

League Against Cruel  
Sports Manifesto to End  
Snaring in Great Britain  
and Northern Ireland

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MAY 2013

We work to expose and end the cruelty inflicted  
on animals in the name of sport

# Foreword from the Chair

Snaring is a cruel, indiscriminate and unnecessary practice that has no place in modern society, and it's not just the League Against Cruel Sports that thinks so.



When the League conducted polling in Scotland in 2010, over three quarters of the public, 77%, wanted snaring banned. Most people in the UK actually think it is already illegal and since our snaring campaign began, many people have been shocked to hear that it still goes on across the whole of the UK and is perfectly legal.

The pro gun lobby would have the public believe that there is currently no alternative to snaring; that it is an essential tool to manage wildlife populations; and that, if used correctly, it can be a humane way to capture predators. The truth is very different, as this report, our 2013 conference on shooting, *Gunning For Change*, and our investigative film, *Gunsmoke and Mirrors*, released in 2012, all illustrate.

*Gunsmoke and Mirrors* is the culmination of over ten years of research and investigation by the League and highlights the cruelty, indiscriminate nature and other problems of snaring, as well as other issues surrounding the shooting industry. The film reinforces the findings of Defra's own report on snaring, which showed the difficulties of regulating this practice without primary legislation and revealed that no fox snare operator was fully compliant with the voluntary Code of Practice.

Our recent conference, *Gunning for Change: A Symposium on the Shooting Industry and Firearm Licensing*, held in London in April 2013, brought together experts on different areas of the shooting industry, as well as concerned supporters, to discuss the problems of game bird rearing, firearm licensing, raptor persecution and predator control, namely snaring. Experts in the field both told and showed those attending the Symposium just how horrific these devices truly were.

The purpose of this report is to encapsulate the findings of years of League investigations and research into snaring in one document and to address head on the issues raised in the Defra report. It is our view that voluntary codes of practice are simply not sufficient to end the suffering caused by snares and that the only way forward is to ban these cruel devices once and for all.

I hope that you will find this report interesting and informative and that you will join our campaign to end the manufacture, importation, sale and use of snares across the whole of the UK.

Many thanks.

A handwritten signature in black ink, appearing to read 'Iain Blake-Lawson'.

**Iain Blake-Lawson**  
Chair, League Against Cruel Sports



This manifesto details the important animal welfare issues surrounding the use of snares in the United Kingdom that the League would like to see addressed by the Government.

We are asking all Parliamentarians across the United Kingdom to read our manifesto and consider these issues when shaping policies for the future.

## Who we are

The League Against Cruel Sports is a registered charity that brings together people who care about animals. Like the majority of the public, we believe that cruelty to animals in the name of sport has no place in modern society. We have no political bias. We were established in 1924 and are unique because we focus on cruelty to animals for sport.

## What we do

We expose the barbaric nature of cruel sports and the people involved; identifying what action should be taken. We raise awareness and campaign for change by lobbying government, politicians, and businesses. This includes campaigning for new laws and helping to enforce existing laws by working with the police to bring to justice those who commit illegal acts of cruelty for sport. We also offer advice to people whose lives are being detrimentally affected by cruel sports.

## Our aim

We work to expose and bring to an end the cruelty inflicted on animals in the name of sport.

## Our approach

Through investigation and lawful campaigning, we encourage the public and law makers to recognise their responsibility to protect animals from suffering cruel acts in the name of sport. We raise awareness of the issues through the media and enlist public support to put pressure on law makers. We work to change people's behaviour, gain new legislation, and enforce existing laws that are in place to protect animals from cruel sports in the UK and across the globe.



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# 1. Executive summary

- The League Against Cruel Sports believes that all animals deserve to be protected from cruelty and unnecessary suffering. We believe no one should have the right to harm an animal for the purpose of sport or human entertainment.
- The League believes that snaring is terribly cruel, indiscriminate and wholly unnecessary and leads to untold suffering and horrific deaths for wild, domestic and farm animals throughout the country.
- While we have seen vast improvements in legislation to protect and improve the welfare of domestic and farmed animals, this legislation doesn't always extend to cover animals living in the wild and all too often these animals are abused for the purpose of sport.
- All animals have the ability to feel pain and experience stress, trauma and suffering. We believe that human beings have a responsibility towards wildlife and that more needs to be done to protect the welfare of wild animals.
- Most snares are used by gamekeepers to protect *quarry*,<sup>1</sup> which are bred and protected to act as targets for blood sports. Some are used by farmers. Alternative humane methods are available and should be used where there is clear evidence that they are needed and provide a sustainable solution.
- Human practice towards wild animals should be based on a value being placed on their welfare and lives.
- Where there is a potential conflict between the interests of humans and wildlife, or between different species, we believe it is our responsibility to resolve these conflicts using the following tests:
  - 1 That there is sound scientific evidence demonstrating a serious conflict and the effectiveness of the suggested solution
  - 2 That any intervention can be demonstrated to be the most humane and in the individual animal's interests
  - 3 That any solution is sustainable and in the best interest of the natural environment
- The 2012 Department for Environment, Food and Rural Affairs (Defra) report on snaring confirms that it is not possible for snares to be species specific and that non-target animals are still captured, even when the code of conduct is strictly adhered to.
- It is not possible to regulate the use of snares through a non-statutory code, as adherence to the code is low and there is no incentive for operators to obey it.
- It is clear that due to the cruel, unnecessary and indiscriminate nature of snares, primary legislation is the only viable option to ban their use.

## 2. What is a snare?

Snares are thin wire nooses, set to trap any wild animal perceived to be a pest or threat. Their primitive design silently garrottes a snare's victims and often leads to a painful and lingering death.

They are usually made of steel-stranded wire but can also be made from brass. The aim of the snare is to allow the target animal's head to enter and as the head moves forward, the noose tightens.<sup>2</sup> The use of snares in the UK is not to kill the target animal but to capture and restrain the animal until a person can attend and humanely kill the animal.<sup>3</sup>

In Britain, snares are largely used by gamekeepers to control foxes<sup>4</sup> that are naturally drawn to the elevated number of game birds in shooting woods. They are also 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.<sup>5</sup> Defra have estimated that nearly 6,000 landholdings use fox snares across England and Wales, and rabbit snares are used on over 1,500.<sup>6</sup>

Snares are legal across the whole of Great Britain and Northern Ireland (see 4.4 for legislation governing Northern Ireland). However, there is some legislation that governs their use. Self-locking snares (see 2.1.3) were outlawed in England and Wales under the Wildlife and Countryside Act 1981<sup>7</sup> and it is also illegal to set snares to kill birds, badgers or deer. It is also a legal requirement for snares to be checked once a day. Greater legislation governs the use of snares in Scotland (see 4.3) where individual snares must be logged and operators required to undergo training. A code of conduct produced by Defra in 2005 also sets out guidelines for good practice to reduce welfare problems, but these are not legally binding.

### 2.1 Different types of snare

#### 2.1.1 Free-running snare



#### STATUS: Legal

This is the basic type of legal 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 24 hours period to humanely dispatch it, usually by shooting.

Free-running snares therefore may have a 'stop' which prevents the noose from closing too tightly. These snares can become twisted, kinked, rusty or otherwise fouled to the extent that they will not loosen and therefore become self-locking and illegal.

## 2.1.2 Free-running (rocking eye snare)

**STATUS:** Legal

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.

## 2.1.3 Self-locking snare



**STATUS:** Illegal

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 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.

## 2.1.4 Dual-purpose snare



**STATUS:** See below

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.

## 2.1.5 AB Snare



**STATUS:** See below

These are a newer type of snare that are said to be free-running. However, some are of the opinion that these snares are really self-locking in nature. The AB snare features a V-shaped metal device at one end and the wire is threaded through two holes, one on each side of the V. It seems that the wire does not run as freely as a free running snare, but neither does it lock fully. Opinion is divided as to whether these snares should be treated as free-running (and therefore legal) or self-locking (and therefore illegal).

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# 3. Cruel, unnecessary and indiscriminate

The League has conducted years of undercover investigations, which have consistently shown that snares are cruel, indiscriminate and unnecessary. The suffering inflicted on wildlife, livestock and our pets is completely unacceptable and urgent steps are necessary to consign these archaic devices to the history books.

## 3.1 Cruel

Although their purpose is to immobilise target animals prior to dispatch,<sup>8</sup> most snares cause extreme suffering to animals and often lead to a painful, lingering death.

Animals caught in snares suffer huge stress and can sustain horrific injuries.<sup>9,10,11</sup> Both illegal self-locking snares and legal free-running snares can cause abdominal, chest, neck, leg and head injuries to animals. Some animals get their legs caught in snares and end up with the wire cutting through to the bone; such animals may attempt to escape by gnawing off their own limbs. Others are caught around the body. Badgers, otters, foxes, domestic and wild cats have been found with snares that have almost cut them in half, the snares around their bodies having tightened to around five centimetres in diameter.

A survey of vets, wildlife crime officers and Scottish SPCA Inspectors published in November 2007 found that 90% of them believed that animals caught in snares had suffered.<sup>13</sup>

Even legal snares, which are not intended to kill, can cause immense suffering, with the animals potentially trapped for up to 48 hours.<sup>14</sup> While conscious, the animal may struggle to escape and suffer stress or physical injury. Other factors that may lead to an animal suffering in a snare include the inability to access

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“I am completely convinced that trapping and snaring are hideously cruel.”

Owen Paterson<sup>12</sup>

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food and water, exposure to the elements and vulnerability to predators.

Adverse welfare impacts likely to affect snared animals include:

- The stress of restraint, which can include frustration, anxiety and rage;
- Fear of predation or capture while held by the snare;
- Asphyxiation which can result if a legal free running snare becomes ‘self locking’ if entangled with fur or from rust.
- Friction, penetration and self-inflicted skin injuries while struggling against or fighting the tether;
- Pain associated with dislocations and amputations, especially with un-stopped snares;
- Ischaemic pain (due to lack of blood supply) associated with ligation of body parts;
- Compression or injuries in muscles, nerves and joints associated with violent movements against restraint;
- Thirst, hunger and exposure when restrained for long periods;
- Inflammatory pain and pain from contusions associated with injuries during restraint and in some cases persisting following escape;
- Pain and malaise associated with infections arising from injuries in escapees;
- Neuropathic pain in those escapees that experience nerve injuries;
- Reduced ability of injured escapees to forage, move and hence survive;
- Stress of capture and handling before dispatch by the snare operator;
- Pain and injury associated with killing by the snare operator if unconsciousness is not immediate.<sup>15</sup>



## 3.2 Unnecessary

To maximise profits, gamekeepers use snares and traps to catch and kill any animal which might threaten their bird stocks. It is estimated that millions of animals are killed on shooting estates every year.<sup>17</sup> However, predation by foxes on game birds has never been shown to be a significant problem, with losses of only 1-3% when game birds are in release pens.<sup>18</sup>

If control of a particular fox is proven to be necessary in certain situations, then there are more humane alternatives, some of which are already more widely used than snaring (see 6.1).

Killing a problem fox merely leads to the takeover of their territory by another fox and so can only be a short term solution, whereas keeping the fox out of the area it is causing a problem in works long term. Solutions which don't involve killing include fencing and harmless chemical deterrents



The shooting industry argues that snaring is a key tool available to those managing land for commercial shooting and that the impact of a ban could result in significant financial loss to the industry. There have, however, been no economic studies carried out into the contribution made by snaring to the shooting industry and there is no evidence to suggest that removing snares would impact negatively on the economic value of shooting.

“From the veterinary perspective, snares are primitive indiscriminate traps that are recognised as causing widespread suffering to a range of animals. At their least injurious, snares around the neck can result in abrasion and splitting of the skin. However, being caught in a snare is extremely distressing for any creature and vigorous attempts to escape are natural. These efforts cause the snare wire to kink, thereby changing a free-running snare to a self-locking one. Strangulation and choking follow.

“It is commonplace for snares to lodge around the chest, abdomen or legs rather than the neck. In such instances, the stop restraint is ineffective and the wire cuts through skin and muscle and, eventually, bone. Badgers may be eviscerated when the abdominal wall is cut through. Amputation of the lower limb and foot by a snare is well-documented in deer. These unfortunate animals suffer immensely.”

Professor Ranald Munro,  
a leading veterinary pathologist <sup>16</sup>

### 3.3 Indiscriminate

It is simply not possible to control which animals will be caught in a snare. A snare set to catch a fox is just as capable of catching other species. Cats, dogs, badgers, otters, hares, deer and livestock have suffered terrible injuries or been killed by snares.<sup>19</sup>

A report by the Independent Working Group on Snares in 2005<sup>20</sup> estimated that 21-69% of victims were non-target species and concluded that it was difficult to reduce this figure to less than 40%.

In 2006, a Scottish SPCA report<sup>21</sup> on snaring showed that of 269 animals reported as having been caught in snares ranging from badgers and deer to pet cats and dogs only 23 per cent were "pests" such as foxes and rabbits.

Due to the self regulation of the shooting industry, there is no requirement for snare operators to keep records of their use (with the exception now in

Scotland) or of the number of non-target species actually captured or killed. There is, therefore, insufficient data on just how frequently non-target animals are caught and how severe the welfare implications are for these animals.

However, by examining numerous undercover League reports, the indiscriminate nature of snares across the whole of Great Britain and Northern Ireland is clear.

The culmination of over ten years of undercover investigations by the League into sporting estates and the shooting industry was collated and presented in the 2012 film, *Gunsmoke and Mirrors*.<sup>22</sup> The most comprehensive study of the industry for years, the film examines the entirety of the shooting industry, including the excessive use of predator control, which includes the use of snares and examples of the indiscriminate nature of these cruel devices.

#### 3.3.1 Case Study - Badger

In a large wooded covert, densely packed with trees and scrub, lies one of several game bird release pens designed to house pheasants reared for sport shooting. Surrounding the enclosure, League investigators discovered numerous wire snares attached to trees or poles - or hanging up ready to be set.

Attracted by the sound of repeated rustling, investigators discovered a live badger caught in one of the devices. Struggling and bleeding, the exhausted animal had hauled itself up onto a nearby wall - the wire noose, attached to a wooden pole staked into the ground, clearly visible around the creature's back.

The snare had cut into the animal's flesh, presumably aided by the badger's frantic struggle to free itself. Alerted by investigators, the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) was later able to rescue the animal, which was subsequently released back into the wild at a secret location following veterinary treatment.



This incident was filmed by League investigators in July 2010<sup>23</sup> at the Duke of Roxburghe's estate and highlights the cruel and indiscriminate nature of snares (even when they are not actually set).

# 4. Snares and the law

The League is asking that the manufacture, importation, sale and use of snares are outlawed across Great Britain and Northern Ireland. We are working with partner organisations and parliamentarians towards this goal.

## 4.1 EU Legislation

The UK is a signatory of the Bern Convention,<sup>24</sup> which includes within it restrictions on the use of indiscriminate means of capture and killing of animals (Appendix A). Snares are included within this. Exemptions can be made if certain conditions are satisfied and if there are no satisfactory alternatives.

The wide use of snares, in spite of the clearly cruel and indiscriminate nature of the devices, seems to be in contravention of this Convention. League undercover investigations (see 3.3) have demonstrated the indiscriminate nature of snaring and the 2012 Defra report (see 5.3.4) has further illustrated that it is not possible to ensure non-target species are not captured. This evidence must bring into question the UK's compliance with the Bern Convention. The League will explore avenues within the European Parliament, including the Bern Convention, to prohibit the use of snares in the United Kingdom through EU law.

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Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing...

Bern Convention - Article 8

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Snares are currently only completely legal in five European countries: Belgium, France, Ireland, Spain and the UK.<sup>25</sup> In all other countries in the EU, they are banned, their use is strictly limited or they are not used at all.<sup>26</sup>

## 4.2 Legislation in England and Wales

The Wildlife and Countryside Act 1981 is the legislation in England and Wales that ensures we are compliant with the Bern Convention. It prohibits the use of self-locking snares; lays out the requirement to inspect the snare once in every twenty-four hour period; and prohibits the use of snares to catch various protected mammals, including otters and badgers (Appendix B). (The equivalent legislations in Scotland and Northern Ireland are detailed in Section 4.3 and 4.4).

The use of snares to catch deer is also prohibited under the Deer Act 1991.<sup>27</sup> Under this Act, it is an offence to set in a 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.

The Conservation of Habitats and Species Regulations 2010<sup>28</sup> prohibits the use of certain methods of taking or killing certain wild animals. Prohibited methods include traps, which are non-selective according to their principle or their condition of use. The report by the Independent Working Group on Snares in 2005<sup>29</sup> estimated that 21-69% of victims were non-target species and concluded that it was difficult to reduce this figure to less than 40%.

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## Early Day Motion 899

Achieved cross party support from 93 MPs. The EDM called on the Government to eliminate the manufacture, sale and use of all snares.<sup>30</sup>

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The most recent Defra report on snaring also illustrates the non-selective nature of snares, with 60% of operators having caught non-target species at some time and with badgers being the non-target species most commonly mentioned.

## 4.2.1 Defra Code of Practice

Defra published a Code of Practice for snare operators in 2005<sup>31</sup> following recommendations outlined by the Independent Working Group on Snares.<sup>32</sup> The Code of Practice is not a statutory document and so there is no legal obligation for snare operators to comply.

The Code of Practice sets out advice that must be followed (again with no legal obligation to do so) and advice that is merely recommended to achieve best practice (Appendix C).

The League has long maintained that the regulation of snares through a Code of Practice is not an effective safeguard of animal welfare and has produced numerous reports which consistently show breaches of the code.

In 2006, a year after the Code of Practice was implemented; a League investigation of 68 estates in England, Wales and Scotland found that 78% were using snares in breach of Code of Practice guidelines. Breaches of the code included snares attached to dragpoles, trees and fences (see 4.2.2).<sup>33</sup> Subsequent investigations in England and Wales<sup>34</sup> (2009), Scotland<sup>35</sup> (2010) and Northern Ireland<sup>36</sup> (2010) have all shown repeated and systematic breaches of the code.

## 4.2.2 Dangerous snaring practices

### The use of drag poles

Snares are often attached to logs or other non-secured objects rather than anchoring the snare to the ground which greatly increases the chances of an animal suffering a prolonged, agonising death. A strong animal can potentially drag the pole off and suffer in secret; the chances of entanglement are high and can even result in strangulation if the pole becomes stuck on an overhang.



Badger snared on a dragpole

### Snares set on fences

Snares which are set on or next to fences can greatly increase the suffering of a snared animal. The animal can thrash about as it tries to escape and end up tangling itself up in the wire of the snare and the fencing. The animal can also attempt to climb over the fence in a bid to escape and subsequently hang itself.



Fox snared and entangled on a wire fence.

### Snares set on bridges or near watercourses

The suffering caused by snares can be greatly increased by irresponsible positioning. Snares set on bridges are not permitted by the Code of Practice, because an animal can hang itself if it falls off the bridge during its attempt to escape. This can also be the case if the snare is positioned near an overhang. Equally, if a snare is set next to a watercourse, there is also a risk of the animal drowning.

## 4.3 Legislation in Scotland

Following the passage of the Nature Conservation (Scotland) Act 2004, Ministers were given powers to consult on the future of snaring in Scotland. The public consultation released in November 2006 offered three options: to ban snares; to regulate their use; or to maintain the status quo. The consultation generated 247 responses of which 172 (70%) were in favour of a ban with only 4 (2%) calling for further licensing.

The League campaigned strongly for an outright ban following undercover investigations, which revealed the widespread misuse of snares on Scottish estates.<sup>37</sup> Public opinion was also very much in support of a ban. Polling at the time revealed that 75%<sup>38</sup> of Scottish people supported a ban on snares and over 11,000 signatures were collected by the League and other animal welfare organisations which were handed into the Petitions Committee.

Despite public opinion and the overwhelming evidence that regulation of snares would be ineffective, the Scottish Government stopped short of a ban and announced a number of measures to regulate their use.

The Snares (Scotland) Order<sup>39</sup> was passed in 2010. The Order introduced a number of measures to regulate the use of snaring, including the use of stops to prevent the noose tightening beyond a certain circumference and the use of anchors to stop the snare being dragged from its original location by the captured animal.

A second opportunity to see an end to snaring was nearly achieved through an amendment within the Wildlife and Natural Environment (Scotland) Act 2011. However, once again the Scottish Government resisted calls for a ban, insisting that snaring was vital to the rural economy, despite no evidence being produced to support this argument.

Further regulations were introduced under the Act and included the compulsory fitting of ID tags to ensure that snares were traceable back to the owners.

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- **77%** of people in Scotland are against the use of snares.<sup>40</sup>
  - In a survey of Scottish vets, **75%** supported a ban on snares.
  - **68%** of vets thought regulation wouldn't eliminate welfare concerns.<sup>41</sup>
- 

Snare operators are also required to undergo a management industry accreditation scheme, which provides training in best practice and the law.

- The RSPB, which manages 65,000 hectares of land and has practical experience of managing land for both farming and conservation, does not use snares on any of its land as a matter of policy;<sup>42</sup>
- None of the 32 local authorities in Scotland permit the use of snaring on any council owned land.<sup>43</sup>
- Other conservation bodies, including the Scottish Wildlife Trust, the Woodland Trust and the Forestry Commission Scotland do not use snares.

### 4.3.1 Problems of self-regulation in Scotland

In Scotland, the shooting industry (as revealed in League undercover investigations and countless reports of illegal raptor poisonings on shooting estates) has shown itself to be incapable of self-regulation, while being pivotal in taking these regulations forward. For example, the industry accreditation scheme is run by proponents of shooting, including Scottish Gamekeepers and the British Association for Shooting and Conservation, with no independent advice on animal welfare, which is supposedly addressed by the training courses.

On numerous occasions, the League and other animal welfare organisations in Scotland have found repeated breaches of regulations and codes of best practice being blatantly ignored. Most recently, the report *Blood Still on the Wire*,<sup>44</sup> which was a result of investigation work carried out after the Snares (Scotland) Order 2010 was implemented, found the new regulations were making absolutely no difference to animal suffering and in many instances were not being adhered to.

A series of questions put to the Government revealed, among many things, that there was absolutely no mechanism in place to measure the effectiveness of the regulations or indeed if they were even being implemented. Further to this, the Government also cited a joint industry briefing by pro-shooting organisations as the basis for its judgment on the economic impact of shooting and the importance of snaring within this.

The League's position on the regulation of snares is simple: it is impossible to regulate cruelty. The League will continue its investigations into the lack of compliance, ahead of the review of the legislation in December 2016.

- As long as snares are legal, animals will be caught in them and will suffer horrific injuries and an often slow and painful death;
- If any type of snares is legal, it makes it much more difficult to enforce the law against illegal snares. For instance, the police and other enforcement organisations may struggle to differentiate between 'legal' and 'illegal' snares and the latter may not be removed;
- If an unidentified snare is found, it is extremely unlikely that anyone will be caught;
- Enforcing regulations regarding the frequency of checking snares is impossible;
- The shooting industry's appalling record on the illegal persecution of birds of prey shows how the industry cannot be trusted to abide by any new rules laid down to regulate snares;
- Despite the new regulations coming into effect in April 2013, only 28% of snare operators have, to date, undergone training.

### 4.3.2 Case Study - A Scottish Shooting Estate

Between 2006 and 2008, secret filming carried out at the Manderston House Estate showed crude wire snares meticulously placed around pheasant release pens and near to a flight pond,<sup>45</sup> along with a number of metal fenn traps (Appendix D). Some of the snares discovered were attached to wooden dragpoles - a practice which breaches the shooting industry's own best practice guidelines.

Snares set on dragpoles are particularly controversial, as any animal could become entwined in the snare, drag it off and thus render it impossible for anyone to find the captured animal. In addition, if the snared animal were to drag the pole to the edge of an overhang, it could die miserably as a result of being hanged. Evidence obtained elsewhere in the UK has demonstrated how a variety of mammals - including badgers - have suffered as a result of becoming caught in snares set on dragpoles.

Investigators also found evidence of badger movement in the vicinity of the flight pond - any setting of snares in the area could thus contravene legislation designed to prevent persecution of this protected species.

After alerting the owners of the estate and receiving assurances that all snaring would be carried out in line within the law and best practice in future, investigators were shocked to find snares set in areas where badger movement had been detected.

This one, far from isolated example of the problematic nature of self-regulation illustrates why self-regulation and official codes of practice and legislation that fall short of a complete ban are insufficient to prevent the cruelty and indiscriminate nature of snares.

The repeated assurances from the shooting industry that good practice would be followed in the future, after being presented with evidence of illegal snare use, are frequently shown to be nothing more than lip service. Their behaviour, instead, reinforces the claim that the shooting industry cannot be trusted to adequately police its own activities.



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## 4.4 Legislation in Northern Ireland

Under the Wildlife (Northern Ireland) Order 1985, it is illegal to set any snare for the purpose of injuring a bird; to use a self-locking snare; or to use a snare for the purpose of capturing a badger, deer, brown or Irish hare, or any other animal listed under Schedule 6.<sup>46</sup>

During the consultation and discussion stages of the Wildlife and Natural Environment (WANE) Bill, the League gave evidence to the Agriculture and Rural Development Committee. This argued the case for an end to snaring in Northern Ireland, showing the extent of animal suffering due to the inherently cruel and indiscriminate nature of snares. The Environment Committee voted in 2010 to recommend that a ban on the use of snaring be included in the WANE bill.

Unfortunately, in spite of the recommendations from the Environment Committee and the League campaigning for the ban, the Northern Ireland Assembly did not ban snares as part of the Wildlife and Natural Environment Bill, but instead opted for formal regulation. This will happen through subordinate legislation, which will be consulted on this year. The League will continue to campaign for a ban on snares and will input into further legislation.

A 2010 poll of Northern Irish politicians also showed overwhelming support to make the use of animal snares illegal. The research found that 83% of MLAs questioned thought that animal snares should not be a legal form of trapping.<sup>47</sup>

Opinion polling conducted by Ipsos MORI in Northern Ireland (March, 2010) on behalf of the League, surveying over 1,000 people, showed a clear mandate and overwhelming public support for a complete ban on snares. The results showed that people in both rural and urban areas wanted to see an end to the use of snares, with 84% of people supporting a ban in rural parts of Northern Ireland and 81% in urban areas. Only 17% were aware that they were still legal; it was commonly assumed they had been banned.<sup>48</sup>

### 4.4.1 Case Study - Tightening the Noose: An investigation into snaring in Northern Ireland<sup>49</sup>

It has been suggested that there is no need to legislate against snaring in Northern Ireland, as the problem is not widespread enough to merit such action. The League believes this not to be the case and in February 2010 sent investigators to shooting estates in Northern Ireland to gain evidence showing the extent of the problem, in order to illustrate this.

We visited a number of estates in the County Down, County Tyrone and County Antrim regions. Our findings included the following:

- A number of shooting estates were in fact using snares;
- We found snares set on or near water courses and on fence lines, which is in breach of industry guidelines and codes of best practice;
- Snares were set without stops, to prevent the noose closing beyond a certain circumference, again in breach of industry guidelines;
- One estate had 42 snares set along one fence line. To put this into perspective, in the past ten years of similar investigations throughout the whole of the UK, only a handful of estates have been found to exceed this number of snares, making this one of our most significant finds for some time.



## 5. Defra report

The findings of the 2012 Defra report on the humaneness of snaring in England and Wales clearly support the need for an end to the manufacture, import, sale and use of snares across the UK and illustrate that the voluntary Code of Practice is ineffective.

The League does not feel that even statutory regulations could be enforced effectively and would not prevent cruelty to wildlife and pets.

### 5.1 Independent Working Group on Snares

In 2004, Defra ordered the formation of an Independent Working Group (IWGS) to address the issues surrounding the use of snares. The subject had not been examined since 1981, with the passage of the Wildlife and Countryside Act, and there were concerns regarding the lack of information for snare operators and enforcement agencies. The purpose of this group was to produce a Code of Practice to be endorsed by NGOs to ensure best practice.

The report they produced<sup>50</sup> revealed there was no doubt that when snares were used carelessly or irresponsibly, this could cause extremely severe welfare problems for the captured animals and the capture of non-target species ranged from 21-69%. It was concluded that this figure would be difficult to be reduce below 40%.

The lack of information on the humaneness of snaring was listed as a potential problem in making a case for the justification of their use and in developing a guide of best practice. It was suggested that snares should only be used when weighed against the possible harm to wildlife, as there was little evidence at the time and it would have been impossible for snare operators to properly assess this.

In addition to the code of good practice<sup>51</sup> certain legislative changes were recommended in the IWGS report:<sup>52</sup>

- 1 That the Wildlife and Countryside Act be amended, so that snared animals had to be released or dispatched on discovery and their carcass removed the same day;
- 2 That inspection intervals be amended, so that animals were not left for unacceptable periods;
- 3 That it had to be a legal requirement for fixed 'stops' to be used on all snares;
- 4 That the Code of Practice be given greater legal status.

None of these legislative changes have been made.

The Independent Working Group on Snaring also recommended that further research be conducted to examine the extent of snare use in the UK; the humaneness and selectivity of snares; and the degree of awareness and compliance with the Defra Code of Practice.

The Defra report on snares is the response to that recommendation. With research taking place between 2008 and 2010 and the report not being published until 2012, the lack of urgency to present the findings of the study indicates a lack of desire to reveal the complete indiscriminate and cruel nature of snaring.



## 5.2 Objectives of the Defra report

The report aimed to establish the extent of use and circumstance of use of fox and rabbit snares in England and Wales. It also looked to evaluate compliance with the legislation, awareness and uptake of the voluntary Code of Practice. The report also evaluated the humaneness of fox and rabbit snares and the welfare and ecological impacts of snares on target and non-target species.

## 5.3 Conclusions of the Defra report

- While snares are used by both farmers and gamekeepers, far more snares are set by gamekeepers.
- There is a lack of knowledge of the Code of Practice, with a shocking 36% of farmers being unaware of the code. Most snare operators use snares which are not compliant with the Code of Practice and **no fox snare operator was fully compliant with the Code of Practice.**
- 60% of snare operators had caught non-target animals in fox snares at some point and the majority of snare operators set snares in sites where entanglement was likely. It was determined during trials that it was impossible, even when following Code of Practice guidelines, to eliminate the capture of non-target species.
- Most legal snares do not meet the requirements of the Agreement of International Humane Trapping Standards.
- Most rabbit snare operators took no measures to avoid the capture of non-target animals. Nearly 30% had caught a domestic cat and 53% reported that they used snares to kill the rabbits.

### 5.3.1 Extent of use of snares

Through telephone surveys, it was established that snares were used on 6% of all landholdings. Both gamekeepers and farmers were shown to use snares, but the number being set by gamekeepers was much higher than farmers (median = 35 and 5 respectively). In England, where there was an interest in game bird shooting, there was also the highest proportion of landowners or tenants that used or allowed the use of snares of their land.

It was estimated that between 62,800 and 188,300 fox snares were used in England and between 17,200 and 51,600 were used in Wales at any time. This means that there could be nearly 240,000 snares in use in our countryside during March, the peak month of snare use.

With so many devices in use, putting not just target animals, but also pets and livestock at risk, it is crucial that a proper evaluation is made for whether it is appropriate to carry out lethal population measures at all.

It is interesting to note that during the telephone interviews, people were only asked whether or not control methods were used and, if snares were not used, what were the reasons for that. There was no evaluation of why the control of foxes and rabbits was felt to be a necessity.

### 5.3.2 Compliance with the Code of Practice

**The League has maintained that the regulation of snares is not possible. Repeated undercover investigations have shown that few snares are set according to the Code of Practice and, in fact, many are set illegally. The results from the Defra report have confirmed that compliance with the Code of Practice is low through both ignorance and defiance.**

The Defra report showed that a high proportion of gamekeepers (95%) were aware of the code and some had also been trained in the use of fox snares (38%), compared to farmers, whose awareness was 64% with only 3% being trained. What was clear from the report was that, aware or not, the Code of Practice was not being adhered to.

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“No fox snare operator visited was fully compliant with the CoP.”<sup>53</sup>

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84% of fox snare operators in the survey made efforts to avoid the capture of non-target species. However, only 37% of users cited the risk of non-target capture as a factor limiting their use. 60% of operators had caught non-target species in fox snares at some time. During field trials, in which fox snares were set in accordance to Defra’s Code of Practice, non-target species were still captured, illustrating that it is impossible to eliminate the risk to non-target animals.




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“One operator set a small proportion of fox snares, in conjunction with a lever system intended to suspend a captured animal off the ground, and also stated that he sometimes modified snares so that they were self locking.”<sup>54</sup>

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Snares must not be used as killing devices and self-locking snares, which are designed to progressively tighten around the animal, are prohibited by law. However, 19% of snare users set snares to kill the target animals.

One of the most shocking aspects of the code, which was completely disregarded by snare operators, was the setting of snares in areas where entanglement could occur. It was found that even users who had attended courses on proper use did not avoid sites with obstacles. The consequences to animal welfare of this are not insignificant and League reports have shown the suffering inflicted on animals that have become entangled by nearby fences or obstacles.

During field visits, two trained snare operators also regularly used drags on their snares. This can be extremely dangerous, as animals can potentially drag themselves away, still trapped in the snare, and die a slow and lingering death with no way in which the operator could locate them.

Over 30% of snare operators visited during the study were found to be using snares which were rusty or where the cable was distorted. The League have always questioned the likelihood that snares would remain smoothly free-running when used in an outdoor environment and have warned against the potential welfare impacts of rusty wires, which can prevent the snare from slackening off.

The Code of Practice states that snares should be checked both in the morning and again in the evening. However, the majority of all fox snare users (77%) checked snares only once. This will clearly affect the welfare of captured animals, as they could potentially be trapped for nearly 48 hours.<sup>55</sup> It was also noted that the actual regularity of checking could not accurately be determined, as the presence of the inspector would have a huge impact on checking times. League investigations have, in fact, frequently found decomposing animals trapped in snares.

Further to the lack of compliance with the code, it was also shown that it was not possible for snare operators to purchase ‘off-the-shelf’ snares that were fully compliant with the design recommendations for best practice outlined in the Code. Therefore, straight after purchase, operators will not be compliant unless they make modifications to the snare (only 3% of users who bought commercial snares made any modifications before use).

Compliance with the Code is not an offence. The only aspect of the code that has a statutory requirement is that snares must not be self-locking. However, there is no definition of what constitutes a self-locking snare, so this is also open to interpretation. Without a complete ban on snares it will be impossible to stop the suffering of animals.

### 5.3.3 Humaneness of snares

The report clearly shows that even when following the Code of Conduct it is extremely difficult to ensure that the welfare of both target and non-target animals is not compromised. Negative welfare considerations include injuries sustained from the snare or from external tangled debris; risk of escape still attached to the snare; predation, fear and stress of capture; starvation of dependant young if the primary carer is captured; and exposure.

Standards to assess the humaneness of snares were based on the Agreement of International Humane Trapping Standards (AIHTS).

Pen trials using rabbits were carried out during the study to examine whether the use of stops on snares and reducing inspection times had an effect on the welfare of the captured animals.

A fixed permanent stop on a snare is said to allow non-target animals to escape and to prevent strangulation of the target animal. On rabbit snares, the recommended stop position outlined in the Code of Practice is 14cm which is greater than the average neck circumference of a rabbit (11cm). For foxes however, who have an average neck diameter of 27cm, the recommended stop position is 23cm. There is no evidential evidence to support the use of either of these measurements.

It was concluded that while the presence of stops did improve welfare, the placement of the stop being equal to the average neck circumference still caused oedema.<sup>56</sup> Unstopped snares resulted in more rabbits with tears in the thin membrane tissues of the neck and in the only fatality in the pen trial.

Injuries to the snared rabbits described in the report included: bruised rib cages and haemorrhages in the lung and on the rib cage. Neck oedema under the skin was found in 88% of rabbits. Rabbits had tears, which cut down to the muscle tissue, sometimes running completely around the neck. Haemorrhages were found in the muscles of 7 of the rabbits, while 95% of the rabbits (23 of the 24 rabbits snared) had lung oedema or haemorrhage and oedema above the position of the snare. **All of these types of injuries occurred in both stopped and unstopped snares.** However, the un-stopped snare was found to have a cheese wire effect, which can be eliminated by using a stop.

Increased inspection times did not show any significant benefit to welfare. After looking at the plethora of injuries caused by snares to rabbits captured for both 16 or 24 hours; at all the evidence collected by

“Regulation of snares can never work because even if they were humane, badgers could never forage in the evening. I know what gamekeepers do to badgers when found in snares as we take their bodies for post-mortem: the results show they either shoot them or bludgeon them because they are not wanted on wild bird shoots and it is easier to kill them than release them. However, many badgers escape and turn up with terrible wounds such as punctured wind pipes. On one estate in Hampshire we found six badgers snared and decomposing on a game bird shoot, and some buried with the snare attached. Most gamekeepers setting snares in woodland, place them on an animal run. With the majority of animal runs being made by badgers, the results are obvious.”

Simon Wild  
National Anti Snaring Campaign



League investigations and other NGOs; plus after looking at the reports of veterinarians, it is clear that snares do not need 24 hours to do significant amounts of damage and cause insurmountable amounts of stress.

It was acknowledged that the use of pen trials could not accurately reproduce conditions in the field for a number of reasons. The behaviour of the snared animals used would be affected by their previous capture in the wild and the experiment does not include other factors likely to affect a snared animal such as predation, starvation or exposure. In addition to this, unlike in the pen trials where rabbits were placed into the snare, in the wild it is accepted that they could enter the noose at such a speed that their necks were immediately broken.<sup>57</sup>

Field trials were also carried out to determine the humaneness of fox snares and resulted in numerous non-target species being captured (81% were non-target animals<sup>58</sup>). One badger escaped, but was still entangled in the snare, which would almost certainly result in serious welfare consequences. Several animals showed signs of injuries, including animals being killed through predation.

The quality of the snare used in one of the field trials was the most commonly used snare in the field. Despite the manufacturer claiming to be Code compliant, the snare was thought to be the cause for severe injuries.

The results of the field trials included haemorrhages to the neck area of captured animals and numerous incidents of entanglement. Assessing the welfare issues of the snare trials against the Agreement of International Humane Trapping Standards revealed that the snare would not have met the requirements for a restraining device.

The Ethical Review Process<sup>59</sup> recommended the termination of the trial unless snares could be set in a way to guarantee the avoidance of non-target species being captured.

The second trial using a different snare did pass under the AIHTS. However, snared animals still suffered from oedema and haemorrhage and non-target animals were still captured, which increased the risks of those animals suffering from infections following release.

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“The question remains whether a ligature in place around the neck and exerting sufficient pressure to constrict the blood vessels, but no other injuries is in fact painful.... Evidence from paediatricians suggest that emotions associated with strangulation in people are fear rather than pain and that this fear can be overcome with experience.”<sup>60</sup>

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The following was quoted in the discussion of whether or not the captured animals suffered pain prior to dispatch:

The League would argue that, in fact, an animal's emotional wellbeing is an important consideration and to subject an animal to unnecessary fear is unacceptable. The five freedoms outlined by the Farm Animal Welfare Council define the condition in which an animal could enjoy ideal welfare and allow us to analyse whether welfare is being seriously compromised through the denial these freedoms, one of which is the freedom to perform usual behaviours,<sup>61</sup> such as escaping from predators.

- 1 Freedom from Hunger and Thirst
- 2 Freedom from Discomfort
- 3 Freedom from Pain, Injury or Disease
- 4 Freedom to Express Normal Behaviour
- 5 Freedom from Fear and Distress<sup>62</sup>

It is clear from the description of the snared rabbit (See 5.3.5) in trial 19 of the Defra study that animals continue to exhibit behaviours indicating fear and distress for a significant period during the capture experience. Snares deny animals of all five of these freedoms and therefore seriously compromise the welfare of the captured animal.

## 5.3.4 Indiscriminate

The basis of the Government's legal argument is that free running snares are not considered to be an indiscriminate means of capture or killing. However, this report<sup>63</sup> has clearly revealed that even when the Code of Practice is strictly adhered to, **it is impossible to limit the risk to non-target animals.**

Badgers were the most frequently caught non-target animals and were caught in all the fox snare trials.

Other captured animals included hares, pheasants, deer and a dog. In one field trial, the capture rate for the target species was 32%. Most rabbit snare operators admitted that they took no measures to avoid the capture of non-target animals. Nearly 30% of rabbit snare users had caught a domestic cat at some point.

With such clear evidence that snares are an indiscriminate device which cannot be made 100% species specific, the banning of this method would seem to be the only sensible option.

## 5.3.5 Case Study<sup>64</sup> - 16 hours 56 minutes to die

Research was undertaken by the Central Science Laboratory and the Game and Wildlife Conservation Trust which looked at the humanness of snaring. In one incident they tracked the timing of events when a rabbit was captured and killed in snare.

Time	Description of behaviour
14:19	Captured
14:19 - 14:49	Pulling away from the snare and panting heavily
18:00 - 18:35	Heavy gasping
20:00	Increased movement resulting in the snare being wrapped around the leg
20:26 & 20:50	More movement in small circles and possible further entanglement
21:22	Movement and pulling
21:25	Shallow panting
22:30	Further entanglement in the snare around the left leg; periods of pulling away from the snare followed by periods of panting
22:45	More pulling away from the snare and flipping over when the end of the snare was reached
23:40	More pulling and 6 minutes of gasping
00:14	Entanglement
01:01	General movement followed by entanglement around the front paw
01:35	Hind left leg became more entangled during turns on the spot
01:48	Period of pulling followed by fitting for 40 seconds
01:55	Gasping increases
04:55	Following yet another attempt to release itself from the snare the rabbit fitting for 90 seconds
04:56 - 05:01	Rabbit unable to get up after the period of fitting
05:04	Fitting
06:13	Complete collapse and heavy breathing
06:27	40 seconds Fitting episode occurred
06:32	10 seconds Fitting episode occurred
06:39	30 seconds Fitting episode occurred
06:43	15 seconds Fitting episode occurred
06:48	25 seconds Fitting episode occurred
06:53	10 seconds Fitting episode occurred
06:54	5 seconds Fitting episode occurred
06:59	2 minutes Fitting episode occurred
07:08 - 07:11	Intermittent twitching
07:15	Rabbit died

## 5.4 Recommendations of the Defra report

- Snare operators to be educated on the code of practice, including providing evidence of the consequences of non-compliance with the code to increase awareness and uptake.

As there are approximately 4,500 snare operators who are currently using snares with no formal training and as many of them may not be affiliated with particular interest groups (gamekeepers, farmers etc.) it is suggested that it may only be possible to ensure knowledge of the code being through mandatory training and licencing.

The League, however, does not accept this as a sensible solution, as the mandatory training in Scotland has seen a very low uptake. It would be difficult to enforce the training if snare operators did not make themselves known. If snares are known to be used in an area, it would also be very difficult to prove who has set the snare and again, therefore, enforcement of only trained operators using snares would be impossible to enforce.

- To encourage the sale of snares compliant with the Code of Practice, including education of snare manufacturers of the importance of using good quality components.

The League believes that primary legislation, as suggested in section 7.2.3,<sup>65</sup> would be the only way to ensure that only snares compliant with the Code of Practice are permitted to be sold or used, making it an offence to use home-made snares or those which do not comply with the code. However, the non-compliance evidenced in both the Defra report and League investigations makes even this unlikely to reduce the suffering of animals.

- Promote research into snare design to allow self-release of non-target species and increase welfare of captured animals.

While the League fully supports any attempts to increase the research base, we think it is high time for snare operators to accept that it is impossible to make these devices target specific. A snare set to capture a fox will also pose a risk to a dog of a similar size. Snares are indiscriminate by nature and, as such, should not be used as a device to capture any animal.

- Several changes to the Code of Practice, including a requirement that snares must not be set at sites cluttered by obstacles. They must have a permanent stop and efforts must be made to avoid catching non-target animals.

The report has clearly shown that many snare operators are not familiar with the Code of Practice and that even those that are regularly do not follow the recommendations. As the code has no statutory powers, operators have very little motivation to comply with its recommendations. There will always be operators who will not comply and there is currently no legal avenue to bring that person to task.

It is vital, therefore, that primary legislation is brought in to ban the use of snares.

## 6. The need for snaring

Before any decision is made as to whether or not snaring is the most appropriate method of control to be used, several more important issues and questions must first be addressed. It must be understood that wildlife has an intrinsic value and so this must be taken into account when deciding whether or not control is necessary.

- 1 A thorough scientific evaluation of the need to cull an animal or animals
- 2 The welfare of the individual culled animal and the overall impact on the species needs to be addressed
- 3 Is culling an effective solution to the problem?

The advice of Defra and Natural England is that: "Before any action is taken, a thorough assessment of the problem should be undertaken and the consequences of any action carefully thought through. It is clearly pointless to spend money on livestock protection, or fox control, if the cost is likely to be more than that of the damage it is designed to prevent."<sup>66</sup>

The most commonly cited reasons for the use of fox snares in the Defra report<sup>67</sup> were that other methods could not be used; that the terrain does not allow for vehicle access for lamping;<sup>68</sup> and that foxes were lamp shy. Reasons given for the use of rabbit snares included that they work 24 hours a day; specific areas can be targeted, they are more effective and cheaper.

Although snares trap thousands of animals every year, they actually account for less than 9% of the foxes killed<sup>69</sup> (England and Wales). Many more (over 60%) are killed by shooting. In addition, culling foxes is rarely effective, due to the territorial nature of the species. When one animal is culled, another animal will take over its territory. The culling therefore will have to continue indefinitely without the problem being resolved.

The question therefore has to be – *to what extent does the farming or game bird industry depend on*

*snaring to continue to be viable?* Attempts to ascertain the need for snaring to continue in Scotland did not result in any independent research being produced to quantify the supposed need for snaring to continue. In fact, only evidence relating to the perceived need for predator control was offered.<sup>70</sup>

If no snaring took place would the predation on game birds be so severe that their industry would not be able to continue? All the evidence would suggest that it would not have a significant impact.

Predation by foxes on game birds is given as a major contributing factor for the perceived need for control measures. However, it is a fiercely debated topic as to whether fox predation has a significant impact on wild game populations<sup>71</sup> or if, in fact, wild populations of game birds are naturally resistant to high levels of predation. Studies into fox predation during their time in pheasant release pens concluded that fox predation is a minor problem, with the percentage loss being between 1-3%.<sup>72</sup>

Dr Jonathan Reynolds (a wildlife biologist with the Game Conservancy Trust) has admitted that 'culling records gathered from farmers or gamekeepers or anybody else are not a very good indication of the number of foxes killed'.<sup>73</sup>

The fox population in Britain has been constant for decades. Evidence gathered over 40 years suggests that the overall population is constant at around a quarter of a million adults.<sup>74</sup> In some cases, particularly on shooting estates, the response to this perception is to kill as many foxes as possible, with the belief that killing will affect the population. Population dynamics are, however, more complicated than that. Fox abundance is governed by a number of factors, but availability of territory appears to be the most significant.<sup>75</sup>

Fox populations respond rapidly to local reduction in numbers/increase in territories, with an increase in birth rate.<sup>76</sup> In some areas, therefore, killing large numbers of foxes has even increased fox abundance the following spring.<sup>77</sup> Foxes rapidly immigrate to fill territory spaces,<sup>78</sup> especially where the food supply is excellent (such as where game birds are released, or conserved for shooting). Defra state: "In high fox density areas, killing foxes to reduce numbers (and thus predation) is often not successful or cost effective."<sup>79</sup>

A Defra fact sheet states: "*Investment in adequate poultry housing is preferable to a continual commitment to killing foxes and there is no substitute for good husbandry to ensure that livestock are healthy and able to withstand the sudden onset of inclement weather that may result in stock deaths for which foxes are blamed.*"<sup>80</sup>

It has been suggested that sustainable grouse numbers would be achieved if gamekeepers concentrated less on predator control and more on finding a balance between grouse and their food supplies.<sup>81</sup> This would achieve more sustainable grouse populations and, in turn, increase the profitability of grouse moors.

With regards to rabbits, it is notable that the Central Science Laboratory, which specialises in environmental management among other things, lists snaring as a "not recommended" form of rabbit control. They state: "these methods are not considered to be particularly effective or humane and can result in other animals, including pets, being caught".<sup>82</sup> The Central Science Laboratory was previously an executive Defra agency until 2009, at which time it became part of the Food and Environment Research Agency.

There is, in addition to the reasons stated, an obvious moral question of whether it is justified to slaughter wildlife to conserve artificially high numbers of birds released and/or conserved for shooting, particularly in the case of pheasants.

## 6.1 What's the alternative?

Where there is a potential conflict between the interests of humans and wildlife, or between different species, we believe it is our responsibility to resolve these conflicts using three tests.

- 1 That there is sound scientific evidence demonstrating a serious conflict and the effectiveness of the suggested solution
- 2 That any intervention can be demonstrated to be the most humane and in the individual animal's interests
- 3 That any solution is sustainable and in the best interest of the natural environment

There is a point at which a method of killing fails to meet a reasonable 'standard of humaneness', or poses such a danger to non-target species (or both, as with snares), that it becomes ineligible for consideration in any cost benefit exercise. Snares could well be considered to fail to meet a level of humaneness sufficient to allow them to be considered as an option at all.

There are a number of alternatives available to land managers for both rabbit and fox control, which could easily replace snaring, should snares, which are non-target specific and inhumane, be made illegal.

These include fencing; both electric and 'buried' fencing i.e. fencing starting under ground to prevent animals digging under it; shooting, which currently accounts for around 70% of fox disposal; and habitat management.

There are a number of major land owning and conservation organisations which effectively manage land without the use of snares. These include the RSPB, John Muir Trust, Scottish Wildlife Trust and the Forestry Commission Scotland.



## 6.1.1 Alternatives for fox deterrence

Exclusion fencing is easily the most effective form of non-lethal control if done correctly. Preventing foxes from accessing protected animals by constructing fencing is also a more sensible long term solution than having to kill foxes every year.

Release pens on shooting estates are a standard part of game bird rearing and several books give advice on how to construct them so as to exclude foxes.<sup>83,84,85</sup> Digging the fence into the ground and constructing it with an overhang is recommended.

Scare devices or chemical repellents are also an alternative to snaring or shooting. Rural foxes are scared of new elements in their environment, so this can be used to deter them from areas where other animals are being conserved. Changing the placement or nature of the scare devices will help stop foxes becoming habituated to them, meaning their effect lasts longer.

## 6.1.2 Alternatives for rabbit control / deterrence

Clearly, non-lethal control such as fencing is the best non-lethal option for dealing with rabbit problems. But if lethal control is required, live trapping is a cost-effective and far more humane alternative than snaring. The report of the independent working group on snares concluded that live traps could be cost effective control methods<sup>86</sup> and therefore this is a realistic alternative to snares.

Rabbit proof fencing is also a viable alternative, as are tree guards to protect against rabbit browsing and bark stripping, which can be cheaper than enclosing whole areas with fencing, but really only for young trees.



# 7. Conclusions and recommendations

- Snares are cruel, inhumane and indiscriminate.
- Snares are unnecessary and lead to untold suffering and horrific deaths for wild, domestic and farm animals throughout the country.
- The League's own undercover investigations have consistently shown that current legislation has not curtailed the inhumane and indiscriminate effects of the use of snares.
- The 2012 Defra report clearly demonstrates that the voluntary Code of Practice is not working, that many farmers and gamekeepers are not even aware of the regulations, that it is not possible for snares to be species specific and that non-target animals are still captured, even when the code of conduct is strictly adhered to.
- The report also demonstrates the indiscriminate nature in catching animals in snares, including domestic pets, as highlighted in our DVD *Gunsmoke and Mirrors*.
- The use of snares is so culturally embedded in gamekeeping practice that voluntary approaches to curtailing and controlling their use will not work.
- It is recognised that there are times where conflicts arise between species. Snares cannot play a role in resolving such conflicts. Any potential actions taken should pass three tests. Only in these very rare circumstances should this then lead to lethal intervention:
  - 1 That there is clear evidence of a conflict.
  - 2 It is in the interests of the individual animal's welfare.
  - 3 It is a sustainable solution that does not lead to the need for a continuing action to be taken.
- Given the latest research into the effectiveness of current approaches and the humane use of snares, the Bern Convention should be satisfied that the approach across the UK meets their requirements.
- The League is calling for a full ban on the sale and manufacture of all snares in England and Wales.
- It is not possible to regulate the use of snares through a non-statutory code, as adherence to the code is low and there is no incentive for operators to obey it.
- It is clear that due to the cruel, unnecessary and indiscriminate nature of snares, primary legislation is the only viable option to ban their use.
- The Scottish Parliament and Northern Ireland Assembly should satisfy themselves that their current approach satisfies the Bern Convention and is effective in ending the inhumane use of snares.
- Although it is relatively early days, the evidence from Scotland appears to show that statutory regulations are ineffective due to a lack of resources and the practicalities of enforcing such restrictions. We are therefore calling for an outright ban on snaring in all parts of the United Kingdom.



## Appendix A: Bern Convention

### Article 8:

In respect of the capture or killing of wild fauna species specified in Appendix III and in cases where, in accordance with Article 9, exceptions are applied to species specified in Appendix II, Contracting Parties shall 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 species, and in particular, the means specified in Appendix IV.

### Article 9:

Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7 and from the prohibition of the use of the means mentioned in Article 8 provided that there is no other satisfactory solution and that 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.<sup>87</sup>

## Appendix B: The Wildlife and Countryside Act 1981

### Section 11

#### (1) If any person:

- (a) sets in a position any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;
- (b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, any bow or cross bow or any explosive other than ammunition for a firearm; or
- (c) uses as a decoy, for the purpose of killing or taking any wild animal, any live mammal or bird whatever, he shall be guilty of an offence.

#### (2) If any person:

- (a) sets in position any snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith and
- (b) while the snares remains in position fails, without reasonable excuse, to inspect it, or cause it to be inspected, at least once a day, he shall be guilty of an offence.<sup>88</sup>

## Appendix C: Defra Code of Practice

Advice which must be followed includes:

- Snares must not be set where there is evidence of regular usage by non-target species.
- Snares must only be used as restraining rather than a killing device.
- They must not be set in sites cluttered by obstacles.
- Free running snares must be used and these must have a permanent stop.
- Snares must not be set on or near to a badger sett, or on the runs radiating from a sett.
- Snares must not be set on or near public footpaths, rights of way, near housing and areas regularly used for exercising domestic animals to avoid capturing pets.
- During winter, snares must be inspected as soon after sunrise and again near dusk.
- In summer, snares must be inspected before 9am and a further inspection in the evening.

Advice which should be followed includes:

- Snares should not be set alongside or in holes under fence lines.
- Snares should not be set on tracks along the side of watercourses of any size.
- All snare users should maintain awareness of developments in the field, for example of any improvements in snare design and or methods of use.<sup>89</sup>

## Appendix D: Other types of traps

### Fenn Trap

Fenn traps or Spring traps are a legal and popular trap used by gamekeepers. Their use is governed by the Spring Traps Approval Order 1995 and it is an offence to set these traps in the open. To attempt to make these traps species target specific, they are set in man-made tunnels of various sizes, depending on the target animal.

Fenn traps have often been used illegally by gamekeepers<sup>90</sup> and farmers to kill birds of prey.<sup>91</sup> Like any trap left in the wild, it is impossible to ensure that only the target animal is captured and other species are often the unfortunate victims<sup>92</sup> of this predator control.



An example of a legal fenn trap

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