

2012 No. 282

WILDLIFE

**The Snares (Identification Numbers and Tags) (Scotland)
Order 2012**

Made - - - - - *22nd October 2012*

Laid before the Scottish Parliament *24th October 2012*

Coming into force - - - *22nd November 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 11A(8)(b), (c), (d), (e), (f), (g), (h) and (i) of the Wildlife and Countryside Act 1981(a) and all other powers enabling them to do so.

For the purposes of section 26(4)(a) of that Act(b) they consider that no local authority is affected by this Order.

In accordance with that provision, they have given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order.

In accordance with section 26(4)(b) of that Act, they have consulted Scottish Natural Heritage.

Citation and commencement

1. This Order may be cited as the Snares (Identification Numbers and Tags) (Scotland) Order 2012 and comes into force on 22nd November 2012.

Interpretation

2. In this Order—

“1981 Act” means the Wildlife and Countryside Act 1981;

“snare hardware” means the anchor and any other part permanently attached between the snare and anchor, excluding the tealer; and

(a) 1981 c.69; section 11A is inserted by section 13 of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”), and was brought into force by article 2(1)(c) of S.S.I. 2011/433 to the extent necessary to enable the Scottish Ministers to make provision by order under section 11A(8).

(b) The functions set out in section 26(4)(a) and (b) of the Wildlife and Countryside Act 1981 requiring consultation with any local authorities and any other person affected by the Order, and with Scottish Natural Heritage, are conferred upon the Secretary of State; those functions, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 26(4)(a) and (b) were amended by section 17(6)(b) of the 2011 Act.

“training certificate” means a certificate issued by an approved body in accordance with article 3 of the Snares (Training) (Scotland) (No. 2) Order 2012(a).

Application for an identification number

3.—(1) An applicant for an identification number to be issued under section 11A(4) of the 1981 Act must apply in person at a police station in the police area within which it is intended to set snares.

(2) The application must be made in the form set out in the Schedule to this Order and be accompanied by—

- (a) a fee of £20;
- (b) evidence of the identity of the applicant which must be in the form of photographic identification;
- (c) a training certificate obtained by the applicant; and
- (d) a recent passport size photograph clearly showing the face and shoulders of the applicant.

Evidence of training

4. A chief constable is to be satisfied that an applicant for an identification number has been trained for the purposes of section 11A(4)(b) of the 1981 Act where he or she is satisfied that a training certificate has been issued to the applicant.

Issuing of identification numbers

5.—(1) An identification number to be issued to an applicant by a chief constable must be sent by registered or recorded delivery post.

(2) When an identification number is issued under paragraph (1) by a chief constable other than the Chief Constable of Strathclyde Police, the chief constable must notify the Chief Constable of Strathclyde Police and provide him or her with the details required for the records to be kept in accordance with article 6.

Record keeping

6.—(1) The Chief Constable of Strathclyde Police must, in a centrally held register, keep records of—

- (a) identification numbers which have been issued in all police areas; and
- (b) details of the persons to whom they have been issued.

(2) Information from records kept in accordance with paragraph (1) may be shared with the Scottish Ministers.

Tags

7.—(1) Tags to be fitted for the purposes of section 11A(2) of the 1981 Act must be made from plastic or metal.

(2) Tags must be attached either—

- (a) directly to the snare or to the snare hardware; or
- (b) by—
 - (i) a length of wire; or
 - (ii) a plastic cable tie,

(a) S.S.I. 2012/161.

that will securely attach the tag to the snare or snare hardware so that the tag cannot be easily removed.

(3) For the purposes of section 11A(2)(c) of the 1981 Act, where the snare is intended to catch—

- (a) brown hares, the letters “BH” must be displayed on the tag;
- (b) rabbits, the letter “R” must be displayed on the tag; or
- (c) foxes, the letter “F” must be displayed on the tag,

in addition to the identification number required by section 11A(2)(b) of the 1981 Act.

St Andrew’s House,
Edinburgh
22nd October 2012

PAUL WHEELHOUSE
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 3

Form of application for an identification number

APPLICATION FOR A SNARING OPERATOR IDENTIFICATION NUMBER

You should use this form to apply for the grant of a Snaring Operator Identification Number

I am applying for the grant of a Snaring Operator Identification Number.

Please read the Application Guidance Notes before completing Parts A and B of the application.

Write in **BLOCK CAPITALS** throughout except when signing.

Part A Personal details to be completed in all cases

1. Title (Mr/Mrs/Ms/Dr, etc)	<input type="text"/>	6. Nationality	<input type="text"/>
2. Surname	<input type="text"/>	7. Location of Snaring Training Course	<input type="text"/>
3. Forename(s)	<input type="text"/>	8. Date Snaring Training Course Attended	<input type="text" value="__ / __ / __"/>
4. Home Address or Business Address	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Post Code E-mail	9. Snaring Course Approved Body	<input type="text"/>
5. Date of Birth (D/M/Y)	<input type="text" value="__ / __ / __"/>		

Part B Declaration	
<p>I declare that the statements made by me on this form are true. It is an offence under section 17 of the Wildlife and Countryside Act 1981 for any person knowingly or recklessly to make a statement or furnish a document which is false in any material particular for the purposes of obtaining a Snaring Operator Identification Number. I am applying for a Snaring Operator Identification Number in accordance with the Snares (Identification Numbers and Tags) (Scotland) Order 2012.</p>	
Signature of Applicant	
Date (D/M/Y)	__ / __ / __

Application Guidance Notes

1. Parts A and B of this form should be completed personally by the applicant.
2. If you wish to provide any information further to the questions detailed overleaf separately to this form, you must sign and date the information.
3. The applicant must attend at a police station in person with the completed form together with the documentation/fee detailed below;
 - Fee - £20.00
 - Valid snaring certificate in the name of the applicant
 - A means of photographic identification, such as a valid driving licence or passport
 - A recent passport size photograph clearly showing the face and shoulders of the applicant

Part C (Completion by Police Station)			
Address of Police Station:		_____	

		Postcode	
Fee paid:	£	Receipt No.	
Valid snaring certificate in the name of applicant and copy obtained:	Yes / No	Photograph submitted:	Yes / No
Photographic identification viewed and copy obtained:		Yes / No	
Photographic ID reference number (if applicable):			
Applicant's identity confirmed:		Yes / No	
Snaring identification number			
Snaring identification number provided to applicant		Yes / No	
Remarks (if applicable) insert free text:			
Officer's / Member of Staff Name / Rank / No.:			
Date of issue:			

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision about identification numbers and tags in relation to setting snares.

An application for an identification number is to be made in person at a police station in the police area within which it is intended to set snares (article 3(1)). It is to be made in the form set out in the Schedule to the Order and must be accompanied by a fee of £20 and the other accompanying documentation set out in the Order (article 3(2)).

Article 4 sets out how a chief constable is to be satisfied that an applicant for an identification number has been trained for the purposes of section 11A(4) of the Wildlife and Countryside Act 1981 (“the 1981 Act”). This will be the case where he or she is satisfied that a training certificate has been issued to the applicant.

Article 5 provides that identification numbers must be issued by registered or recorded delivery post, and (where he or she has not issued the number) requires the Chief Constable of Strathclyde Police to be notified when this happens. Under Article 6, he or she is required to keep records in a centrally held register all of identification numbers which have been issued. This information may be shared with the Scottish Ministers.

Article 7 sets out requirements for the composition of tags, how they are to be attached and the information which is required to be displayed on a tag where it is intended to catch the species listed in section 11A(2)(c) of the 1981 Act.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Environmental Quality Division, Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

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