

**2012 No. 161**

**WILDLIFE**

**The Snares (Training) (Scotland) (No. 2) Order 2012**

*Made* - - - - 22nd May 2012

*Laid before the Scottish Parliament* 23rd May 2012

*Coming into force* - - 21st June 2012

The Scottish Ministers make the following Order in exercise of the powers conferred by section 11A(8)(a) and (i) of the Wildlife and Countryside Act 1981(a) and all other powers enabling them to do so.

For the purposes of section 26(4)(a) of that Act(b) they consider that no local authority is affected by this Order.

In accordance with that provision, they have given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order.

In accordance with section 26(4)(b) of that Act, they have consulted Scottish Natural Heritage.

**Citation and commencement**

1. This Order may be cited as the Snares (Training) (Scotland) (No. 2) Order 2012 and comes into force on 21st June 2012.

**Interpretation**

2. In this Order—

- (a) “1981 Act” means the Wildlife and Countryside Act 1981;
- (b) “approved body” means a person or body specified in the Schedule to this Order; and
- (c) “trained” means trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control for the purposes of section 11A(4) of the 1981 Act.

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(a) 1981 c.69; section 11A is inserted by section 13 of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), and was brought into force by article 2(1)(c) of S.S.I. 2011/433 to the extent necessary to enable the Scottish Ministers to make provision by order under that section.

(b) The functions set out in section 26(4)(a) and (b) of the Wildlife and Countryside Act 1981 requiring consultation with any local authorities and any other person affected by the Order, and with Scottish Natural Heritage, are conferred upon the Secretary of State; those functions, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

### **Training certificates**

3.—(1) A person is trained when that person holds a training certificate issued in accordance with paragraphs (2) and (3).

(2) The training certificate is issued by an approved body.

(3) The training certificate is issued to a person who the approved body determines (by examination or otherwise) is competent to—

- (a) select an appropriate location for a snare to be set;
- (b) set a snare in accordance with the law;
- (c) identify and remedy defects in the setting and use of a snare; and
- (d) set a snare in such a manner, and in such a place, that it is reasonable to expect that—
  - (i) use of the snare is consistent with animal welfare; and
  - (ii) the setting of the snare is an appropriate method of predator control.

(4) The approved body may have regard to training undertaken, or qualifications obtained, by the person before the coming into force of this Order when making a determination of competence for the purposes of paragraph (3).

(5) Where an approved body, having made a determination of competence in relation to the matters set out in paragraph (3), issued a training certificate on or after 1st May 2010 and before the coming into force of this Order, that training certificate is deemed to be a training certificate issued in accordance with paragraphs (2) and (3).

### **Revocation**

4. The Snares (Training) (Scotland) Order 2012(a) is revoked.

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
22nd May 2012

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(a) S.S.I. 2012/124.

## SCHEDULE Approved bodies

Article 2(b)

- Borders College**(a)**
- British Association for Shooting and Conservation Limited**(b)**
- Elmwood College**(c)**
- Game & Wildlife Conservation Trust**(d)**
- The North Highland College**(e)**
- The Scottish Agricultural College**(f)**
- Scottish Association for Country Sports**(g)**
- Scottish Gamekeepers Association Charitable Trust**(h)**

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- (a)** A registered charity (Scottish Charity Number SC021180).
  - (b)** Registered Industrial and Provident Society No. 28488R.
  - (c)** A registered charity (Scottish Charity Number SC021190).
  - (d)** A charitable company limited by guarantee (Company No. 05579632 and registered Charity Number 1112023).
  - (e)** A registered charity (Scottish Charity Number SC021215).
  - (f)** A charitable company limited by guarantee (Company No. SC103046 and registered Scottish Charity Number SC003712).
  - (g)** An unincorporated association with a place of business at SACS, Netherholm, Netherburn, Larkhall, ML9 3DG.
  - (h)** A charitable company limited by guarantee (Company No. SC386844 and registered Scottish Charity Number SC042030).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision about training in relation to setting snares. The Order also revokes the Snares (Training) (Scotland) Order 2012 (S.S.I. 2012/124) (article 4) which this Order replaces.

Article 3 makes provision as regards when a person has been trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control for the purposes of section 11A(4) of the Wildlife and Countryside Act 1981.

Article 3(1) specifies that a person is trained when the person holds a training certificate issued in accordance with article 3(2) and (3). The training certificate must be issued by an approved body (article 3(2)). The approved bodies are those listed in the Schedule to the Order (article 2(b)).

Article 3(3) provides that the training certificate must be issued to a person who the approved body determines (by examination or otherwise) is competent in the matters listed in sub-paragraphs (a) to (d).

Article 3(4) provides that when determining that a person is competent in terms of article 3(3), an approved body may have regard to training undertaken, or qualifications obtained, by that person before the coming into force of the Order.

Article 3(5) deems training certificates issued by an approved body on or after 1st May 2010 and before the coming into force of the Order to be training certificates issued in accordance with article 3(2) and (3).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Environmental Quality Division, Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

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