

2018 No. 389

WILDLIFE

The Spring Traps Approval (Scotland) Amendment Order 2018

Made - - - - *19th December 2018*

Laid before the Scottish Parliament *21st December 2018*

Coming into force in accordance with article 1

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.—(1) This Order may be cited as the Spring Traps Approval (Scotland) Amendment Order 2018.

(2) With the exception of article 6, this Order comes into force on 3 January 2019.

(3) Article 6 comes into force on 1 April 2020.

Amendment of the Spring Traps Approval (Scotland) Order 2011

2. The schedule of the Spring Traps Approval (Scotland) Order 2011(b) is amended in accordance with articles 3 to 6.

3.—(1) In entry 1 (BMI Magnum 55), in Column (2) (Conditions), after “rats” insert “, grey squirrels”.

(2) In entry 4 (DOC 150), for the conditions in Column (2), substitute—

“The trap is to be used only for the purpose of killing or taking grey squirrels, rats, stoats and weasels. Where used in a closed-end tunnel configuration, the trap may be used only for the purposes of killing or taking grey squirrels, rats, stoats and weasels. Where used in a run-through configuration, the trap may be used only for the purpose of killing or taking rats, stoats and weasels, 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. The tunnel may be closed-end or a run-through configuration. The tunnel must include an internal baffle arrangement that conforms to the type described in 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 1st January 2019. The trap must be positioned in relation to the baffle or baffles and to the side of the tunnel so that it conforms with those specifications.”.

(a) 1948 c. 45. Section 50 was substituted by section 10 of the Pests Act 1954 (c.68). The functions of the Secretary of State under sections 50 and 85(3) insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2011/393.

(3) In entry 5 (DOC 200 and DOC 250), for the conditions in Column (2), substitute—

“The traps are to be used only for the purpose of killing or taking grey squirrels, mink, rats, stoats and weasels. Where used in a closed-end tunnel configuration, the trap may only be used for the purpose of killing or taking grey squirrels, mink, rats, stoats and weasels. Where used in a run-through configuration, the trap may be used only for the purpose of killing or taking rats, stoats and weasels. 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. The tunnel may be closed - end or a run-through configuration. The tunnel must include an internal baffle arrangement that conforms to the type described in 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 1st January 2019. The trap must be positioned in relation to the baffle or baffles and to the side of the tunnel so that it conforms with those specifications.”.

(4) In entry 6 (Fenn Vermin Trap Mark I, Vermin Trap Mark II, Vermin Trap Mark III and Vermin Trap Mark IV (Heavy Duty))—

(a) In column (1) (type and make of trap) omit “Vermin Trap Mark I, Vermin Trap Mark II, Vermin Trap Mark III and”,

(b) In column (2) for “traps are” substitute “trap is”.

(5) In column (2) of entry 12 (Kania Trap 2000), for “and used in such a way that minimises” substitute “entered via an artificial or natural tunnel suitable for minimising”.

4.—(1) After entry 5 (DOC 200 and DOC 250 Trap), insert the following entry—

<p>“5a. Duke 116 manufactured by or under the authority of Duke Company, 508 E. Brame Avenue, West Point, MS 39773, USA.</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 in a natural or artificial tunnel or enclosure 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>
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(2) After entry 9 (Fuller Trap), insert the following entries—

<p>“9a. Goodnature A18 Grey Squirrel Trap manufactured by or under the authority of Goodnature Limited, 4-12 Cruikshank Street, Kilbirnie 6022, Wellington, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels and rats.</p> <p>The trap must be (a) set in a natural or artificial tunnel or enclosure 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 or (b) set at a minimum height of 30cm off the ground and entered by an artificial tunnel attached to the trap and that protrudes for a distance of no less than 70mm from the trap entrance, 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>
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<p>9b. Goodnature A18 Mink Trap manufactured by or under the authority of Goodnature Limited, 4 -12 Cruikshank Street, Kilbirnie 6022, Wellington, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing or taking mink.</p> <p>The trap must be (a) set in a natural or artificial tunnel or enclosure 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 or (b) set at a minimum height of 30cm off the ground and entered by an artificial tunnel attached to the trap and that protrudes for a distance of no less than 70mm from the trap entrance, 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>9c. Goodnature A24 Pro manufactured by or under the authority of Goodnature Limited, 4-12 Cruikshank Street, Kilbirnie 6022, Wellington, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing or taking of rats and mice.</p> <p>The trap must be (a) set in a natural or artificial tunnel or enclosure 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 (b) or set at a minimum height of 30cm off the ground and entered by an artificial tunnel attached to the trap and that protrudes for a distance of no less than 70mm from the trap entrance, 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>9d. Goodnature A24 rat and stoat Trap manufactured by or under the authority of Goodnature Limited, 4-12 Cruikshank Street, Kilbirnie 6022, Wellington, New Zealand.</p>	<p>The trap is to be used only for the purpose of killing stoats, rats, weasels and mice.</p> <p>The trap must be (a) set in a natural or artificial tunnel or enclosure 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 or (b) set at a minimum height of 30cm off the ground and entered by an artificial tunnel attached to the trap and that protrudes for a distance of no less than 70mm from the trap entrance, 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>

(3) After entry 13 (Kania Trap 2500), insert the following entries—

<p>“13a. KORO Large Rodent Double Coil Spring Snap Trap manufactured by or under the authority of Koro Traps, Box 5 Grp.22 RR2,</p>	<p>The trap is to be used only for the purpose of killing or taking grey squirrels and rats.</p>
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Dugald, Manitoba, R0E 0K0, Canada.	The trap must be so positioned that animals can only enter it from the front (the front is the side from which the letters KORO can be read face-on and the correct way up) and must be set within an artificial closed-end 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.
13b. KORO Rodent Snap Trap manufactured by or under the authority of Koro Traps, Box 5 Grp.22 RR2, Dugald, Manitoba, R0E 0K0, Canada.	The trap is to be used only be used for the purposes of killing and taking rats and weasels. The trap must be so positioned that animals can only enter it from the front (the front is the side from which the letters KORO can be read face-on and the correct way up) and must be set within an artificial closed-end 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.”.

(4) After entry 16 (Nooski mouse trap), insert the following entry—

“ 16a. Procull Trap manufactured by or under the authority of Elgeeco, 108 Downlands Way, South Wonston, Winchester, Hampshire, SO21 3HS, UK.	The trap is to be used only be used for the purpose of killing or taking grey squirrels. The trap must be set in the 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 the target species.”.
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(5) After entry 22 (Springer No 6 Multi-purpose), insert the following entry—

“ 22a. Tully Trap manufactured by or under the authority of KM Pressings Ltd, 37B Copenhagen Road, Sutton Fields Industrial Estate, Hull, East Yorkshire, HU7 0XQ, UK.	The trap is to be used only for the purpose of killing or taking stoats, weasels and rats. 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.”.
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5. Omit the following entries—

- (a) 10 (Imbra Trap Mark I and Mark II);
- (b) 11 (Juby Trap);
- (c) 14 (Lloyd Trap); and
- (d) 17 (Sawyer Trap).

6. In the following entries, in Column (2), omit “stoats,”—

- (a) 2 (BMI Magnum 110);
- (b) 3 (BMI Magnum 116);

- (c) 6 (Fenn Vermin Trap Mark IV (Heavy Duty));
- (d) 7 (Fenn Vermin Trap Mark VI (Dual Purpose));
- (e) 12 (Kania Trap 2000);
- (f) 13 (Kania Trap 2500);
- (g) 19 (Solway Spring Trap Mk 4);
- (h) 20 (Solway Spring Trap Mk 6);
- (i) 21 (Springer No 4 Multi-purpose (Heavy Duty));
- (j) 22 (Springer No 6 Multi-purpose); and
- (k) 25 (WCS Tube Trap International).

ROSEANNA CUNNINGHAM
A member of the Scottish Government

St Andrew's House,
Edinburgh
19th December 2018

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Spring Traps Approval (Scotland) Order 2011 (“the 2011 Order”). It comes into force on the 3 January 2019 with the exception of article 6, which comes into force on the 1 April 2020.

The 2011 Order specifies the types and makes of trap which are approved for use under section 50(1)(b) of the Agriculture Act 1948 (“ the 1948 Act”). It is an offence to use a spring trap which is not approved for the purposes of that section and section 50(1) (c) of the 1948 Act creates offences relevant to unlawful use. This order makes amendments to the categories of trap which are approved for use and the conditions to which the use of particular traps are subject.

The Order was notified in draft to the European Commission and other Member States in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services^(a).

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

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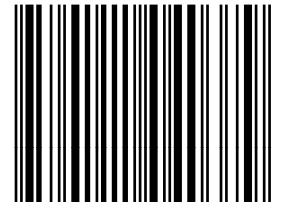
(a) O.J. L 241, 17.9.2015, p. 1–15.

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