

2011 No. 393

WILDLIFE

The Spring Traps Approval (Scotland) Order 2011

Made - - - - *8th November 2011*

Laid before the Scottish Parliament *10th November 2011*

Coming into force - - *24th November 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 50(3) and 85(3) of the Agriculture (Scotland) Act 1948(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Spring Traps Approval (Scotland) Order 2011 and comes into force on 24th November 2011.

Approval of spring traps

2.—(1) The following spring traps are approved for the purposes of section 50 of the Agriculture (Scotland) Act 1948—

- (a) any spring trap of a type and make specified in column (1) of the Schedule; and
- (b) any trap which corresponds to a trap so specified in construction, in materials, in impact force or momentum, and in all other respects which are relevant to its effect or manner of operation as a trap (an “equivalent trap”).

(2) The approvals given by paragraph (1) are subject to the conditions specified in the corresponding entry in column (2) of the Schedule as to the animals for which, and the circumstances in which, the spring trap (or equivalent trap) may be used.

(a) 1948 c.45 (11 and 12 Geo. 6). Section 50 was substituted by section 10 of the Pests Act 1954 (c.68) (2 and 3 Eliz.2). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Revocation

3. The Spring Traps Approval (Scotland) Order 1996^(a) is revoked.

St Andrew's House,
Edinburgh
8th November 2011

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

(a) S.I. 1996/2202, as amended by S.S.I. 2007/80.

SCHEDULE

Article 2

In this Schedule, “under the authority of” means under licence, following assignation, or otherwise with the permission or agreement of the named body or person (or any body or person acquiring right from the named body or person).

Column (1) Type and make of trap	Column (2) Conditions
<p>1. BMI Magnum 55 manufactured by or under the authority of Butera Manufacturing Industries, 1068 E 134th Street, Cleveland, Ohio, 44110-2248, USA.</p>	<p>The trap is to be used only for the purpose of killing or taking rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>2. BMI Magnum 110 manufactured by or under the authority of Butera Manufacturing Industries, 1068 E 134th Street, Cleveland, Ohio, 44110-2248, USA.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>3. BMI Magnum 116 manufactured by or under the authority of Butera Manufacturing Industries, 1068 E 134th Street, Cleveland, Ohio, 44110-2248, USA.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>4. DOC 150 manufactured under the authority of the Department of Conservation, Wellington, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, edible dormice (<i>Glis glis</i>), rats, stoats and weasels.</p> <p>The trap must be set in an artificial tunnel built to the Department of Conservation’s design specifications as set out in their trap use instructions published on the website of Science and Advice for Scottish Agriculture^(a) on 7th November 2011, and used in such a way which is suitable for minimising the chances of capturing, killing or injuring non-target species</p>

(a) <http://www.sasa.gov.uk/wildlife-management-publications>.

Column (1) Type and make of trap	Column (2) Conditions
	whilst not compromising the killing or taking of target species.
5. DOC 200 and DOC 250 manufactured under the authority of the Department of Conservation, Wellington, New Zealand.	<p>The traps are to be used only for the purpose of killing or taking grey squirrels, mink, edible dormice (<i>Glis glis</i>), rats, stoats and weasels.</p> <p>The traps must be set in an artificial tunnel built to the Department of Conservation’s design specifications as set out in their trap use instructions published on the website of Science and Advice for Scottish Agriculture on 7th November 2011, and used in such a way which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
6. Fenn Vermin Trap Mark I, Vermin Trap Mark II, Vermin Trap Mark III and Vermin Trap Mark IV (Heavy Duty) manufactured by or under the authority of Mr A. A. Fenn of FHT Works, High Street, Astwood Bank, Redditch, Worcestershire B96 6AR and specified in British Patent Specification No 763,891 and as illustrated in figures 1 to 3 of that specification.	<p>The traps are to be used only for the purpose of killing or taking grey squirrels, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The traps must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
7. Fenn Vermin Trap Mark VI (Dual Purpose) manufactured by or under the authority of Mr A. A. Fenn of FHT Works, High Street, Astwood Bank, Redditch, Worcestershire B96 6AR and specified in British Patent Specification No 763,891.	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
8. Fenn Rabbit Trap Mark I manufactured by or under the authority of Mr A. A. Fenn of FHT Works, High Street, Astwood Bank, Redditch, Worcestershire B96 6AR.	<p>The trap is to be used only for the purpose of killing or taking rabbits⁽¹⁾.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>

Column (1) Type and make of trap	Column (2) Conditions
<p>9. Fuller Trap manufactured by or under the authority of Fuller Industries, Three Trees, Loxwood Road, Bucks Green, Rudgwick, Sussex.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels.</p> <p>The trap must be set within the housing provided by the manufacturer as part of the trap and used in such a way that minimises the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>10. Imbra Trap Mark I and Mark II, manufactured by or under the authority of James S. Low and Sons Limited, Atholl Smithy, Atholl Street, Blairgowrie, Perthshire and specified in British Patent Specification No 682,427 and as illustrated in figures 1 to 4 of that specification.</p>	<p>The traps are to be used only for the purpose of killing or taking grey squirrels, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing, or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>11. Juby Trap manufactured under the authority of the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London, SW1 and specified in British Patent Specification No 813,066 and as illustrated in figures 1 to 3 of that specification.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing, or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>12. Kania Trap 2000 manufactured by or under the authority of Kania Industries Incorporated, C-2345 Delinea Place, Nanaimo, British Columbia, Canada V9T 5L9.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set within the housing provided by the manufacturer as part of the trap and used in such a way that minimises the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>13. Kania Trap 2500 manufactured by or under the authority of Kania Industries Incorporated, C-2345 Delinea Place, Nanaimo, British Columbia, Canada V9T 5L9.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p>

Column (1) Type and make of trap	Column (2) Conditions
	The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.
<p>14. Lloyd Trap manufactured under the authority of the National Research Development Corporation, and specified in British Patent Specification No 987,113 and as illustrated in figures 1 to 3 of that specification.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing, or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>15. Nooski manufactured by or under the authority of Nooski Trap Systems, 50 White Street, Rotorua, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing or taking rats.</p> <p>The trap must be set within the housing and fitted with the artificial tunnel supplied by the manufacturer as part of the trap, and used in such a way that minimises the chances of killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>16. Nooski mouse trap manufactured by or under the authority of Nooski Trap Systems, 50 White Street, Rotorua, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing or taking mice.</p> <p>The trap must be set within the housing and fitted with the artificial tunnel supplied by the manufacturer as part of the trap, and used in such a way that minimises the chances of killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>17. Sawyer Trap manufactured by or under the authority of James S. Low and Sons Limited, Atholl Smithy, Atholl Street, Blairgowrie, Perthshire.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing, or injuring non-target species whilst not compromising the killing or taking of target species.</p>

Column (1) Type and make of trap	Column (2) Conditions
<p>18. Skinns Superior Squirrel Trap manufactured by or under the authority of E. Skinns Limited, Witham Road, Woodhall Spa, Lincolnshire, LN10 6QX.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels.</p> <p>The trap must be set within the housing provided by the manufacturer as part of the trap and used in such a way that minimises the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>19. Solway Spring Trap Mk 4 manufactured by or under the authority of Solway Feeders Limited, Main Street, Dundrennan, Kirkcudbright, DG6 6QH.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>20. Solway Spring Trap Mk 6 manufactured by or under the authority of Solway Feeders Limited, Main Street, Dundrennan, Kirkcudbright, DG6 6QH.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>21. Springer No 4 Multi-purpose (Heavy Duty) manufactured by or under the authority of A.B. Country Products Limited, Unit 2, The Green Works, Hoopers Lane, Astwood Bank, Redditch, Worcestershire B96 6AP and specified in British Patent Specification No 763,891 and as illustrated in figures 1 to 3 of that specification.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>22. Springer No 6 Multi-purpose manufactured by or under the authority of A.B. Country Products Limited, Unit 2, The Green Works, Hoopers Lane, Astwood Bank, Redditch, Worcestershire B96 6AP and specified in British Patent Specification No 763,891.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, rabbits⁽¹⁾, stoats, weasels, edible dormice (<i>Glis glis</i>), rats and mice.</p> <p>The trap must be set in a natural or artificial tunnel which is suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>

Column (1) Type and make of trap	Column (2) Conditions
<p>23. VS Squirrel Trap manufactured by or under the authority of Pescon Services, 394 York Road, Stevenage, Herts, SG1 4EN.</p>	<p>The trap must be used only for the purpose of killing or taking grey squirrels.</p> <p>The trap must be set in the artificial tunnel provided by the manufacturer as part of the trap, and used in such a way that minimises the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species.</p>
<p>24. WCS Collarum® Stainless UK Fox Model manufactured by or under the authority of Wildlife Control Supplies, LLC, P.O. Box 538, East Grandby, CT 06026, USA.</p>	<p>The trap is to be used only for the purpose of taking foxes.</p> <p>The trap must be used in such a way that minimises the chances of capturing or injuring non-target species.</p> <p>The trap must be staked to the ground or attached to an object which will prevent it being dragged by a fox caught by it, but must not be set in such a manner that a captured animal is, or is likely to be, suspended, entangled or drowned by (or in) any fence, obstruction or body of water.</p> <p>The trap must be checked at least once every day at intervals of no more than 24 hours to see whether any animal is caught in it.</p> <p>The trap must be fitted with a stop which is capable of preventing the noose of the trap reducing in circumference to less than 23 centimetres. In other respects the trap must be free-running.</p>
<p>25. WCS Tube Trap International manufactured by or under the authority of Wildlife Control Supplies, LLC, P.O. Box 538, East Granby, CT 06026, USA.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels, mink, stoats, weasels, edible dormice (<i>Glis glis</i>), and rats.</p> <p>The trap must be set in the tunnel provided by the manufacturer as part of the trap for use in the United Kingdom and used in such a way that minimises the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of the target species.</p>

Column (1) Type and make of trap	Column (2) Conditions
<p>26. Wise Trap 110, 160, 200 and 250 manufactured by WiseCon A/S, Skovgaardsvej 25, DK-3200 Helsingør, Denmark.</p>	<p>The traps are to be used only for the purpose of killing rats.</p> <p>The traps must be set in a sewer, drainpipe or similar structure and used in accordance with the manufacturers' operating manual reference UK – 09022010.</p>

⁽¹⁾ Under section 50A(1) of the Agriculture (Scotland) Act 1948 (open trapping of hares and rabbits) a person is guilty of an offence if, for the purpose of killing or taking rabbits, they use, or knowingly permit the use of, a spring trap elsewhere than in a rabbit hole.

EXPLANATORY NOTE

(This note is not part of the Order)

By virtue of section 50(1)(b) of the Agriculture (Scotland) Act 1948 (“the 1948 Act”) it is an offence to use a spring trap other than an approved trap (or to use an approved trap for animals or in circumstances for which it is not approved) for the purpose of killing or taking animals. Section 50(1)(c) and (d) create offences in relation to the sale or possession of such traps.

Section 50(3) of that Act allows the Scottish Ministers to specify by order the types and makes of trap which are to be approved for the purposes of that section.

This Order (which is made under that provision) revokes and replaces the Spring Traps Approval (Scotland) Order 1996 (“the 1996 Order”). One trap approved under the 1996 Order is no longer approved, and 16 new types or makes of trap are approved (see paragraphs 4, 5, 13, 15, 16, 18-20 and 23-26 of the Schedule).

In addition, the conditions of approval attached to each type of trap approved by the 1996 Order have been amended to make changes in respect of the animals for which, and the tunnel or housing within which, the traps are to be used.

The approval of a spring trap under section 50(3) of the 1948 Act does not confer an exemption from any other statutory regime that may be applicable, and the use of such traps is subject to such requirements as may be imposed by section 50A of the 1948 Act (as regards the use of spring traps elsewhere than in a rabbit hole) and the Animal Health and Welfare (Scotland) Act 2006 (2006 asp 11) (as regards the welfare of protected animals).

This Order was notified in draft to the European Commission and the other Member States in accordance with Directive 98/34/EC of the European Parliament and of the Council (O.J. L 24, 21.7.1998, p.37) which lays down a procedure for the provision of information in the field of technical standards and regulations.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

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SCOTTISH STATUTORY INSTRUMENTS

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The Spring Traps Approval (Scotland) Order 2011

£5.75

S5284 11/2011 315284T 19585

ISBN 978-0-11-101518-6



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