife crime law enforcement practitioners, land managers and other countryside users. The group plans to produce recommendations [on snaring] to ministers in time to allow decisions to be taken before the summer recess."

We understand nonetheless that the Scottish Government intends to lodge its regulations before the summer recess.

We suggest that the Scottish Government has not sought the views of animal welfare organisations regarding its proposed regulations and that as a result the process is discredited.

Use of snares

We stand by our claim that "the use of snaring is dictated by operator cost and convenience rather than welfare and conservation". Last year, Environment Minister Michael Russell stated that "...snaring is a regrettable but essential tool for high quality land management in Scotland."

We disagree with the Scottish Government's statement that we "ignore the welfare implications of attempting to shoot foxes at times of poor visibility". This is not true. As animal welfare

organisations we do not ignore the welfare implications of any methods of killing animals. On the contrary, we would suggest that shooting should not be carried out when it is not safe or unless undertaken by someone suitably trained.

On the issue of rabbit snaring we believe the use of snaring as a means of controlling rabbits is far less widespread than is assumed by the Scottish Government. In 1999, the British Association of Shooting and Conservation (BASC) conducted a membership survey to examine the methods that BASC members use to kill rabbits. It found that fewer than 10 per cent used snaring¹. In a 1995 gamekeeper survey, it was considered that snaring was one of the least effective methods for taking rabbits, with only trapping and netting ranked lower. In this survey snaring accounted for only 1.1 per cent of rabbits, compared to 81.9 per cent taken by shooting (day and night).

The Central Science Laboratory, a DEFRA executive agency which specialises in environmental management, lists snaring as a form of rabbit control 'not recommended'. It states: "these methods are not considered to be particularly effective or humane and can result in other animals, including pets, being caught"².

Endangered species and bycatch

The petitioners feel that the Scottish Government's response on threatened species is misinformed.

Scottish Natural Heritage (SNH) has confirmed that its legal advice is that snaring of mountain hare would be a breach of Regulation 41 of the 1994 Habitats Regulations. The Scottish Government has now stated in its submission to the Committee that it will require anyone who wishes to snare mountain hare to obtain a licence to do so. However the Scottish Government has taken no action, as far as we are aware, either to inform land managers of this policy or to address the enormous numbers of mountain hare known to have been snared in recent years, as revealed by the recent SNH survey of mountain hare distribution, and indeed was citing the advice of the Game and Wildlife Conservation Trust rather than SNH, its statutory advisory body. This raises concern about the Scottish Government's impartiality.

Regarding capercaillie, the Government's paper states "Furthermore, the RSPB does not list snaring as an issue threatening this species". This is not correct. In its response to this petition in July 2008 the RSPB stated, "We do have concerns about animals other than target species being caught, e.g. capercaillie. In our consultation response, we proposed a licensing arrangement with licence applicants and the licensing authority required to take account of the likelihood of by-catch of specially protected species. We further suggested that in cases where a serious risk was identified, alternative legal pest control measures should be deployed."

Regarding the Scottish wildcat, the Scottish Government suggests that a wildcat "should be able to back out of a snare with a loop of 22cm". This suggestion disregards the way in which snares work. These are devices which tighten on impact, so that the chance of any animal being able to release itself is extremely remote. The Government's comments on the wildcat show a lack of understanding of both the wildcat species and the nature of snares.

The Scottish Government further suggests that, where wildcats are confused with feral cats, snaring "offers far greater opportunity for survival compared with shooting, since a wildcat can be released unharmed". This suggestion has not been considered before. Snaring has never

¹ Rabbits, Rabbit Shooting and Rabbiting – A Survey of BASC members. By Nicola Reynolds and John Harradine. BASC Ltd 1999.

² Dendy, J.A. and Mckillop, I.G *Advice on Rabbit Management for Growers of Short Rotation Willow Coppice*, CSL 2000, Page 6

before been promoted by the Government as a control mechanism for feral cats and we suggest that the notion would attract widespread public opposition. To use snaring for this purpose, with the additional risk of capturing one of Scotland's rare and endangered wildcats, would simply be irresponsible.

The suggestion that "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 should mitigate against many concerns" is misleading. Even with the best of intentions, no amount of training or best practice can prevent a device as basic and indiscriminate as a snare from causing distress or catching non-target species.

In conclusion: the Scottish Government has not responded satisfactorily to the animal welfare issues raised in our petition. There are significant concerns about the exclusiveness of its consultation on the proposed regulations, inadequate as these are likely to be given that no amount of regulation will eradicate all suffering or the by-catch of non-target species. Public concerns about the continued use of snaring in Scotland have not been assuaged. We continue to receive support for this Petition which now has approximately 10,000 signatures.

We urge the Committee to keep the Petition active and to take steps to facilitate a full and informed inquiry or Parliamentary debate on the subject.