

Subordinate legislation: The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024

Letter from Scottish Land and Estates, National Farmers Union of Scotland, the Scottish Gamekeepers Association, the Scottish Countryside Alliance, BASC Scotland, Scotland's Regional Moorland Groups and the Scottish Association for Country Sports, 4 October 2024

Dear Convenor,

We hope this letter finds you well. We write to you today to express our disbelief at the sentiments contained within the Scottish Government's policy note accompanying the above regulations which will, as of 25 November 2024, make it an offence to use snares and humane cable restraints.

The Scottish Government's prohibition on the use of snares and humane cable restraints was introduced by amendment when the Wildlife Management and Muirburn Act (then Bill) was at stage 2 of the parliamentary process. The general principles behind the prohibition were not, therefore, afforded the customary levels of parliamentary scrutiny, which is extremely regrettable.

Fortuitously, the Scottish Parliament's rural affairs and islands committee did make some attempt to understand the implications of the prohibition. An oral evidence session took place on 08 November 2023 where stakeholders spoke at length about the implications of such a ban. We have included some relevant extracts from [the official report](#) below.

"We rely massively on humane cable restraints, because the estate that I am on is classified as an island, with no predator control being carried out in the surrounding areas. I will give you an idea of the scale. We control about 200 foxes a year on the land; given that 61 per cent of that control is carried out through humane cable restraints, the removal of that tool would be absolutely detrimental to practice on the estate." – Conor Kelly, Scottish Gamekeepers' Association

"Indeed, we looked at the matter further to try to understand the implications on job losses. When we asked land managers whether they thought that a ban on snares and cable restraints would result in job losses, 72 per cent of those we surveyed said yes." – Ross Ewing, Scottish Land & Estates

"From the farmer's point of view, pest control is a necessary activity on farms. We speak to farmers who regularly lose lambs to foxes, and they know that, once a fox finds those lambs, they can come night after night. In that situation, snares are sometimes the only option that is available. That can be due to the topography and the type of land, as Ross Ewing said, but it can also be due to time constraints and lack of skills. We have moved on a long way in farming and farmers have lost a lot of the skills that were involved in lamping and the shooting of foxes, so it becomes the

only option for them.” – Penny Middleton, National Farmers Union of Scotland

With these sentiments in mind, it is staggering that the Scottish Government has determined in its policy note that: *“The Minister for Agriculture and Connectivity confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.”*

For the avoidance of any doubt, the evidence provided to your committee on this matter is clear that the instrument *will* have negative financial effects on agricultural and sporting business as a result of this decision, not to mention a tangible negative impact on threatened species. The Scottish Government’s apparent disregard for this evidence, and indeed the evidence provided to Ministers through meetings and the public consultation, is a matter of grave concern to us.

We expect that your committee will shortly be asked to consider SSI 2024/268. In our view, we feel Ministers should be compelled to produce a Business and Regulatory Impact Assessment given the evidence provided to the Scottish Government and your committee. Whether this will impact on the commencement date is a matter for Ministers and the Scottish Parliament, but we feel it important that both parties fully understand the implications of legislation before commencement.

Yours sincerely,

Ross Ewing, Scottish Land & Estates
Conor Kelly, Scottish Gamekeepers Association
Mark Ewart, Scotland's Regional Moorland Groups
Peter Clark, The British Association for Shooting & Conservation
Jake Swindells, Scottish Countryside Alliance
Alex Stoddart, Scottish Association for Country Sports
Penny Middleton, National Farmers Union of Scotland