
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wildlife and Countryside Act 1981 (c. 69) (“the Act”) in order to implement in Great Britain requirements contained in the Agreement on international humane trapping standards concluded between the European Community, the Government of Canada and the Government of the Russian Federation (“the Agreement”)(1).

The Regulations restate the existing prohibitions in section 11 of the Act (animals which may not be killed or taken by certain methods) in relation to the animals listed in Schedule 6, without substantively adding to them. They introduce a prohibition on using or setting in position any trap or snare for the purpose of killing or taking the Stoat (otherwise known as the Ermine) or the European Beaver. The European Beaver and the Stoat are protected under the Agreement together with the Badger, which is already listed in Schedule 6 to the Act as it applies to England, Wales and Scotland; and the Otter and the Pine Marten, which are already listed in Schedule 6 to the Act as it applies to England and Wales. All five species are now also listed in Schedule 6ZA (animals which may not be killed or taken by trapping or snaring).

The prohibitions in section 11(2)(a) and (b) (as revised) (relating to using or setting in position a trap or snare) do not apply in relation to any animal specified in Schedule 6ZA where the use or setting of the trap is under and in accordance with a licence issued by Natural England, the Natural Resources Body for Wales or Scottish Natural Heritage (as the case may be), and the trap or snare is of a certified type and make and other conditions relating to certification are complied with, or is constructed by the person using it and complies with a design approved by the Secretary of State or the Welsh Ministers (as the case may be) (see section 16(3) together with new 16(3ZA) of the Act). This is subject to the exemption in new section 16(3ZJ) of the Act relating to the grant of individual licences, where in the opinion of the appropriate authority the licence does not undermine the objectives of the Agreement. For this purpose, a trap or snare is one of a certified type and make if its type and make are certified as conforming, when used in accordance with any instructions provided by the manufacturer, to the humane trapping standards set out in Annex 1 to the Agreement.

The Regulations contain a transitional provision, by virtue of which the requirement in new section 16(3ZA) does not apply to Stoat until 1st April 2020.

The Regulations also amend section 8 of the Pests Act 1954 (c. 68), and section 50 of the Agriculture (Scotland) Act 1948 (c. 45), so as to prevent the Minister and the Scottish Ministers, respectively, from approving or authorising the use of a leghold trap in an order made under those sections. This is consequential on the prohibition on the use of leghold traps contained in Council Regulation (EEC) No. 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international trapping standards(2).

A full impact assessment of the effect this instrument will have on the costs of business and on the private, voluntary or public sectors is available at www.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

(1) The Agreement was approved on behalf of the European Community by Council Decision 98/142/EC (OJNo. L42, 14.2.98, p.40).

(2) OJ No. L308, 9.11.1991, p.1.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Humane Trapping Standards Regulations 2019 No. 22