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STATUTORY INSTRUMENTS

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**2019 No. 22**

**The Humane Trapping Standards Regulations 2019**

**PART 1**

Introductory provisions

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Humane Trapping Standards Regulations 2019 and come into force on 28th March 2019.

(2) These Regulations, with the exception of regulation 8, extend to Great Britain.

(3) Regulation 8 extends to Scotland only.

**PART 2**

Amendment of the Wildlife and Countryside Act 1981

**Amendments**

2. The Wildlife and Countryside Act 1981(1) is amended in accordance with regulations 3 to 6.

**Amendment of section 11**

3.—(1) Section 11 (prohibition of certain methods of killing or taking wild animals)(2) is amended as follows.

(2) For subsection (2) substitute—

“(2) Subject to the provisions of this Part, a person shall be guilty of an offence if that person—

(a) uses any trap or snare for the purpose of killing or taking or restraining any wild animal included in Schedule 6 or 6ZA;

(b) sets in position any trap or snare of such a nature and so placed as to be—

(i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6 or 6ZA;

(ii) in Scotland, likely to cause bodily injury to any such wild animal;

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(1) 1981 c. 69.

(2) Subsection (2) was amended in relation to England and Wales by section 2(3) of the Wildlife and Countryside (Amendment) Act 1991 (c. 39), and in relation to Scotland by paragraph 10 of Schedule 6 to the Nature Conservation (Scotland) Act 2004 (asp 6). Subsection (5) was amended by section 2(5) of the Wildlife and Countryside (Amendment) Act 1991, and paragraph 10 of Schedule 6 to the Nature Conservation (Scotland) Act 2004. Subsection (7) was inserted by section 2(6) of the Wildlife and Countryside (Amendment) Act 1991.

- (c) sets in position any electrical device for killing or stunning, or any poisonous, poisoned or stupefying substance, of such a nature and so placed as to be—
    - (i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6;
    - (ii) in Scotland, likely to cause bodily injury to any such wild animal;
  - (d) uses for the purpose of killing or taking any wild animal included in Schedule 6—
    - (i) any electrical device for killing or stunning;
    - (ii) any poisonous, poisoned or stupefying substance;
    - (iii) any net;
    - (iv) any automatic or semi-automatic weapon;
    - (v) any device for illuminating a target or sighting device for night shooting;
    - (vi) any form of artificial light or any mirror or other dazzling device;
    - (vii) any gas or smoke not falling within sub-paragraph (ii);
    - (viii) any sound recording used as a decoy; or
    - (ix) any mechanically propelled vehicle in immediate pursuit of any such animal;
  - (e) uses any mechanically propelled vehicle for the purpose of driving any wild animal included in Schedule 6; or
  - (f) knowingly causes or permits to be done an act mentioned in paragraphs (a) to (e).”.
- (3) In subsection (5), for “(2)(b), (c), (d) or (e)” substitute “(2)(a), (d) or (e)”.
- (4) In subsections (6) and (7)—
- (a) for “subsection (2)(a)” substitute “subsection (2)(b) or (c)”;
  - (b) for “Schedule 6” substitute “the relevant Schedule”.
- (5) After subsection (7), insert—
- “(7A) In subsections (6) and (7), “the relevant Schedule” means—
- (a) where proceedings relate to an offence under subsection (2)(b), Schedule 6 or 6ZA;
  - (b) where proceedings relate to an offence under subsection (2)(c), Schedule 6.”.

#### **Amendment of section 16**

4. In section 16 (power to grant licences)(3), after subsection (3) insert—
- “(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—
- (a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
  - (b) meets the approved design conditions (see subsections (3ZG to (3ZI)).
- This subsection is subject to (3ZJ).

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(3) Section 16 was amended by paragraph 11 of Schedule 9 to the Environment Protection Act 1990 (c. 43), paragraph 15 of Schedule 6 to the Nature Conservation (Scotland) Act 2004, paragraph 72 of Part I of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), section 10 of the Marine and Coastal Access Act 2009 (c. 23), section 104 of the Marine (Scotland) Act 2010 (asp 5), sections 4(1) and (4), 9, 13(1) and (4), 17(1) and (2) and 18(1) and (2) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), and paragraph 6 of Schedule 12 to the Countryside and Rights of Way Act 2000 (c. 37), and by S.I. 1995/2825, 2007/1843, and 2013/755.

(3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—

- (a) the trap or snare is of a certified type and make;
- (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and
- (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3ZD) For the purposes of this section, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;
- (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs(4);
- (e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3ZE) The relevant authority shall—

- (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
- (b) make the list available to anyone who asks for it in writing(5).

(3ZF) For the purposes of subsection (3ZE), “the relevant authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers.

(3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—

- (a) has been constructed by the person using it; and
- (b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).

(3ZH) The relevant authority must—

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(4) The powers relating to traps and snares under Articles 12 and 12A of the Wildlife Order (Northern Ireland) 1985 (S.I. 1985 No. 171 (N.I.2)) were transferred from the Department of the Environment to the Department of Agriculture, Environment and Rural Affairs by Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).

(5) Requests in writing can be made in England to the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol, BS1 5AH. In Wales, requests in writing can be made to the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR. In Scotland, requests in writing can be made to Wildlife and Protected Areas, Natural Resources Division, Directorate for Environment and Forestry, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

- (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
- (b) make the details available to anyone who asks for them in writing<sup>(6)</sup>.

(3ZI) In subsection (3ZH), “the relevant authority” means—

- (a) the Secretary of State, for designs of traps or snares approved for use in England;
- (b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;
- (c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

(3ZJ) Subsection (3ZA) does not apply where the licence—

- (a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
- (b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section “the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation<sup>(7)</sup>.”.

#### **Amendment of section 22**

5. In section 22 (power to vary Schedules), at the end insert—

“(6) The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.

(7) In subsection (6), “the international trapping standards agreement” has the meaning given by section 16(3ZK).”.

#### **New Schedule 6ZA**

6. After Schedule 6 to that Act, insert, as Schedule 6ZA to that Act, the Schedule set out in the Schedule to these Regulations.

## **PART 3**

### **Amendment of other legislation**

#### **Amendment of the Pests Act 1954**

7. In section 8 of the Pests Act 1954 (restriction on type of trap in England and Wales)<sup>(8)</sup>—

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- (6) Requests in writing can be made in England to the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol, BS1 5AH. In Wales, requests in writing can be made to the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR. In Scotland, requests in writing can be made to Wildlife and Protected Areas, Natural Resources Division, Directorate for Environment and Forestry, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.
  - (7) The Agreement was approved on behalf of the European Community by Council [Decision 98/142/EC](#) (OJNo. L42, 14.2.98, p. 40). The text of the Agreement is attached to the Decision (at OJ No. L 42, 14.2.98, p. 43).
  - (8) [1954 c. 68](#). Section 8 was amended by section 1(1) of, and Part 8 of Schedule 1 to, the Statute Law (Repeals) Act [1973 \(c. 39\)](#), section 31 of, and Schedule 6 to, the Criminal Law Act [1977 \(c. 45\)](#) and section 46 of the Criminal Justice Act [1982 \(c. 48\)](#).

(a) after subsection (3), insert—

“(3A) An order made under subsection (3) may not specify any type or make of trap as approved if the trap is a leghold trap.”; and

(b) after subsection (8), insert—

“(8A) In subsection (3A), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.”.

### **Amendment of the Agriculture (Scotland) Act 1948**

**8.** In section 50 of the Agriculture (Scotland) Act 1948 (prohibition of night shooting, and use of spring traps)<sup>(9)</sup>—

(a) in subsection (4), for “the next following subsection” substitute “subsections (4A) and (5)”;

(b) after subsection (4) insert—

“(4A) An order made under subsection (3) may not specify any type or make of trap as approved, and an order made under subsection (4) may not authorise the use of any trap, where the trap is a leghold trap.”;

(c) in subsection (5) for “the last foregoing subsection”, in both places where it occurs, substitute “subsection (4)”;

(d) after subsection (8) insert—

“(9) In subsection (4A), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.”.

## **PART 4**

### **Transitional provision**

#### **Transitional provision**

**9.** Until 1st April 2020, Schedule 6ZA to the Wildlife and Countryside Act 1981, as set out in the Schedule to these Regulations, has effect as if the entry in respect of *Mustela erminea* (Stoat) were omitted.

9th January 2019

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

8th January 2019

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs,  
one of the Welsh Ministers

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(9) 1948 c. 45. Section 50 was amended by section 10 of the Pests Act 1954 (c. 68).