



LEAGUE
AGAINST CRUEL SPORTS

SNARES

An information leaflet on snares.

WHY IS THE LEAGUE AGAINST CRUEL SPORTS INTERESTED IN THIS?

The League campaigns to end cruelty to animals in the name of 'sport', which includes the use of snares. We encourage reports of snares being used to protect sporting interests such as on commercial shooting estates. We also will receive reports of illegal snares, or those believed to have been set illegally wherever they are found.

Today, snares are set mainly by gamekeepers on commercial 'game' bird shooting estates to reduce the number of reared birds caught by foxes. These snares are indiscriminate and consequently catch many different non target species of animals, as well as those that are considered a threat to pheasants, partridges or grouse. Snares are seldom used by people to catch rabbits or hares for their own food.

In all parts of the UK, landowners or those who have the landowner's permission, legally set snares to catch foxes, rabbits and brown hares. There are different laws associated with snares in Scotland.

"Snares are indiscriminate and animals caught in snares can suffer a slow and agonising death due to injury or starvation"

(RSPCA Website)



You can confidentially report information about the use of snares to Animal Crimewatch, which can help us end this type of cruelty.

This leaflet has provides useful information and guidance in relation to the complex issue of snares.



**ANIMAL
CRIMEWATCH**



WHAT TYPES OF SNARE ARE TYPICALLY REPORTED TO US?

Snare traps are wire nooses used to trap animals. They are normally classed as either self locking, which are illegal, or free running, which are legal.

Another key element of snares is the concept of discriminate or indiscriminate setting for a target species.

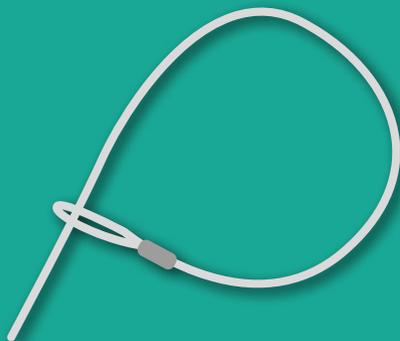
Self-locking snare (Illegal)

A self-locking snare means it progressively tightens as the animal struggles through a kind of ratchet effect of the eye on the snare cable.



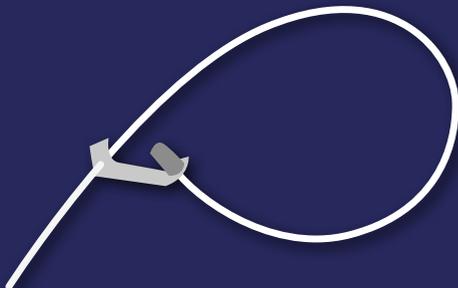
Free-running snare (Legal)

A free-running snare is a wire loop that relaxes when the animal stops pulling.



Dual purpose snare

Set to self lock (Illegal)



Set to free-running (Legal)



Under the Wildlife and Countryside Act 1981, the use of a 'self-locking' snare is unlawful; only free-running snares can lawfully be set. The term self-locking is not defined in the Act and there has not been a successful prosecution within a court high enough to clarify the law by legal precedent.

However, as there is no clear legal definition of either a self-locking or free running snare it will be a question of legal agreement on a case by case basis. There are snares that could act as either free-running or self-locking depending upon how they are set. A free-running snare may, in practice, act as a self-locking snare if, for example, it becomes rusty or is twisted and kinked by the movements of the trapped animal.

Because of the difficulties in determining whether the snare is legal or illegal it would normally have to be inspected by someone with experience.

Non-target species

If care isn't taken, and the codes of practice and guidance are ignored, legal snares can end up being set illegally if it is indiscriminate or is intended to target a non-target species.

The League has received reports of domestic pets being injured in snares set indiscriminately, as well as badgers or deer.

The catastrophic injuries sometimes caused to pets caught in a snare can lead to limbs being amputated.



WHERE ARE THEY LIKELY TO BE FOUND?

Whenever you are out and about in the countryside, especially around shooting estates where 'game' birds are being reared, you may come across snares.

Snares must only be set at sites likely to be used by a fox, rabbit or hare.

Snares must not be set where there is evidence of regular use by non-target species. Snares must be inspected as soon after sunrise as is practicable and should again be inspected near dusk.

During the summer months, snares must be inspected before 9am, and a further inspection carried out in the evening.

LOCATION, LOCATION, LOCATION

Often describing where the incident took place can be difficult. We would ask you download and use the free app called what3words which can easily pinpoint your location. This app is also used by some police forces and will help them as well if you report the incident to them.



WHAT3WORDS



Stink Pits

Stink pits, also known as middens, are a pile of dead animal carcasses left to decay emitting a strong stench to lure foxes into multiple snares set around the location.

These stink pits are frequently encountered on shooting and grouse moors designed to kill predators that impact on the rearing of birds on the estates.

The stink pits can simply be a pile of carcasses or an enclosed pen and sometimes a bucket or an actual pit dug to discard the carcasses into. They have been found to contain, foxes, pheasants, deer, domestic cats and fish to name a few.

Sometimes a snared dead fox will be hung from tree branches to allow the smell to reach further.

Under the Animal By-Products (Enforcement) (Scotland) Regulations 2013 farmers are not permitted to bury livestock on their land, other than in designated remote areas in the Highlands and Islands. But a special derogation allows gamekeepers to dispose of entire animal bodies, or parts of wild game, as long as this is *"in accordance with good hunting practice"*.



WHAT'S THE LAW?

S.5(1)(a) of the Wildlife and Countryside Act 1981 (England & Wales)

makes it illegal to: set in a position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming into contact therewith, that is to say, any springe, trap, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance

S.11(1)(a) - Wildlife and Countryside Act 1981 (England & Wales)

it is an offence to: set 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 with it.

S.11(2)(a) - Wildlife and Countryside Act 1981 (England & Wales)

it is an offence to: use any trap or snare for the purpose of killing or taking or restraining any wild animal included in **Schedule 6**.

S.4 of The Deer Act 1991 makes it an offence to set in position any trap or snare calculated to cause bodily injury to any deer coming in contact with it, or to use any trap or snare for the purpose of killing or taking any deer.

Snared foxes must be killed quickly and humanely by a shot at close range from a rifle, pistol or shotgun. Air weapons must not be used.

The fox must not be released and hunted otherwise offences under the Hunting Act 2004 will be committed.

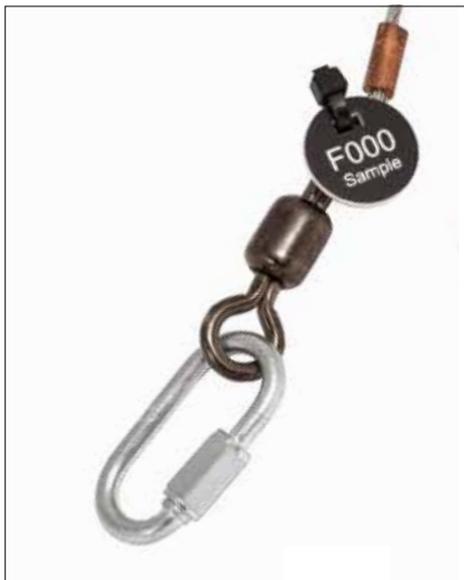
Snared rabbits must be killed in-situ and humanely.

All non-target species caught by snares must be released (other than non-native Sch.9 species, such as mink, grey squirrel, etc.) unless the animal is so badly injured that it has to be killed on humane grounds.

SCOTLAND

The laws on snares in Scotland, are different to England & Wales. In Scotland, accreditation and training of all snare users are a legal requirement. Once accredited, snare operators must apply with their certificate to their local police station for an individual ID number which must be tagged onto every fox and rabbit snare.

In Scotland it is an offence to fail to release or remove an animal, whether alive or dead, while carrying out such an inspection of snares.



SHOULD I RELEASE ANIMALS FOUND IN A SNARE?



Snares are mostly lawful and this leaflet will help you understand the complex legislation surrounding these.

If you are trespassing on land where the snare is set, and you damage or destroy it, you could be liable to allegations of Aggravated Trespass under **Section 68 Public Order Act 1994**

If without **'lawful excuse'** you cause any damage or destroy the snare you could be liable to allegations of **Criminal Damage**.

The snare could be deemed to property under **Section 1 Theft Act 1968** and therefore you could be liable to allegations of theft if you removed or damaged the snare beyond repair.

With regards to a live animal found caught in a trap, that animal could be considered to be 'property' as defined in **Section 4 (4) Theft Act 1968**

This defines property to include wild animals if they have been reduced into the possession of a person.

This would mean that you could be liable to allegations of Theft if you release the snared animal. Carefully consider your actions regarding the release of any uninjured snared animal. You are not allowed to release into the wild any animals as listed in the **Wildlife and Countryside Act 1981 Sch.9**, such as mink, grey squirrel, etc. Any injured animal/bird found in a snare could be taken directly to a vet for treatment, assuming no damage is caused to the snare.

Captured animals are theoretically protected from ill-treatment under **Section 2(b) Animal Welfare Act 2006** which covers animals under the control of man whether on a permanent or temporary basis.

Therefore if you find an animal caught in a snare and release it due to its perceived suffering and being injured, you could be liable to allegations of cruelty under **Section 4** of the act.

Courts have accepted that damage caused to protect life, prevent injury etc. is a valid defence. If the Crown Prosecution Service (CPS) were asked to consider a charge of Criminal Damage they would need to be satisfied it was in the public interest to prosecute someone who had committed an act to save a suffering animal.

Guidance says the important thing to prove or disprove is the state of mind of the person doing the damage. If they honestly believe they had a lawful excuse and the court believes them, they will be acquitted. It does not matter if the excuse is, in fact, correct; it is the offender's belief that matters. The police and CPS would also have this very much in mind when considering an allegation.

If it was necessary to cause damage to release an animal caught in a snare because it was suffering unnecessarily, there could well

be a lawful excuse for causing the minimum amount of damage necessary to release the animal and take it to a vet.

Recent cases make it clear that owners of traps and snares are using hidden cameras to protect their property and making reports to police when they believe crimes have taken place.

"The Government has no plans to ban the use of all animal snares. The Government has sought to improve the welfare of snared animals through research to improve snare deployment and design and by working with users who are producing new guidance on best practice."

The Animal Welfare Act 2006 contains protection for animals under the control of man to help prevent unnecessary suffering and covers any animal held in a snare. Any suspected cases of illegal use should be reported to the Police."

Parliamentary Question, answered by Dr Thérèse Coffey 2016

(You can read the full article here)

WHAT CAN I DO?

If the snare is believed to be illegal and it is safe for you to do so:

- Take sufficient photographs of the snare
- Take wider context photos to show the environment the snare is set
- Focus on the locking part / mechanism (this is really important)
- If you can, take a video and narrate the footage
- Identify the exact location (OS Map Ref/Lat Long or What3words)
- Call 101 and report to the police (make a note of their incident number)
- Contact our Animal Crimewatch Service to report it with your evidence.

If the snare is legal but on a shooting estate and it is safe for you to do so:

- Take the same steps as above (you will not be required to call 101 and report it to the police)
- Report the details to our Animal Crimewatch Service.

If you find a stink pit:

- Take the same steps as above (you will not be required to call 101 and report it to the police)
- You can report it to your local Environmental Health Team at your local council
- Report the details to our Animal Crimewatch Service.

Contact Animal Crimewatch to report your concerns.

<https://www.league.org.uk/forms/animal-crimewatch-report>



**ANIMAL
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League Against Cruel Sports is a registered charity in England and Wales (no.1095234) and Scotland (no.SC045533)



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