



Consultation on the Wildlife and Natural Environment Bill

**Submission of the
League Against Cruel Sports**

February 2010

League Against Cruel Sports
New Sparling House, Holloway Hill, Godalming, Surrey GU7 1QZ
Tel 01483 524250 Email info@league.org.uk Web www.league.org.uk
Registered Charity Number 1095234

Introduction

1. The League Against Cruel Sports (League) contributed to the initial consultation of the Wildlife (NI) Order 1985 in 2008, and as such, broadly welcomes the Bill and the progress the Department has made in updating this piece of legislation. We acknowledge the major steps made in securing biodiversity commitments and also the introduction of custodial sentences to those who commit wildlife crimes. The League believes this Bill reflects the Department's commitment to reform and to bring about positive change in this sector.
2. The League has expressed concern on the classification of the protection status of the Irish hare for a number of years. The League's policy is to call for the protection status of the Irish hare to be upgraded from the temporary protection offered by Schedule 6 (animals which may not be taken or killed by certain methods) to receive full permanent protection under Schedule 5 (animals which are protected at all times).
3. The League has also highlighted concern on the current provisions in the Bill to further regulate snares (clause 10). The League's policy calls for a complete end to the sale, manufacture and use of snares. These traps are a crude and outdated form of predator control, which are indiscriminate and causes unnecessary suffering to the trapped animal. The negative impact it has on animal welfare far out ways any reason to justify their continued use.
4. Queries regarding the League's policy on the Irish hare, snaring, or on this submission specifically, should be addressed to either:

Louise Robertson
Deputy Head of Campaigns and Communications
Email: louiserobertson@league.org.uk
Telephone: 01483 524278

Mary Friel
Northern Ireland Campaigner
Email: maryfriel@league.org.uk
Telephone: 07855 547006

Schedule 1 - Amendments to Schedules to the Wildlife Order

1. Irish hare - The case for upgrading protection from Schedule 6 to Schedule 5

1.1 Introduction

Recent work indicates that the Irish hare (*Lepus timidus hibernicus*) is genetically unique from the mountain (brown) hare and can be considered one of the oldest surviving Irish mammals, estimated at over 60,000 years old¹, making this species of particular conservation interest.

Historically, the Irish hare was widespread and common throughout Ireland; however the population underwent a substantial decline in the 1980-90s². As a result of these findings the Irish hare became subject to both a Northern Ireland and an All Ireland Species Action Plan (SAP). The SAP states the Irish hare to be 'one of the highest priority species for conservation action.'³

The League advocates that NIEA's precautionary principle should be applied to provide permanent protection for the Irish hare. Schedule 5 would ensure that this vulnerable species receives the upmost legislative protection.

1.2 Current status of the Irish hare population

In a report made to the European Commission on the status of EU protected habitats and species in Ireland (2008) the conservation status of the Irish hare was worryingly rated as 'POOR'.⁴ The Irish hare has suffered not only a significant population decline over the last decades, but has also experienced localised extinction.⁵

The Northern Ireland SAP, adopted in 2002, aims to improve the conservation status of the Irish hare. As such, the SAP set a target to double the Irish hare population by

¹ Hughes, M., Montgomery, W.I. & Prodöhl, P. (2006) *Population genetic structure and systematics of the Irish Hare*. Report prepared by Quercus for the Environment and Heritage Service (DOE, N.I.). UK.

² Dingerkus, S. K. & W. I. Montgomery (2002) 'A review of the status and decline in abundance of the Irish Hare in Northern Ireland' *Mammal Rev.* 2002, Volume 32, No. 1, 1-11

³ Mission statement of the Northern Ireland Species Action Plan for the Irish hare

⁴ Conservation Status in Ireland of Habitats and Species listed in the European Council Directive on the Conservation of Habitats, Flora and Fauna 92/43/ECC. Report prepared by the National Parks and Wildlife Services, Department of the Environment, Heritage and Local Government.

⁵ Dingerkus, S. K. & W. I. Montgomery (2002) 'A review of the status and decline in abundance of the Irish Hare in Northern Ireland' *Mammal Rev.* 2002, Volume 32, No. 1, 1-11

2010. The Quercus hare surveys, undertaken by the Environment and Heritage Service (EHS) and Queens University since 2002, have shown a fluctuating hare population (this is also a feature of the brown hare (*Lepus europaeus*)) and have reported the population to have fallen to 'critical levels'.⁶ Despite increases from the 2002 observation of 55 Irish hares, worryingly, the total number of hares observed in the surveys, peaked in 2004 at 373, with figures since showing a steady decline to 98 hares observed in 2009.⁷

Although there has been an increase in the Irish hare population between 2002 and 2009, interpretation of short-term changes should be made in the context of long-term time series, as 'general population declines can be ongoing, despite short term increases'.⁸ Furthermore, according to research conducted at Queens University, the population fluctuates naturally and thus 'population estimates conducted over the recent short-term should thus be treated with caution as apparent increases or decreases may not reflect changes relevant to conservation strategies.'⁹

1.3 Existing Statutory Protection: Why permanent protection is required

At present the Irish hare is a quarry species and only enjoys limited protection under the Games Acts and Schedule 6 of the Wildlife (NI) Order 1985. This level of protection has been increased since 2002 by the addition of a number of concurrent temporary protection orders (SPO) as an annual amendment to the Games Preservation Order 2003.

In February 2005, hare coursing clubs challenged the then Environment Minister Angela Smith MP on her decision to bring in the SPO. The Minister's decision was upheld by the Northern Ireland High Court, and set legal precedent that the *Minister was entitled to consider animal welfare as well as conservation issues in deciding to protect hares.*

⁶ All Ireland SAP - Irish Hare (2005) Section 1.2

⁷ Reid, N., Harrison, A.T. & Robb, G.N. (2008) *Northern Ireland Irish hare survey 2009*. Report prepared by the Natural Heritage Research Partnership, Quercus for the Northern Ireland Environment Agency. Northern Ireland Environment Agency Research and Development Series No. 09/04

⁸ Reid, N., Dingerkus, K., Montgomery, W.I., Marnell, F., Jeffrey, R., Lynn, D., Kingston, N. & McDonald, R.A. (2007) Status of hares in Ireland. *Irish Wildlife Manuals*, No. 30. Prepared for the National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

⁹ Reid, N. (2006) 'Conservation Ecology of the Irish Hare' unpublished PhD, Queen's University, Belfast.

Protection in its current form is limited and only provides protection against the killing and taking of the Irish hare at certain times of the year. The annual lapses in protection cause inconsistencies in enforcement and create confusion for local PSNI officers who deal with reported wildlife crime.

The National Wildlife Crime Unit has listed illegal poaching as one of the three key priorities for Northern Ireland on wildlife crime¹⁰. In this report, hare coursing and poaching was the most commonly reported incident within the category of illegal poaching.¹¹

There is a clear need to have more robust legislative protection for the Irish hare which is consistent at all times and would allow greater powers for the PSNI to intervene in incidents of this wildlife crime. This can be achieved by upgrading the statutory protection of the Irish hare to Schedule 5.

1.4 Hare coursing: the negative impact on animal welfare

An animal's welfare is defined by both its physical and psychological state.¹² To have good welfare an animal must have good physical health and be free from pain, injury and disease. It must also have good mental health, be free from fear and should not be frustrated or deprived.¹³

1.4.1 Cruelty before coursing

The Irish Coursing Club's veterinary surgeon, JJ O'Sullivan, states that:

*'it is impossible to completely avoid stress in hares once you manhandle them, and take them out of their natural environment. Stress can come in many shapes and forms and as long as you have the hare in captivity, he is prone to it - resulting in his disability and even death at times. I believe a lot of damage can be done to hares by rough handling and netting.'*¹⁴

¹⁰ 'Proposed Northern Ireland Wildlife Crime Priorities 2009/2010' (2009) Report prepared by the National Wildlife Crime Unit

¹¹ Ibid.

¹² Dawkins, M.S. (2004) Using behaviour to assess animal welfare. *Animal Welfare*, 2004 13, S3-S7

¹³ Ibid.

¹⁴ O'Sullivan JJ MRCVS, Some Thoughts on The Feeding and Management of Hares – The Abbeyfeale Experience

Capture, handling, transportation and captivity are stressful experiences for hares.¹⁵ There is a danger of spinal and other injury associated with attempts to escape during the netting process.¹⁶ Furthermore, being captured in a net, put into a box, transported in a van, and kept in captivity prior to coursing clearly restricts the hare's ability to respond to its environment, as they cannot evade humans and the noise made by the transport van.¹⁷

Irish hares are captured from the wild and held in captivity for up to 8 weeks prior to a coursing event.¹⁸ In captivity, loud noises, unfamiliar surroundings, and the smell and presence of predators (dogs and humans) contribute to the stress levels of a hare.¹⁹ Thus the time the animal is kept in captivity will determine the duration of fear, frustration and deprivation.

1.4.2 Cruelty during coursing

A recent academic study of the impact of the 1993 change to coursing with the requirement to muzzle dogs found that less hares were killed, but more hares 'experienced direct physical contact.'²⁰ The study also reported that:

*'Hares may be buffeted and pawed by muzzled dogs resulting in stumbling, falling or mauling. It is possible; therefore, that some hares may receive injuries that cause pain and suffering that may compromise their subsequent survival. Furthermore, mortality resulting from mauling by muzzled dogs may not follow as swiftly as mortality resulting from being bitten and mauled by unmuzzled dogs.'*²¹

In a review of literature on coursing undertaken for the Burns Inquiry, Professor Donald Broom, Professor of Animal Welfare, University of Cambridge stated that:

'When a mammal like a hare is chased by a predator like a dog, it will show physiological changes associated with extreme fear. These include

¹⁵ Harcourt-Brown F & Whitwell K, (2003) Rabbits and Hares, *BSAVA Manual of Wildlife Casualties*.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Reid, N.; McDonald, R.A. & Montgomery, W.I. (2007) Factors associated with hare mortality during coursing. *Animal Welfare*, 16(4); 427-434

¹⁹ Harcourt-Brown F & Whitwell K, (2003) Rabbits and Hares, *BSAVA Manual of Wildlife Casualties*.

²⁰ Reid, N.; McDonald, R.A.; Montgomery, W.I. (2007) Factors associated with hare mortality during coursing. *Animal Welfare*, 16(4); 427-434

²¹ Ibid.

*greatly elevated heart rate and high levels of emergency adrenal hormone production as well as other changes in hormone levels and enzymes. Extreme responses like those shown when chased by a predator can result in reduced life expectancy due to the immediate dangers of injury during very vigorous activity and greater risk of cardiovascular or other breakdown as a consequence of the response. We must conclude that, whether or not the hare is caught, its welfare is very poor during the chase and for periods afterwards which will be prolonged in some cases.*²²

Capture myopathy is a stress induced condition in hares which can lead to sudden death by heart failure during a traumatic experience, or later death due to stress hormone effects on the hare's gut and immune system.²³ Capture myopathy can also be induced by the trapping, capture, transport and even restraint of a wild animal.²⁴ Extreme stress of coursing can bring on acute capture myopathy, which can kill a hare during coursing without any physical contact with the dogs.²⁵

1.4.3 Cruelty after coursing

After coursing, surviving hares are released back into the wild. No scientific research has so far demonstrated that even a significant number of those hares released survive. A Queens University study which radio tracked released coursed hares in Northern Ireland only tracked nine hares, a sample size not large enough to draw any significant conclusions. However, it is interesting to note that of the nine hares studied, two died of unknown causes within 11 weeks of being coursed.²⁶

There are examples of large numbers of netted and coursed hares dying after release. In Wexford in December 2003, 40 out of 83 hares died after being netted and coursed with muzzled dogs. The vet's report stated that hares are 'significantly

²² Broom, DM. (2000) *The welfare of deer, foxes, mink and hares subjected to hunting by humans: An independent review of the scientific literature*. Prepared by Professor D M Broom and the Cambridge University Animal Welfare Information Centre.

²³ Rendle, Mike, (2009) 'Stress and Capture Myopathy in Hares'

²⁴ Fowler, Anne, BSc (Vet) (Hons) BVSc, MACVSc 'Capture Myopathy'

²⁵ Rendle, Mike, (2009) 'Stress and Capture Myopathy in Hares'

²⁶ Preston, Jane, Paulo Prodöhl, Alex Portig, Kate O'Neill & Ian Montgomery (2006) *Survival and Dispersal of coursed Irish Hares in Northern Ireland*. Environment and Heritage Service Research and Development Series. No. 06/10.

stressed when corralled and coursed²⁷ and that stress led to a compromise of the immune system, resulting in deaths in this case.

In addition to the numbers of individual hares killed by coursing, the taking of hares may have a wider impact on the population if the hares taken are nursing mothers, or are pregnant when taken, and later abort or give birth to leverets in captivity that are unlikely to survive. Neil Reid of Queen's University, Belfast reported that Irish hares can breed throughout the autumn and winter in mild years.²⁸ Backing this up, sixteen leverets were found in a coursing compound in Co. Offaly in October 2004, by a National Parks and Wildlife Service ranger who was counting hares held by the Edenderry Coursing Club.²⁹ Their presence in the compound indicates that pregnant hares were netted from the wild and gave birth while in captivity.

1.5 Coursing and conservation?

The report made to the European Commission which rated the conservation status of the Irish hare as 'POOR' stated the reasons for this categorisation as 'loss of habitat, increased urbanisation and hunting.'³⁰ Furthermore, the report raised concern on the effects coursing has on the 'reproductive viability of hares post-coursing and the impact on local population demographics of hare removal and return.'³¹

The All Ireland Species Action Plan for the Irish hare states, amongst the factors thought to have a negative effect on hare populations is the 'illegal taking of hare' and the 'unsustainable taking of hares for sporting purposes.'³² The League does not consider any taking of hares for sporting purposes to be sustainable.

Coursing is not a conservation measure; when the numbers fell, Northern Ireland coursing clubs had great difficulty finding hares, even in the areas where their 'conservation efforts' were being made³³. There is no peer reviewed scientific research that says the activities of Dungannon and Ballymena (the only two formal coursing clubs in NI) have led to an increase in abundance of the Irish hare.

²⁷ Post-mortem reports, Kilkenny Regional Veterinary Laboratory, 6th January 2004

²⁸ Reid, N. (2006) Conservation Ecology of the Irish Hare unpublished PhD, Queen's University, Belfast.

²⁹ FOI request, by the Irish Council Against Blood Sports

³⁰ Conservation Status in Ireland of Habitats and Species listed in the European Council Directive on the Conservation of Habitats, Flora and Fauna 92/43/ECC. Report prepared by the National Parks and Wildlife Services, Department of the Environment, Heritage and Local Government.

³¹ Ibid.

³² All Ireland SAP - Irish Hare (2005) Section Section 2.7 and 2.8

³³ In 2002, the Dungannon coursing club found only nine hares to net in Northern Ireland

When a population is under threat enough to warrant two Species Action Plans and is listed under the EU Habitat Directive as a species of particular concern, it is even more difficult than usual to justify the taking and killing of this threatened species for 'sport'.

1.6 Illegal coursing (poaching)

Aside from hares injured or killed in formal hare coursing events, many hares are coursed and killed by poachers, most often using lurchers. This activity is just as cruel as organised coursing, and would be outlawed if all coursing became illegal. Under Schedule 5 a police officers would not have to wait until a hare was killed before making an arrest for poaching. Furthermore landowners would no longer have to attend court to show that they had not given permission to the poacher, thus reducing the risk of landowners being threatened or intimidated.

1.7 Public opinion

Hare coursing is sometimes seen as a traditional Irish rural 'sport'. However, polling conducted by the League shows the overwhelming support in favour of ending hare coursing. Support is equally weighted from rural and urban centres, dispelling the myth that coursing is a popular rural activity. The following polling figures are from Millward Brown Ulster. This research was carried out on behalf of the League in November 2008:

- 71% of people in the North want permanent protection granted to the Irish hare under the review of the Wildlife (NI) Order 1985

- 75% want a permanent ban on hare coursing³⁴

³⁴ Polling figures (2008) are available by request from the League

2. Clause 10 - Snares

2.1 Introduction

The League is disappointed that provisions in the draft Bill have sought to further regulate, rather than ban this primitive form of predator control. The proposed amendments to the Wildlife (NI) Order 1985 do not go far enough to eradicate suffering caused by snares. It is our belief snaring has no place in modern society and a complete end to their use is the only option.

We believe there are serious problems with enforcing many of the proposals and these amendments do not tackle the crux of the problem which is the cruelty associated with snaring and the fact snares are indiscriminate and can never be set to be target selective, meaning even animals protected under Schedule 5 and 6 in this Bill are at risk from the continued use of snares.

2.2 What is a free-running snare?

Legal free-running snares are set as restraining devices, primarily for foxes and rabbits, and are designed to catch the target animal around the neck, but to slacken off when the animal stops struggling.³⁵ However, as the Burn's Inquiry reveals the reality of free-running snares is they have the potential for strangulation or serious injury.³⁶ It is a crude and simple device, unable to distinguish between protected and non-protected species or domestic and wild animals.³⁷

2.3 Why ban snares?

2.3.1 Snares are ineffective and indiscriminate

Although snares are set to catch foxes and rabbits, there is a volume of evidence which shows that free running snares frequently catch other non-target species.³⁸ This is due to the inherent indiscriminate nature of snares, which cannot select the animal which becomes trapped.

³⁵ Report of the Independent Working Group on Snares (2005) Section 2.2.1

³⁶ Report of the UK Governments Burns Inquiry (2000)

³⁷ Report from the Scottish SPCA (2007) 'Snaring in Scotland'

³⁸ Harris et al (2007) Trapped by bad science the myths behind the international humane trapping standards

- The Independent Working Group Report on Snares concluded that: “it may be very difficult, when using snares to catch foxes in some environments, to reduce the overall proportion of non-target animals caught to below about 40%.”³⁹
- The British Association for Shooting and Conservation and the Game Conservancy Trust, have admitted that up to 48% of captured animals were non-targets.⁴⁰
- A report on snaring compiled from evidence of Scottish SPCA inspectors, wildlife crime police officers and vets showed that of 269 animals reported as having been caught in snares, only 23 per cent were the animal they were set for such as foxes and rabbits. Companion animals accounted for 17 per cent of the total, and European protected species (EPS) a further 12 per cent.⁴¹

2.3.2 Snares are cruel and cause unnecessary suffering

Snares are meant to act as a restraining device but in reality they can inflict horrific injuries and/or kill many of their targets, often in a slow and painful way. In the report compiled from evidence of Scottish SPCA inspectors, wildlife crime police officers and vets on snaring showed, of 269 animals reported, 154 (57%) suffered injuries that proved to be fatal.⁴²

The UK Government’s Independent Working Group on Snaring lists some of the injuries caused by snares to include:

- the stress of restraint, which could include frustration, anxiety and rage; fear of predation or capture whilst held by the snare
- friction, penetration and self-inflicted skin injuries whilst struggling against or fighting the tether
- pain associated with dislocations and amputations especially with un-stopped snares

³⁹ Report of the Independent Working Group on Snares, DEFRA (2005) section 2.7

⁴⁰ Figures produced by the BASC and the Game Conservancy Trust, as cited by the Report of the Independent Working Group on Snares (2005) section 2.7

⁴¹ Report from the Scottish SPCA (2007) ‘Snaring in Scotland’

⁴² Report from the Scottish SPCA (2007) ‘Snaring in Scotland’

- ischaemic pain (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 despatch by the snare operator
- pain and injury associated with killing by the snare operator if unconsciousness is not immediate.⁴³

Stops on free-running snares can prevent the snare tightening beyond a certain point. However, placement of stops is based on the average target animal. If the animal that enters a snare is larger than average, or of a different, larger species, then the stop may not work. An example of this is when a fox snare with a stop placed with the fox's neck in mind captures a badger round the abdomen. (Appendix A)

The Burns Inquiry into hunting found that: "Although experience suggests that snares with a 'stop' carry less risk, even in the case of legal snares, where the stop is required, there is still the possibility of strangulation or serious injury."⁴⁴ The League agrees with this view, and feels that while stops may help reduce the welfare impact on some animals, they do not render a snare in any way 'humane'.

The League also has major welfare concerns on the subsequent release of animals which have been caught in snares. An animal may 'seem fine' when in fact it could have very serious injuries. In a report on the animal welfare standards of killing and restraining traps it highlights that certain insidious injuries deriving from free running snares can manifest themselves days after the release of the animal.⁴⁵ The report develops, 'pressure from the wire ligature can damage cellular structures, which can

⁴³ Report of the Independent Working Group on Snares (2005) section 2.6

⁴⁴ Report of the Committee of Inquiry into Hunting with Dogs in England and Wales, HMSO, 2000

⁴⁵ Iossa et al (2007) Mammal trapping a review of animal welfare standards of killing and restraining traps *Animal Welfare* 2007, 16: 335-352

in turn lead to necrosis of tissues (pressure necrosis) and ultimately death in the days following release.⁴⁶

2.4 Inspection frequency

The League has concerns over the humaneness of holding an animal in a snare for any length of time, and note that there is a lack of scientific evidence regarding the welfare consequences of snare inspection frequencies⁴⁷. The British Association of Shooting and Conservation (BASC) recommends twice daily inspections,⁴⁸ but the League does not believe that snares can be inspected regularly enough when used in the field to ensure good animal welfare for captured animals. This practical problem is particularly a concern on remote shooting estates, where snares may be set over a wide area, and when drag snares are pulled away from their original location by the snared animal.

The longer an animal is held in a snare, the more potential there is for serious injury. Dr Chris Cheeseman states:

*“With snaring, snares carry a very significant risk in terms of the welfare of any captured animal: the longer an animal is in a snare, the more likely it is to sustain injury. When we operated snares the frequency of the inspections were not more than three hours, but I do not think that is a very practical option for a control method.”*⁴⁹

While training and codes of practice are freely available (BASC), deliberate setting of non-stopped snares where they are illegal, snares set where they may catch protected species or where animals may kill themselves, and snares not checked daily, are common.⁵⁰ Recent League investigations into the uptake of the DEFRA code of practice on snares found that 78% of estates using snares were doing so in contravention of the code⁵¹, and previous research exposed bad practice on the

⁴⁶ Ibid.

⁴⁷ Report of the Independent Working Group on Snares, DEFRA, (2005) Section 2.6.2

⁴⁸ Fox snaring code of practice, report by BASC <http://www.basc.org.uk/content/foxsnarepractice>

⁴⁹ Dr Chris Cheeseman, Q46, EFRA select committee oral evidence bovine TB: badger culling, February 7th 2006

⁵⁰ Iossa et al (2007) Mammal trapping a review of animal welfare standards of killing and restraining traps *Animal Welfare* 2007, 16: 335-352

⁵¹ The Silent Killer: Can the Code of Practice Stop the Cruelty? (2006) Report by the League Against Cruel Sports,

estates of key figures in the shooting industry⁵². Enforcement of a total ban on snares would be far simpler to enforce.

2.5 Snaring and land management

The use of fox snares on shooting estates appears to be in decline. In 1994, the Game Conservancy Trust noted that, 'reports indicate that gamekeepers have shifted away from them in favour of night shooting with a rifle and spotlight'⁵³. A League investigation into the use of snares on 68 shooting estates in the UK found that only 23 (34 %) of the estates appeared to be using snares⁵⁴.

Where snares are currently used to control rabbits, they can be replaced with a range of techniques that are more humane, effective and cost efficient. The Central Science Laboratory, which specialises in environmental management, lists snaring as a form of rabbit control 'not recommended.'⁵⁵ They state: 'these methods are not considered to be particularly effective or humane and can result in other animals, including pets, being caught'⁵⁶. DEFRA recommends live capture traps⁵⁷ and fencing⁵⁸ in their fact sheets on agricultural damage, and they do not produce a fact sheet on rabbit control through snaring.

The use of snares is not considered to be a common farming practice in Northern Ireland. In particular, modern sheep farming in Northern Ireland is shaped by pedigree breeders or mainstream commercial varieties which are mainly lambed indoors and will only go to field at a bigger size when foxes are not a big threat.⁵⁹

Despite antidotal evidence suggesting that snaring is not a preferred or popular method of predator control, there is a real need for the Bill to address the animal welfare concerns associated with the use of snares, and as such, move toward eradicating what use of snares still exists in Northern Ireland.

⁵² The Killing Game: Out of Control Predator Control. (2006) Report by the League Against Cruel Sports

⁵³ Reynolds, J. & Tapper, S. (1994). The Game Conservancy Review of 1993.25,94-96

⁵⁴ The Killing Game: Out of Control Predator Control. (2006) Report by the League Against Cruel Sports

⁵⁵ Dendy, J.A. and Mckillop, I.G Advice on Rabbit Management for Growers of Short Rotation Willow Coppice, CSL 2000, Page 6

⁵⁶ Ibid.

⁵⁷ Defra (2004a) Rabbits: Use of cage-trapping to prevent agricultural damage. Rural Development Service Technical Note 17. Defra, London.

⁵⁸ Ibid.

⁵⁹ Correspondence with UFU on 04.11.2009

2.6 Snares and the EU

The UK and Republic of Ireland are two of only five countries within the EU which permits the use of snares, the others being France, Spain and Belgium.⁶⁰ Northern Ireland and indeed the whole of the UK and Ireland should ban the use of snares to come in line with other European legislation. In the light of big changes in animal welfare law in recent years, it is concerning that the UK and Ireland still lags behind the majority of Europe on this issue.

The UK and Republic of Ireland are signatories to the Bern Convention on the Conservation of European Wildlife and Natural Habitat which prohibits the use of '*all indiscriminate means of capture or killing*'.

Although it is illegal to target protected species, due to the indiscriminate nature of snares, it is impossible to set a snare which is target specific. As such, there are serious concerns over the actual legality of the unintentional and reckless snaring of European Protected Species (EPS).

Under Section 39(1) of the Conservation (Natural Habitats, &c) Regulations 1994 (amended 2007), it is an offence to '*deliberately or recklessly to capture, injure or kill a wild animal of a European protected species*'. This calls into serious question the future of snaring, as snares can, and do, capture, injure and kill EPS (Please see Section 2.3.1 in the League's submission).

The League believes that the only way to comply with the legal obligation under European law, with regards to protected species, is to impose a complete ban on the use of snares. The NI Assembly must use this consultation to address the issue of killing legally protected species through the use of snares, and not leave itself open to referral to the ECJ for failing to adequately enforce the Habitats Directive.

2.7 Proposals in Clause 10 of the Wildlife and Natural Environment Bill

10, (3) (aa) Make it illegal to "*set in position or otherwise uses any other type of snare which is either of such a nature or so placed (or both) as to be*

⁶⁰ Consultation on snaring (2006) issued by the Scottish Executive

calculated to cause unnecessary suffering to any wild animal coming into contact with it;”

There are two fundamental problems with this proposal. Firstly, it wrongly premises that a snare can be set in such a way that eliminates unnecessary suffering (Section 2.3.2). The proposed legislation fails to address the inherent nature of the device to cause suffering, as setting a snare even under stringent guidelines does not eliminate the potential for unnecessary suffering.

Secondly there is a problem with the definition of the ‘animal’ which will come in contact with the snare, as the draft Bill only addresses the intended species, rather than the actual animals caught in snares. Although snares are set primarily to catch rabbits and foxes, they are not target specific and can catch and cause suffering to domestic and farmed animals. By only defining wild animals as trapped in snares, the Bill fails to address almost half of the animals estimated to be caught in snares (section 2.3.1.). Furthermore, defining all wild animals in one bracket is problematic. It fails to take into account that snares trap European protected species as well as Schedule 5 species, which are illegal to trap and/or kill (section 2.6). The only way to address these fundamental welfare and conservational problems intrinsic to regulation is to move to a complete ban on the use of snares.

10. (4) (2a) *“Any person who sets a snare in position or who knowingly causes or permits a snare to be so set must, while it remains in position, inspect it or cause it to be inspected at least once every day at intervals of no more than 24 hours.”*

Checking snares every 24 hours is vastly inadequate in preventing suffering from being inflicted upon wild, domestic and farmed animals which are indiscriminately trapped. It only takes a short space of time for an animal to receive serious injuries from a snare (section 2.3.2. and 2.4.). The League believes that regulation cannot prevent animal suffering and is also extremely difficult to enforce against. The League has found mass breaches of the code of practice led out by DEFRA across the UK, including traps not being checked for significant periods of time.⁶¹

⁶¹ ‘War on Wildlife’, (2009) Report by the League Against Cruel Sports

10. (4) (2d) *“Any person who, without reasonable excuse, is in possession of a snare which is capable of operating as a self-locking snare shall be guilty of an offence.”*

In effect this means any person in possession of any snare, including a legal free running snare could be prosecuted because any snare has the ability to become self locking. Simple kinking of the wire, rusting or matting with blood or animal hare can impair the action of a legal snare to the extent it becomes self-locking (Appendix B).

3. Conclusion

We urge the Department to consider and move with the League’s recommendations:

1. to upgrade the protection status of the Irish hare from the temporary protection offered by Schedule 6 (animals which may not be taken or killed by certain methods) to receive full permanent protection under Schedule 5 (animals which are protected at all times).
2. to implement a full ban on the sale, manufacture and use of snares. Further regulation as proposed in Clause 10 of the draft Bill fails to address the crux of the matter, the cruelty and suffering caused by snares as well as their indiscriminate nature. In particular, how their continued legality provides a loophole in the law to recklessly trap and kill EPS.

The League is delighted to have the opportunity to respond to the draft Wildlife and Natural Environment Bill. We look forward to the progress the Department will make in the coming stages of the Bill process and look forward to continuing to provide a positive contribution to the Bill.

Appendix A



Appendix B



Further Notes

Pictures and video footage of snaring is available upon request