

# **Wildlife Management and Muirburn (Scotland) Bill: use of snares and powers of Scottish SPCA inspectors**

**Analysis of responses to the consultation exercise**

## Contents

Executive summary .....	3
Chapter 1 Background .....	4
Chapter 2 Responses received, and responses included in analysis.....	6
Chapter 3 The use of snares and cable restraints in Scotland (Qs 1 – 4) .....	8
Chapter 4 Powers of Scottish SPCA inspectors (Qs 5 – 7) .....	18
Annex A.....	28
Annex B.....	31
Annex C .....	40

## **Executive summary**

This report presents the findings from the analysis of responses to the Scottish Government's consultation [Wildlife Management and Muirburn \(Scotland\) Bill: use of snares and powers of Scottish Society for the Prevention of Cruelty to Animals \(Scottish SPCA\) inspectors](#), which ran from 22 August 2023 to 3 October 2023. In the consultation the Scottish Government sought to explore views on amending legislation protecting Scotland's wildlife to:

- Ban the use of snares
- Extend powers for Scottish SPCA inspectors

## **Headline findings**

- The consultation received a total of 5289 responses. Most of the closed questions in the consultation were answered by more than 97% of all respondents.

## **Snaring**

- 70% of respondents agreed with proposals to ban the use of snares and other cable restraints.
- 71% of respondents did not want an exception to allow snaring for research purposes.
- 73% of respondents did not want any other exceptions for the use of snares.

## **Scottish SPCA powers**

- 71 % of respondents agreed with proposals to extend the powers of the Scottish SPCA to investigate wildlife crime.
- 71% of respondents agreed with proposals for these powers to include glue trap offences.
- 66% of respondents agreed with proposals to place limitations and conditions on the extended powers of Scottish SPCA inspectors.

## Chapter 1 Background

### ***Snaring***

Snares are considered by some people to be an essential tool needed for the control of some animals, such as rabbits and foxes, in order to protect livestock, game birds and crops and to tackle biodiversity loss by protecting vulnerable species such as ground nesting birds. The Wildlife and Countryside Act 1981 (the “1981 Act”) restricts the type of snares that can be used to catch wild animals, requires snaring operators to be trained, for their snares to be identified by a tag containing an ID number registered with Police Scotland and for them to keep records, which must be made available to Police Scotland on request.

However, there have been continuing concerns that there is the potential for snares to cause significant injury, prolonged suffering and death to wildlife. There is also a risk that non-target wildlife species and pet animals such as cats and dogs can be caught in them. Many animal welfare groups have called for snares to be banned on animal welfare grounds.

Following a wider review of snaring, the Scottish Government found sufficient evidence to show that use of snares can lead to high levels of suffering for wild animals. Further, even where snares are used in strict accordance with the conditions set out in the 1981 Act, they remain, by their nature, indiscriminate and as such they pose a high risk to non-target species including other wildlife and domestic species such as cats. The review concluded that other, more humane methods of predator control such as shooting and trapping are available to land managers and that a ban on the use of snares would not prevent them from undertaking necessary wildlife management.

Therefore, [in August 2023](#), the Scottish Government announced its intention to add provisions to the Wildlife Management and Muirburn (Scotland) Bill to ban the use of snares.

### ***Scottish SPCA Powers***

The Scottish Society for the Prevention of Cruelty to Animals (“Scottish SPCA”) is a charity with the objectives of preventing cruelty to animals and encouraging kindness in their treatment. The Scottish SPCA is unique among animal charities as it is the only charity which is a reporting agency to the Crown Office and Procurator Fiscal Service. Under the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”), Scottish SPCA inspectors may enter and search premises under warrant, seize animals and issue animal welfare notices.

There have been ongoing concerns of a gap in the ability for Scottish SPCA inspectors to adequately respond to wildlife crime.

The Scottish SPCA are unable to investigate offences where an animal is not under the direct control of a person and is not being caused to suffer. It also means they are unable to investigate and, where appropriate seize, illegal traps, snares, poisonous baits and wild animals that may have died as a result of these activities.

This creates a situation where Scottish SPCA may find themselves at a location where an animal has already died, and they are unable to directly seize any evidence and/or cannot extend their search to wider areas of land in the immediate vicinity.

In June 2022, the then Minister for the Environment and Land Reform announced that there would be an independent review as to whether the Scottish SPCA should be given additional powers, through legislation, to allow them to investigate wildlife crime. In June 2023, the review recommended that further partnership working between the Scottish SPCA and Police Scotland should be taken forward. The Scottish Government agreed with that recommendation, however having considered the report in detail and conducted further discussions with key stakeholders, proposed that further limited powers for Scottish SPCA inspectors should be provided.

### ***About the consultation***

The consultation paper issued by the Scottish Government contained 7 numbered questions, some of which were multi-part questions with an initial closed (tick-box) question followed by space for comments. Altogether there were 7 closed questions and 6 open questions.

The consultation invited views on two topics:

- the use of snares and cable restraints in Scotland (Qs 1 – 4)
- powers of Scottish SPCA inspectors (Qs 5 – 7)

### ***About the analysis***

This report is based on a systematic analysis of the responses to the consultation. Frequency analysis of the closed questions was undertaken, and the findings are shown in tables throughout this report.

Comments made in response to each question were analysed qualitatively. The aim was to identify the main themes and the full range of views expressed in relation to each question, and to draw out areas of agreement and disagreement between different groups of respondents.

It should be noted, as with all consultations, that the views of those who have responded are not representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the results reported cannot be generalised to the wider population. For this reason, the overall approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how many people held particular views, but rather to understand the full range of views expressed.

Finally, it is important to note that some of the responses to this consultation (especially those from organisations) contained technical information and references to other published and unpublished material. It is not possible in a report such as this to fully reflect the level of detail included in these submissions.

## Chapter 2 Responses received, and responses included in analysis

The consultation received a total of 5417 responses. The majority were received via Citizen Space, the Scottish Government's web-based consultation platform, while 5 were received by email or post.

### **Responses removed from the analysis database**

#### **Multiple responses from a single respondent**

It was possible to identify a total of 123 respondents who submitted more than one response to the consultation. Most of these (119 respondents) submitted 2 responses. In addition, 3 respondents submitted 3 responses, and 1 respondent submitted 4 responses.

In these cases, one response was selected at random to be included in the analysis. However, if this random process resulted in the selection of a campaign response, the campaign response was removed and the personalised response was retained.

Multiple responses submitted by organisations were either duplicates, with one response being submitted through Citizen Space and one by email, or the email response contained additional material. In all cases, organisational responses were examined and all of the material in their multiple responses was amalgamated into a single response which was retained for the analysis.

This process resulted in the removal of 128 responses from the analysis database.

#### **Campaign responses**

Several organisations encouraged their members and supporters to submit responses to this consultation. Organisations assisted their members and supporters either by providing suggested responses to each question, or by providing a 'commentary' on the consultation and / or the consultation questions. Overall, these responses only formed a small proportion of the total responses.

However, in the large majority of such responses, people drew on the material provided by the campaign(s) to draft their own (personalised) responses to the consultation. Therefore, the views expressed in all responses are treated like any other substantive response and are included in the tables shown throughout this report.

Four campaigns have been identified, originating from the British Association of Shooting and Conservation, OneKind, Animal Aid, and the Revive Coalition. Details of those campaigns are included at Annex A.

#### **Number of substantive responses included in the analysis**

Table 1 provides an overview of the responses received and removed, and the final number of substantive responses included in the analysis.

<b>Table 1: Number of responses received and included in the analysis</b>	<b>Number</b>
Number of responses <b>received</b>	5417
Number of responses <b>removed</b>	
Multiple responses	128
<b>Total number of responses included in the analysis</b>	<b>5289</b>

Thus, 5289 responses are included in the analysis presented in this report. The quantitative analysis, presented in tables throughout the report, is based on these responses.

### ***About the respondents***

Substantive responses were received from 5210 individuals and 79 organisations or groups. The 79 organisational respondents to the consultation were categorised as shown in Table 2. A complete list of organisational respondents is provided in Annex B of this report, and their responses will be published separately, where consent to do so has been given.

<b>Table 2: Type of respondent</b>	<b>Number</b>
Organisations:	
Animal welfare	29
Land management, including representative bodies	27
Sporting organisation, including representative bodies	4
Conservation, including representative bodies	12
Public body	1
Law enforcement	1
Other	5
<b>Organisations</b>	<b>79</b>
<b>Individuals</b>	<b>5210</b>
<b>All respondents</b>	<b>5289</b>

### ***Response rates for individual questions***

Annex C shows the number of responses received at each question. It should be noted that where a question invited comments, the comments made often included general statements that were not directly relevant to the question under consideration.

Most of the closed questions in the consultation were answered by more than 97% of all respondents. The only exception was in relation to Question 3, which concerned licensing the use of snares for research purposes and was addressed to a subset of respondents.

## Chapter 3 The use of snares and cable restraints in Scotland (Qs 1 – 4)

### Overview

The consultation paper set out that the continued use of snares can cause significant injury, prolonged suffering and death to wildlife, as well as a risk that non-target wildlife species and pets can be caught in them.

### Question 1

Do you agree with our proposals to amend the Wildlife and Countryside Act 1981 Act so that it is an offence to: a) use a snare or other type of cable restraint for the purpose of killing or trapping a wild animal and; b) use a snare or other type of cable restraint in any way that is likely to injure a wild animal.

Responses to Question 1 by respondent type are set out in Table 3 below.

<b>Table 3: Question 1</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	29	0	0	29
Land management, including representative bodies	0	27	0	27
Sporting organisation, including representative bodies	0	4	0	4
Conservation, including representative bodies	9	3	0	12
Public body	1	0	0	1
Law enforcement	0	0	1	1
Other	3	1	1	5
<b>Total organisations</b>				
	42	35	2	<b>79</b>
<b>% of organisations</b>	53.2%	44.3%	2.5%	
<b>Individuals</b>				
	<b>3667</b>	<b>1517</b>	<b>22</b>	<b>5206</b>
<b>% of individuals</b>	70.4%	29.1%	0.4%	
<b>Number of respondents to this question</b>				
	<b>3709</b>	<b>1552</b>	<b>24</b>	<b>5285</b>
<b>% of respondents to this question</b>	<b>70.2%</b>	<b>29.4%</b>	<b>0.5%</b>	

A majority – 70% of those who answered the question – agreed with the proposals to prohibit the use of snares and other cable restraints. 29% disagreed and less than 1% were unsure.

Slightly more organisational respondents agreed than disagreed, 53% and 44% respectively, and 3% were unsure. While a clear majority of ‘Animal welfare’, ‘Conservation’, ‘Public body’ and ‘Other’ respondents were in favour of the



proposals, a majority of 'Land management' and 'Sporting organisations' respondents opposed them.

### ***Overall positions on snaring***

The analysis of comments across the section on snaring suggests that many of those who commented took one of two overall positions. These were:

- That snaring should be completely banned and there should be no exceptions, for any reason.
- That snaring should either be allowed to continue as it is, or that the use of Humane Cable Restraints ("HCRs") be allowed.

### ***Ethical concerns and animal welfare***

Respondents who agreed with the proposal to prohibit the use of snares almost unanimously emphasised their inhumane nature, detailing the severe suffering experienced by animals caught in them. Many highlighted injuries, strangulation, exhaustion, hunger, fear, and distress, leading to self-mutilation and exposure to predators and the elements. Others shared experience of finding dead animals caught in snares, or animals rescued from snares dying from their injuries. Those respondents frequently referred to snares as "barbaric".

Comments included statistics indicating strong public support for a snaring ban in Scotland. Respondents also referenced the Scottish Animal Welfare Commission and the British Veterinary Association's recommendations for a ban, which they felt underscored a professional consensus on the need for such regulation. Some respondents also referenced scientific evidence and case studies that supported the view that snares are inherently cruel and cause prolonged suffering.

A few respondents also stated that some land-management charities, including the RSPB, the Wildlife Trusts, and the Woodland Trust, abstain from using snares, which they felt discredited claims of their necessity for managing wildlife.

Many respondents who disagreed with the proposal to ban snares did so because they believe the current legislation to be robust and ensures the welfare of animals. Some point to current requirement that snare operators be extensively trained, hold a snare operator's identification number and keep records of how their snares are used. A few respondents clarified that it is already illegal to use a snare to kill an animal.

### ***Humane Cable Restraints (HCRs)***

Many respondents who agreed with the proposal to prohibit the use of snares challenge the claim that HCRs are a distinct and humane alternative to snares, presenting evidence that these are simply a rebranding of traditional snares. In particular, they highlight the shared design features between HCRs and standard snares, reinforcing the need for a ban on both.

They disagreed with claims that HCRs reduce bycatch and risk of strangulation to caught animals stating that HCRs do not eliminate these risks. Respondents also stated that HCRs do nothing to reduce other harms to trapped animals, including fear, exposure to the elements, starvation and thirst, predation risk and self-injury caused by attempts to escape.

Those respondents also disagree with the claim that HCRs pass the Agreement on International Humane Trapping Standards (“AIHTS”)<sup>1</sup> welfare standard as a live-capture device for foxes. They clarify that foxes are not included in the AIHTS and there is no specific standard for live-capture devices for that species. In addition, they refer to long standing criticism of the AIHTS for low welfare standards.

Contrary to these perceptions, respondents who disagreed with the proposal to prohibit the use of snares asserted that HCRs are substantially different to ‘traditional’ snares and are more humane, meeting the AIHTS welfare standard.

Some respondents emphasise the effectiveness of HCRs in minimising risks of strangulation, asphyxiation or evisceration, by incorporating features such as breakaway components, swivels, stops and free-running eyes. They conclude that HCRs can therefore be used ethically, ensuring minimal harm to non-target species. Many claim that failure to retain HCRs would result in irreparable harm to rural businesses and biodiversity.

They also challenge the claim that live capture traps are superior to HCRs. They emphasise that both methods meet the same humaneness standards and highlight the inefficacy of live capture traps, citing instances where traps deployed across several estates failed to capture a single fox. This inefficacy, they argue, makes HCRs indispensable.

### ***By-catch and effect on biodiversity***

Many respondents who agreed with the proposal to prohibit the use of snares commented that snares are inherently indiscriminate, and catch a wide range of non-target species. Many recounted experiences of finding non-target animals in snares, ranging from protected wild animals such as badgers, to companion animals including cats and dogs.

A few respondents commented that snaring contributes to the decline and degradation of natural habitats, as their indiscriminate nature harms keystone species. Some respondents also spoke of the considerable emotional toll and financial cost of treating companion animals that had been injured by snares.

Many respondents who disagreed with the proposal to ban snares stressed the critical role of snares in conservation efforts. Many of those respondents also stated that snares are essential for protecting endangered and threatened species, preserving biodiversity, and mitigating damage to agriculture. They believe that the potential consequences of banning snares would be catastrophic for rural businesses, biodiversity, and threatened species like capercaillie, curlew, lapwing, and golden plover.

### ***Societal perceptions and alternatives***

Several respondents who agreed with the proposal to prohibit the use of snares objected to them on a moral basis, stating that snares are an outdated tool from the past and have no place in a modern, civilised society. Some stated that as the animals caught by snares are sentient and have the capacity to suffer, the continued use of snares is objectionable on a moral basis. Further to this, many respondents contend that snaring is unnecessary and counter-productive, especially on shooting

---

<sup>1</sup> The AIHTS is an international agreement that aims to impose common welfare standards in the trapping of fur-bearing animals. It requires signatory countries to prohibit traps for fur-bearing species that will not pass a clearly specified humaneness test.

estates targeting foxes. Alternative methods, such as cage trapping, the use of guard animals, and nocturnal shooting with thermal imaging, are proposed as more humane and effective options for wildlife management.

Contrary to this, some respondents who disagreed with the proposal to ban snares highlighted that snares are an essential tool for wildlife management often the only available method of wildlife management due to safety concerns associated with shooting in dense cover and undulating terrain. They argue that identifying a safe backstop, that could capture a bullet and bullet fragments without causing ricochet, damage or danger, is often impossible, rendering shooting impractical. Consequently, snares are presented as necessary alternatives due to their effectiveness in these challenging environments, ensuring both human and animal safety.

A few respondents also point to the ineffectiveness of other alternatives to snares, such as live capture traps, due to the limits on the number of animals that can be caught at any time and the ability of some animals to actively avoid such traps.

Lastly, some respondents argued that because many snares could be set across a large area and work “in the absence of humans”, they are a cost and time effective way of managing wildlife. They stated that alternatives to snares would incur increased cost to land managers, as a result of either the cost of purchasing equipment, such as thermal imaging technology, or increased time spent either shooting or checking live capture traps.

A few respondents also stated that a prohibition on the use of snares to manage wildlife would result in an increase of gun ownership and gun use in the Scottish countryside.

## Question 2

Do you think that the Scottish Government should consider allowing an exception for the use of snares for the live capture of mammals for research purposes for example, catching foxes to allow tracking devices to be fitted?

Responses to Question 2 by respondent type are set out in Table 4 below.

<b>Table 4: Question 2</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	0	25	4	29
Land management, including representative bodies	25	1	0	26
Sporting organisation, including representative bodies	4	0	0	4
Conservation, including representative bodies	2	9	1	12
Public body	1	0	0	1
Law enforcement	0	0	1	1
Other	0	4	1	5
<b>Total organisations</b>				
	32	39	7	<b>78</b>
<b>% of organisations</b>	41.0%	50.0%	9.0%	
<b>Individuals</b>				
	<b>1088</b>	<b>3682</b>	<b>413</b>	<b>5183</b>
<b>% of individuals</b>	21.0%	71.0%	8.0%	
<b>Number of respondents to this question</b>				
	<b>1120</b>	<b>3721</b>	<b>420</b>	<b>5261</b>
<b>% of respondents to this question</b>	<b>21.3%</b>	<b>70.7%</b>	<b>8.0%</b>	

A majority – 71% of those who answered the question – thought that there should **not** be an exception that would allow the use of snares and other cable restraints for research purposes. 21% of all respondents thought there should be an exception for research and 8% were unsure.

Organisational respondents were more evenly divided with 41% disagreeing with an exception, 50% agreeing and 9% unsure. While a clear majority of ‘Animal welfare’, ‘Conservation’, and ‘Other’ respondents disagreed with the proposals, a majority of ‘Land management’ and ‘Sporting organisations’ respondents agreed.

### **Ethical Concerns and Animal Welfare**

Many respondents who disagreed with the proposal to allow the use of snares for the purpose of research expressed deep concern about the ethical implications and animal welfare issues associated with the use of snares. They emphasised the inherent cruelty of snares, regardless of the purpose, and argued that no exceptions should be made due to the immense suffering caused to animals. Some asserted

that any form of snaring causes unnecessary distress and suffering, and others believed that no legitimate scientific purpose justifies this level of harm. Several respondents commented that ethical considerations should guide research methods, and alternatives such as humane cage traps are readily available, making the use of snares unnecessary and unacceptable.

Of the respondents who agreed with the proposal, some expressed cautious support for allowing exceptions for research purposes, but only under strict conditions that prioritise animal welfare. They emphasised the importance of ensuring that live capture does not cause lasting damage or trauma to animals. Some stated that if exceptions are made, they must be strictly controlled to prevent animals from suffering or being trapped for extended periods. Others believed that ethical concerns should guide the decision-making process, with a focus on minimising stress and fear among animals during the capture process.

Respondents who were unsure about the proposal expressed concern about the ethical implications of allowing exceptions for research purposes. Some emphasised the importance of ensuring that live capture methods, including snares, do not cause pain, trauma, or harm to animals. Many of those respondents questioned the humane aspect of using snares, highlighting worries about the distress and injuries that snaring might cause.

### ***Effectiveness and Alternatives***

Many respondents who disagree with the proposed exception argue that snares are not only inhumane but also ineffective and indiscriminate in capturing animals. They contend that other non-invasive research methods, such as camera trapping, provide effective alternatives for studying animal behaviour without causing harm. Additionally, some respondents highlight the availability of more appropriate trapping methods, such as live cage traps, stating they are more effective and humane.

Some respondents stressed the importance of upholding ethical standards in scientific research. They argued that allowing exceptions for research purposes would compromise the ethical integrity of scientific studies, especially considering the availability of alternative, humane methods.

Many respondents who agree with the proposal suggested the use of HCRs as an alternative to traditional snares, emphasising their effectiveness in capturing animals without causing harm. A few respondents give examples of circumstances where HCRs have been successful in live capture and advocate for their use under licence for scientific research.

Respondents who were unsure about the proposal raised questions about the necessity of using snares for research purposes. Some were unconvinced of any justification for choosing snares over what they consider to be alternative, less harmful methods of live capture. A few of those respondents expressed scepticism about the effectiveness of snares in the context of research. Instead they advocate for exploring and employing alternative, more humane methods for live capture, emphasising the need for a strong rationale if snares are to be considered.

### ***Regulation and Enforcement Challenges***

Respondents who disagree with the proposal expressed scepticism regarding the feasibility of regulating and enforcing exceptions for research purposes. They argued that creating exceptions would lead to loopholes in legislation that could be

exploited, making it difficult to distinguish between legitimate and illegitimate uses of snares. Some respondents emphasise the challenges of monitoring and policing such exceptions, raising concerns about the potential abuse and continued suffering of animals.

Respondents who agree with the proposal discussed the necessity of licensing and regulation in the context of allowing exceptions for research purposes. Both respondents who agreed with the proposals and those who were unsure argued that if exceptions are granted, they should be strictly regulated, with licences issued only to qualified researchers affiliated with legitimate research organisations. Some express concerns about the burden placed on regulatory bodies, such as NatureScot, in administering and overseeing these licences.

Respondents who were unsure about the proposal expressed concern about the practicality of monitoring and enforcement. They questioned how the use of snares for research purposes would be policed and express doubts about the feasibility of ensuring strict adherence to regulations. A few respondents called for robust enforcement mechanisms to prevent misuse of any exceptions.

### ***Double Standard and Hypocrisy***

Several respondents highlighted a perceived contradiction in allowing exceptions for research purposes while advocating for bans or restrictions on snares for other uses, irrespective of whether they agreed or disagreed with the proposal. Many held the view that exceptions for research purposes would create a double standard, undermining the credibility of scientific research and raising questions about the motivations behind such decisions. Others questioned the rationale behind permitting snares for research but not for other purposes, such as preventing damage to livestock. Some respondents expressed concern about potential hypocrisy in the decision-making process, urging the government to maintain consistency in its approach to snaring practices. Some respondents called for transparency and clarity in the decision-making process to address these concerns.

### Question 3

If you answered yes question 2, do you agree than anyone using snares for this purpose would require a licence from NatureScot.

Responses to Question 3 by respondent type are set out in Table 5 below.

<b>Table 5: Question 3</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	4	0	2	6
Land management, including representative bodies	24	1	0	25
Sporting organisation, including representative bodies	2	1	1	4
Conservation, including representative bodies	4	2	0	6
Public body	1	0	0	1
Law enforcement	0	0	1	1
Other	0	0	1	1
<b>Total organisations</b>				
	35	4	5	<b>44</b>
<b>% of organisations</b>	79.5%	9.1%	11.4%	
<b>Individuals</b>				
	<b>1071</b>	<b>798</b>	<b>163</b>	<b>2032</b>
<b>% of individuals</b>	52.7%	39.3%	8.0%	
<b>Number of respondents to this question</b>				
	<b>1106</b>	<b>802</b>	<b>168</b>	<b>2076</b>
<b>% of respondents to this question</b>	<b>53.3%</b>	<b>38.6%</b>	<b>8.1%</b>	

Just over half - 53% of those who answered the question – agreed that any exception to use snares should require a licence from NatureScot, 39% disagreed and 8% were unsure.

However, organisational respondents were more divided with 80% agreeing, 9% disagreeing and 11% unsure.

#### Question 4

Other than for the purpose set out in question 2, are there any other purposes for which you think an exemption should be available to allow a person to use a snare or cable restraint to temporarily capture a wild animal?

Responses to Question 4 by respondent type are set out in Table 6 below.

<b>Table 6: Question 4</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	0	27	1	28
Land management, including representative bodies	26	1	0	27
Sporting organisation, including representative bodies	4	0	0	4
Conservation, including representative bodies	2	10	0	12
Public body	0	1	0	1
Law enforcement	0	0	1	1
Other	0	3	2	5
<b>Total organisations</b>				
	32	42	4	<b>78</b>
<b>% of organisations</b>	41.0%	53.8%	5.1%	
<b>Individuals</b>				
	<b>1089</b>	<b>3721</b>	<b>264</b>	<b>5074</b>
<b>% of individuals</b>	21.5%	73.3%	5.2%	
<b>Number of respondents to this question</b>				
	<b>1121</b>	<b>3763</b>	<b>268</b>	<b>5152</b>
<b>% of respondents to this question</b>	<b>21.8%</b>	<b>73.0%</b>	<b>5.2%</b>	

A majority – 73% of those who answered the question – thought that there should be no other exceptions to allow the use of snares and other cable restraints. 29% thought there should be other exceptions to allow their use and 5% were unsure.

However, organisational respondents were more evenly divided with 54% agreeing that there should not be other exceptions, 41% agreeing that there should be other exceptions and 5% unsure. While a clear majority of ‘Animal welfare’, ‘Conservation’, and ‘Other’ respondents wanted no further exceptions, a majority of ‘Land management’ and ‘Sporting organisations’ did want further exceptions.

Respondents who answered yes to question four presented diverse viewpoints concerning exemptions for using snares or cable restraints for purposes other than research. Many individuals advocated for exemptions primarily related to conservation, safeguarding of livestock, prevention of agricultural damage, and preservation of gamebirds. These respondents argued that snares are indispensable tools for controlling predators like foxes, safeguarding ground-nesting birds, and



ensuring the economic sustainability of rural communities. They stressed the need for meticulous regulation to prevent misuse and encourage humane practices.

The purposes mentioned in responses are as follows, it is noteworthy that while these exemptions were mentioned, the discussion highlighted varying opinions on their necessity, regulation, and ethical implications:

- Conservation
- Protection of Livestock and Gamebirds
- Pest Control
- Human Safety
- Animal Welfare
- Research and Conservation Projects
- Gamekeeping and Wildlife Management
- Emergency Situations e.g. survival training or disease outbreaks

While agreeing with the need for limited exemptions to the ban, some respondents expressed reservations about the welfare of animals snared, calling for stricter regulations based on ethical considerations. They questioned the necessity of any exemptions, highlighting the potential harm and distress caused to animals, including non-target species. Some respondents suggested exemptions only in cases of humane dispatch, animal relocation, or medical treatment, emphasising the importance of ethical conduct.

Most respondents who answered no to question four however, commented that they support an outright ban on snares and other cable restraints, citing many of the same reasons as discussed at question one. Some argued that there are viable alternatives available, including cage trapping and shooting, making exemptions unnecessary. Many stressed that snares, regardless of their purpose, are inherently cruel and indiscriminate, causing significant suffering to both target and non-target species. A few respondents expressed the belief that exemptions would create loopholes in the legislation, leading to abuse and rendering the ban ineffective.

Respondents who were unsure about the proposal to include an exemption to the ban on snaring emphasised the need for stringent regulations. They acknowledged rare scenarios where exemptions might be considered, mostly situations involving sick or injured animals, or animals in extremely hazardous environments. Similar to the other respondents, a recurring concern about the use of snares was the potential for injury, with unsure respondents questioning how snares could be used without causing harm. Some suggested exceptions for specific organisations, such as the Scottish SPCA, if handheld wire loop capture devices were necessary for animal rescue efforts. Overall, unsure respondents urged caution, advocating for careful consideration and ethical justifiability in any exemption decisions, and emphasising the importance of public scrutiny and transparent documentation in such cases.

## Chapter 4 Powers of Scottish SPCA inspectors (Qs 5 – 7)

### Overview

The consultation paper argues that there is a gap in the ability for Scottish SPCA inspectors to adequately respond to wildlife crime. It is therefore proposed that the use of snares or other types of cable restraints is prohibited.

### Question 5

Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the 2006 Act, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife and Countryside Act 1981? The specific offences are:

- section 1 (protection of wild birds, etc),
- section 5 (prohibition of certain methods of killing or taking birds),
- section 6 (sale, etc. of wild birds),
- section 7 (registration of certain captive birds),
- section 8, (protection of captive birds),
- section 9 (protection of certain wild animals and prevention of poaching),
- section 10A (protection of wild hares),
- section 11 (prohibition of certain methods of taking wild animals),
- section 11G (prevention of poaching: wild hares, rabbits, etc),
- section 11 (sale, possession, etc. of wild hares, rabbits, etc),
- section 12A (requirements for use of traps),
- section 12F (authorisation from landowners etc. to use traps),
- section 15A (possession of pesticides)

Responses to Question 5 by respondent type are set out in Table 7 below.

A majority – 71% of those who answered the question – agreed that there Scottish SPCA inspectors should be provided with additional powers to investigate offences under the Wildlife and Countryside Act 1981. 27% disagreed with the proposals and 2% were unsure.

However, organisational respondents were more evenly divided with 50% agreeing, 46% disagreeing and 4% unsure. While a clear majority of ‘Animal welfare’, ‘Conservation’ and ‘Other’ respondents were in favour of the proposals, a majority of ‘Land management’ and ‘Sporting organisations’ opposed them.

<b>Table 7: Question 5</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	25	1	1	27
Land management, including representative bodies	0	26	0	26
Sporting organisation, including representative bodies	0	4	0	4
Conservation, including representative bodies	9	2	1	12
Public body	1	0	0	1
Law enforcement	0	0	1	1
Other	3	2	0	5
<b>Total organisations</b>				
	38	35	3	76
<b>% of organisations</b>	50.0%	46.1%	3.9%	
<b>Individuals</b>				
	3714	1366	98	5178
<b>% of individuals</b>	71.7%	26.4%	1.9%	
<b>Number of respondents to this question</b>				
	3752	1401	101	5254
<b>% of respondents to this question</b>	71.4%	26.7%	1.9%	

### ***Overall positions on Scottish SPCA powers***

The analysis of comments across the section on Scottish SPCA powers suggests that many of those who commented took one of two overall positions. These were:

- That Scottish SPCA inspectors should be given further powers to investigate wildlife crimes.
- That wildlife crime should only be investigated by the police and Scottish SPCA inspectors should not be given further powers.

### ***Role of enforcement agencies and resource allocation***

Many respondents who agreed with the proposal to extend the powers of the Scottish SPCA to investigate certain wildlife offences acknowledged the limited resources that Police Scotland has to investigate wildlife crimes. Some stated that many wildlife crimes go either undetected or unprosecuted, and concluded that this scarcity of policing necessitates exploring alternative avenues to tackle wildlife crime effectively.

Many comments stated that the proposed extension of powers for Scottish SPCA inspectors could significantly enhance the investigation process, ensuring a more targeted and knowledgeable approach to wildlife crime enforcement.

Some respondents believed that granting additional powers to Scottish SPCA inspectors would act as a deterrent, dissuading potential offenders from committing

wildlife crimes due to the increased likelihood of detection and prosecution. A few respondents believed that the additional resource of the Scottish SPCA to investigate wildlife crimes combined with the deterrent effect would reduce suffering to wild animals.

Many respondents who disagreed with the proposal to extend the powers of the Scottish SPCA to investigate certain wildlife offences emphasised that policing powers should be exclusive to government-sanctioned law enforcement bodies. Many of those respondents mentioned the trust they and the general public have in Police Scotland, and several advocated for additional funding and training for the Police Scotland instead of exploring alternative options.

Some respondents asserted that granting additional powers to the Scottish SPCA might jeopardise public trust and confidence in wildlife crime investigations. Some also argued that if police resources remained inadequate, and the Scottish SPCA is relied upon to enforce wildlife crime, it could lead the public to question how seriously the Scottish Government takes wildlife crime.

Several respondents disagreed with a charity, particularly one perceived as an animal rights organisation, being granted statutory powers. Some asserted that as the Scottish SPCA is fundamentally driven by charitable initiatives, it is unsuitable as a law enforcement authority. They argued that policing powers should be reserved for official law enforcement agencies, such as Police Scotland, and not extended to charitable organisations.

Some respondents who disagreed with proposals raised concern about the potential for confusion and overlapping jurisdiction if multiple agencies were involved in the investigation of wildlife crime. Those respondents worried that this could complicate cases and compromise the integrity of the legal process.

### ***Safeguards and impartiality***

Respondents agreeing with the proposals highlighted the necessity of comprehensive training for Scottish SPCA inspectors. This training was seen as essential not only for handling dangerous situations but also for effective evidence gathering. Collaboration between Scottish SPCA inspectors and law enforcement agencies, especially Police Scotland, was believed to be crucial for successful outcomes.

Some respondents also stressed the importance of using additional powers in a proportionate and fair manner. They emphasised that the proportional use of these powers would be paramount to maintaining public trust.

A few respondents who agreed with the proposals expressed concerns about the safety of Scottish SPCA inspectors, particularly in potentially dangerous situations involving armed individuals. They emphasised the importance of police support to ensure the inspectors' safety and the successful execution of their duties.

Several respondents who disagree with the proposals stated that they were concerned about the impartiality of Scottish SPCA inspectors due to their association with animal welfare causes, such as their campaign to ban the use of snares. A few respondents were apprehensive that future potential activist influences within the Scottish SPCA could lead to biased decision-making. Many of those respondents worried that potential conflicts and challenges could arise if the Scottish SPCA continues its advocacy efforts whilst engaging in law enforcement activities.

Some respondents raised concerns about the lack of vetting and oversight for the Scottish SPCA as an organisation and for its inspectors, believing that the charity is not able to responsibly handle law enforcement powers. A few respondents stated that unlike Police Scotland, the Scottish SPCA may not be subject to the same rigorous background checks, and ongoing oversight mechanisms that they considered are fundamental in maintaining the integrity and impartiality of law enforcement officers.

Without such stringent vetting processes and comprehensive oversight, some respondents feared that individuals granted powers within the Scottish SPCA may not meet the high standards of professionalism and neutrality expected in law enforcement, and in some cases, may abuse their power of investigation.

### ***Expertise and collaboration***

Many respondents who agreed with the proposal to extend the powers of the Scottish SPCA to investigate certain wildlife offences praised the specialised knowledge possessed by Scottish SPCA inspectors in wildlife and animal welfare matters. They highlighted that the Scottish SPCA already enforces the law relating to animal welfare, and viewed this expertise as a valuable asset, making Scottish SPCA inspectors well-suited for investigating wildlife crimes.

Many respondents who agreed with the proposals also advocated for closer collaboration between Scottish SPCA inspectors and the police, emphasising the benefits of joint efforts in tackling wildlife crime. Collaboration was also believed to be a means to share expertise and resources effectively.

Some respondents suggested extending legal powers to other agencies, such as the Scottish Environment Protection Agency. They believe this proposal would foster multi-agency collaboration and enhance overall efforts to protect the countryside.

Several respondents who disagreed with the proposal questioned the Scottish SPCA's ability to comply with regulations governing investigatory processes, such as the Regulation of Investigatory Powers (Scotland) Act 2000 and the Scottish Crime Recording Standards. They held doubts about the charity's capacity to handle complex legal matters.

Some respondents expressed the view that Scottish SPCA inspectors are unfamiliar with rural lifestyles and do not comprehend the nuances of countryside activities such as wildlife management. They believed that decisions regarding wildlife crime should be made by those intimately familiar with rural living.

Some respondents voiced concern about unnecessary interference from what they viewed as an 'external' organisation that lacks understanding of rural challenges and the complexities of countryside activities, which would lead to Scottish SPCA inspectors having misplaced priorities when enforcing the law.

### ***Taskforce Recommendation***

A few respondents who disagreed with the proposals made reference to the advice provided by the independent taskforce established by the Scottish Government. They cited the taskforce's conclusions, specifically emphasising the recommendation for enhanced partnership working as opposed to conferring new investigatory powers upon the Scottish SPCA.

### ***Unsure respondents***

Respondents who were unsure about the proposals expressed concerns regarding the impartiality of the Scottish SPCA inspectors and emphasised the need for safeguards to ensure fair investigations. Some were worried about setting a precedent that could grant powers to non-law enforcement agencies, leading to potential complications. Additionally, some respondents questioned the adequacy of training of Scottish SPCA inspectors and were uncertain about how they would collect evidence.

## Question 6

Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the Animal Welfare Act 2006, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife Management and Muirburn Bill. The specific offences are:

- Section 1 (offence of using a glue trap),
- Section 2 (offence of purchasing a glue trap).

Responses to Question 6 by respondent type are set out in Table 8 below.

<b>Table 8: Question 6</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	25	1	1	27
Land management, including representative bodies	0	27	0	27
Sporting organisation, including representative bodies	0	4	0	4
Conservation, including representative bodies	9	2	1	12
Public body	1	0	0	1
Law enforcement	0	0	1	1
Other	3	2	0	5
<b>Total organisations</b>	<b>38</b>	<b>36</b>	<b>3</b>	<b>77</b>
<b>% of organisations</b>	<b>49.4%</b>	<b>46.8%</b>	<b>3.9%</b>	
<b>Individuals</b>				
<b>Individuals</b>	<b>3680</b>	<b>1345</b>	<b>143</b>	<b>5168</b>
<b>% of individuals</b>	<b>71.2%</b>	<b>26.0%</b>	<b>2.8%</b>	
<b>Number of respondents to this question</b>				
<b>Number of respondents to this question</b>	<b>3718</b>	<b>1381</b>	<b>146</b>	<b>5245</b>
<b>% of respondents to this question</b>	<b>70.9%</b>	<b>26.3%</b>	<b>2.8%</b>	

A majority – 71% of those who answered the question – agreed that there Scottish SPCA inspectors should be provided with additional powers to investigate offences under sections 1 and 2 of the Wildlife Management and Muirburn (Scotland) Bill. 26% disagreed with the proposals and 3% were unsure.

However, organisational respondents were evenly divided with 49% agreeing, 47% disagreeing and 4% unsure. While a clear majority of ‘Animal welfare’, ‘Conservation’ and ‘Other’ respondents were in favour of the proposals, a majority of ‘Land management’ and ‘Sporting organisations’ opposed them.

A large number the respondents who commented stated that their reasons for agreeing or disagreeing with the proposals were the same as stated for Question

five. In addition to the topics discussed at Question five, respondents also discussed the following:

Respondents who agreed with the proposal commented that glue traps cause animal suffering, and that the Scottish SPCA's expertise made it well-suited for enforcing offences relating to glue traps. Others viewed the extension of powers for Scottish SPCA inspectors as reasonable and crucial for ensuring compliance with animal welfare laws.

Some respondents who disagreed with proposals to allow Scottish SPCA inspectors to enforce offences relating to glue traps argued that glue traps provide a safe alternative to rodenticides, especially in dealing with rats, and their use should therefore not be prohibited.



## Question 7

Do you agree with the limitations and conditions placed on these proposals set out below?

- these powers would only be given to a Scottish SPCA inspector appointed by the Scottish Ministers under section 49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006;
- inspectors would be individually authorised by the Scottish Government and that Authorisations could be withdrawn at the discretion of the Scottish Government;
- all inspectors would be required to undertake specified training prior to being given authorisation to exercise the new powers.

Responses to Question 7 by respondent type are set out in Table 9 below.

<b>Table 9: Question 7</b>				
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Total</b>
<b>Organisations:</b>				
Animal welfare	23	0	4	27
Land management, including representative bodies	22	5	0	27
Sporting organisation, including representative bodies	1	2	1	4
Conservation, including representative bodies	8	4	0	12
Public body	0	0	0	0
Law enforcement	1	0	0	1
Other	4	0	1	5
<b>Total organisations</b>	<b>59</b>	<b>11</b>	<b>6</b>	<b>76</b>
<b>% of organisations</b>	<b>77.6%</b>	<b>14.5%</b>	<b>7.9%</b>	
<b>Individuals</b>				
<b>Individuals</b>	<b>3394</b>	<b>1121</b>	<b>622</b>	<b>5137</b>
<b>% of individuals</b>	<b>66.1%</b>	<b>21.8%</b>	<b>12.1%</b>	
<b>Number of respondents to this question</b>				
<b>Number of respondents to this question</b>	<b>3453</b>	<b>1132</b>	<b>628</b>	<b>5213</b>
<b>% of respondents to this question</b>	<b>66.2%</b>	<b>21.7%</b>	<b>12.0%</b>	

Two thirds – 66% of those who answered the question – agreed with the limitations and conditions on the proposals. 22% disagreed with the limitations and conditions and 12% were unsure.

However, organisational respondents were more clearly divided with 78% agreeing, 15% disagreeing and 8% unsure.

Several respondents who agreed with the limitations and conditions placed on the proposed powers granted to Scottish SPCA inspectors commented that they disagreed with the extension of powers to inspectors, but if the proposals should be taken forward, the limitations and restrictions seemed appropriate and were important. Many of the respondents who disagreed with the proposals to place limits and restrictions on the powers commented that they did so because they disagreed with the extension of powers in the first place.

### ***Training Requirements***

Many respondents supported the proposal for training as a prerequisite for Scottish SPCA inspectors to exercise the proposed enhanced powers, regardless of whether they agreed or disagreed with the proposed restrictions. Many respondents also viewed training as a crucial element for inspectors to effectively carry out their duties. They argued that proper training was essential to equip inspectors with the knowledge and skills needed to handle animal welfare cases and to ensure competence in handling laws, evidence, and maintaining unbiased conduct. Some believed that this should be administered by Police Scotland.

### ***Vetting and Impartiality***

Many respondents who supported the proposed limitations advocated for thorough vetting processes, including background checks, to ensure inspectors can discharge their duties impartially. They argued that proper vetting procedures are essential to maintain public trust in the impartiality and professionalism of inspectors. While some respondents supported the idea of individual authorisations for inspectors, some voiced concern about the discretionary withdrawal of authorisations by the Scottish Government. Some believed that Scottish Government oversight is a necessary measure to prevent potential misconduct, while others expressed concerns about possible political influence or industry pressure affecting this process.

Several respondents who disagreed with the proposed limitations also expressed reservations about the involvement of the Scottish Government in authorising inspectors. Some believed that the Scottish SPCA, should internally regulate and authorise its own inspectors. Others voiced concern about potential political influence or biases affecting the authorisation process, stating that transparency and public visibility are crucial factors, and emphasising the need for a clear, open process, free from hidden agendas. These respondents advocated for the Scottish SPCA's independence in appointing and training its inspectors, believing this would ensure objectivity and avoid undue interference from external entities.

Respondents who were unsure about the proposals requested clarity on the criteria for withdrawing powers, suggesting that vague terms could create uncertainties and potential misuse of authority.

### ***Transparency and Collaboration***

Many respondents who supported the proposed limitations mentioned the importance of transparency, ongoing review, and collaboration between the Scottish SPCA and Police Scotland. Adequate resources, including a sufficient number of trained inspectors, were believed to be crucial factors to ensure the legitimacy and effectiveness of the proposed powers. Some mentioned that the public's confidence in these measures relied on the careful implementation of robust training programs and transparent vetting processes.

### ***Disagreement with Restrictions***

Some respondents who disagreed with the proposed limitations and restrictions argued for unrestricted powers for all Scottish SPCA inspectors, believing that any limitations could hinder their ability to respond promptly to incidents. They emphasised the importance of authorising all trained inspectors without delays from bureaucracy, allowing them to act swiftly in the interest of animal welfare.

Many respondents advocated the need for streamlined processes. They argued that bureaucratic procedures could delay investigations and enforcement efforts. Some respondents proposed a more straightforward approach, advocating for immediate authorisation upon completion of training, without unnecessary bureaucratic hurdles.

**Organisations responding to this consultation**

All organisations responding to the consultation must give permission for their response to be published. It is the policy of the Scottish Government not to publish the names or responses where permission has not been granted. Three organisations requested that their responses are not published, so their names have been excluded from this list. All responses however, including those not to be published have been included in the analysis of the consultation.

***Animal welfare***

**ACT AGAINST CORVID TRAPS**

Animal Aid

Animal Interfaith Alliance

Battersea Dogs & Cats Home

Blue Cross

Born Free Foundation

Cats Protection

Conservative Animal Welfare Foundation

Humane Society International / UK

Humane Wildlife Solutions

JBF (Scotland)

Little Foxes Wildlife Rescue

Mossburn Community Farm.

National Anti Snaring Campaign

OneKind

Orkney Seal Rescue

Oxfordshire Badger Group

People for Animals India

Scotland for Animals

Scottish Animal Welfare Commission

Scottish Badgers

Scottish Society for the Prevention of Cruelty to Animals

The Hare Preservation Trust

The League Against Cruel Sports Scotland

UFAW (Universities Federation for Animal Welfare)

UK Centre for Animal Law Scottish Committee

West Norfolk Hunt Stoppers  
West Sussex Wildlife Protection  
Wild Animal Welfare Committee

***Land Management, including representative bodies***

British Moorlands Ltd  
Caledonian Wildlife Management Ltd  
Clune Estate  
Delnabo Estate Limited  
Dunecht Estates  
Horseupcleugh Estate  
Managed Estates  
Newbie Limited  
Newlands Farm shoot  
NFU Scotland  
Quintfall forest  
Rottal Estate  
Savills - On behalf of Hunthill Estate  
Scotland's Regional Moorland Groups  
Scottish Land & Estates  
Solid Ground Outdoors  
Southern Uplands Moorland Group  
Strathmore Wildlife Cluster  
Tayside and Central Scotland Regional Moorland Group  
Wemyss and March Estate  
Whitburgh Farms

***Sporting Organisation, including representative bodies***

British Association for Shooting and Conservation (Scotland)  
Scottish Countryside Alliance  
Woodmill game ltd

***Conservation, including representative bodies***

Angus Glens Moorland Group  
Argyll raptor study group  
Badenoch & Strathspey Conservation Group

Ecoflix Foundation

Game & Wildlife Conservation Trust

Heart of Argyll Wildlife Organisation

International Otter Survival Fund

Perth & Kinross Green Party

REVIVE coalition for grouse moor reform

Rookmarsh Ecology

RSPB Scotland

University of Glasgow School of Biodiversity, One Health & Veterinary Medicine

***Public body***

East Lindsey Green Party

***Law enforcement***

The Police Service of Scotland

***Other***

British Veterinary Association

Law Society of Scotland

Sunnyside Primary School

Tariki Trust

Tony Morris Guns

## Campaign texts

### ***BASC guide to the consultation***

The British Association for Shooting and Conservation (BASC) provided a guide for supporters to complete the consultation questionnaire.<sup>2</sup>

#### Section 1 – Snaring

1. Do you agree with our proposals to amend the Wildlife and Countryside Act 1981 Act so that it is an offence to: a) use a snare or other type of cable restraint for the purpose of killing or trapping a wild animal and; b) use a snare or other type of cable restraint in any way that is likely to injure a wild animal

NO.

Amid climate and nature crises, effective predator control must continue to play a crucial role in protecting endangered and threatened species, such as capercaillie, curlew, lapwing and golden plover.

BASC believes that the Scottish Government has not fully analysed nor evidenced the potential and catastrophic consequences of a total ban on snares (also known as humane cable restraints).

Crucially, there has no impact assessment been carried out on biodiversity, conservation, agricultural damage, or the wider rural economy.

Fundamentally, this proposal removes a key option in the predator control toolkit which will spell disastrous consequences for threatened species. With the introduction of the Hunting with Dogs (Scotland) Act 2023, limiting the use of dogs, shooting will be the only remaining predator control method, which is ineffective in certain terrain.

It is vital that snares are retained under the powers of the Wildlife and Countryside Act 1981. Snares are necessary in places and at times of the year when rifle shooting is impossible because of dense cover or the absence of safety backstops, yet when fox predation has critical impact and control can mitigate the damage.

Modern snares address animal welfare concerns. They are compliant with the Agreement on International Humane Trapping Standards (AIHTS) and the breakaway component is indiscriminate, meaning that it effectively reduces the risk of non-target catch.

BASC Scotland alongside other rural organisations produced the Practitioners' Review in 2022, highlighting the importance of snares, supported with robust scientific evidence pertaining to animal welfare.

2. Do you think that the Scottish Government should consider allowing an exception for the use of snares for the live capture of mammals for research purposes for example, catching foxes to allow tracking devices to be fitted?

YES.

---

<sup>2</sup> <https://basc.org.uk/respond-to-scottish-snares-consultation/>

BASC believes that snares must be retained so that research can be conducted into the behaviour of and populations of wild mammals, such as foxes.

3. If you answered yes question 2, do you agree that anyone using snares for this purpose would require a licence from NatureScot.

YES.

BASC remains opposed to a ban, but acknowledges, by default, it would be NatureScot who could issue licences. We remain deeply concerned at the pressure placed on NatureScot at a time when resources are stretched. With the sheer volume of new legislation, licences and other functions, it is entirely conceivable that NatureScot will experience delays and issues when administering the volume of new licences as a result of new legislation.

4. Other than for the purpose set out in question 2, are there any other purposes for which you think an exemption should be available to allow a person to use a snare or cable restraint to temporarily capture a wild animal?

YES.

BASC believes that an exemption should be available for the purposes of limiting agricultural damage and for the interests of conservation, should the use of snares be restricted.

With the potential removal of snares and the restrictions of the two-dog limit imposed by the Hunting with Dogs (Scotland) Act 2023, there will be a disastrous consequence for threatened species such as capercaillie and curlew, conservation projects and young livestock, thus impacting significantly on fragile rural communities and livelihoods.

BASC is concerned about the predation of agricultural livestock and gamebirds, namely lambs, partridge, and pheasant. The Scottish Government has not provided a sufficient economic evaluation of the potential outcomes for lowland shoots and farming businesses of a potential ban.

Failing to provide an exemption would be a dereliction of duty of the Scottish Government, leading to a rise in predators, over-predation, biodiversity loss, habitat loss and economic loss within the rural economy.

Section 2 – SSPCA powers

5. Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the 2006 Act, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife and Countryside Act 1981?

NO.

From the outset, SSPCA is a charity and should not be granted statutory powers.

Extending the investigatory powers available to the SSPCA goes against the advice of an independent taskforce set up by the Scottish Government.

The concluding report from SSPCA taskforce examined three possible scenarios for future SSPCA powers and concluded that enhanced partnership working for the charity, rather than new investigatory powers was the best way forward.



The SSPCA taskforce concluded that there would be problems in allowing the SSPCA to retain its campaign functions as an organisation and to also hold key powers in investigating alleged criminality.

It is paramount that any form of search, examination or seizing of evidence is conducted by Police Scotland. Police Scotland should be provided with additional resources to tackle wildlife crime, instead of powers being granted to a charity.

BASC believes that granting additional powers to the SSPCA will erode the trust and confidence of the public that wildlife crime is being investigated seriously given it is not being afforded the police attention it requires.

6. Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the Animal Welfare Act 2006, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife Management and Muirburn Bill.

NO.

Extending the investigatory powers available to the SSPCA goes against the advice of an independent taskforce set up by the Scottish Government.

Again, BASC has grave concerns for a charity having both investigatory and political lobbying powers, this is a serious conflict of interest.

7. Do you agree with the limitations and conditions placed on these proposals set out below?

these powers would only be given to a Scottish SPCA inspector appointed by the Scottish Ministers under section 49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006;

inspectors would be individually authorised by the Scottish Government and that authorisations could be withdrawn at the discretion of the Scottish Government; all inspectors would be required to undertake specified training prior to being given authorisation to exercise the new powers.

YES.

As per answers set out above, the SSPCA should not be granted additional powers.

BASC has concerns over these limitation and conditions, especially about their application within the context of the SSPCA.

BASC is concerned that SSPCA officers are not trained to the same standards as Police Scotland officers, and we are not satisfied that inspectors can discharge these powers, whilst not prejudicing or inflicting bias on a potential investigation.

There is no robust or transparent screening process currently in place to ascertain whether an SSPCA inspector would bias or prejudice an investigation (e.g. through an affiliation to an anti-shooting/farming/land management charity or organisation).

Fundamentally, any powers afforded to an individual on this magnitude should be to an individual working for Police Scotland.

## ***OneKind guide to the consultation***

OneKind provided a guide for supporters to complete the questionnaire<sup>3</sup>.

1. Do you agree with our proposals to amend the Wildlife and Countryside Act 1981 Act so that it is an offence to: a) use a snare or other type of cable restraint for the purpose of killing or trapping a wild animal and; b) use a snare or other type of cable restraint in any way that is likely to injure a wild animal

We suggest answering Yes.

We strongly support this proposal by the Scottish Government. We have been campaigning for a ban on snares for years.

You may want to mention:

The harms caused by snaring, which can include: injuries, such as internal organ damage; strangulation; exhaustion; hunger and thirst; self-mutilation in an attempt to escape; fear and distress; risk from predators and exposure to the elements while trapped.

Animals may suffer for hours. See examples here and here.

A wide range of species are found caught in snares, including foxes, badgers, deer, otters, and companion cats and dogs. Up to 72% of animals caught in snares are 'non-target' species.

76% of the Scottish public support a snaring ban in Scotland.

The Scottish Animal Welfare Commission has recommended that the sale of snares and their use by both public and industry are banned in Scotland, on animal welfare grounds. The British Veterinary Association has also recommended a ban on snares.

No changes to design or name can make snares humane, as the method inherently causes suffering.

2. Do you think that the Scottish Government should consider allowing an exception for the use of snares for the live capture of mammals for research purposes for example, catching foxes to allow tracking devices to be fitted?

We suggest answering No.

You may want to mention:

The harms snares can cause are still a risk to any animal trapped in them, regardless of the reason.

Research should be carried out ethically. The use of snares is never justified, regardless of any research benefits.

3. If you answered yes to question 2, do you agree that anyone using snares for this purpose would require a licence from NatureScot?

We suggest you do not answer.

---

<sup>3</sup> <https://www.onekind.org/blog/supporter-guide-for-the-scottish-governments-snaring-consultation>

4. Other than for the purpose set out in question 2, are there any other purposes for which you think an exemption should be available to allow a person to use a snare or cable restraint to temporarily capture a wild animal?

We suggest answering No.

The harms snares can cause are still a risk to any animal trapped in them, regardless of the reason.

The use of snares is never justified.

Questions 5, 6 and 7 ask if you agree with the proposal to provide the Scottish SPCA with additional powers to investigate wildlife crime. We support this proposal and the excellent investigative work of the Scottish SPCA, and suggest answering yes to all of these questions.

## ***Animal Aid guide to the consultation***

Animal Aid provided a guide for supporters to complete the questionnaire<sup>4</sup>.

Q1: Do you agree with our proposals to amend the Wildlife and Countryside Act 1981 so that it is an offence to: a) use a snare or other type of cable restraint for the purpose of killing or trapping a wild animal and; b) use a snare or other type of cable restraint in any way that is likely to injure a wild animal

Please answer 'yes'.

You may wish to add some of the following points:

Snares are inhumane and cause tremendous suffering and death. Panicked animals struggle to escape, causing injuries and tears to their flesh or muscle and possibly leading to strangulation. Animals can be trapped by other parts of their bodies causing horrific injuries, with animals being known to gnaw off part of their own bodies trying to escape.

Snares are indiscriminate and catch non-target animals such as cats, dogs or badgers. There are numerous stories in the press of companion animals being caught and even dying in snares.

Snared parent animals cannot return to their offspring leading to the deaths of their babies.

Snared, trapped animals may be attacked and killed whilst still conscious.

Trapped animals can die of dehydration (especially in hot weather) or exposure (in cold weather)

Cable restraints are the same as a snare, and therefore just as cruel.

Snares are most commonly used by the shooting industry, which sets snares to catch any animal considered a threat to game birds – birds who themselves are destined to be shot for sport. Killing wildlife to protect mass-produced birds who will later be shot and killed is inhumane and immoral.

Q2: Do you think that the Scottish Government should consider allowing an exception for the use of snares for the live capture of mammals for research purposes for example, catching foxes to allow tracking devices to be fitted?

Please answer 'no'

You may wish to add some of the following points:

Animals will suffer when snared regardless of who carries out the snaring and for what purpose.

Exceptions will create loopholes in robust legislation, which will be exploited by those who already snare animals.

It is impossible to police and check on 'legitimate' and 'illegitimate' snare use, so, in order to ensure that animals do not suffer, a total ban is needed.

Q3: If you answered yes to question 2, do you agree that anyone using snares for this purpose would require a licence from NatureScot?

---

<sup>4</sup> <https://www.animalaid.org.uk/help-ban-snares-fill-in-the-scottish-consultation-before-3-october/>

Please do not answer.

Q4: Other than for the purpose set out in question 2, are there any other purposes for which you think an exemption should be available to allow a person to use a snare or cable restraint to temporarily capture a wild animal?

Please answer 'no'

You may wish to add some of the following points:

As previously described in Q1, snares are cruel and indiscriminate.

The Welsh Government has already banned the use of snares without exceptions, so the Scottish Government should follow its lead to ensure that no more animals suffer and die in snares.

Q5,6 & 7 ask about providing the Scottish SPCA with more powers to allow them to tackle wildlife crime.

We feel that it is best to answer 'yes' to all of these questions.

## **REVIVE Coalition guide to the consultation**

REVIVE Coalition provided a guide for supporters to complete the questionnaire<sup>5</sup>.

Q1. Do you agree with our proposals to amend the Wildlife and Countryside Act 1981 Act so that it is an offence to: a) use a snare or other type of cable restraint for the purpose of killing or trapping a wild animal and; b) use a snare or other type of cable restraint in any way that is likely to injure a wild animal.

Yes: You may wish to highlight the following points:

Snaring is inhumane, causing severe suffering to animals.

Many case studies and scientific reports demonstrate that snares are inherently inhumane, causing prolonged suffering and often a slow agonising death to wild and domestic animals. Much of this occurs when the wire can twist and tighten leading to strangulation or other severe injuries.

Sites where animals have been caught in snares show signs of extreme disturbance to the surrounding ground - known as “doughnuts” - where the animal has tried to run jump or scramble its way out of the trap.

Snares are indiscriminate

Snares are inherently indiscriminate and regularly catch a wide range of non-target species including Scottish wildcats, mountain hares, badgers, hedgehogs, deer, otters, and family pets. Scientific reports estimate that between 21% and 69% of animals caught in snares were not target species.

Snares are unnecessary and counter-productive.

Most snares are set on shooting estates to target foxes so that there can be more grouse to shoot for sport. Science shows that if a fox is killed it is usually replaced by another fox within a short space of time.

There are alternatives to cruel and indiscriminate snares.

These include cage trapping, the use of guard species, such as llamas who can protect lambs from foxes and shooting foxes at night using thermal imaging sights.

Q2. Do you think that the Scottish Government should consider allowing an exception for the use of snares for the live capture of mammals for research purposes for example, catching foxes to allow tracking devices to be fitted?

No: You may wish to highlight the following point:

Because of the reasons given in Question 1 that snares are cruel and indiscriminate – there can be no circumstances where they could be used without endangering both target and non-target animals.

Q3. If you answered yes question 2, do you agree than anyone using snares for this purpose would require a licence from NatureScot?

Leave unanswered.

---

<sup>5</sup> <https://revive.scot/have-your-say-on-the-use-of-snares-and-scottish-spc-powers/>

Q4. Other than for the purpose set out in question 2, are there any other purposes for which you think an exemption should be available to allow a person to use a snare or cable restraint to temporarily capture a wild animal?

No: You might want to highlight the following point:

Because of the reasons given in Question 1 that snares are cruel and indiscriminate – there can be no circumstances where they could be used without endangering both target and non-target animals.

Powers of the Scottish SPCA Inspectors

Q5. Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the 2006 Act, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife and Countryside Act 1981?

Yes: You might want to discuss your views on the following:

Point out that these powers would allow SSPCA inspectors, who are already on location investigating wildlife crime, to search, examine and seize evidence. For example, if inspectors were investigating an animal welfare incident where it appeared that there was evidence of wildlife crime on that land, then they would be able to seize other potential evidence in the area. Previously, they would have needed the assistance of Police Scotland to do this.

This should lead to more effective policing of wildlife crime in Scotland and could help decrease the number of wildlife crimes committed, as more cases would be investigated with additional expertise.

This would not only deter potential offenders, but also help achieve a higher detection rate and reduce suffering to wild animals.

Q6. Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the Animal Welfare Act 2006, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife Management and Muirburn Bill?

Yes: You might want to discuss your views on the following:

Point out that these powers would allow SSPCA inspectors, who are already on location investigating wildlife crime, to search, examine and seize evidence. For example, if inspectors were investigating an animal welfare incident where it appeared that there was evidence of wildlife crime on that land, then they would be able to seize other potential evidence in the area. Previously, they would have needed the assistance of Police Scotland to do this.

This will lead to more effective policing of wildlife crime in Scotland and could help decrease the number of wildlife crimes committed, as more cases would be investigated with additional expertise.

This would not only deter potential offenders, but also help achieve a higher detection rate and reduce suffering to wild animals.

Q7.

Yes. Point out that these conditions appear to be sensible.

**Question response rates**

The table below shows the number of responses received, and the percentage of all substantive responses, for each consultation question.

Question number	Question	Number of responses	% of total 5289
1	Do you agree with our proposals to amend the Wildlife and Countryside Act 1981 Act so that it is an offence to: a) use a snare or other type of cable restraint for the purpose of killing or trapping a wild animal and; b) use a snare or other type of cable restraint in any way that is likely to injure a wild animal	5285	99.9%
2	Do you think that the Scottish Government should consider allowing an exception for the use of snares for the live capture of mammals for research purposes for example, catching foxes to allow tracking devices to be fitted?	5261	99.5%
3	If you answered yes question 2, do you agree than anyone using snares for this purpose would require a licence from NatureScot. NatureScot are Scotland's nature agency. They work to improve the natural environment in Scotland so that nature in Scotland is maintained and enhanced. They currently manage a wide range of licensing schemes in Scotland, including non-native species licensing and muirburn licensing.	2076	39.3%
4	Other than for the purpose set out in question 2, are there any other purposes for which you think an exemption should be available to allow a person to use a snare or cable restraint to temporarily capture a wild animal?	5251	97.4%
5	Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the 2006 Act, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife and Countryside Act 1981?	5254	99.3%
6	Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the Animal Welfare Act 2006, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife Management and Muirburn Bill.	5245	99.2%
7	Do you agree with the limitations and conditions placed on these proposals set out below? <ul style="list-style-type: none"> <li>• these powers would only be given to a Scottish SPCA inspector appointed by the Scottish Ministers under section 49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006;</li> <li>• inspectors would be individually authorised by the Scottish Government and that Authorisations could be withdrawn at the discretion of the Scottish Government;</li> <li>• all inspectors would be required to undertake specified training prior to being given authorisation to exercise the new powers.</li> </ul>	5213	98.6%





© Crown copyright 2023

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83521-585-2 (web only)

Published by The Scottish Government, November 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1381955 (11/23)

**W W W . g o v . s c o t**