



**NATIONAL FEDERATION  
OF BADGER GROUPS**

**The case for a ban on snares**  
**A report by the**  
**National Federation of Badger Groups**

**13 June 2002**

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Registered Charity no. 1041772

# The case for a ban on snares

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# 1. Executive Summary

This report makes the following points:

All snares are indiscriminate, inherently cruel and injure and kill a wide range of animals, including domestic pets, livestock and endangered species.

It is the considered opinion of the NFBG that the only way to stop the torture of animals by snares is to legislate for a complete ban on the manufacture and use of all snares.

Specific problems with snares in Britain include the following:

- Illegal ‘self-locking’ snares are still widely used in Britain, resulting in many animals, including badgers, being strangled to death.
- Legal ‘free running’ snares are also inflicting severe suffering on badgers and other animals.
- Current legislation does not provide a legal definition of a self-locking snare, resulting in disagreement over the legality of a number of snares currently being manufactured and used in Britain.
- Snares are not always checked daily, as required by the legislation, causing extreme suffering to trapped animals.
- The use of snares is largely unregulated in Britain and voluntary codes of practice are not always adhered to.

It is the view of the NFBG – and organisations including the RSPCA and Scottish SPCA – that only a total ban on snares will stop the suffering that they cause.

## 2. Introduction

### 2.1 The National Federation of Badger Groups

The National Federation of Badger Groups (NFBG) is a registered charity whose objectives are to promote the conservation, welfare and protection of badgers, their setts, and their habitat in Britain. The NFBG represents many thousands of people in over 80 local badger protection groups and together we provide expert and professional advice on all badger issues. We liaise with, and provide information to, a wide number of other conservation and welfare groups, statutory agencies, Ministers, other politicians and the general public.

The NFBG works closely with the police and other law enforcement agencies, such as the RSPCA and the SSPCA, in preventing crime against badgers. The NFBG provides expert advice and assists in the investigation and prosecution of offences. We are active members of the Partnership Against Wildlife Crime (PAW) and specifically commended for our input to a consultation on the new Wildlife Crime Unit, officially launched by the Government in April 2002 (see [www.defra.gov.uk/paw/](http://www.defra.gov.uk/paw/)).

### 2.2 Campaigns against the use of snares

#### 2.2.1 Great Britain

The NFBG records incidents of badger persecution, in England, Scotland and Wales, on its National Badger Persecution Database and is extremely concerned at the severe and often prolonged suffering that individual badgers experience in snares each year. Figures indicate that a large number of badgers are snared in Britain, despite this being illegal. In addition, an analysis of snaring incidents dealt with by the RSPCA showed that, of 246 animals found caught in snares, 103 were badgers (RSPCA, 2000).

Cruelty caused by snares appears to be widespread in Britain, but the discovery of incidents relates to the likelihood of them being found. Snares are usually set in isolated locations on private land, so it is inevitable that recorded snare incidents are a small proportion of the total number.

The National Anti-Snaring Campaign was set up in 1996 by the West Sussex Badger Group due to the large number of badgers and other animals they were finding injured and killed in snares. The campaign is supported by the NFBG as part of its own efforts to have all snares abolished. More information can be obtained from [www.antisnaring.org.uk](http://www.antisnaring.org.uk) and [www.nfbg.org.uk](http://www.nfbg.org.uk)

The NFBG works in partnership with the RSPCA, the SSPCA and Scottish Badgers in campaigning for a ban on the manufacture and use of all snares and any trap which causes suffering. The organisations also collaborate in recording incidents of snared animals, educating those who use snares and endeavouring to bring to justice those who break the law.

Although the UK Government has taken no action to address our concerns, the Scottish Executive is now using its devolved powers to consider improvements to the law on the use of snares in Scotland. The NFBG is now urging the Government in England and Wales to follow the example set by the Scottish Executive.

### **2.2.2 Scotland**

Scottish Badgers is an umbrella organisation that brings together all the local badger groups within Scotland. This organisation has evidence of significant badger persecution in Scotland, many incidents involving illegal snares. It works closely with the NFBG on all badger issues and is working with the Scottish SPCA and Scottish Executive in recommending changes to the law on snares in Scotland.

### **2.2.3 Ireland**

In Eire, the Government uses snares to capture thousands of badgers in its efforts to control bovine tuberculosis (bTB) in cattle. Badgerwatch Ireland is campaigning for a cessation of the killing, as there is no evidence that it is effective. In particular, it is trying to stop the use of snares which are used throughout the badger's breeding season (see Appendix I for more detail).

## **2.3 About this report**

This report has been produced by the NFBG in order to progress its campaign against snares, while also supporting the campaigns against snares mounted by Badgerwatch Ireland, the National Anti-Snaring Campaign and Scottish Badgers. Its publication is also timely, as the Scottish Executive is addressing snares in its Nature Conservation Bill, which is expected to be published in draft form by the end of March 2003.

This report sets out the NFBG's case for a ban on all snares. It outlines the law currently relating to snares, the loopholes in the legislation and the practical problems with its enforcement. The report also describes the suffering caused to badgers and other animals by snares, and these are illustrated with graphic examples. Some images in this report may be distressing, but we make no apology for publicising the cruel reality behind the use of both illegal and legal snares. Finally, the report discusses the need for pest control, the welfare implications of other forms of 'pest control' and the potential consequences of a ban on snares.

## **3. About snares**

### **3.1 What are snares?**

Snares are wire nooses set to trap wild animals. In Britain, snares are largely used by gamekeepers to control foxes and are used to a lesser extent by farmers and landowners to control rabbits. Snares are set in a variety of circumstances, but are usually placed along runs or pathways thought to be used by the target species. They are sometimes also placed over the entrances to rabbit burrows or fox earths.

### **3.2 Types of snare**

There are several types of snare in use in Great Britain:

**Free-running snare.** This is the basic type of snare. The wire is threaded through a simple eyelet at one end, allowing free movement of the wire in both directions - hence the term free-running. The snare should tighten as a captured animal struggles, but relaxes when the animal stops pulling. The purpose of free

running snares is to hold the target animal alive until the operator returns within a daily period to humanely dispatch it, usually by shooting. Free-running snares therefore may have a 'stop' which prevents the noose from closing too tightly.

**Free-running (rocking eye) snare.** This is a variation on the free-running snare. It has an eyelet which is heavier than normal, and does not allow the noose to slacken off so easily. The intention is that this type of snare does not allow a fox to back out of the noose once caught.

*The use of free-running snares is legal in Britain.*

**Self-locking snare.** A self-locking snare has a small metal device at one end and the wire is threaded through two holes in the metal. The effect of this is that the wire will only run one way. When an animal is caught in a self-locking snare, the noose tightens, but does not slacken off when the victim stops struggling. Animals caught by self-locking snares are usually caught around the neck and die through strangulation or by dislocation of the neck.

*The use of self-locking snares is illegal in Britain.*

**Dual-purpose snare.** This type of snare has the same kind of small metal device at one end as the self-locking snare. When the wire is threaded through one of the two holes in the metal, the snare acts as a free-running snare and is legal. However, when the wire is threaded through the other hole, the snare becomes self-locking and its use is illegal. Photographs showing his type of snare set in both free-running and self-locking positions can be found in Appendix I.

**Not quite free-running - and not quite self-locking.** This new type of snare is illustrated in Appendix II. Newer types of snare, such as those manufactured by AB Country Products, are said to be legal free-running snares. However, some authorities are of opinion that these snares are really self-locking in nature. The 'AB' snare for example features a V-shaped metal device at one end; the wire is threaded through two holes, one on each side of the 'V' (see photograph in Appendix II). It seems that the wire does not run as freely as in a free-running snare - but neither does it lock fully. Expert opinion is divided as to whether these snares should be treated as free-running (and therefore legal) or self-locking (and therefore illegal).

## 4. Snares and the law

Several Acts of Parliament regulate the use of snares in Britain:

### 4.1 Wildlife and Countryside Act 1981

Under this Act (as amended by the Wildlife and Countryside (Amendment) Act 1991), it is an offence for a person:

- to set a self-locking snare in such a way as to be calculated to cause bodily injury to any wild animal (this includes dual purpose snares set in the self-locking position), or to knowingly cause or permit the setting of a self-locking snare in this way;
- to kill or take, or to knowingly cause or permit the killing or taking of any wild animal using a self-locking snare;
- to set a snare (or other article) in such a way as to be calculated to cause bodily injury to any animal listed in Schedule 6 of the Act, or to knowingly cause or permit the setting of a snare in this way. (Schedule 6 species include badger, otters, pine martens, polecats, red squirrels and wild cats);
- to kill or take, or to knowingly cause or permit the killing or taking of any animal listed in Schedule 6 of the Act (e.g., a badger) using a snare;
- who sets a snare, or knowingly causes or permits a snare to be set, to fail to inspect that snare (or have someone else inspect it) at least once every day;
- to possess a snare for the purpose of committing any of the above offences.

(HMSO, 1981).

## **4.2 The Deer Act 1991**

It is an offence under this Act to set in position a snare which is of such a nature and so placed as to be calculated to cause bodily injury to any deer coming in contact with it, or to use a snare for the purpose of killing or taking any deer. It is also an offence to attempt to commit either of these offences, or to possess a snare for the purpose of committing either of those offences (HMSO, 1991).

## **4.3 The Conservation (Natural Habitats &c.) Regulations 1994**

The use of various specified methods of taking or killing certain wild animals are prohibited by these Regulations. Prohibited methods include “traps which are non-selective according to their principle or their conditions of use”. The SSPCA takes the view that this definition includes snares. The mountain hare (*Lepus timidus*) is included in Schedule 3 of these regulations as one of the species of wild mammal which may not be taken or killed by this and other specified methods (along with the pine marten, polecat and otter, which are also protected by the Wildlife and Countryside Act – see above). (HMSO, 1994). The snaring of mountain hares in Scotland is now licensed.

## **4.4 Protection of Animals Act 1911, Protection of Animals (Scotland) Act 1912**

A person who sets a snare in such a way as to catch domestic animals may be guilty of an offence under section 1(1)(a) of the Protection of Animals Act 1911 in England and Wales, and section 1(1)(a) of the Protection of Animals (Scotland) Act 1912 in Scotland (HMSO 1911, HMSO 1912). These Acts make it illegal to cause unnecessary suffering to a domestic or captive animal through the wanton or unreasonable commission or omission of any act, or by causing or procuring the commission or omission of any act.

## **4.5 Legislation in Ireland**

In the Irish Republic, the use of snares - and certain other methods of killing or taking - is regulated by the Wildlife Act 1976. Under this Act it is an offence to hunt any protected wild bird or mammal by means of a snare, or to affix, place or set any snare for killing or taking a protected wild bird or mammal on any tree, pole, cairn or other structure in, or in the vicinity of, any place frequented by protected wild birds or mammals. The badger is protected by virtue of its inclusion on Schedule 5 of the Act. However, licences may be issued permitting the use of snares. (The Stationery Office (Ireland) 1976).

# **5. Problems with snares**

Five main problems have been identified with the use of snares in Britain. Firstly, illegal ‘self-locking snares are still used. Secondly, there is no legal definition of a self-locking snare. This results in disagreement over the legality of a number of snares currently being manufactured and used in Britain and prosecuting authorities being unable to bring charges against offenders. Thirdly, legal ‘free running’ snares inflict extreme pain and suffering on a range of animals. Fourthly, snares are indiscriminate and injure and kill a wide range of non-target animals, including domestic pets, livestock and endangered species. Lastly, there is clear evidence that snares are not always checked every day, as required by the legislation, but it is very difficult to prove that this is the case.

In the following section, we discuss each of the five problem areas in detail.

## **5.1 Self-locking snares are still used in Britain**

The use of self-locking snares was banned in Britain on the basis that they are indiscriminate and are designed to kill. The use of self-locking snares resulted in the death of many protected species and other non-target animals. Cruelty was also a consideration: although an animal caught around the neck by a self-locking snare may be killed in a matter of minutes, this is not always the case, especially if they are caught around the leg or body. The result can be a protracted and agonising death, caused by horrific injuries.

There is clear evidence that self-locking snares are still being used in Britain. For example, Appendix III shows a badger caught and killed in a self-locking snare near Cowthorpe, in North Yorkshire in June 2000.

The badger had clearly struggled violently, causing the snare to cut deep into its neck and eventually killing it.

One of the most serious snaring cases on record involved the intentional use of self-locking snares to kill badgers. In 1999, John Drummond, a gamekeeper on the Holker Estate in Cumbria, was convicted of 20 offences of using a self-locking snare to take a wild animal, 20 offences of using a snare for the purpose of taking a badger (they were set at badger height on badger paths), 1 offence of taking a badger (a live badger was removed from a self-locking snare by investigators), 2 offences of killing a badger (both caught by snares, one self-locking drag snare still on the carcass) and 3 offences of cruel ill-treatment of a badger, one for each of the three last mentioned.

The evidence presented in court demonstrated that Drummond had killed at least 15 badgers in snares. One was found hanging over the edge of a bank, where it had asphyxiated after dragging a snare for 30 yards. Badger bones were scattered around the area. Snares had clearly been set for badgers and not checked regularly – badgers were simply left to die.

The convictions of cruelty ensured that Drummond went to prison for three months. This sentence was half the possible maximum which, for a man of no previous convictions, was quite robust sentencing and reflected the horrific and calculated nature of his crimes.

## **5.2 No legal definition of a self-locking snare**

Under the law as it stands, the use of self-locking snares is illegal. However, the law does not define self-locking snares and problems arise in determining whether a snare is self-locking or not. For example, so-called dual-purpose snares can easily be converted from legal free-running snares into illegal self-locking snares.

Neither is there any binding definition of a self-locking snare provided from a court case. According to Lawyers for Animal Welfare, *“The term “self-locking” is practically non-definable by precedent - section 11(1) creates a summary only offence and as such must be heard in a Magistrates Court at first instance. Since no Magistrate’s decision is binding on another court, no effective precedent can be laid down. In addition any appeal is to the Crown Court, whose decision, again, is not binding.”* (LAW, 1999).

The law is also silent with regard to a new type of snare that has appeared since the Wildlife and Countryside Act became law. This snare is purported to be free-running, but resists opening once it has been closed by its victim’s struggles. The view of the RSPCA and other experts, is that this is a self-locking device and therefore illegal. The AB snare was marketed for a while by the British Association for Shooting and Conservation (BASC), but was withdrawn from sale after they apparently received an opinion that the snares may be illegal. BASC also wrote to its customers to advise them that the snares should not be used.

The legality of the AB snare has been tested in court. In 1999 anti-snare campaigner John Gill of County Durham was twice acquitted on charges of illegally removing these snares. On both occasions, it was argued that, as the snares were self-locking and therefore illegal, Mr Gill’s removal of those snares was not an offence. Other more recent cases have resulted in Mr Gill being convicted of criminal damage, but these rulings did not affect the legality or otherwise of AB type snares. Despite these court cases, there remains no legal precedent defining such snares.

We understand that the AB snares have been modified slightly but are still considered by some experts to act as self-locking snares.

Appendix IV illustrates an example of a badger caught and killed in a so-called legal snare, manufactured by AB Country Products. The badger was found dead in the snare in April 2001 at Terrick, near Stoke Mandeville, Buckinghamshire. The snare had been cut off at the base and left on the badger. A local investigation by the Police was unsuccessful, so it was not known where the snare was originally set or who had set it.

The problem of defining self-locking snares would be avoided by banning the use of all snares.

### 5.3 Free running snares cause extreme suffering

Free-running snares are designed to hold animals alive, rather than kill them, so they can be despatched humanely. In theory, a free-running snare slackens off when an animal caught in it stops struggling, and it does not cause the horrific injuries typical of a self-locking snare. If a non-target animal is caught in a free-running snare, it should be alive and uninjured when found and so be released. However, the situation can be very different in practice.

Free-running snares can be set lawfully for foxes and rabbits. However, there is a large body of evidence to demonstrate that foxes in particular suffer from horrendous injuries in free running snares. Appendix XI shows a fox caught in a free running snare. The fox clearly struggled in the snare for some time before being asphyxiated.

Studies have shown that both types of snare can inflict extensive injuries. For example in 1968 the MAFF Humane Traps Panel (Scotland) conducted a trial to compare the efficiency and cruelty of free-running and self-locking snares. It was concluded that neither type of snare was significantly more efficient nor less cruel than the other. External inspection of animals killed by snares suggested that locking snares caused more damage than the free-running variety, but *post-mortem* examinations showed that there was no significant difference in the damage caused by the two types of snare. (Forestry Commission, 1997).

The Burns Inquiry into Hunting with Dogs briefly addressed the welfare implications of methods of fox control other than hunting with dogs. On snares, it stated that, *“Serious concerns have been voiced about the welfare implications of snaring. Indeed, the UK is one of a minority of countries in Europe which permits snaring. The concerns include the stress of being restrained and the dangers of starvation, dehydration and hyperthermia or hypothermia. There is also the additional stress which the animal may experience at the point at which a human being approaches it and dispatches it. Although experience suggests that snares with a ‘stop’ carry less risk, even in the case of legal snares, where the stop is required, there is still the possibility of strangulation or serious injury. There is the important point, too, that other animals are commonly caught in the snares set for foxes, with similar implications for their welfare.”* (Burns et al, 2000).

The report concluded that, *“None of the legal methods of fox control is without difficulty from an animal welfare perspective. Both snaring and shooting can have serious adverse welfare implications.”*

The NFBG has evidence of many cases where badgers and other animals have been injured and killed in free running snares. The following section therefore outlines the existing problems with free running snares and illustrates them with examples.

#### 5.3.1 Free running snares don't 'run free'

In practice, it is very difficult to set a free-running snare so that it will remain free running. If a snare is attached to a post (such as a fence post, or a stake which is hammered into the ground), the captured animal, in its efforts to escape, can wrap the wire around the post until the noose is so tight that it causes serious injury.

Even when a free-running snare is not attached to a post or stake, the wire can easily become frayed, kinked or tangled in such a way that the snare acts like a self-locking snare. As a result, the noose fails to loosen when the animal stops struggling and instead, the wire cuts deeper and deeper into the victim's flesh.

Snares cause particularly severe injuries to badgers as they are very powerful animals and will struggle violently to escape. A badger's suffering can last for a considerable length of time and the resulting injuries are quite horrendous.

#### 5.3.2 Inappropriate setting of snares

In many instances, snares are set in circumstances and in particular locations that increase the risks of animals suffering when caught in snares. The following sections give typical examples.



### ***'Drag snares'***

So-called 'drag snares' are often used by gamekeepers to catch foxes. The snare is attached to a heavy moveable object, such as a fence post, with the intention that a fox be snared and then exhausted by dragging the object in its efforts to escape from the snare.

However, several problems arise with this kind of snaring. Firstly, snares must be checked every day, but this is not always possible if the snare has been moved away from its original location and cannot be found. Secondly, there are reports of foxes, badgers and other animals that have strangled themselves while caught in such snares. The animals either twist the snare tighter and tighter against the solid object, become tangled in vegetation or drag the object to the top of a bank or slope, where it becomes lodged on a fence or vegetation while the animal hangs helplessly down the bank.

Appendix V illustrates a case of a badger found on the Goodwood estate near Chichester in West Sussex, in May 1996. The animal was found dead in a so-called free-running AB snare, attached to a fence post. The badger had dragged the post for some distance before eventually becoming trapped on a fence. A veterinary surgeon, Richard Edwards, examined the badger and reported as follows:

*"The badger...had been dead for approximately 48 hours. A snare was present around the neck just behind the ears. This had tightened to an approximate diameter of 2 inches. It was only possible to release the snare by cutting it with orthopaedic wire cutters. The snare had caused extensive localised contusions around the neck but had not broken the skin...There was marked contusion of the upper trachea at the level of the larynx. The larynx was extensively contused. The head exhibited a marked tissue oedema [swelling due to fluid build-up]." The vet also reported that haemorrhages were present in the lungs.*

Mr Edwards concluded, *"The cause of death was probably asphyxiation caused by the snare which was present. Judging by the way the snare had become severely kinked, this badger would have been thrashing around for some time before finally dying. I believe that this animal underwent a considerable degree of suffering."*

A particularly ironic and sad twist to this incident, is that the badger had survived injuries sustained in a snare on a previous occasion. The vet reported that: *"There was a large scar visible around the thorax just caudal to the forelimbs...There was also an obvious depression in the sternbrae at the level of ribs 2/3 together with a bony callous approximately one inch in diameter. These injuries were consistent with a previous snare injury which had resulted either in severe soft tissue damage and bone infection or a fracture of the sternbrae."* He went on to note that, *"I estimate that [the old injury] was approximately 9 to 12 months old. I am unsure how this badger managed to escape from the original snare. Again though, such an injury would have caused this animal to undergo a considerable degree of pain and suffering."*

Unfortunately, this is not an isolated incident. The good news regarding this particular case is that, following a high level of media coverage, Lord March, the owner of the estate, banned the use of snares.

### ***Snares set on walls and banks***

Snares have also been found positioned on the tops of walls or banks, so that when they catch their victims, the animals are hanged to death. Appendix VI illustrates one such incident that was discovered in June 1998 by Badger Watch and Rescue Dyfed, in Ceredigion, Dyfed. A self-locking snare had been set in a hedgerow at the top of a bank, on a badger path approximately 1m from a sett. The badger was found hanging dead down the bank, having been asphyxiated by the snare.

### ***Snares on public footpaths***

Snares set on or close to public footpaths are a hazard to both domestic pets and wildlife. Appendix VII illustrates a badger found dead in a free running snare in 1994 at Darley Dale in Derbyshire. The snare had been set on a fence adjacent to a public footpath and the badger had been caught around the neck. A member of the Mid Derbyshire Badger Group described the scene: *"The badger had thrashed and twisted around until the snare wound up so tightly that the animal's front feet were off the ground. The cheese-wire effect of the snare had all but taken its head off. It had scuffed the ground in a 5' diameter circle in its attempt to escape."*

### ***Snares set at badger setts and on badger paths***

Snares are commonly found at badger setts and even over sett entrances. In such instances, it is almost certain that the intended targets are badgers.

For example, on 15 May 2002, a member of the South Yorkshire Badger Group found three free running snares set on and around badger sett entrances near Hood Green, Barnsley. The area around one snare was churned up and badger hairs found on the snare suggested that a badger had been caught previously and removed. The body of a dead cub was found nearby and it is suspected that a sow had previously been killed in the snare and its cub had starved to death as a result.

Despite the badger group's extensive search of the area for more snares, a sow badger was found dead in a free-running snare, two days later in an adjacent wood. Appendix VIII shows the badger cub and the adult badger that was found killed by the snare. The snare had cut deeply into the badger's abdomen, resulting in part of its intestines spilling out of the body cavity.

Occasionally badgers are caught in snares genuinely intended for foxes or rabbits. However, even in areas where there is no obvious badger run or sett in the vicinity, it is almost impossible to rule out the possibility that badgers are active in those locations, because badgers are widespread in Britain.

### **5.3.3 Injuries caused to badgers by snares**

Badgers are extremely powerful animals and can suffer particularly severe injuries in their attempts to escape from both self-locking and free-running snares. This section describes the kinds of problems encountered.

#### ***Abdominal and chest injuries***

The vast majority of badgers (and other animals) found in snares are caught either around the neck or body – largely the abdomen. Again, the snares have often almost cut them in half, with the nooses having tightened to just a few centimetres in diameter. Incredibly, some of these animals are still alive when found. The pain and suffering that these animals have suffered is beyond imagination.

Appendix IV, showing the badger snared in Buckinghamshire, is a typical example of a badger caught by the abdomen and killed in a free-running snare.

#### ***Neck injuries***

Many badgers caught in snares are caught around the neck and can be almost decapitated. This is true for both self-locking and free-running snares. Appendix III shows the result of a badger being caught in a self-locking snare, in North Yorkshire.

Free-running snares are no different. In 1997, the West Sussex Badger Group found a badger, still alive, on a shooting estate at Lodsworth, West Sussex. The badger had a wound that had cut through its trachea.

A veterinary surgeon examined the badger and reported that, "*A deep transverse wound was also found on the underside of the neck, and I believe this to be caused by a snare. On further examination I found that the cartilage of the trachea had been perforated by pressure from the snare.*" The badger was put to sleep, due to the seriousness and extent of its injuries.

#### ***Leg injuries***

Badgers can also be caught in snares by their legs and sustain particularly serious injuries. Again, because the badger is a powerful animal, it can cause itself serious injury in attempting to pull out of the snare. In many cases, the snares cut right down to the bone of the leg or foot. Appendix IX illustrates a case of a badger found in a free running snare near Hadleigh in Suffolk in 1998. The individual who set the snare stated they had set the snare at 5pm the previous evening, intending to trap rabbits. Nevertheless, by 8am the next morning, a badger had been caught in the snare, by the right foreleg.

The damage to the badger's leg appeared superficial. However, on x-raying the leg, it was discovered that, due to struggling so much in the snare, it had wrenched a bone in its elbow from its socket. The injury could not be treated and the badger was put to sleep.

### ***Head injuries***

Occasionally, badgers are found dead in snares that have cut into their mouths and across the back of the head.

### ***Stress to badgers***

In addition to the severe injury and pain that snares can cause, being caught in a snare is an extremely distressing experience for any animal. Badgers in particular will make considerable efforts to escape, digging the ground and tearing up all the vegetation within their reach.

If the victim is still alive and conscious when the person who set it checks the snare, they will then experience further stress on the approach of that person. This is unacceptable cruelty. Foxes will also be terrified while caught in a snare and we believe it to be unacceptable for a terrified wild animal to be held by such a device.

## **5.4 Snares are indiscriminate**

In this report, we have so far demonstrated that illegal self-locking snares are still being used in Britain. We have also shown that both self-locking and free running snares are set specifically to catch badgers, despite this being illegal. We have also demonstrated how badgers can be snared in legal free running snares, apparently accidentally. This section demonstrates that badgers are not the only 'accidental' victims of snares. Other non-target species are also caught and injured and killed in legal, free-running snares.

Although gamekeepers and others who set snares may take precautions to try to ensure that they will capture only the intended victims, it is simply not possible to set a snare in such a way that it will be certain to catch only a rabbit or a fox. The Ministry of Agriculture demonstrated this in 1968 when, in a trial on the use of snares as a means of taking foxes, 155 foxes and 132 non-target animals were caught (Forestry Commission, 1997). Furthermore, in a report on snares produced by Lawyers for Animal Welfare (LAW), it is stated that "*upon challenge, a large proportion of gamekeepers whose snares have caught animals of protected species claim to have taken precautions against this outcome*". (LAW, 1999.)

The Burns Inquiry into Hunting with Dogs expressed concern over the indiscriminate nature of snares. It received evidence that, "*About half of the captures made by snares are of non-target species...*" (Burns *et al*, 2000).

Other animals injured and killed in snares include protected species, other wildlife, livestock and domestic pets. Each of these groups of animals are discussed in more detail below.

### **5.4.1 Protected species**

It is an offence under the Wildlife and Countryside Act 1981 to set any snare in such a way as to be calculated to catch species of wild animal listed in Schedule 6 of the Act. Badgers are included in Schedule 6 and are not the only Schedule 6 animals that have been found caught in snares: otters, wild cats and polecats are also known to have become victims of these indiscriminate killers. For example in 1998, an otter was found dead in a snare near Helmsley in North Yorkshire. The otter, which had died from starvation while held in the snare, was a lactating female. It is likely therefore that due to the snare, a litter of otter cubs also died from starvation. (Ryedale Natural History Society, 1999).

Appendix X illustrates a case of snares being used to trap and kill mountain hares on the Cawdor Estate in Scotland in 2000. The photograph shows one of a number of skeletons of mountain hares that were found by the SSPCA caught in snares on paths clearly used by hares.

The snares were home made, similar to rabbit snares, and it appeared that the snares had been set with no intention of anyone returning to check them. For example, a large number of snares were set, without any

marker to aid locating them. In addition, the isolated location and terrain made it virtually impossible to check them regularly. Snared hares were always found strangled. The suffering caused to the hares must have been extreme, particularly as they are such timid animals.

Hares are listed in Schedule 3 of the Conservation (Natural Habitats &c.) Regulations 1994. These regulations stipulate that Schedule 3 animals cannot be taken or killed using traps which are non-selective according to their principle or their conditions of use. The snaring of Mountain Hares in Scotland now requires a specific licence.

#### **5.4.2 Other wildlife**

In addition to Schedule 6 species like badgers and otters, a range of other wild animals and birds also fall victim to both legal and illegal snares. Species that have been found in snares include deer, brown hare, squirrels, stoats, partridge, capercaillie and mallard (RSPCA, 2000; Animal Aid, 2002).

There is anecdotal evidence that snares are one of the reasons for the dramatic decline in numbers of capercaillie in Scotland. Many snares for foxes are set on deer and stock fencing in Scotland, but also trap and kill capercaillie. Unfortunately, official figures for incidents are unavailable due to a reluctance of gamekeepers to formally admit that they have accidentally killed the birds.

#### **5.4.3 Livestock**

Livestock - usually sheep or horses - also become trapped in snares. In 1999 John Bryant, a leading animal welfare consultant, was notified of a distressing case involving a horse: *"In April I was informed that a horse (used for eventing) had been injured when its hind leg had been caught in a snare set in a gap in a hedge. The snare had been attached to a log that repeatedly battered the back legs of the horse as it stampeded in panic. Fortunately the experienced rider managed to stop the horse and with great difficulty remove the snare."* (LAW, 1999).

The Burns Inquiry into Hunting with Dogs also acknowledged the risk that snares present to livestock. It stated that, *"The use of snares is unpopular in sheep-rearing country during the lambing season because of the risk of lambs being caught."* (Burns *et al*, 2000).

#### **5.4.4 Domestic pets**

Finding any animal killed or injured in a snare is upsetting, but particularly when the victim is a family pet. Sadly this is not a rare occurrence. Cats in particular are regularly caught. In an analysis of 246 animals found in snares by the RSPCA, 67 were cats. In an earlier analysis of snaring victims found in 1983 and 1984, 150 out of 360 were cats (RSPCA, 2000).

Appendix XII illustrates a case of a cat whose neck was badly injured in a free running snare. The incident occurred in December 1997, near Norwich, Norfolk and was investigated by the RSPCA. A member of the public found the cat wandering on farmland attached to a snare and a stake. A vet examined the cat and treated the injury to the neck, caused by the snare digging through the skin into underlying muscles. The vet estimated that the time the cat had been caught in the snare was more than 48 hours. No prosecution resulted, as it was not known who set the snare, or where, as the stake had been dragged some distance by the cat.

Dogs are also snared. When introducing his Wild Mammals (Protection) Bill in the House of Commons on March 3rd 1995, John McFall MP referred to letters he had received from people whose pets had fallen victim to snares. One wrote to say: *"My beautiful red setter, Sam, went missing. We searched, advertised, did everything we could think of to no avail. One week later . . . he arrived home. He was emaciated, a horror to behold. He had chewed off his own paw to free himself from one of the snares you are now trying to abolish."* (HMSO, 1995).

The Burns Inquiry also acknowledged that snares could be a problem for dogs: *"The use of snares... is not advisable near footpaths because of dogs."* (Burns *et al*, 2000).

## 5.5 Snares are not always checked every day

The Wildlife and Countryside Act 1981 requires that snares be checked at least once every day. This is usually interpreted as at least every 24 hours. Daily checking is intended to prevent prolonged suffering of those animals which are caught in snares. However, there have been many occasions where it is clear that snares have not been checked daily - or even weekly. The animals caught in such snares will have died either as a direct result of their injuries, or by infection of their wounds, or even by starvation.

Unfortunately, it is usually impossible to prove in court that a snare has not been checked every day. (In practice this could only be achieved by CCTV or video surveillance.) Even the discovery of a long-dead corpse with a snare around its neck, leg or body does not prove beyond doubt that a snare has not been checked on a daily basis. The person who set the snare can claim that the animal was already dead when the snare was checked, and that it was then simply left where it was.

Appendix XIII illustrates an all too frequent case of a badger skeleton discovered snared on a fence at an isolated location near Auchencleck in Ayrshire in 2001. The SSPCA investigated the incident, but it was not possible to determine who had set the snare. In the same area, another badger was also found dead with a gaping abdominal wound inflicted by a snare of the AB variety. The SSPCA suspects that the snares were set deliberately for badgers by badger baiters rather than by a local gamekeeper, but insufficient evidence was available for a prosecution.

Another incident in Scotland occurred in June 2000 and was extremely distressing for all those involved – not least the badger. An officer from The Central Scotland Police was called to a badger caught in a snare on a fence. PC Gordon McKenzie described the scene: *“The animal was still alive though very inactive and it was making a noise like a crying baby. It had little strength and could hardly growl or even bare its teeth as a warning. Indeed, it was seen that it had become so entangled that it could not move. It was surrounded by its own faeces, appeared to be dehydrated and there was a pungent smell of decay.”*

It was discovered that the badger had a very deep wound across its abdomen, almost exposing its internal organs. Furthermore, the wound was infested with maggots of approximately 8mm in length.

The badger was euthanased immediately and it was established that it was caught in a self-locking snare. The individual who set the snare was identified and claimed that he set the snare for foxes that were taking lambs.

The police needed to prove that the snare had not been checked every day, so an entomological researcher at Stirling University examined the maggots. He established that the maggots were from the common bluebottle and, judging by their length, were at least five days old.

As a result, the individual was charged with three offences under the Wildlife and Countryside Act 1981 (as amended) related to the setting of self-locking snares and not checking them every day. However, the charges regarding the self-locking snare were abandoned when it became clear that the law does not define self-locking snares. The offender was fined £200 for daily to check the snare daily.

## 6. Changing the law to protect animals from suffering caused by snares

There are two primary options available in terms of changing the law. Firstly, a total ban on snares or secondly, reform of existing legislation. It is the NFBG's view that a total ban is the only acceptable option.

### 6.1 Completely abolish the manufacture, sale, possession and use of snares

This is the preferred option of the NFBG, Scottish Badgers, RSPCA and SSPCA. It is a view also held by a wide range of other non-governmental animal welfare organisations, along with Scottish Natural Heritage (SNH, 2001) and the Associate Parliamentary Group for Animal Welfare (Westminster) (APGAW, 2002).

The legislation required to implement a ban would be very straightforward, as there is an existing legislative framework that would permit a ban on snares.

The NFBG believes that the UK Government should give serious consideration to banning all snares on the grounds that they are cruel and indiscriminate. In addition, the Government needs to consider its legal obligations, both at home and in Europe, that mean a total ban on snares is the only way that it can be fully compliant.

The UK Government has a responsibility to comply with the Bern Convention on the Conservation of European Wildlife and Natural Habitat, to which it is a signatory. Article 8 of the Bern Convention requires Contracting Parties to prohibit the use of “*all indiscriminate means of capture and killing*” (Council of Europe, 1979). Section 11(4) of the Act could therefore be used to ban the use of snares, as it allows the Secretary of State, “*for the purpose of complying with an International obligation... to amend subsection (1) or (2) by adding any method of killing or taking wild animals or by omitting any such method as is mentioned in that subsection.*” (HMSO, 1981.)

In addition, the Conservation (Natural Habitats &c.) Regulations 1994 prohibit the taking or killing of certain animals using methods including “*traps which are non-selective according to their principle or their conditions of use*”. Although these Regulations do not protect badgers, they do expressly prohibit the use of non-selective traps for certain species. European-based legislation could therefore be used as a mechanism to effect change to legislation in Britain.

## **6.2 Reform and clarification of existing legislation**

The law governing the use of snares is currently the same in England, Scotland and Wales. However, the Scottish Executive has proposed amendments to this and other legislation in its policy document “*The Nature of Scotland.*” (Scottish Executive, 2001).

It is the NFBG’s view that reform of existing legislation will not stop animals suffering in snares completely, for a number of reasons. Firstly, evidence suggests that it is unlikely that the new laws would be upheld in all cases. For example, self-locking snares are currently illegal but are still used regardless. The law is also difficult to enforce because snares are often set in isolated rural locations. This is compounded by the lack of police resources in many rural areas and the fact that many police forces are coming under increasing pressure to divert resources away from wildlife crime to prioritise on offences that are notifiable.

## **7. Consequences of a ban on snares**

Snares are considered by many gamekeepers to be essential to their efforts to control foxes. They are also used widely for the control of rabbits. If gamekeepers and farmers are denied the use of snares to control animals which they see as pests, what alternatives will they use and what consequences would this have for badgers and other animals?

There is in fact a range of alternative legal methods for the control of both foxes and rabbits – all of which are already in use. No doubt the use of these alternative methods, particularly shooting in the case of foxes, would increase. This would have implications for the welfare of foxes, rabbits and other, non-target animals.

Many of the welfare concerns arising from the use of alternative methods of fox and rabbit control could be addressed through improved training and education of those involved in pest control activities, particularly those who use firearms. It is interesting to note that in some other countries, those who wish to hunt wild animals must first pass proficiency tests. Consideration should be given to introducing a similar system here, to ensure the humane treatment of wildlife, the safety of those engaged in hunting and pest control work, and the safety of other countryside users.

Concerns regarding the use of dogs to control foxes has resulted in the Scottish Parliament voting to ban this activity. Bans in England and Wales are likely to follow. Already the subject of vigorous debates in both Houses of Parliament at Westminster, the subject is being investigated further before the Government presents another Bill to Parliament.

It has been suggested that a ban on snares might lead to greater use of poisons, which are even more dangerous than snares. If this were to happen, the consequences for badgers and a range of other wild and domestic animals would be very serious indeed. There are already a number of cases of poisoning of

badgers, foxes, other wild mammals, pets and birds of prey each year. Thankfully, the number of confirmed incidents is very low, and much lower than the number of incidents where non-target animals have been caught by snares (for recent figures see Barnett *et al*, 2002). The NFBG is not convinced that a ban on snares would lead to an increase in the number of cases of poisoning, not least because the use of poisons exposes those who used them to unnecessary danger - would people really wish to use poisons when so many other, safer alternatives exist?

One consequence of a ban on snares which the NFBG would very much like to see is a thorough review of the *need* for the control of foxes and rabbits. We believe that the perceived need for fox control is for the most part questionable, and that while the control of rabbits is a legal requirement, the permissible alternative of damage prevention is often more effective.

These issues, along with further information about alternative methods of controlling damage by foxes and rabbits, their effectiveness, and the welfare issues connected with them, are discussed in more depth in a supplement to this report, entitled "*Alternatives to snares*". This is available from the NFBG on request.

## 8. Conclusions

The NFBG believes that the suffering caused to badgers and other animals by snares of any description is wholly unacceptable. Action must therefore be taken to amend the law to bring about an end to this suffering.

Tightening up the law on snares might well lead to a reduction in the suffering caused by snares, if all those who used snares were to comply with the revised law. However, it is clear from the cases and figures quoted within this report that many users of snares do not even comply with the law as it stands now. Given that most snares are used on private land and away from public scrutiny, those offences that we know about must be the tip of a very large iceberg. We find it difficult to accept that those who abuse the current legislation would heed additional restrictions.

In concluding, we must come back to our primary concern about snares – that in all their forms, and however they are used, they are indiscriminate, and inherently cruel. The torture of badgers and other animals that become trapped in snares must be stopped. It is the considered opinion of the NFBG that the only way to achieve this is to legislate for a complete ban on the use of all snares.

*Steve Jackson (Trustee) and Elaine King (Chief Executive)*  
*National Federation of Badger Groups*  
*June 2002*

### ***Acknowledgements***

The NFBG would like to thank all the individuals, badger groups and other organisations that have helped provided the NFBG with reports on snared animals. In particular, we would like to thank Simon and Jaine Wild of the National Anti-Snaring Campaign and Ian Hutchison of Scottish Badgers. Chief Inspector Jim Cormack and Superintendent Mike Flynn of the Scottish SPCA also provided invaluable information and helpful comments on the report. Thanks also to Chief of Inspectorate Tony Crittenden and Chief Inspector Brian Dalton of the RSPCA, John Bryant and Animal Aid.

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## Appendix I

### *Information from the Badgerwatch (Ireland) submission to the Secretariat of the Bern Convention, regarding the use of snares in the Irish Government's badger culling programme. (November 2001)*

Badgerwatch (Ireland) is a Non-Governmental conservation group, affiliated to the Irish Wildlife Trust and the UK National Federation of Badger Groups. The organisation functions as a voluntary conservation group funded entirely by subscriptions and donations from a nationwide membership.

In Ireland, as in the UK, the badger has been blamed for infecting cattle with bovine tuberculosis (bTB), and is the subject of culling operations by the Government. More than 26,000 badgers have already been slaughtered, and current culling operations are likely to kill several thousand more. Badgerwatch is opposed to the killing of badgers as a means of controlling bTB in cattle, on the basis that there is no proof that badgers are responsible for infecting cattle with the disease. On the contrary, there is abundant evidence to show that the main source of infection is other cattle, and that killing badgers has no effect on the occurrence of the disease in bovines.

Badgerwatch is also concerned about the method by which badgers are being killed in the culling operations. The selected technique of capturing badgers by the Department is by the use of snares. Badgerwatch believes that the use of snares in this way is in breach of the Bern Convention on the Conservation of European Wildlife and Natural Habitats, as snares are indiscriminate. In an attempt to demonstrate compliance with the Convention, the Department of Agriculture and Duchas have simply renamed the snare. The 'appliance' is now described as a "restraining device".

Badgerwatch has always opposed the use of the wire snare as a method of capture, on the basis that it is cruel and inhumane. Badgerwatch sees no reason why the Irish Government should not switch to the more humane method of cage-trapping, as used in the UK.

The type of snare in use in Ireland is made from a multi-strand steel wire 3mm in diameter. One metre of wire is needed to make one snare. There is a metal runner, a stopper, a swivel and a "D" shackle. The runner allows the snare to tighten but not loosen again. Joints are made on the wire using ferrules. A ferrule also serves as the stopper and is placed 11" (80cm) from the end to prevent strangulation of a limb or damage to other animals. Badgerwatch has evidence of Department snares where the 'stopper' is actually stopped at a mere 8 inches.

Badgerwatch has also received reports of snares being set on ditches as part of well worn badger passes. A badger caught in such circumstances will naturally attempt to dig its way to freedom. It digs away the earth around it thus removing the support on which it has been standing causing it to hang by the abdomen from the snare.

Badgerwatch believes that snares are not checked as frequently as is necessary. Snares are set in the morning and left in situ for ten nights. They need only be checked every twenty-four hours. This creates opportunities for the animals to inflict injuries on themselves while struggling in the snare. It also exposes the snared animal to the risk of being taken for the illegal purposes of badger-baiting.

The suffering caused by snares is not confined to those animals which are caught in them. In an attempt to comply with Bern Convention's requirement for a closed season, such a season has been declared during the summer months. The timing of this closed season however is purely for the convenience of the badger killers, as the use of snares during the summer when vegetation is at its densest is very difficult. In late winter and spring badgers have young below ground which are dependent on their mothers. Yet snaring takes place at this time with no regard to the welfare of badger cubs, which are left to starve in their setts when their mothers are killed.

Badgerwatch finds it unacceptable that the present means of capturing badgers by use of the wire snare be allowed to continue, and believes that Ireland is breaching Article 8 of the Bern Convention by failing to prohibit the use of all indiscriminate means of capture and killing, and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a protected species.

## Appendix II

### *Free-running – or self-locking?*



This is a dual purpose snare. It is set in the illegal self-locking position. Would you know that this was an illegal snare if you found it set in position in the countryside?



The only way to tell is to take a close look at the metal bracket through which the wire is threaded. This close up view of the bracket on the snare above shows that the wire is threaded through the outermost of the two holes in the bracket. This is what makes the snare self-locking.



Here is a close up view of the metal bracket on another dual-purpose snare. This time, the wire is threaded through the innermost of the two holes in the bracket. This makes the snare a legal free-running snare.



This photograph shows the metal bracket on another type of snare, known as the AB snare. The wire runs less freely than in a normal free-running snare. Expert opinion is divided as to whether this snare is free-running or self-locking.

One of the problems with the existing law on snares is that although it bans the use of self-locking snares, it does not give a definition of what a self-locking snare is. The existence of dual purpose snares and other types of snares such as those depicted above makes the enforcement of the law even more difficult. We believe that all snares are unnecessarily cruel and should be banned.

Photos: 1-3, NFBG; 4, SSPCA

## Appendix III

### *Badger killed by a self-locking snare*



This badger was caught and killed in a self-locking snare near Cowthorpe, in North Yorkshire in June 2000. The badger had clearly struggled violently, causing the snare to cut deep into the animal's neck and eventually killing it. Although self-locking snares are illegal, they are still in widespread use and badgers are often killed in them. Self-locking snares will tighten but do not relax their grip. The more an animal caught in one struggles to escape, the deeper the wire cuts into its flesh.

Photo: York Badger Group

## Appendix IV

### *Badger killed by an 'AB' snare*



This badger was found dead in a snare in April 2001 at Terrick, near Stoke Mandeville, Buckinghamshire. The snare was found to be of the AB type. This type of snare is apparently free-running and legal – but in this case has sliced into its victim in the manner of an illegal self-locking snare.

Photo: Buckinghamshire Badger Group

## Appendix V

### *A badger killed by a drag snare*



This badger was found on the Goodwood estate near Chichester in West Sussex in May 1996 by members of the West Sussex Badger Protection Group. The animal was found dead in a snare attached to a fence post, having dragged the post for some distance before eventually becoming trapped on a fence. The badger died of strangulation. Ironically, the badger had an old snare wound from being caught on a previous occasion. A vet concluded that, in both cases, the badger would have suffered greatly.

Photo: West Sussex Badger Group

## Appendix VI

### *A badger hanged to death in a snare set on the top of a bank*



This badger was found in Ceridigion, West Wales in June 1998. The snare that killed it was set at the top of a bank, next to a badger sett. When the badger became caught in the snare, it fell down the slope and was hanged to death.

Photo: Badger Watch and Rescue, Dyfed

## Appendix VII

### *A badger killed in a snare set alongside a public footpath*



The snare that killed this badger was of the legal free-running variety. It had been set on a fence alongside a public footpath at Darley Dale, Derbyshire. The path had been walked the night before the badger was found, so it had been caught, and had died, overnight. In its attempts to escape from the snare, the badger had thrashed and twisted around until the snare wound up so tightly that animal's front feet could no longer touch the ground. The cheese-wire effect of the snare almost decapitated the victim.

As the snare was set alongside a public footpath, it could very easily have caught a dog.

Photo: Mid Derbyshire Badger Group

## Appendix VIII

### *Victims of free-running snares*



The adult badger in the above photograph was killed by a free-running snare set in a wood not far from a badger sett near Hood Green, Barnsley, South Yorkshire. Two days prior to this, on 15 May 2002, snares had been found at the sett itself. It is therefore most likely that the snare was set with the intention of killing a badger.

The cub was found dead close to the sett on the day when the snares were discovered. It is thought that it may have starved to death after its mother was killed in another snare.

Photo: South Yorkshire Badger Group



## Appendix IX

### *Leg wounds caused by a snare*



This badger was found in a free running snare near Hadleigh in Suffolk in 1998. The individual who set the snare stated they had set it at 5pm the previous evening, intending to trap rabbits. Nevertheless, by 8am the next morning, a badger had been caught in the snare, by the right foreleg.

Although the damage to the badger's leg appears superficial, an x-ray revealed that, due to struggling so much in the snare, the badger had wrenched a bone in its elbow from its socket. The injury could not be treated and the badger was put to sleep.

Photo: RSPCA

## Appendix X

### *The remains of a mountain hare killed by a snare*



This was one of a number of skeletons of mountain hares that were found on the Cawdor Estate, Scotland in 2000. The snares were home made, similar to rabbit snares, and it appeared that the snares had been set with no intention of anyone returning to check them. Snared hares were always found strangled: the suffering caused to the hares must have been extreme.

Photo: SSPCA

## Appendix XI

### *A fox killed by a free-running snare*



The snaring of foxes with free-running snares is legal. But can the degree of suffering caused in instances like this be justified? We think not, and want to see the use of all snares banned.

Photo: North Tayside Badger Group

## Appendix XII

### *A snared cat*



This cat had its neck badly injured in a free running snare. The incident occurred in December 1997, near Norwich, Norfolk and was investigated by the RSPCA. A member of the public found the cat wandering on farmland attached to a snare and a stake. A vet examined the cat and treated the injury to the neck, caused by the snare digging through the skin into underlying muscles. The vet estimated that the time the cat had been caught in the snare was more than 48 hours.

Photo: RSPCA

## Appendix XIII

### *Remains of a dead badger found in a snare*



This badger was caught in a legal free-running snare, set at a gap under a wire fence at an isolated location near Auchenleck in Ayrshire in 2001.

When the SSPCA found it, the animal had clearly been in the snare, dead, for a long time.

The question is – how long did the snare go unchecked before the badger died?

The discovery of this body suggests that the snare was not checked daily as required by law, but there is no clear proof.



A close up view of the snare. The badger was caught around the neck; its skull has fallen off and can be seen towards the bottom right corner of the photo above.

Photos: SSPCA