

# BAN SNARING

[www.antisnaring.org.uk](http://www.antisnaring.org.uk)



## SNARES KILL!

**FOXES • BADGERS • DEER • CATS**

**NATIONAL ANTI SNARING CAMPAIGN**

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# Consultation on snaring in Scotland Feb. 07

We gather the present consultation and reappraisal of the use of snares in Scotland is due partly by the recent **ECJ judgement Case 221/04 - Commission of the European Communities v Kingdom of Spain**. This case was brought because of concerns for otters being snared. The judgement found in favour of Spain, because there was insufficient evidence snares were being set near waterways and permits had been issued, which the court considered gave a degree of protection. The parliament will have relied on the Berne Convention, which the UK has also signed up to. This is now the effectively EC law on the issue. In the UK, the widespread populations of badgers (*Meles meles*) that are protected means that it is likely the indiscriminate nature of snaring is contrary to the Berne Convention, and Scotland therefore falls foul of EU law by allowing snares.

Our interpretation of the convention and how it relates to snaring is as follows:

## Berne Convention on Conservation of European Wildlife and their Habitats

The UK is a signatory of the Bern Convention of which Appendix IV:  
***Prohibited Means And Methods Of Killing, Capture And Other Forms Of Exploitation***

Includes **SNARES**

**Article 8** states: *In respect of the capture or killing of wild fauna species specified in Appendix 3 (Badger for example) .....Contracting parties shall prohibit the use of all indiscriminate means of capture and killing and the use of the means capable of causing local disappearance of, or serious disturbance to, populations of a species, and in particular, the means specified in Appendix IV (Snares for example)*

While Article 9 allows exceptions we cannot see where such an exception can be made for snares set with the intention of increasing wild grouse for shooting purposes, which are where most snares are set in Scotland.

**Article 9** states: *Each Contracting Party may make exceptions.....from the prohibition of the use of the means mentioned in article 8 provided that there is no other satisfactory solution and the exception will not be detrimental to the survival of the population concerned.*

- For the protection of flora and fauna.
  - To prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property.
  - In the interests of public health and safety, air safety or other overriding public interests.
  - For the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding
  - To permit under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers.
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- Wild grouse are not property or livestock. While they are fauna, the grouse are artificially encouraged in high numbers only for sport, and therefore setting snares cannot be *for the protection of fauna*. Under the Wildlife and Countryside Act 1981 there is a defence to show that snares were set in the interests of “public health, agriculture, forestry, fisheries or nature conservation.” The term “*livestock*” which incorporates captive game is omitted from the relevant sections relating to snaring under the Wildlife and Countryside Act 1984, and game birds do not come under agriculture. Under the Bern Convention, “*livestock*” is included as an exception, but setting them should be only where there is “*no other satisfactory solution*.” However, it is with captive game in release pens (livestock), where there are other solutions such as electric fencing, etc.

Under the Bern Convention, the NASC firmly believe that setting snares on grouse moors and associated woodland is causing serious local disappearance of badgers and hares (protected under Article 8 from indiscriminate means of killing and capture). **No exceptions can be made for this under Article 9, and consequently the UK is acting in contravention of the Bern Convention.**

And further, setting snares causing serious disappearance or disturbance to badgers, hares, etc., for the purpose of fox control on pheasant rearing estates should also be prohibited. There is an exception under Article 9 for “*livestock*” which would incorporate pheasants in release pens. However, here there are “*other satisfactory solutions*” to predator control, (marksman with .22 rifle, for example) and so no exception should apply.

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## **The indiscriminate nature of snaring: A tale of Scotland and England, one aristocratic family and the badger.**

When we found the snared bodies of badgers and foxes in a disused railway cutting on the Cowdray estate, in southern England, we took a closer look. Over the years we found numerous badgers in snares on the estate, some alive but a significant number dead. We lobbied the owner, Viscount Cowdray, one of Britain’s wealthiest men. While he refused to renew the contract of one gamekeeper, he was reluctant to prohibit all snares. However, with the threat of a protest – and perhaps one snared badger too many, he finally agreed to write to all his shooting and farming tenants, asking them not to set snares on the 17,000 acre Cowdray estate in Sussex.

# Examples

RAW/MED

10<sup>th</sup> December 2003

## LETTER TO BE SENT TO ALL SHOOTING TENANTS ON THE COWDRAY ESTATE

Dear

### Use of Snares on Cowdray Estate Land

I regret to say that a further incident has occurred on the Cowdray Estate concerning the alleged misuse of snares.

The use of snares is, obviously, an emotive issue in this day and age, and it has therefore been decided to request all Shooting Tenants and Keepers working on the Estate to stop using snares on Cowdray Estate land with immediate effect.

I would be grateful for your co-operation over this matter and would ask you to arrange for all snares to be removed.

I would also be grateful if you would notify me of any snares that are found within your Shoot area in future, to enable us to keep track of any possible malpractice by poachers or others who may wish to incriminate personnel involved with your Shoot.

Yours sincerely,

R.A. Windle



**Left: a dead snared badger on Cowdray Estate – our post mortem revealed it was clubbed to death.**



**Right: A snared badger found alive on the Cowdray estate.**



Meanwhile in 2004 at Dunecht estate, Scotland owned by Vicount Cowdray's brother, The Hon. Charles Pearson, snares were also causing carnage.



Above: a dead badger found on a fence around a game bird release pen at Dunnotta, Aberdeenshire on the Dunecht estate in 2004

A Dutch organic farmer contacted us. They had moved to the Dunecht estate, Aberdeenshire from Holland and brought their three cats. However, when the cats started to go missing, they conducted a search and discovered the badger above, which had been strangled in a snare by a game-bird release pen. It is of interest to note that Holland prohibits the use of snares! So you can imagine what he considered of the “civilised” culture he found himself in. **All appeals to The Hon. Charles Pearson to ban snares on his Dunecht estate have fallen on deaf ears.**

As well as the Cowdray estate we have also persuaded many landowners to stop their gamekeepers from setting snares near to our Sussex base. Lord March has asked all his shooting tenants to remove snares from the 12000 acre Goodwood Estate after two incidents where badgers were snared in West Sussex, and Lord Egremont of the Leconfield estate has also agreed to stop snaring. If private landowners can see a problem with snares, it is time for government to act.

**The snaring situation in the UK is very serious. On the grouse moors, virtually every other conifer plantation had dozens of snares, and we have found some of the finest mixed woodland also littered with snares. No badgers can survive in such woods. In Wales, one small wood more than 200 snares. Again, deer, hares and badgers**

cannot survive in these woods. Indeed, when we checked the badger records all the recorded setts were derelict. If the Scottish parliament fudges this issue, there will be no limit to the level of snares set and no one checking local badger populations.

On our web site [www.antisnaring.org.uk](http://www.antisnaring.org.uk) you will see listed recent snare carnage around the UK including Scotland

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Above: Many snares are still found in Scotland still attached to poles. If parliament decides to tinker with the law and ban drag poles, badgers and other animals will still die. The keeper will just visit his snares early to remove the evidence, rather than risk a badger walking off with the snare.



Above: a “free running” snare that had twisted and become self- locking.



Dead animals used as snare lure





Elaborate channelling designed to direct animals to snares. Above: a very rare sign to indicate snares- except that badgers, deer and hares do not read!



Above: the AB snare which locks up. This has recently been modified by the manufacturer, but thousands still exist in use.

Above: a free running snare caused this injury. It allowed the badger to escape, but it scalped itself.



Above: a snare exactly as found in a wood with dozens of Unset snares. With no one checking them, this was a significant hazard to any walking animal.



Above: how snares are often set in Scotland – in dry stone walls – exactly the place a dog might run.



## **BELOW: EXAMPLES OF SNARES BEING INDISCRIMINATE**



A dead rabbit found in a fox snare in the northern England  
Note twisting of the snare as a result of the rabbit thrashing around, which would have made the snare lock up.



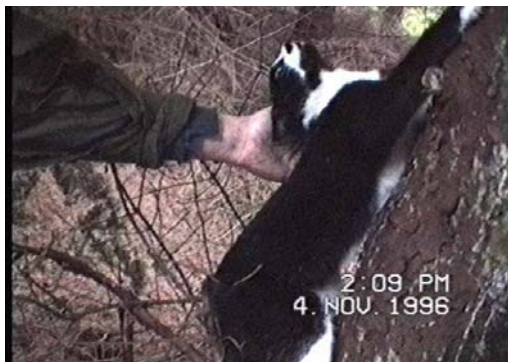
Above: A sheep trapped by the back leg in a snare



Above: dead deer in a snare:  
it later died.



Above: a hare found alive being released from a snare:



Above: a snared cat being cut from a snare



Above: a dead badger found in a snare: an old snaring injury is visible around the breast - bone, and this had caused a fracture. The snare was free-running!



# The Countryside Alliance and Snaring

The Countryside Alliance does not know where it stands on the issue. Under its previous name (British Field Sports Society) it opposed snaring. However, to fight against the hunting ban it needed wider support (an alliance of country sports supporters). In order to obtain the support of gamekeepers it came out strongly in support of snares claiming they were a “vital tool in the armoury of the gamekeeper”. However, wanting to have its cake and eat it, this is the Countryside Alliance submission to the enquiry into Hunting With Dogs chaired by Lord Burns: RESPONSE OF THE COUNTRYSIDE ALLIANCE TO THE FURTHER SUBMISSION BY WILLIAM J. SWANN ON BEHALF OF DEADLINE 2000 WOUNDING RATES FROM SHOOTING IN FOXES. 2nd June, 2000

**“Foxes wounded by shooting or snaring are likely to suffer prolonged pain and distress, even if the injuries are not fatal.”**

A Picture Paints a Thousand Words: This is Snaring. This is what the Scottish Parliament can prevent.























## Will the Scottish Parliament Fudge the Issue?

**It does seem the writing is on the wall and the Scottish Parliament will fudge the issue on snaring. We will get more tinkering – estate name - tags on snares, a stop perhaps!**

**What will it achieve?**

- 1) No official will make spot checks on estates.**
- 2) If a snare is set or positioned contrary to new regulations and found by chance, the estate will say the evidence was planted by a disgruntled former employee, or travelling poachers, etc.**

**By an outright ban on snares there will be no outlets for their sale, and 90% will be removed anyway. While foxes will still be shot, badgers, deer and domestic pets will be safeguarded.**

**When Lord Burns summed up in his report to the Committee of inquiry on Hunting With Dogs he wrote: Page 119: "6.60 *We consider that the use of snaring is a particular cause for concern.*" We say: Only a ban on all snares will solve this problem.**





