

Rural Affairs and Islands Committee
Wednesday 6 November 2024
27th Meeting, 2024 (Session 6)

Note by the Clerk on the Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 (SSI 2024/268)

Overview

1. At this meeting, the Committee will consider the Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024, which are subject to annulment by resolution of the Parliament until 24 November 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Wildlife Management \(Consequential Amendments\) \(Scotland\) Regulations 2024](#) (SSI 2024/268)

Laid under: [Wildlife Management and Muirburn \(Scotland\) Act 2024](#)

Laid on: 30 September 2024

Procedure: Negative

Deadline for committee consideration: 18 November 2024 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 24 November 2024 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 25 November 2024

Delegated Powers and Law Reform Committee consideration

3. The [DPLR Committee considered the instrument on 8 October 2024](#). The [DPLR Committee reported on the instrument in its 60th report, 2024](#), and made no recommendations in relation to the instrument.

Purpose of the instrument

4. The instrument relates to the implementation of section 6 of the Wildlife Management and Muirburn (Scotland) Act 2024 to introduce a ban on the use of snares. The instrument—
 - amends the Spring Traps Approval (Scotland) Order 2011 to remove a snare model and

- revokes two orders relating to snare use.
5. The policy note accompanying the instrument is included in Annexe A. Members will note the Scottish Government consulted on the ban of snaring, achieved via the 2024 Act, but not on the instrument itself. Members will also note the Minister's confirmation that the instrument will not have any impact on the Scottish Government, local authorities or businesses and his decision, therefore, that a business and regulatory impact assessment (BRIA) is not considered necessary.
 6. The instrument would come into effect on the same date section 6 comes into effect via the laid-only procedure [Wildlife Management and Muirburn \(Scotland\) Act 2024 \(Commencement No. 2 and Saving Provision\) Regulations 2024](#) (SSI 2024/267).

Committee consideration

7. In advance of the Committee's consideration, [the Convener wrote to the Minister for Agriculture and Connectivity on 7 October 2024 for additional information](#) about how the Scottish Government is supporting land managers' transition to alternative forms of predation control and intending to monitor the effectiveness of the ban. These questions follow up [commitments made by the then Minister for Energy and the Environment in her response to the Committee's stage 1 report on the Wildlife Management and Muirburn \(Scotland\) Bill](#).
8. In addition, and in response to [concerns raised by a group of land management organisations¹ on 4 October 2024](#) about the impact of the ban on their businesses, the Convener also asked for further information about the Minister's decision that a BRIA is not necessary.
9. The [Minister for Agriculture and Connectivity replied to the Committee's letter on 25 October 2025](#). The Minister sets out the support available for land managers' transition to alternative forms of predation control and refers to the Scottish Government's duty to report on the effectiveness of the section 6 ban within five years of Royal Assent. In relation to the decision about a BRIA, the Minister states this is because this is a technical SSI which gives effect to a ban already in place under the 2024 Act, rather than introduce a new policy.
10. At the time of writing, no motion recommending annulment has been lodged.
11. Members are invited to note the instrument.

Clerks to the Committee October 2024

¹ Scottish Land and Estates, National Farmers' Union of Scotland, Scottish Gamekeepers' Association, Scottish Countryside Alliance, BASC Scotland, Scotland's Regional Moorland Groups and Scottish Association for Country Sports

Policy Note

The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 SSI 2024/268

The above instrument was made in exercise of the power conferred by section 34(1) of the Wildlife Management and Muirburn (Scotland) Act 2024 (“the 2024 Act”). The instrument is subject to negative procedure.

Summary Box

This instrument in consequence of the commencement of the prohibition of the use of snares under the 2024 Act, the effect of this instrument is revoke provisions which are no longer required and to remove the WCS Collarum (a type of snare) from the Spring Trap Approval (Scotland) Order 2011.

Policy Objectives

These Regulations are being introduced to remove the WCS Collarum from the Spring Trap Approval (Scotland) Order 2011 (“STAO”). The Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 2 and Saving Provision) Regulations 2024 commences section 6 of the Wildlife Management and Muirburn (Scotland) Act 2024 on 25 November 2024. Section 6 prohibits the use of a snare in Scotland:

- for the purpose of killing any animal (other than a wild bird);
- other than one which is operated by hand to take any animal (other than a wild bird);
- in any way that is likely to injure any animal coming into contact with the snare.

As the WCS Collarum is a type of snare, and is not operated by hand, it will be prohibited for use in Scotland and should therefore be removed from the STAO. These Regulations will be progressed alongside the Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 2 and Saving Provision) Regulations 2024 to commence section 6 of the 2024 Act.

These Regulations also revoke the Snares (Identification Numbers and Tags) (Scotland) Order 2012 and the Snares (Training) (Scotland) Order 2015.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation on snaring as part of the Natural Environment Bill process took place from 22 August 2023 to 3 October 2023.

As a result of that consultation, 70% of respondents supported prohibition on the use of snares (including the WCS Collarum).

The removal of the WCS Collarum from the STAO will not require any further evidence gathering given it is a snare and snaring will be prohibited under the Wildlife Management and Muirburn (Scotland) Act 2024.

[A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.](#)

Impact Assessments

A Child Rights and Wellbeing impact assessment has been completed on The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 and is attached².

It is considered that The Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 as summarised above will bring no discernible reduction or progress in children's rights or their wellbeing.

Financial Effects

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.

Scottish Government
Environment and Forestry Directorate
Nature Division
September 2024

² This is available from the clerks at members' request