

SPRING TRAPS APPROVAL ORDER - SYNOPSIS OF RESPONSES

Introduction and Background

1. Between 17th August and 14th October 2011 the Department undertook a consultation on proposals to make a new Spring Traps Approval Order that would replace the Spring Traps Approval (NI) Order 1996 and update the list of spring traps that are approved for use in Northern Ireland.
2. This document summarises the responses received to the consultation.
3. Spring traps are used to control pest animal species such as rats. The sale and use of spring traps was formally regulated under the Welfare of Animals Act (NI) 1972 ('the 1972 Act'), administered by the Department for Agriculture and Rural Development. The Spring Traps Approval Order (NI) 1996 ('the 1996 Order'), made under the powers contained in the 1972 Act, provided a list of the authorised traps.
4. The powers to regulate the use of spring traps transferred to the Department of the Environment through provision contained in Wildlife and Natural Environment Act 2011 ('the WANE Act') which has also coincided with the repeal of the 1972 Act. As a consequence, it is necessary to make a new Order under the auspices of the powers contained in the WANE Act.
5. In Britain, traps are approved for use by Defra based on the advice of the Food and Environment Research Agency (FERA). This Agency has the competence to assess the efficiency and effectiveness of traps with respect to how quickly and humanely animals are dispatched.
6. The 1996 Order replicated similar legislation in place throughout the United Kingdom. Since then the other UK administrations have added a number of newly approved spring traps to their 'Spring Traps Approval' Order. While this issue is a devolved matter, it has been policy to seek to replicate the traps recommended by FERA as Northern Ireland has no testing facilities. There is also an underlying imperative that the UK administrations act in unison in terms of authorising particular makes of traps for use as it affects trade in

such mechanisms (subject to EU trade rules and the EU Technical Standards Directive). It is therefore proposed to make a new Order to replace the 1996 Order and bring the list of 'approved' traps in Northern Ireland up to date and in line with those approved in Britain.

Analysis of Responses

General

7. Eight responses were received to the consultation. Annex 1 lists the respondents.
8. Three responses made no comment on the proposed Order.
9. No-one opposed the proposed Order.
10. Countryside Alliance Ireland replied that they recognised the benefits, for trade and otherwise, of bringing the Northern Ireland Order into line with those approved in Britain and supported the proposed Order. The Scottish Association for Country Sports which has members in Northern Ireland indicated it was content with the proposed Order.

Specific matters raised by respondents

11. The British Association for Shooting and Conservation (BASC) expressed some concern that the requirement in draft Article 2(2)(a) that spring traps must be used in accordance with any manufacturers instruction, could potentially conflict with existing wildlife laws, as some of the authorised traps have been manufactured for many years and some of them have been manufactured in countries such as Canada, USA or New Zealand.
12. BASC consider that that the wording of draft Article 2 (2)(b) and 2 (2)(c), together with the terms of draft Schedule 1 column 2, which specifies the animals for which and the circumstances in which the spring trap may be used, offer sufficient conditions.

13. The Department does not consider that there is a risk that such conflicts will arise with either the technical operating procedures and the general conditions of use stipulated in the draft Order. It also needs to be borne in mind that there could be health and safety issues for users who may fail to follow manufacturer's instructions. Therefore the Department does not consider a change to draft Article 2(2)(a) is appropriate.
14. RSPB raised three issues. The first concerns the wording of Article 2(b) and specifically the wording underlined: *"so far as is practicable without unreasonably compromising its use of killing or taking target species, the trap must be used in a manner that minimises the likelihood of its killing, taking or injuring non-target species"*. RSPB consider that this wording does not provide adequate regulation and protection of non-target animals.
15. The Department agrees the importance of ensuring that risks to non-target species are minimised to the fullest extent possible, but equally that the purpose of using a spring trap should not be unnecessarily compromised. The Department proposes amending the wording of the Article 2(b) to read *"the trap must be used in a manner that minimises the likelihood of its killing, taking or injuring non-target species, whilst not compromising the purpose for which is being used"* which, the Department considers, achieves an appropriate balance.
16. The second issue concerned a lack of distinction in the Schedule to the draft Order between traps intended to kill and those intended to take (i.e. capture alive). RSPB pointed out most of the traps listed in the Schedule are designed to kill and cannot function as a humane trap for capturing animals.
17. The Department fully agrees with this point. All the traps listed on the Schedule, with one exception, are designed to kill. The Schedule will be amended to clarify precisely what each trap is intended to do.
18. The third issue relates to the WCS Collarum traps listed in the Schedule to the draft Order. This trap, used for foxes, is a powered snare and RSPB have asked if will be subject to the snare related provisions contained in the

Wildlife (NI) Order 1985, as recently amended by the Wildlife and Natural Environment Act (NI) 2011.

19. The Department can confirm that these traps should be subject to such conditions, so this has been made clear in the conditions listed in column 2 of the Schedule to the draft Order.
20. The PSNI pointed to an incorrect reference to the Wildlife and Countryside Act (1981), which is GB legislation, contained in the Schedule to the Order. This has been rectified.

Next steps

21. Subject to receiving the relevant EC clearance under the notification process, the Department will proceed to make the new Order following that clearance. This will coincide with commencement of the related primary powers in Section 11 of the Wildlife and Natural Environment Act (NI) 2011, which will be the final commencement Order.

Department of the Environment – November 2011

Annex 1 – List of respondents

British Association for Shooting and Conservation

Countryside Alliance Ireland

Disability Action

Department for Enterprise, Trade and Investment

Northern Ireland Judicial Appointments Commission

Police Service of Northern Ireland

Royal Society for the Protection of Birds

Scottish Association for Country Sports