

POLICY NOTE

THE SPRING TRAPS APPROVAL (SCOTLAND) AMENDMENT ORDER 2023

SSI 2023/340

The above instrument was made in exercise of the powers conferred by sections 50(3) and 85(3) of the Agriculture (Scotland) Act 1948. The instrument is subject to the default laying requirement provided for by section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Summary Box

This instrument amends the Spring Traps Approval (Scotland) Order 2011 (“the 2011 Order”) to make amendments to the categories of trap which are approved for use, and amendments to the target species of certain traps approved for use.

Policy Objectives

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 purpose of that section and section 50(1)(c) of the 1948 Act creates offences relevant to unlawful use. This instrument makes amendments to the categories of trap which are approved for use and amendments to the target species for traps approved for use. This instrument provides an additional type of spring trap (Quill Trap) for stoat, which complies with the Agreement on International Humane Trapping Standards (AIHTS), and add several other new spring traps for non-AIHTS species.

This instrument removes edible dormice (*glis glis*) from the species listed for certain traps currently approved under the 2011 Order. These amendments take effect from 1 January 2024 after which date there will only be 3 spring traps approved for the killing of edible dormice (the Goodnature A24 rat and stoat trap; the Kania Trap 2000; and the Kania Trap 2500).

EU Alignment Consideration

Under the Agreement on International Humane Trapping Standards (AIHTS), to which the European Union is a signatory, it is a requirement for trappers to use AIHTS compliant traps for the taking and killing of stoats. AIHTS was implemented in Scotland in 2019 which included adding a list of AIHTS approved traps to the Spring Traps Approval (Scotland) Order 2011. This instrument amends the list of approved traps to include the addition of the Quill Trap for the taking and killing of stoats, which complies with the AIHTS.

Consultation

Discussions with Defra and the other Devolved Administrations have prompted the request to have the 2011 Order amended. The Game and Wildlife Conservation Trust has also expressed

an interest regarding the updating of the 2011 Order as it will include the Quill Trap for stoats.

Impact Assessments

There will be no impacts on the UK outwith Scotland. We do not expect the instrument to have a negative impact on the private or voluntary sector, thus no Business Regulatory Impact Assessment (BRIA) has been produced. An Equalities Impact Assessment was also not required as there are no equality impact issues.

Financial Effects

The Minister for Energy and the Environment confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
ENFOR Directorate

November 2023