

SCHEDULE 6 PROTECTION OF WILDLIFE

Protection of animals: offences

- 10 (1) Section 11 (prohibition of certain methods of killing or taking wild animals) is amended as follows.
- (2) In subsection (1)(a)—
- (a) after “position” insert “or otherwise uses”,
 - (b) for the words from “which” to the end of the paragraph substitute “or a snare of any other type specified in an order made by the Scottish Ministers”.
- (3) After that paragraph insert—
- “(aa) sets 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 calculated to cause unnecessary suffering to any animal coming into contact with it.”.
- (4) In subsection (1)(b), for the words from “wild” to “aforesaid,” substitute “animal”.
- (5) In subsection (2)(a), for “calculated” substitute “likely”.
- (6) For subsection (3) substitute—
- “(3) 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.
 - (3A) Any person who, while carrying out such an inspection, finds an animal caught by the snare being inspected must, during the course of the inspection, release or remove the animal (whether live or dead).
 - (3B) Subject to the provisions of this Part, any person who—
 - (a) without reasonable excuse, contravenes subsection (3), or
 - (b) contravenes subsection (3A),shall be guilty of an offence.
 - (3C) Subject to the provisions of this Part, any person who—
 - (a) is, without reasonable excuse, in possession of; or
 - (b) sells, or offers or exposes for sale,a snare which is capable of operating as a self-locking snare or a snare of any other type specified in an order under subsection (1)(a) shall be guilty of an offence.
 - (3D) Subject to the provisions of this Part, any person who, without reasonable excuse—
 - (a) while on any land, has in his possession any snare without the authorisation of the owner or occupier of the land; or
 - (b) sets any snare in position on any land without the authorisation of the owner or occupier of the land,shall be guilty of an offence.

Status: This is the original version (as it was originally enacted).

(3E) Subject to the provisions of this Part, any person who uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Scottish Ministers, or who knowingly causes or permits any other person to do so, shall be guilty of an offence.”

(7) After subsection (4) insert—

“(4A) The Scottish Ministers may by order specify—

- (a) criteria which articles of a type referred to in subsections (1) to (3E) must meet to be treated as articles of that type for the purposes of those subsections,
- (b) circumstances in which articles of that type are to be treated as having been set or used in a manner which constitutes an offence under those subsections.”

(8) In subsection (5), for “(1)(b) or (c)” substitute “(1)(c)”.