



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Newid Hinsawdd, Amgylchedd a
Materion Gwledig](#)

[The Climate Change, Environment and Rural
Affairs Committee](#)

30/11/2016

[Agenda'r Cyfarfod](#)
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)
[Committee Transcripts](#)

Cynnwys Contents

- 4 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest
- 4 Lles Anifeiliaid: y Defnydd o Faglau yng Nghymru
Animal Welfare: Use of Snares in Wales
- 25 Lles Anifeiliaid: Y Defnydd o Faglau yng Nghymru
Animal Welfare: Use of Snares in Wales
- 53 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o
weddill y Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting for the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Jayne Bryant	Llafur
Bywgraffiad Biography	Labour
Vikki Howells	Llafur
Bywgraffiad Biography	Labour
Huw Irranca-Davies	Llafur
Bywgraffiad Biography	Labour
David Melding	Ceidwadwyr Cymreig
Bywgraffiad Biography	Welsh Conservatives
Jenny Rathbone	Llafur
Bywgraffiad Biography	Labour
Mark Reckless	UKIP Cymru (Cadeirydd y Pwyllgor)
Bywgraffiad Biography	UKIP Wales (Committee Chair)
Simon Thomas	Plaid Cymru
Bywgraffiad Biography	The Party of Wales

Eraill yn bresennol
Others in attendance

Jordi Casamitjana,	Pennaeth Polisi, y Gynghrair yn erbyn Chwaraeon Creulon Head of Policy, League Against Cruel Sports
Glynn Evans	Cymdeithas Saethu a Chadwraeth Prydain British Association for Shooting and Conservation
Rachel Evans	Y Gynghrair Cefn Gwlad Countryside Alliance
Rhiannon Evans	Uwch Swyddog Materion Cyhoeddus Cymru, y Gynghrair yn erbyn Chwaraeon Creulon Senior Public Affairs Officer for Wales, League Against Cruel Sports
Mike Swan	Ymddiriedolaeth Cadwraeth Bywyd Gwylt a Helgig Game and Wildlife Conservation Trust
Simon Wild	Ymgyrch Genedlaethol yn erbyn baglau National Anti Snaring Campaign

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Wendy Dodds	Y Gwasanaeth Ymchwil Research Service
Martha Howells	Clerc Clerk
Rhys Morgan	Dirprwy Glerc Deputy Clerk
Katie Wyatt	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 09:41.

The meeting began at 09:41.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introductions, Apologies, Substitutions and Declarations of Interest

[1] **Mark Reckless:** Bore da, good morning. May I welcome you to this meeting of the Climate Change, Environment and Rural Affairs Committee? Can I ask people just to check that they have their phones off or on silent, and alert you that translation is available as needed on channel 1?

09:42

Lles Anifeiliaid: y Defnydd o Faglau yng Nghymru Animal Welfare: Use of Snares in Wales

[2] **Mark Reckless:** League Against Cruel Sports, you, I think, have led this petition, which came into the Assembly a couple of months ago—1,405 signatures, if I remember correctly. That's being considered by the Petitions Committee. Our committee has decided to have this short session this morning to hear from the league and opponents of the use of snares, and we'll have a second panel, following you, with some groups more supportive, at least, of the code of practice arrangements.

[3] Could I ask, first of all: do you see any use for snares? Are there circumstances in which regulation could reduce the animal cruelty to such a level there may be some justification for their use?

[4] **Mr Casamitjana:** We don't believe so. We believe that the snares themselves are devices that, no matter how much regulation, no matter how much modification you use, you won't be able to eliminate the two major

problems that they have inherent in them. One is that they're indiscriminate, so you can reduce that indiscriminate element they contain by modifying the sizes and adding devices, but no research has shown any type of snare that is 100 per cent accurate in catching the target species. There are always other animals going to be caught, and these animals might be endangered animals, they might be pets. That's the nature of the device.

[5] The other part is the animal welfare component of it—animal welfare meaning not just injury, not just death, but also fear and distress. It is impossible to develop a code in which the animal caught is not going to be in fear or in distress. As you know, in many of the advances in animal welfare, which led to modifications in the way in which we kill animals when we need to kill them, in abattoirs, in other places, the whole emphasis is on trying to minimise fear and distress, reducing the time, reducing the pain. None of these elements can be done with the snares. By nature, the animal is caught, often without anybody around and it might take some time before somebody can despatch it or deal with it. That's inherent to snares, so therefore we don't believe that you could create a code that eliminates the animal welfare problems or eliminate the catching of a non-target species.

9:45

[6] **Mark Reckless:** Some proponents of the use of snares, for instance, shooting organisations, say that, without snares, they can't protect nesting game birds, and the model they have in terms of rearing and shooting those birds would not function without the use of snares. Is that for you a further reason for pushing for a ban on snares, since you don't support the rearing or shooting of birds in that circumstance?

[7] **Mr Casamitjana:** Not really, although it's a factor that we consider, and, in our campaigns against shooting, we use the snaring fact as well. I'm talking about the need for snares for wildlife management: we would argue that there are other methods, there are alternatives. If we accepted that there is a need for wildlife management—which we don't in many cases, but, if we did, we would still argue that snares are the wrong method. We still would argue that there are more humane methods, more effective methods, and a huge amount of methods of which some are very humane; others might be less humane but, with regulation, could be better. So, from all the array of options that you have for wildlife management, snares are at the bottom of the worst. I think it would be perfectly legitimate for a Government of any kind to ban the worst types, regulate the ones that are in the middle, and

promote the ones that are very good. And we believe that snaring is at the bottom of the worst types, so that's why we believe that it needs to be banned. But, definitely, we also have an issue about whether there is a need for wildlife management, and whether the killing of a fox, for instance, will solve the problem that the gamekeeper is trying to solve. Because we often have said, based on much research we have seen, that foxes self-regulate—you kill some foxes and foxes come and replace them, and there's a kind of a continuous killing that doesn't really solve the economic problem that the shooting industry faces, if they just try to blame the fox for the reduction of income.

[8] **Mark Reckless:** Thank you. And a quick point from Huw Irranca-Davies, and then Vikki, Vikki Howells, has some questions.

[9] **Huw Irranca-Davies:** That's quite helpful in that you've set out that you don't believe that the argument for snares, whatever the type of snares, for control of the fox as a predator is a genuine argument; there is a different way, an ecosystem way, of balancing the fox population and so on. If you did accept, as others do, that there is a need to control some element of the fox population, then what would be your alternative ways of controlling that?

[10] **Mr Casamitjana:** I would suggest that it is up to whoever has to make that decision to choose the ways they want. We are not in the business of giving alternatives to the shooting industry, but I can give you—

[11] **Huw Irranca-Davies:** No, but you're saying that we should take away the snares—

[12] **Mr Casamitjana:** Yes, I can give you an array—

[13] **Huw Irranca-Davies:** So, for those who believe—an upland hill farmer who believes—. He doesn't want to randomly kill all the fox population, but he's going to need to individually take out where's there's been an issue. If that is their argument, can you—? You say that you're not in the business of offering alternatives. I'm saying to you, if it's a valid argument, somebody needs to offer an alternative.

[14] **Mr Casamitjana:** I understand. My point is that there are many alternatives that they can choose, but I'll give you a few. For instance, you could shoot the foxes rather than snare them; this is one potential

alternative. You can use fences; there are fences that have been very well designed that have been proven to prevent foxes going through. You could do shepherding, if you are talking about lambs, for instance, because, obviously, it's not just shooting, it's all sorts of cases. You could do wildlife management: reduce the food, modify predators and prey, the relationship of the environment. You can use trapping, and you can use trapping and relocation—there are a variety of options that have been used.

[15] **Huw Irranca-Davies:** That's really helpful. Perhaps my final observation would be, then, that shooting, or lamping as it was previously known, by a qualified marksman would be preferable to snaring.

[16] **Mr Casamitjana:** I would say that, if it is properly regulated, with a proper marksman, yes.

[17] **Mr Wild:** Could I come in here? I started up the campaign against snaring about 20 years ago on the back of a badger that we had snared, and, when we postmortemed it, we found that it had suffered from a snare injury a year before that. And we pressed Lord March of the Goodwood Estate in Sussex to ban snares and he agreed to write to all his shooting and farming tenants then, and they hadn't set snares since that time. About 10 years after that, Viscount Cowdray of the Cowdray estate—another huge estate in Sussex—agreed to write to all his shooting and farming tenants to ban snaring, and none of them have set snares since, over a huge area. On another issue, I did speak to a gamekeeper on the Isle of Wight, and he said, 'Oh, I don't use wires'. He said, 'With modern night sights, you don't need to; you can't miss'. I think that's the example. But what really is the thing that's pushing people on game-rearing estates is the fact they're moving more to wild bird shoots, and there you have to have complete predator control. In Sussex, on the Norfolk estate, there were wild partridge shoots. There are no badgers, or very few, on 30,000 acres, and he won't let us come in and get a professional ecologist to find out why. On other shoots they're trying to purport to have 10 per cent or 20 per cent wild birds. There they need very high levels of predation. Badgers will predate on wild nesting birds, and so they're quite hostile to badgers. That's why they like snares, because they get two for one. And I'm afraid that's what's happening.

[18] **Mark Reckless:** Vikki.

[19] **Vikki Howells:** Thank you. Given the fact that 81 per cent of fox snares catch a range of other species, I'm keen to explore with you the impact of

snare on a wide range of wildlife in our countryside, and also on domestic animals as well. I wonder whether the panel would be able to provide us with more information about the range of species that are caught indiscriminately in snares and the kinds of injuries and suffering that they cause.

[20] **Mr Wild:** Well, I can do that. Again, on the Norfolk estate, where I've been looking, we had a hare caught in a snare there. I know it was caught at midnight, and it let out a terrific scream. It was still there the next morning. We rescued it. We had a deer in a snare when we went up there. Of course, through our website, we receive a lot of snare-related issues that the public raise with us. In the last week, I had a veterinary surgeon from a local practice in Sussex contacting us to say that her cat had come home with a snare. We had another tip-off from an estate in Snilesworth in Yorkshire, and it was very vague. It just said, 'You may want to know a shooter's dog was killed in a snare last week, and insurers are dealing with this'.

[21] When I was up here I thought, 'Well, on the way back, I'll start to look in a few areas'. There was a place in Bromyard. We'd received a tip-off from a lady. Her three cats had gone missing. One had come back with a snare-related injury. She couldn't give us the details, because, had she raised it with the gamekeeper, she feared that then she might lose her tenancy. Apparently, the gamekeeper wouldn't allow her any access to the land. So, this is an example. She couldn't contact the police for fear of losing her tenancy, and the gamekeeper wouldn't give her access. That shows to me not only is the code of practice not ever enforceable but the law isn't really enforceable in these situations unless you ban snares completely. So, virtually every range of animal, including, actually, pheasants—we've had pheasants in snares. Every range of animal, including dogs. On the one estate—on the Norfolk estate—we had two dogs in the last year. Then we went up there ourselves and we had another dog in a snare. I looked around: I found a badger had been caught in a snare with a terrific doughnut-shaped hole and the snare cut. That's just on the one estate. So, this is happening and replicated around the country.

[22] **Mr Casamitjana:** I could add some more information. There was research done in 2012 by Short, Weldon, Richardson and Reynolds in which they tried to see how many non-targeted species were caught in an array of different types of snares. There was a huge amount of cases: over 90,000 snare days, and more than 1,200 animals caught. They made the statistics, and they showed that most of the animals were not targeted animals, for a long range. The target was the foxes, and they only got 28 per cent. There

were 54 per cent brown hares, 9 per cent badgers, 4 per cent deer, and 5 per cent others. Of course, these others may include pets, may include pine martens, may include otters, may include badgers. The most important thing to recognise is that, when an endangered or protected animal is caught in a snare, the number doesn't matter. If one protected animal is caught, that should be sufficient to say, 'There is a problem with this method', in the same way that, if somebody attacks a badger and is prosecuted, the defence cannot be, 'It was only one'. One is sufficient to convict that person. If that badger was protected, and the same badger was caught in a snare, or the same otter is caught in a net, it should be protected, and if a Government like Wales is protecting these animals, it is a contradiction to protect the animals and allow a practice that might affect them.

[23] **Mark Reckless:** Vikki, did you have any follow up on that?

[24] **Vikki Howells:** No, thank you.

[25] **Mark Reckless:** Huw.

[26] **Huw Irranca-Davies:** To follow up on Vikki's question, what you're saying in effect is that the code of conduct that's out there, that is supported by many organisations, including those involving game conservancy, is unenforceable, or actually irrelevant.

[27] **Mr Wild:** I'd say it's completely unenforceable. Not just unenforceable—the law is unenforceable. Nobody's checking. There's no-one going on land in this country and checking. I went to an estate at Llangybi in Wales and on that estate there were 200 to 300 snares. I checked back through all the badger records. All the main setts were now derelict. I raised it with the police, because some of the snares weren't anchored. When I came out again to have a second look, the gamekeeper called the police, and the policeman's first reaction to me, because he'd met me a few days before, was 'I told you about trespassing, Mr Wild'. So, people are hostile to trespass. Very few people will do it. You can't do it.

[28] I'll give you an example of why the law doesn't work, either, until you ban snares completely: in Stockbridge in Hampshire we found five badgers in various states of decomposition, all snared. Five badgers. All in decomposition, all snared. One had been buried and been shot in the head. We found that, just by the little tail sticking up. The police took two for postmortem and they both died in the snare. Now, when we met up with the

police there at the scene, they got the gamekeeper there, and the landowner, and they came up. They didn't deny setting the snares. Three weeks later they're called in for formal interview and how they get away with it is they just say they know nothing about those snares—'They're nothing to do with us'—and they weren't charged.

[29] **Huw Irranca-Davies:** So, could I then put to you what is the clear supplementary? There's another school of thought on this, which is not to do with banning snares, but, as you know, is to put a direct liability on the landowner, whether that's an individual small landowner or a large estate. It falls with them, and then you should impose penalties that are commensurate with the suffering and the inhumanity of the species being caught in this trap and not complying with the code of conduct. What do you feel about that as an alternative to a ban on snares—that you actually put those punishments there directly on the landowner?

[30] **Mr Wild:** Well, this was a landowner standing right next to the snares, and three weeks later he denies any knowledge.

[31] **Huw Irranca-Davies:** But the liability isn't firmly on the landowner at the moment, is it?

[32] **Mr Casamitjana:** The problem with this is the fact of how you detect the infraction. The classic example is that I was in a meeting that was revising the Welsh code of practice a few weeks ago. The police forces were there, giving their testimony, and I was quite struck by the fact that they were—well, it actually made some sense to me, but they were reporting that any report they had of a breach with a snare was always in a public place, and normally a domestic animal, because, of course, a person might walk home, see these, and report it to the police. But most of the snares are on private land, so the only person who's going to see them is the landowner or the person that set them up. If there has been an infraction, obviously they will not report it to the police, and, if they won't report it to the police, it will be an infraction that is no breach. So, how do you ensure that the code works when it is self-policed by those that set the snares?

[33] **Mark Reckless:** What about each snare having to carry a police contact number—I think there was a national wildlife crime unit, but particularly a relevant person with specialist expertise in this—would that assist, potentially?

[34] **Mr Casamitjana:** That is similar to the Scottish system. In the Scottish system, the code they have allows registration; you have a number. That was discussed as well in the previous meeting I mentioned. But we face exactly the same problem: if there is a snare without a number, who is going to find this snare if there's nobody able to go into private land and look around and check whether it is the right number? So, there's not going to be a case where you have a non-numbered snare set up by a gamekeeper in a public place where a person might find it. They are all set in remote places with no access to whoever might find it. Therefore, the probability of it being found by somebody that is not involved or liable in the setting of the snare is remote.

[35] **Mark Reckless:** But, if it is found in that circumstance, at least that's a piece of evidence that the snaring is outside the code of practice. Would that not be helpful at the margin?

10:00

[36] **Mr Casamitjana:** Absolutely. Any step or any regulation that makes crime more difficult obviously reduces crime, but the point is not about reducing crime, it's reducing it to an acceptable level. And if that level as a minimum is not acceptable, then that measure will be insufficient.

[37] **Mark Reckless:** Vikki, did you have anything more?

[38] **Vikki Howells:** No.

[39] **Mark Reckless:** Jayne, did you want to come in?

[40] **Jayne Bryant:** Thank you, Chair. I think you've given quite a comprehensive response to the questions so far in your presentation, but I was particularly concerned to hear that, I think, it's every 20 seconds an animal is caught in a snare in the UK, which is a pretty shocking statistic for anybody. I wonder if you could outline the differences between these free-running snares and the self-locking snares, which the Law Commission had gone through a few—I think 2015, actually—and perhaps give an outline of the differences there.

[41] **Mr Casamitjana:** The essential difference is that a free-running snare doesn't strangle completely—it doesn't close completely. So, there's a stopper that prevents the snare from being completely closed, so therefore

would allow the animal, if it is the right size, to be caught and not strangled. With the other snares, they would just carry on strangling. The more the animal moves and tries to escape, the more it gets strangled and probably will die by strangulation. The problem, when you have a free-running snare, is that each animal is different—different sizes, different strengths. And you might experiment by moving the stopper, which is what prevents the complete strangulation, in one direction or another, or by creating other new devices that break out, depending on the strength of the animal, but—and this is the important thing—you design snares for targets, and the non-target animals are huge in variety and of sizes, from deer to cats. You can't have a system that releases all the non-targets perfectly well, very quickly, without creating any fear or distress and only catches the target animals, no matter where you're going to put the stopper, no matter how you're going to design the breaking point. So, this is it. So you might experiment with it, you might reduce, perhaps, one particular species caught, but you might increase the other one, because suddenly the size of the stopper or the ring through which the animal is caught has varied 1cm or 2cm. And we can see that in any variation, in any research on animal snaring, where all these variables have been moved, you have different results, but you never eliminate catching non-targets. You never find a perfect way not to catch non-targets.

[42] **Jayne Bryant:** So, in your opinion, just to clarify, you'd say that even the free-running snares would not prevent any suffering for animals.

[43] **Mr Casamitjana:** Absolutely.

[44] **Mr Wild:** Can I just add a couple of points there? Ninety per cent of commercial snares are bought in agricultural suppliers or on the internet, and it was never defined what makes a self-locking snare, but we've taken it that they ratchet up and get ever tighter. After about a year of use, these snares rust on the edge and they start to ratchet up anyway. Or, if they catch an animal, the slider bends slightly and they catch anyway. Gamekeepers quite often, in my experience, tighten the eye up a bit to make them tighter so they'll catch—. If a rabbit goes into a fox snare, it twists it in a way that you couldn't replicate with a pair of pliers. You couldn't do it. And they die quickly. Cats die quickly, because they thrash around a lot. So the only time we've ever had cats reported to us, the owners go out and look for them—I had one in Northamptonshire recently, about three weeks ago; she'd gone out looking for him and found him dead with rigor mortis set in—or the cats get out of the snare and pull the snare back with them, so they break it off in some way. You never actually find anyone going out and finding the cat alive

in the snare, and these are free-running snares, because they twist around and lock it up, and they twist around and they go past the stop until it strangles it. And so free-running snares really are a bit of a joke. They're not humane.

[45] **Jayne Bryant:** Thank you very much.

[46] **Mark Reckless:** David, I think you had a question.

[47] **David Melding:** Can you outline practice, perhaps, in the rest of the European Union, particularly if snaring is completely banned?

[48] **Mr Casamitjana:** It's been banned in most places; I think there are only five countries in the European Union that still allow snaring. Of course, you could claim that the practices that require snaring might be slightly different from country to country, but it would be ludicrous to imagine that the UK, or the five countries we're talking about—which is Ireland, the UK, France, Latvia—that these are the only countries where there's shooting, or that these are the only countries where there is farming, or where foxes are predators. In all the countries that don't use snares, they use all these other alternatives that I mentioned before, and it seems to be sufficient. Even in the UK and in Wales, not everyone uses snares. The research that DEFRA did in 2012 showed that many stakeholders and landowners didn't use snares; it's not universally used. Often, they're used on shooting estates, and there are a lot of shooting estates in this country, but many farmers don't use them, and many national parks and conservation organisations that like to protect their biodiversity don't use them either. So, there is not a strong innate reason for wildlife management to use snares, considering that there are alternatives. And, as I said before, one of the alternatives that is perhaps the best of all is to let nature find its own balance, because in cases like foxes, if you do that—and research has proven this—you will actually have less problematic foxes and fewer foxes will attack your wildlife. It will even let the fox to become mature, have his territory and prevent other foxes coming in. That actually might lead to better results if you're running a shooting business.

[49] **David Melding:** I want to concentrate more on practice elsewhere, rather than the wider arguments against snaring, which I think, from your standpoint, you have expressed very articulately. So, with the exception of the five countries you mentioned, snaring is completely banned in all other European countries—i.e. it's not allowed under certain circumstances for

certain periods in certain areas if there's a huge fox problem, for instance.

[50] **Mr Casmaitjana:** It will vary from country to country, but it's either banned or it's not used at all. So, there was no need for a ban because it wasn't practised at all. It's a combination of all this.

[51] **David Melding:** And has there been any recent movement, in those countries that did have a culture of using snaring, to ban it?

[52] **Mr Casmaitjana:** I do believe that in Ireland there is also movement to ban snares.

[53] **David Melding:** No, I mean in the countries that now do not have snaring. You know, has there, in the last 20 years, for instance, been a shift away from that and law saying it's now to be made illegal? Because that's basically what you're trying to ask us.

[54] **Mr Casmaitjana:** No, I'm not aware; perhaps there might be. I'm not aware of cases where there was no practice and they then wanted to ban it—

[55] **David Melding:** No, no, I'm not talking about where there was no practice. I'm talking about those European countries that previously used or permitted snaring. How has it changed? Has it been just a cultural change, or has there been use of legal instruments in the last 20 years in any of these countries?

[56] **Mr Casmaitjana:** There have been legal instruments used that ban snaring, because the Bern convention, which all European countries have signed, is the first legal step that started to regulate how you're going to kill animals if you need to kill animals in the wild. And from that Bern convention, many practices in different countries started to be banned. What I don't have, I'm afraid, are details about who ran these campaigns and whether there was any research done afterwards that showed that there was a decrease or increase in foxes or not. That, I'm afraid, I don't have the details of.

[57] **David Melding:** It would be useful from our point of view to have—if there is a good practice example in a European country that allowed snaring then banned it, and then the experience they had with it. Was there cultural resistance, was there not? You know, these things—the practicalities of law-making—are important, and their consequences.

[58] And the second point—I don't know if Mr Wild is best to answer this, yet you did touch upon it, really—is that there's obviously a great problem with snares capturing the non-target species. And you indicated, I think, that there's a very high mortality rate. Is that also true of the target species as well? Because those that support snaring often say that it's a restraint, not a device to kill. I notice all the stats we've had talk about animals caught. They don't refer to the mortality rate—and I think we ought to know—. Presumably, there should be some statistics somewhere that establish that.

[59] **Mr Wild:** I can touch on that. In 'Determining the Extent of Use and Humaneness of Snares in England and Wales'—it dealt in that report quite extensively with what has happened. We had hares caught in snares that had been predated and badgers that were caused life-threatening injuries. Badgers are probably one of the examples that cause significant injury. As I said, a cat and a rabbit are two animals that thrash around. This is why we had such a high mortality in rabbits in the 'Extent of Use and Humaneness of Snares' report. Cats and rabbits thrash around. Badgers pull on a snare probably for an hour; it depends on when they're caught during the night. If they're caught at the very end of their time period when they'd be out foraging of an evening. Then they'll pull on it for a bit and then you'll find them asleep in the snare. If they're caught early in the evening, then it's probably going to cause them far more harm. A badger being a powerful animal will cause a significant injury to itself getting out. And although the Countryside Alliance and the British Association for Shooting and Conservation, who will come later, will talk about how they have a snare that has a weaker part in the eye, I've tried to physically pull that snare apart myself, because I've seen that snare, and I can't replicate it without—I couldn't even do it, even if I hurt myself. So, the animals are going to cause themselves real injury even on these snares that have a weaker part in the eye anyway.

[60] **David Melding:** Just to summarise, animals that are restrained don't just calmly wait to be released, even if the snare were designed for that species specifically.

[61] **Mr Wild:** They don't calmly wait, no. They're trying to escape, to get out. And if you approach a fox that's in a snare, as I do—I sometimes have released them—they thrash around in the most crazy, quite distressing fashion. So, they're caused real pain and fear and distress, yes.

[62] **Mr Casamitjana:** I would add that one of the elements of the Welsh code of practice is to increase the frequency of visiting the snare once you've set it, which, by law, was 24 hours, and it could now be visited twice in that period. In that is the implicit assumption that the longer you wait, the more of a problem it is. The problem is: why only twice, not three times, and not four times? What is the amount of time that you might think, from that point onwards, suffering begins? I would argue that after a few seconds of being caught in your neck with something, suffering begins then. How can you then have a system where you wait until minutes or an hour has passed, in conditions that might be cold, where it might be raining? You're bound to put the snares only when the weather is okay, but how can you really predict the weather? All these elements are, on paper, easy to say, but in practice, they're very difficult to plan.

[63] **Mark Reckless:** The cost of GPS and communications technology has come down massively. If you were to have a snare that, as soon as there was movement in it, it sent an alert to the gamekeeper who could then come and check it in real time, is that something that would be acceptable?

[64] **Mr Casamitjana:** Definitely, that would help. The problem is how you check that that gamekeeper did visit it in the appropriate time. You could develop systems that try to reduce all the damage. If you do that, at one point, you will remove the snare and you put a trap. That would be the most effective way to have minimal suffering and it's still a trapping situation. It's the snare type—the fact that it is a strangling, holding thing—that generates the problem and generates the stress. It's different. An animal in a trap will behave differently than an animal with something around his neck or around his body. That is common sense.

[65] **Mr Wild:** A lot of gamekeepers do use cage traps to catch foxes. For reared game birds, the real danger for them is this short period when they're in the release pen and then released out of it. So, it's only a very small part of the year for released birds. Probably, I would say about 70 per cent of the problem is on these wild bird shoots, where they try to wipe out everything. But, certainly, a lot of them are using the cage traps already.

[66] **Ms Rh. Evans:** Just to go specifically to the point about GPS as well, thinking of the size of some estates across which snares are set, even if you were sent an instant notification that an animal's just been caught, it could still take you hours to get there. So, the element of time and suffering still comes into play. It's unlikely that you'd get the alert and instantly be able to

go and deal with the animal that was caught.

[67] **Mark Reckless:** Simon.

[68] **Simon Thomas:** Byddaf yn siarad yn Gymraeg, felly byddwch chi eisiau'r offer cyfieithu. Rwyf jest eisiau gofyn ychydig o gwestiynau yn benodol ynglŷn â'r sefyllfa yng Nghymru, achos mae'r dystiolaeth hyd yma wedi sôn am wledydd eraill, ac yn fwy penodol, hanesion o ystadau yn bennaf yn Lloegr. Felly, rwyf eisiau deall beth yw eich asesiad chi o'r defnydd o faglau yng Nghymru ar hyn o bryd. A ydych chi'n gallu dweud wrthym ni, yn gyntaf oll, a ydy Llywodraeth Cymru yn caniatáu maglau ar dir sy'n eiddo i Lywodraeth Cymru?

Simon Thomas: I will be speaking Welsh, so you'll need to use your headsets. Thank you. I just want to ask a few questions specifically around the situation in Wales, because the evidence so far has mentioned other countries, and more specifically, estates in England mainly. So, I just want to understand your assessment of the use of snares in Wales at present. Could you tell us, firstly, does the Welsh Government allow snares on Welsh Government-owned land?

10:15

[69] **Mr Casamitjana:** I'm not sure. That's a very good question. I think you will have to ask them. I haven't really thought about it. I would expect that, if they legalise snares—they allow it to be legalised—and they have a code of conduct, they would not have an objection. But it would be quite interesting to see whether they do. Do you know, perhaps?

[70] **Simon Thomas:** Wel, mae'n amlwg fod Llywodraeth Cymru, er enghraifft, yn gosod tir i bobl godi adar ar gyfer saethu ac ati. Felly, byddwn i'n tybio bod maglau yn cael eu defnyddio ar hyn o bryd gan Lywodraeth Cymru. Felly, rwy'n awgrymu ein bod ni hefyd yn chwilio am dystiolaeth gan Lywodraeth Cymru am y ffordd y maen nhw'n defnyddio maglau ac a ydy hynny'n arwain at broblem lles anifeiliaid ar

Simon Thomas: Well, evidently the Welsh Government, for example, does let land for people to have shooting birds. So, I would imagine that snares are used by the Welsh Government. So, I suggest that we do look for evidence from the Welsh Government about how they use snares and whether that leads to animal welfare problems on Welsh Government land.

dir Llywodraeth Cymru.

[71] Ond i droi at y dulliau sydd i reoli pla ar ystadau neu ar ffermydd, eiliad yn ôl, pan ofynnwyd i chi yn gyntaf am y dulliau amgen i faglau, wnaethoch chi ddim sôn am drapio y pryd hynny, ond rŷch chi newydd sôn am drapio nawr. A fedrwch chi ddweud wrth y pwyllgor beth yw eich barn chi ar drapio a saethu os yw'r anifail sydd wedi'i ddal yn anifail sydd yn bla? A oes gyda chi farn ar hynny?

But turning to the methods of pest control on estates or farms, a few seconds ago, when you were asked first about the alternative methods to snares, you didn't talk about trapping, but you have just talked about trapping now. Could you tell the committee what your view is on trapping and shooting, if the animal caught is a pest? Do you have a view on that?

[72] **Mr Casamitjana:** Yes, I do. As I said before, it is not up to us to say which is the best method, but we have an opinion, obviously—a comparative opinion—comparing one method with another. So, we do believe that cage trapping is better than snaring and we do believe that shooting is better than snaring, but in both cases with the caveat, 'If it's done properly with the proper regulations and with properly trained people.' Assuming that you will always do that—that you will always apply the method with the best regulations possible and the best trained people—then you only have to look at the devices themselves and how well they are designed to minimise the collateral damage and maximise efficiency. In this case, I do believe that shooting and cage trapping do that better than snaring.

[73] **Simon Thomas:** Yn y cyd-destun hynny, a oes gyda chi unrhyw farn o gwbl ynglŷn â rheoli cadnoid yn benodol—ambell i anifail arall, ond cadnoid yn benodol—yn y cyd-destun Cymreig, lle mae gyda ni lawer o ffermydd mynydd lle byddai'n gwbl anymarferol i godi ffensys? A dweud y gwir, nid ydym eisiau codi ffensys achos rŷm ni eisiau cadw'r waliau cerrig am resymau eraill, gan gynnwys rhesymau bioamrywiaeth da. A ydych chi'n derbyn bod angen rheoli cadnoid yn benodol yn y cyd-

Simon Thomas: In that context, do you have any opinion at all on controlling foxes specifically—some other animals, but foxes specifically—in the Welsh context, where we have many upland farms where it would be entirely impractical to have fences? Indeed, we don't want to have fences because we want to keep the stone walls for other reasons, including good biodiversity reasons. Do you accept that we need to control foxes specifically in the Welsh context?

destun Cymreig?

[74] **Mr Casamitjana:** I do have an opinion on this. In the case of, for instance, farmers who might have sheep that are lambing and claim the foxes are killing their lambs, research has been done before on how much of that is real and how much the farmer is guessing that it is the fox. It has shown—and this was DEFRA research a few years back—that the percentage is very small where you could conceivably claim that the fox was the culprit. Often, what you will find is the lamb might have died and then the fox might have eaten the dead lamb, as opposed to being the predator itself. So, we already question blaming the fox in many of the cases. But if it does happen and the farmer is concerned and wants to do something about it, other than shooting the fox or snaring the fox, I think there are two better alternatives than that.

[75] One is shepherding, this is one of the alternatives, where you have much more control of the lambs and where they are, how they are left alone and how many times they are left alone. That increases the probability of not just preventing the predators attacking them, but also detecting illnesses beforehand, which might have been cause of the animal dying and then the fox eating the dead body and then you would blame the fox. So, that is one part.

[76] The other part is, as I mentioned before, leaving the fox population stable. Research has shown that if you have a problem of blaming the fox and you kill the fox, the fox will be replaced again soon. The new fox coming in is likely to be a younger, less-experienced fox. Depending what time of year you do it, these foxes are looking for a new territory. Foxes are territorial, they mark their territory and don't allow others in. So, young foxes are trying to find a territory. They only go in when there is a vacancy—you kill the fox—or there is a competition between them. These young foxes are still inexperienced; they don't know how to find food often and those are the ones that are more likely to be problematic with humans. While the experienced foxes, they know that people don't like them and then they know how to find food. So, if you keep a population of only experienced foxes, they will limit the numbers and will prevent more problematic foxes to come in. So, that would be another management that could be done—just leave the foxes alone. I would also say to be sure that you have a stable population of experienced foxes on your land to prevent new ones from coming in.

[77] **Simon Thomas:** Pryd bynnag rych chi'n edrych ar hynny, yn y bôn, mae yna rywbeth cyffredin rhyngoch chi a'r ffermwyr, sef eich bod yn derbyn bod angen rheoli—rŷch chi'n wahanol yn y ffordd rŷch chi'n rheoli—ac y mae'r ddwy ochr, mae'n ymddangos i fi, yn derbyn bod angen rheoli, oherwydd nad oes gennym dir gwyllt yng Nghymru—mae holl dir Cymru yn cael ei reoli, mewn rhyw ffordd neu'i gilydd, gan dirfeddianwyr am bwrpas amaeth, coedwigaeth neu am bwrpas bioamrywiaeth, neu beth bynnag yw e. Mae holl dirwedd Cymru'n cael ei rheoli mewn rhyw ffordd neu'i gilydd. Felly, mae dyn, a beth y mae dyn yn ei wneud yn y cynefin hwnnw, yn hollbwysig ac yn cael effaith. A ydych yn derbyn fod hynny'n wir am y cyddestun Cymraeg—bod ymyrraeth dyn yn y cynefin yn gyrru'r problemau neu sy'n ateb i'r problemau?

Simon Thomas: Whenever you look at that, basically, you have something in common with the farmers, namely that you accept that there is a need to control—you are different in the way you control it—and both sides, it seems to me, accept that there is a need for control, because we don't have any wild land in Wales—all of the Welsh land is managed, in some way, by landowners, either for the purpose of farming, forestry or biodiversity or whatever it is. All of the landscape in Wales is controlled in some way or other. So, man and what he does in that habitat is very important and has an impact. Would you accept that that is true in the Welsh context—that the intervention of man in that habitat is what drives the problems or is the solution to the problems?

[78] **Mr Wild:** You can obviously control fox population with shooting. What we're saying is that snares are completely indiscriminate. If you are going to do the controlling—you don't have a completely indiscriminate method, where you can potentially kill cats, dogs and badgers. That's really it. As Jordi said, I can only speak about the two examples when I've stopped snares on particular farms over 10 and 20 years, and they both had sheep and they survived, and I don't personally believe there is any significant problem. When I go around the country looking at snares, sometimes in the north-east I find dozens of bodies of sheep, and I would say that bad husbandry is far more telling regarding sheep than any foxes will ever be.

[79] **Mr Casamitjana:** I would add that the DEFRA research of 2012, which looked at how often snares were used, found that they were mostly used in shooting estates, and in the case of farmers, it was about, I think, 5 per cent, or something like that, who used snares. That means that all the others don't and it's not that they are at a disadvantage. So, to answer your question

again, what we're saying is that we don't necessarily accept that there is a need to control; we say that if you don't control it, you actually may find that the solution will be as effective as if you do, or will be better. But if, for whatever reason, you feel you have to, or your landowner or the Government ask you to, from all the range of methods to choose from, don't choose a snare—that's not humane and it's too indiscriminate. But one of the alternatives is: do nothing. We do believe that doing nothing is a good option, too, for foxes; in other cases, perhaps not, but for foxes, yes.

[80] **Simon Thomas:** Ocê. Rŷch chi wedi dweud hynny'n glir. Dyna beth roeddwn yn chwilio amdano mewn ffordd. Y cwestiwn olaf yw hyn: sawl gwaith yn eich tystiolaeth y bore yma rŷch chi wedi dweud, i bob pwrpas, nid yw'r cod ymarfer presennol yn gweithio achos nid oes plismona ohono fe, i bob pwrpas. Mae rhai ohonom, sydd wedi trafod hyn gyda heddluoedd yng Nghymru, yn gwybod nad yw trosedd yn erbyn bywyd gwylt yn uchel iawn, mae'n rhaid dweud, ar y rhestr o ran y ffordd y mae'r heddlu yn rhoi ei adnoddau a'i gefnogaeth. Ond rŷch chi'n gofyn i'r Cynulliad ystyried newid y gyfraith i wneud rhywbeth sydd, heddiw, yn gyfreithlon, o fewn cyd-destun, yn anghyfreithlon. Oni fydd yr un broblem yn codi os ŷm ni'n gwahardd maglau? Oni fydd yr un broblem yn codi, sef y broblem rŷch chi wedi ei hamlinellu yn y fan hyn: maglau yn cael eu gosod yn y ffordd anghywir? Rŷch chi'n honni bod ciperiaid yn newid y maglau i'w gwneud nhw'n llai llesol i'r anifail. Os ŷn nhw'n fodlon gwneud hyn o dan god ymarfer statudol, oni fydden nhw hefyd yn fodlon torri'r gyfraith pe byddai'n cael ei wahardd? Nid yw

Simon Thomas: Okay. You've stated that clearly and that's what I was looking for, in a way. The final question is this: several times in your evidence this morning you've said that, to all intents and purposes, the current code of practice isn't working because there's no policing of it. Some of us, who have discussed with the police forces in Wales, know that crimes against wildlife is not high on the list of their priorities in terms of how they allocate resources and support. But you're asking the Assembly to consider changing the law to make illegal what is today legal, within a context. Won't the same problem arise if we ban snares? Won't the same problem arise, namely the problems that you've outlined: snares being set in the wrong way? You claim that gamekeepers change the snares to make them less beneficial to the animals, so if they're willing to do that under a statutory code of practice, won't they break the law if they're banned? This is not necessarily an argument against changing the law, but an argument for teaching and having alternative methods for dealing with this

hwnnw'n ddadl, o reidrwydd, yn problem. How do you respond to erbyn newid y gyfraith, ond mae'n that? ddadl o blaid addysgu a chael dulliau amgen o ddelio gyda'r broblem yma. Sut y byddech yn ymateb i hynny?

[81] **Mr Wild:** I think if it's black and white, there won't be any snares—you won't find any snares. You may find the odd one, but it'll be less than 1 per cent of what we've got now. So, it would be effectively job done, if there were a physical ban on them. Police like things that are black and white. They don't like codes. If I call the police out to non-anchored snares, there's nothing in the Wildlife and Countryside Act 1981 that says you can't anchor a snare; it's all a bit of a grey area. So, quite often, what happens is either nothing happens, or the gamekeeper, a few weeks later, hammers in a stake and anchors it, and that's worse than the snare on a pole, actually, because it acts like a kill pole and they just strangle themselves around it. If it's black and white, it'll be finished—I'm certain of that.

[82] **Mr Casamitjana:** I would add, we're talking about the issue of enforcement here. What's easier to enforce, a ban or a regulation? I would say a ban is easier to enforce. For instance, the straight thing you can do in a ban is you could ban their manufacture and the keeping of snares. So, you already could prevent snares being available on the internet in other places to be bought or distributed in the first place, so the source of the snare can be tackled in the ban, which already will reduce the production. That means the only ones who will break the law will be the ones who build their own snares. Also, the success of prosecution will be higher, because having a snare will be a black-and-white case so will probably be successful, and when you have higher rates of prosecution, you have a higher deterrent effect, and if you have a higher deterrent effect, you have that enforcement. So, the current situation is not only that there is no ban—there is a code of practice, which is in itself voluntary in practical terms. They might be statutory in the terms that the Animal Welfare Act says you can have a code of practice, but for the person who uses it, it's voluntary. If they don't want to use it and they don't break the law, you cannot prosecute a person for not using the Welsh code of practice. You can use it in court, if they have broken the law, to increase the sentences or perhaps as a defence, but as the Animal Welfare Act says specifically, the code of practice cannot be used for prosecution.

[83] **Simon Thomas:** It's exactly like *The Highway Code*.

[84] **Mr Casamitjana:** Yes. Therefore, that means the current situation makes it very difficult to enforce, because there aren't even breaches that lead to prosecutions, while a ban would be far more simple.

[85] **Mark Reckless:** So, there may be a rebuttable presumption of a breach if the code hasn't been applied, but no more. Are you aware of any prosecutions, let alone successful ones, which have referenced a breach of the Welsh code?

[86] **Mr Casamitjana:** No, I'm not, and I think that would have been mentioned in the revise of code meeting a couple of weeks ago—nobody did mention.

[87] **Mark Reckless:** That was my assumption. Huw, did you have anything further to comment on?

[88] **Huw Irranca-Davies:** Yes. I just wanted to explore two other options. You've been ruling out various options, and I share some of the concerns Simon's just articulated about the ban, and whether this would drive things underground. I hear your unequivocal reassurance that a ban would solve this, and you could do it through prohibiting the sale of these and the distribution of these. I wish I could entirely share your confidence that this didn't simply drive it to the extremities of larger states and into the peripheral areas of the countryside, but I'll accept that for the moment.

[89] **David Melding:** There is presumably evidence somewhere, though, isn't there, in countries—*[Inaudible.]*

[90] **Huw Irranca-Davies:** Indeed. David makes a helpful point. Perhaps if you could evidence that that has happened, that this has not led to driving it underground—. But could I ask you about two alternative approaches—and I declare my associate membership of the British Veterinary Association here—my understanding is that their position is that they want to see the existing code enforced, but they would also like to see a move towards elements of the Scottish model, where snares are traced to the individual, where there is training, where there is a much tighter set of regulations. What about that?

[91] **Mr Casamitjana:** The representative of our Scottish organisations were present at the code of conduct review a couple of weeks ago—it's a pity they are not here to give you straight testimony—but they basically explained that

their system still doesn't work. So, it's better, it allows that enforcement, it allows to find somebody and chase them, but, still, the snares there catch indiscriminate animals, catch non-target animals and there is animal suffering involved. Again, these are steps that would—

[92] **Huw Irranca-Davies:** But it is better.

[93] **Mr Casamitjana:** It's definitely better. You would always find ways to make it better, you can meet and discuss, and you can find ways to make it better, but you're never going to reach that point that is good enough.

[94] **Huw Irranca-Davies:** Okay. We keep coming back to this point that you've repeatedly said, which I fully understand, that it's that indiscriminate nature of these snares. But let me put another alternative to you to a ban—because I'm just testing this out with you—which is that you license people to do it. You actually license individuals. So, you cannot have widespread use of them, and if you break the conditions of that licence, then you and that estate that you work on, or that game bird shoot that you work for, then they're not allowed to use them whatsoever. You license individuals and you put significant penalties alongside it, not only to the individual, but under vicarious liability to the estate owner. I'm just exploring this.

10:30

[95] **Mr Wild:** Well, there are two factors: who's going to pay for the policing of that? And the other thing is, when you do set the snares, as we've made quite clear, the non-target species—particularly cats, hares, badgers—will all suffer, so you can't prohibit that. We know on wild bird shoots that gamekeepers, when they catch badgers, in my experience, can often shoot or stab them. So, I think that's flawed completely and I think that unless you ban them outright—

[96] **Mr Casamitjana:** I would give you a metaphor almost to explain this, which is that the essence of this is that the snares are placed on private land in a place that most people won't have access to. This is only really a problem for enforcement. It's the same as saying, 'Let's ban smoking and let's ban it in people's houses.' How are you going to enforce a ban on smoking in people's houses? You can do it in a public place, in a bar, but not in people's houses. Snares are not placed in a public place; they are placed in the equivalent of people's houses. That is why they are untouchable.

[97] **Mr Wild:** If I could just mention one thing—

[98] **Simon Thomas:** But we banned smoking in cars. That's all I was going to say.

[99] **Mr Wild:** I'll tell you what, if you outlaw snares completely, why gamekeepers won't do it is because, with modern technology, you could actually catch them setting the snares. I think it would be quite rare, but if you did find a snare on a shooting estate, I could potentially set up a camera trap, which you can buy for next to nothing, and I'd probably catch him doing it. So, they would know you could do that and they just wouldn't do it.

[100] **Mark Reckless:** Jenny, did you have anything you wanted to come in on? There's the point about Scotland that was answered—are you okay? Good. Can I just finally ask, just in terms of the cultural practice of snaring in this country—I'd be interested in Rhiannon's view on this—why has that remained so prevalent? There's a strong focus on animal welfare in the UK and RSPCA sorts of organisations. Why does this remain a practice that continues to the wide extent that it does?

[101] **Ms Rh. Evans:** I'm not sure we're able to answer that, in that we're the sort of organisation fighting against it. I think kind of relevant to that is—. That's a really good question and it's a question a lot of people ask. So, we've had polling conducted by independent organisations that shows that around 80 per cent of people would like to see snaring banned, and that when they find out that it's still legal in Wales, they're shocked by that. So, I would say I don't really know why it's still so prevalent and why there's such an organised lobby that obviously are keen to see the practice still allowed and also to work with the Government to create things like the code of practice, which obviously allows snaring to continue albeit in an attempt at a regulated way.

[102] **Mr Casamitjana:** I can only speculate about what I think might be the reason, and it's the link with the shooting industry. It's the fact that a snare is cheap, easy to produce, easy to devise and if you try to run a business to minimise the cost, maximise the profit, and you can do it in a way where there aren't many people around because of the nature of the business you run, you might just try to find a cheaper and easier way. Perhaps, because of the prevalence of the shooting industry in this country, that was the reason it became the fashion, and then people start to do it beyond the shooting industry, but that's just obviously speculation.

[103] **Mark Reckless:** Thank you. Can I thank all three of our witnesses for joining us for this panel? We'll have, I think, a six-minute break before reconvening at 10:40 for our next panel. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:34 a 10:41.
The meeting adjourned between 10:34 and 10:41.*

Lles Anifeiliaid: Y Defnydd o Faglau yng Nghymru Animal Welfare: Use of Snares in Wales

[104] **Mark Reckless:** Good morning. Welcome to our second panel on a quick look at the snares issue. As you are aware, there was a petition signed, I believe by 1,405 people, that came into the Petitions Committee, organised by the League Against Cruel Sports. There was also, I think on 16 November, a meeting with the Cabinet Secretary. I'm not sure whether any of you attended that on the operation of the code of practice. I'm also not sure whether that feeds into the sort of formal review, or whether the Cabinet Secretary has committed to that, and if so, what the timescale will be. You've heard the evidence that was put to us at the earlier session. I wonder if I could start by asking you about this issue of free-running snares. Does that really deal with the animal welfare concerns? Who would like to start? Mr Evans.

[105] **Mr Evans:** I'll start if that's ok. I think it's important to understand that self-locking snares have been illegal since 1981. So, for 35 years, the self-locking snares that were referred to earlier have been illegal.

[106] **Mark Reckless:** But great emphasis is put on free-running snares, if that deals with the animal welfare concerns. Does it?

[107] **Mr Evans:** Since then, snares have had to be free running, which basically means that they go both ways. The code of practice itself builds on that and uses the latest research that the Game and Wildlife Conservation Trust and others have done, and develops a code-compliant snare. So, it has additional design features built in to enhance any welfare issues for the fox that's caught, and also to address any welfare issues with non-target species.

[108] **Mark Reckless:** We heard that the snare was set in a certain way with a target species in mind. But then you would have species of greater and lesser

size that wouldn't be appropriate for how it was set, and you would have, as you describe it, animal welfare considerations in light of that.

[109] **Mr Swan:** Can I pick up on that one? You're absolutely right: how you set the snare is related to the target animal, but there are lots of features in both how you set it and in the design of the snare that make a lot of difference to the non-target catch rate. So, for example, the code-compliant snare has a break-out device in it, which means that if a bigger, stronger animal gets in, it should be able to break free, and we know that that liberates badgers. We know that it actually gets broken quite often. If a deer puts its foot in, then the snare pops open, and the deer goes away without any sign of injury. There's also a stop on the snare to stop the noose from closing too tightly, and there was some confusion about the importance of the stop as opposed to free running.

10:45

[110] You could have a self-locking snare that would carry on ratcheting tighter and tighter and still have a stop on it that would be the point at which it wouldn't close any further, just like you could devise a stop on a cable tie, for example. Not that I'm suggesting that's a good thing. The free-running snare means that the snare noose relaxes as an animal relaxes, so if it were tight around its neck, that would make sure that it got another chance to breathe and so on and so forth. The stop is designed to not allow the noose to close tightly enough for there to be any risk of strangulation of an animal that is of a size that could be held by the breakout, and the stop then allows smaller animals to break free.

[111] The Game and Wildlife Conservation Trust did a lot of work getting to the distance, which is 26 cm, on the basis that the large majority of the hares that we might catch would then actually just get out straight away. They don't even really get caught at that size of stop in most cases. So, that, again, means that we've targeted the snare to hold foxes as well as other designs from the past, but to minimise the numbers of non-target animals that would be retained.

[112] **Mark Reckless:** I think Vikki Howells has some questions about what happens when we have these non-target animals and on whether she's been reassured by what you say or not.

[113] **Vikki Howells:** I'm interested in what you said there about minimising

the numbers of non-target species being caught in snares. Certainly, if that's the intention, then the statistics do not suggest that that is actually bearing fruit. According to the 2012 report of the UK Department for Environment, Food and Rural Affairs, 81 per cent of fox snares were found to be catching non-target species, including badgers, hares, pheasants, deer, cats and dogs. If you have a wide range of animals like this being caught, and injuries including limb amputation, strangulation and often death, to me the simple question is: why don't we move to a system where we use traps instead of snares?

[114] **Mr Swan:** Can I answer that in two halves? I think those statistics refer to non-code-compliant snares, not code-compliant ones. Code-compliant ones don't retain the same high numbers of non-target animals. In the specific example of the Home Office licensed trial of the code-compliant snare that was carried out for DEFRA, which, again, the wildlife conservation trust did—we were the science behind it, as it were—we were allowed to catch 20 foxes to try and meet the requirements of the agreement on international humane trapping standards. The AIHTS says that at least 80 per cent of a sample of 20 animals has to be basically unharmed, and there's a whole list of indicators of poor welfare from small injuries to death. When we caught 14 foxes, all of which were completely uninjured other than that they were humanely dispatched and then given a postmortem to see if there was any sign of snare-related injury, at that point, we had already passed the requirements of the agreement on international humane trapping standards by so far that Home Office protocol says, 'Stop. You do not need to experiment with any more animals to prove your point. You've got there; you've done it.'

[115] In that process, the capture rate was 60 per cent foxes, 40 per cent other species. The other species were five badgers, two hares, one dog and one pheasant. None of those animals showed any signs of injury; they were all liberated unharmed with no sign of any problems. A further 21 animals were recorded to have got into a snare and escaped. By tufts of hair and the smell from different animals and all sorts of other things, the operator was able to tell us what all of those were and, again, there was no indication that any of them suffered any injury in any way; they were able to get away unharmed. So, I hope that indicates that we can meet the agreement on international humane trapping standards and that any non-target animals that are retained, are, in large measure, unharmed and can be liberated without any further problem.

[116] Your second question: why don't we swap to cage traps instead? There are two issues here. One is that while it's relatively easy to catch a suburban fox cub that's used to negotiating fences and things. Catching real wild foxes in cage traps out in the countryside is very, very, very, very hard. They very rarely are daft enough to go into a cage. So, we substitute a system that does catch foxes for one that doesn't, but will still catch non-target animals, because they might come to the bait or whatever. There's this widespread misunderstanding that animals caught in cages are all right. Domestic rabbits carried around in a cage are fine. Wild animals try to get out of cages, and in the process they injure themselves. We haven't tried to test it, but it's my firm belief that if you did try to test against the agreement on international humane trapping standards, you would find that cage-trapping foxes fails. They bite their way out and break teeth. They break their claws, and so on and so forth, and non-target animals, similarly—especially predatory ones—will cause themselves considerable injury.

[117] **Mark Reckless:** Rachel, you wanted to come in.

[118] **Ms R. Evans:** Yes, thank you, Chair. You've mentioned the non-target species getting caught, and we're forever hearing the stories and accusations of domestic animals being caught in snares, and let's make this clear: that's something that none of us want to see. But if I can go back to the meeting that you mentioned, Chair, at the beginning—the 16 November meeting, where all the stakeholders were together working with the Minister's team, we had several members from various police forces—

[119] **Mark Reckless:** Sorry—you say 'with the Minister's team'. Was the Minister not present?

[120] **Ms R. Evans:** Not at that meeting, no. It's basically the same group of people, to include the league, who put the code together. We met for a one-year review of the code to see how things were developing.

[121] **Mark Reckless:** So, that was the review—that meeting that happened?

[122] **Ms R. Evans:** Yes, that is what I would consider as being a review. We would welcome that review on an annual basis.

[123] With regard to domestic pets getting caught up in snares, and the number of incidents that the police are called out to, it was interesting what we picked up from that. If I take one particular police force, they have 10

wildlife crime officers working within that force, and the stats for what they called 'snare-trapping incidents'—which could include some other types of traps as well—in 2014, there were seven incidents; in 2015, there were 10, and, in 2016, there were seven. So, if we are going to take any notice at all of the insane figures that have been put forward by the league of 370,000 mammals a year being snared in Wales—that's more, incidentally, than the mammal population—and that goes by their statistics, which are something in the region of 125,000 hares and badgers; that's pre-breeding season.

[124] When we look at the police figures, they give us a clear indication that, if we are trapping that many animals or mammals in Wales on an annual basis, we would be seeing a lot more. We would be passing them every time we took a walk in the countryside. Again, going back to the police figures and the statement that they put forward that day, the type of what they would call 'a snare', which they have found with regard to those incidents, are home-made. They are found mostly in the urban areas, and that, I'm afraid, is a practice that needs to be dealt with separately from the review that you're currently looking at, which seems to be quite heavily focused on gamekeepers. What we are missing here, and I'm sure it will come out later on in the evidence session, is that we don't have any farming representatives here with us today.

[125] But going back to the issue of the non-target species being caught in the snares, we're talking now about code-compliant snares and not the man-made ones that the police unit have been finding throughout south Wales.

[126] **Mark Reckless:** Thank you. It was a fair point in terms of farmers. We had a short session with two panels today, and that's the scope of what we've decided to do at this stage. I think Jayne had a quick question, and then Jenny.

[127] **Vikki Howells:** Could I just come back, please?

[128] **Mark Reckless:** Yes. Sorry, Vikki—it's your question. Do come back first.

[129] **Vikki Howells:** A few issues there: firstly, in relation to the statistics, DEFRA's own statistics say that 1.7 million animals are caught each year across England and Wales in snares. I'm interested in your evidence, Mr Swan, where you talked about the fact that, in the trial that you oversaw,

animals were released unharmed at the end of that. I'm sure that that would be within the given 24-hour period in which people are supposed to go back to snares. We've already heard a lot of evidence about the fact that so many of these snares are set in open areas, where it's very difficult to return to them within an acceptable time limit. But I think the key point that you seem to be raising is the fact that—. You seem to suggest that traps are actually less humane than snares. That is your belief.

[130] **Mr Swan:** Yes. I would never use a cage trap to try and catch a wild fox in the countryside, and I know quite a lot of gamekeepers that have tried it, seen the injuries to the one fox that they finally manage to catch, and have said, 'I would never do that again'. Quite unacceptable. Whereas an animal in a snare, caught around the neck, is basically unharmed.

[131] On DEFRA's statistics, it seems to us that what the League Against Cruel Sports have done is take the results of one research scientist, operating in the south of England, to carry out that piece of work that we talked about a moment ago, where we caught 14 foxes and satisfied the AIHTS, and then multiplied that up by a number of snares that they think people, on average, are using, and then multiplied that by a guess as to how many people are using snares in Wales. Now, that ain't exactly sound statistical analysis. Taking one person's results and multiplying up, and multiplying up again, is a very, very spurious thing. And, indeed, the report authors said you should not extrapolate in that sort of way from these figures.

[132] **Ms R. Evans:** Chair, we do have some thorough workings-out on how the league came to those figures, which I don't really want to use up the 10 minutes to go through.

[133] **Vikki Howells:** I wasn't talking about the league's figures, though, I was talking about the figures from DEFRA.

[134] **Ms R. Evans:** But the way in which the league has interpreted DEFRA research is why we are looking at this petition in the first place.

[135] **Mark Reckless:** I think you did put in further evidence to the Petitions Committee on—

[136] **Ms R. Evans:** I'd be quite happy to share that evidence with the committee through a letter, but I think it would take up too much of our time this morning.

[137] **Mark Reckless:** Yes, we would be happy to receive that letter.

[138] **Ms R. Evans:** But we're not saying that by adding A and B you get C. Yes, you do get C by adding A and B in that respect, but that's not the way to use the data—those scientific data.

[139] **Mark Reckless:** I think we've heard that point, but I think Vikki's source was a DEFRA study. Do you accept that, or are you saying that Vikki Howells is simply using the League Against Cruel Sports data in extrapolation? Or do you accept that she has a source from DEFRA, used in an appropriate way, at least, in her questions to you just now?

[140] **Ms R. Evans:** No, apologies for that. I didn't realise that it was—. Could you name the report? And, again, it's something that I can come back to the committee on too, if that's all right.

[141] **Vikki Howells:** Yes, it's a report from 2012 by DEFRA, which is entitled, 'Determining the Extent of Use and Humaneness of Snares in England and Wales'. It covered a period from 2008 to 2012, and that's where the statistic comes from about 1.7 million animals being caught each year across England and Wales.

[142] **Ms R. Evans:** Are you familiar with that section of the report, Mike, because I'm not familiar with that section of the report?

[143] **Simon Thomas:** I think, again, we need to record that there is a multiplication—[*Inaudible.*—]—come to that figure. And that is in our research briefing.

[144] **Mr Swan:** I'm happy with the 'extent of use' statistics, but I'm not at all sure that the DEFRA report contains that 1.7 million figure. So, that's the one I would like to—

[145] **David Melding:** It was the House of Commons library that came up with that figure.

[146] **Mark Reckless:** Yes. So, my understanding is that there's a DEFRA report, which may have an extrapolation from a UK to a Wales basis, but I think your suggestion is that the league has a further layer of extrapolation from a single figure.

[147] **Mr Swan:** Yes.

[148] **Mark Reckless:** I think, when we consider the evidence, we'll have further advice from our research team on that, but thank you for helping to explore those issues. Vikki, did you have anything further, or are you happy for Jayne to come in now?

[149] **Jayne Bryant:** Thank you, Chair. I've got a couple of questions. Do you recognise, then, that snares cause suffering to animals, whether domestic or non-domestic?

[150] **Mr Swan:** Any animal caught is not happy about being caught.

[151] **Jayne Bryant:** I'm not asking about happy; I was asking about suffering.

[152] **Mr Swan:** An animal is distressed; it's fearful. Yes, of course it is.

[153] **Jayne Bryant:** Thank you. So, what proportion of the animals trapped in snares are killed? Do you have any figures on that?

[154] **Ms R. Evans:** The intended species for capture?

[155] **Jayne Bryant:** Any species, really. I'd be interested on cats and hares and rabbits and—.

[156] **Ms R. Evans:** Well, non-target species would be released, and then target species would be dispatched, and this is our target species that we speak of today, which is the fox.

[157] **Jayne Bryant:** How many of them are killed in snares?

[158] **Mr Swan:** Killed by the snare, you mean?

11:00

[159] **Jayne Bryant:** Yes. Well—

[160] **Mr Swan:** Sorry, I misunderstood the question. If the snare follows the code of practice and if the snare is set following the code of practice—. And

those are two important points. The snare alone or how you set it alone is not the answer: it's the combination of the two things. If the snare is set in accordance with the code of practice and it's a code-compliant snare, then death in snares is very, very rare.

[161] **Jayne Bryant:** Do you have any specific figures on that? Have you done any studies on that?

[162] **Mr Swan:** The figures achieved so far are a small number of hares being killed by other things when they're caught in the snare. And that's basically all. I can't give you a number on that—sorry, but I haven't got it off the top of my head.

[163] **Jayne Bryant:** So, we don't have figures.

[164] **Mr Swan:** I'm sure that I can work you up a figure from the—

[165] **Jayne Bryant:** Okay, perhaps the committee could—

[166] **Mark Reckless:** Yes, we will have another letter on that, if we may.

[167] **Mr Swan:** Yes, please.

[168] **Jayne Bryant:** That would be great. And I'd just like to read out the testimony to the Scottish Parliament given by Professor Randal Munro, who is a leading veterinary pathologist. He said that, from the veterinary perspective, snares are primitive, indiscriminate traps that are recognised as causing widespread suffering to a range of animals, and he goes on to detail the suffering, and he says that these unfortunate animals suffer immensely. What conclusion would you draw from that or what would you take from that?

[169] **Mr Swan:** The whole point of developing the snare that meets the code of practice with the break-out, with the stop, the research on the stop size to minimise the number of hares that you hold, with the swivels to make sure that the wire doesn't twist and kink and get animals ravelled up, and so on—the whole point of all of that is to get through that problem with what I would call 'primitive snares' and use well-developed, well-refined snares in a way in which you don't hit against those physical injury problems.

[170] **Jayne Bryant:** Do you think that you would feel comfortable that that

doesn't cause the animal any suffering, then, or kill animals in that situation with these snares as you've described?

[171] **Mr Swan:** I feel absolutely comfortable. I use snares myself; I feel absolutely comfortable that, using code-compliant snares and following what that code of practice says, I am not causing physical injury of any significant nature to either the animals that I'm trying to catch or the occasional non-target animals that I catch, with the exception that occasionally I catch a hare that doesn't get out, and a hare is sometimes killed by a predatory animal, usually, I suspect, a fox.

[172] **Ms R. Evans:** I think it's important as well to keep in my mind that this is the Welsh code, which has come forward in leaps and bounds with regard to animal welfare, and it's the code-compliant snare that we're trying to promote and push forward as well, which will lessen suffering in the exact—you know, what you've just described to us. So, I think it's important to keep sight of the fact that this is the Welsh code of practice, and the fact that we're promoting code-compliant snares.

[173] **Jayne Bryant:** And you say that code-compliant snares are—you feel happy that they don't cause any injury to animals.

[174] **Ms R. Evans:** Yes—

[175] **Mr Swan:** Used properly, they meet the agreement on international humaneness—

[176] **Ms R. Evans:** Used correctly. They have to be set correctly and the code has to be followed, and then, personally, no, I don't have an issue with it. I'm far more comfortable with it than what we had before this.

[177] **Mark Reckless:** Jenny.

[178] **Jenny Rathbone:** Sticking with these code-compliant snares, then, how do we enforce code compliance, because the vast majority of these snares are being used on private land? We heard earlier, from the earlier witnesses, that most private landowners won't allow people onto their land to see what is going on. So, it's not possible to check whether snares are code-compliant or not.

[179] **Ms R. Evans:** It's through work by organisations like ourselves that the

message is getting out there to begin with. This is still a very, very young code.

[180] **Jenny Rathbone:** How do we know, because, as I say, we don't have the right to roam, so people are unable to go onto private land in order to check these things?

[181] **Ms R. Evans:** Yes, well, as I said, this is now just over 12 months of age, and we have marketed this code very, very hard. We've held various awareness sessions, but Mike and Glynn have gone further than that, because they are the practitioners in the field, and they can give you more details on the courses that they've run. All I can advise, really, is that we know as an organisation that this has been very well received. Our message has been pretty hard: you either use this code, use code-compliant snares and get on with the job correctly, or you will face losing the use of the snare in Wales. So, our message can't really be any harder. What we're offering up, by means of training, has given us confidence, as organisations, that this is getting out there into the field, literally. But we do understand that this is a new code and we do have a lot of work to continue to promote this.

[182] **Jenny Rathbone:** Because there's no penalty for not using the code, is there?

[183] **Mr Swan:** No, not directly.

[184] **Jenny Rathbone:** Well, not at all.

[185] **Ms R. Evans:** Indirectly.

[186] **Mr Swan:** Indirectly, through the Animal Welfare Act 2006, your compliance or otherwise could be called in evidence.

[187] **Jenny Rathbone:** Could be—but there have been no prosecutions, have there?

[188] **Mr Swan:** Can I elaborate in a slightly different direction, please, on that self-same topic? One of the other things that I think is very important is that we have a sort of system that goes with the code in terms of how you use the snares. As well as being more target specific and reducing your risk as a user of being called into question through catching a non-target animal, if you follow the recipe, as it were, and build the whole thing, then the

likelihood is you will catch more of what you're trying to catch and you will be more successful at controlling your foxes and more successful at avoiding non-target animals. There's so much to something so simple in terms of how you use it—silly little things. One of my colleagues, who uses these regularly, says to never roll your sleeves up when you set a snare because you might brush human scent on the vegetation around and the fox will then stop and not get itself caught because it smells the human scent. Don't set snares on a hot afternoon when a bead of sweat might land on the ground. There's lots and lots of refinement and improvement that people can use. What I'm really keen on is selling that whole package of, 'Use this snare, use it this way, maximise your efficiency, maximise your effectiveness, minimise the risk to non-targets'.

[189] **Jenny Rathbone:** So, do you support the measures that have been introduced in Scotland to require training in the use of snares?

[190] **Mr Swan:** I am very keen on training. I've trained about 2,000 gamekeepers across England and Wales.

[191] **Jenny Rathbone:** The responsible people will always be keen on training, but the problem is we're obviously having to deal with those who are not so responsible.

[192] **Mr Evans:** Could I come in there?

[193] **Jenny Rathbone:** So that there's a requirement on training—do you think that that is appropriate?

[194] **Mr Evans:** I think we are, as has been mentioned, perhaps looking at compliance in the wrong way. People who set snares want to do it well. We want to do it—

[195] **Jenny Rathbone:** Some people want to do it well.

[196] **Mr Evans:** Well, I would say—taking aside the people that Rachel referred to earlier who, in the towns, and perhaps elsewhere, are trying to catch things that they shouldn't be catching, which would be illegal anyway—people want to comply. As someone who sets snares in Wales, I have an obligation under various Acts—the Wildlife and Countryside Act 1981, the Animal Welfare Act 2006—to do it to a high standard. If I don't, I then run the risk of being prosecuted and all the issues that come from that.

[197] **Jenny Rathbone:** But, with respect, you wouldn't be here if you weren't compliant with the code of practice. So, what I'm trying to find out is whether or not you would think that it would be a good idea to require everybody who wanted to use a snare to be trained in how to use it.

[198] **Ms R. Evans:** I think we're going back to the situation where everybody who wants to do the job right, the law-abiding people, will go for their training. What do we then do with the others, outside of our industry possibly—

[199] **Jenny Rathbone:** Well, the other measure they've used in Scotland is to require the use of tags so that, when you set a snare, it's clear who the author is.

[200] **Ms R. Evans:** And, again, those who are used to abiding by the law and regulations will do so, but how do you then tackle those who won't? How, in a 500-acre block, are we going to find them for a start—when you can buy them on the internet? Again, I think those who play by the rules won't mind their snares being tagged, but those who don't—. How do we then enforce best practice? I think this particular code is a great tool for embedding the right way to set a snare.

[201] **Jenny Rathbone:** But that takes us back to this issue of code compliance, and that is why 80 per cent of the public appear to be wanting to ban snares, simply because it's impossible to ensure compliance.

[202] **Mr Evans:** Could I just add to the question of tagging? Yes, you could tag a snare to say whose the snare was, but, if that snare is used for an illegal act, as I think it was referred to earlier, there are ways of monitoring. So, the police could have surveillance on that snare to catch whoever is using that snare incorrectly. So, the actual tagging of the snare, I'm not convinced that the evidence is there that it's of benefit.

[203] **Jenny Rathbone:** Because there are alternative ways of doing it. Why not the tagging?

[204] **Mr Evans:** Snares are tagged in Scotland. I'm not sure the evidence has come forward from Scotland that that has been a successful policing tool, and even if that policing tool is needed. There's a huge burden. It's another layer of burden, not only on the people who set the snares, but, importantly,

on the police and whoever administers the tagging.

[205] **Jenny Rathbone:** Okay. What the previous witnesses told us is that what the police would like is a law, because, a code of practice, there are too many grey areas. Whereas if we had a law saying snares were banned, then it would be perfectly clear if somebody was using a snare.

[206] **Mr Evans:** As someone who sets snares, there are a multitude of laws that I have to abide by. What this code of practice does is it draws them together in a really useful aide-memoire, for want of a better way of putting it, for anybody who uses snares, to come to. I'm looking at it now. It's got reference to the Animal Welfare Act 2006, the Wildlife and Countryside Act 1981—it just draws it together, and it also has other best practice advice, and goes beyond what the law says.

[207] **Jenny Rathbone:** So, would you then agree that mandatory training would be a useful way of ensuring that everybody understood the code?

[208] **Mr Evans:** I'm not convinced that mandatory training is the way forward. I think there are many ways of upskilling people. One of the things that we've done at BASC is we've produced a little film that people can watch. It's already, in less than 11 months, had approximately 11,000 people view it. There are many ways of gaining skills, whether that's reading, watching, or attending a course. What suits one person may not suit another one. It's about doing the job properly.

[209] **Mark Reckless:** Thank you. Can I call on David now, please?

[210] **David Melding:** This code is very recent, as you indicated. Presumably, because you'd reflected on the DEFRA report, and the unsatisfactory nature then of the former snares that were used—I mean the legal ones, not the illegal ones, which, obviously, is another problem altogether.

[211] **Mr Swan:** The code is a Welsh Government code. We were asked to meet and discuss the future of snares in Wales a little over two years ago, and this code was already—aspects of it, shall we say, were in draft form, as a consequence of the DEFRA work, and as a consequence of the previous code that DEFRA published in 2005. So, the paperwork was there, and, from there, and meetings two years ago, a year ago we published a code of practice.

[212] **David Melding:** I'm trying to establish whether we have a more humane snare now than we had previously in common practice. That's my point.

[213] **Mr Swan:** Yes. Yes, you've got to—. The snare to comply with the code is dramatically more humane than what has gone before.

[214] **David Melding:** Okay. And what would you say is the current use of the code-compliant snare compared to general illegal snaring?

[215] **Mr Swan:** Not as good as we'd like it, which is why we have—. The organisations that are signed up to this, and the relevant ones across England as well, are in the—. I've written to all of the manufacturers very recently to ask them, 'Please stop supplying the wrong thing so that when people go to the farm supply, they can buy the right thing.' And we've got code-compliant snares in front of them and copies of the code lying alongside, so that they can take them.

[216] **David Melding:** Have you any idea of the current use of code-compliant snares? Are we talking 50 per cent, 20 per cent? Where would you say we are?

[217] **Ms R. Evans:** We don't have the figures.

[218] **Mr Swan:** We just don't have the figures.

[219] **Ms R. Evans:** We don't know how many snares are sold in Wales for a start. We've done a snapshot of the sales of snares, which I've presented in a brief for the Minister's team, but—

[220] **David Melding:** And what did that find?

11:15

[221] **Ms R. Evans:** This doesn't necessarily mean code-compliant snares at the moment, you see. But I can give you a rough idea. This is research going back for the 12 months, and the research date was 18 November this year. There were 13 agricultural stores in south Wales selling 1,963 snares. There were six stores in mid to north Wales selling 570, and the comment in the e-mail from the regional manager said, 'Most sold before lambing season.' Thirteen stalls in north Wales sold 451. Most of the sales are in March or

April, with a peak in September. That September peak would tie in with game rearing. I was quite interested in those figures because, if you take the ones in my area, for example, we don't have a shoot within 20 miles, but they sold 75 snares in 12 months. But there's another store six miles to the east and there's another store six miles to the west. So, within that radius, I thought that was quite a lot for a sheep farming area of Wales.

[222] **David Melding:** And how many of those snares were code-compliant?

[223] **Ms Evans:** I doubt many of them were, in the last 12 months. But, don't forget, this came in 12 months ago.

[224] **David Melding:** I realise it's new. So, are the code-compliant snares much more expensive than the old ones?

[225] **Ms R. Evans:** They are more expensive, which is why, as organisations, we've come together to work with manufacturers so that we can get more on the market and that will obviously reduce the cost of a snare. But the cost implications shouldn't be taken into consideration when you're talking about animal welfare. And they need to be—

[226] **David Melding:** I certainly agree with that, but we don't live in a perfect world. Are they twice as expensive, three times—

[227] **Mr Swan:** Fifty per cent more, but, and it's an important 'but', there are lots of components in it that are reusable, recyclable, and one manufacturer offers rebuilds at the same sort of price as you would buy an ordinary non-code-compliant snare. So, that, I hope, helps take things forward, too.

[228] **Mr Evans:** Could I just add something on the cost of snares? As someone who snares, I want to catch the fox that's causing the problem, so probably the biggest—I don't know whether 'cost' is the right word, but the biggest cost is my time. The individual cost of the snare, whilst it may be a consideration, it's a minor consideration, provided that it does the job well.

[229] **David Melding:** Okay. Mr Swan, you said that training was very important. So, unless you're properly trained, are you likely to be able to use the snare in an efficient way?

[230] **Mr Swan:** Someone who's got experience with snares and takes a copy

of that code would be able to do a very effective job. Getting 15 people together in a room and exchanging knowledge and ideas at the same time as working through the code and working through an understanding of why we are where we are invariably means an exchange of ideas that results in people having better knowledge and better understanding.

[231] **David Melding:** Are the code-compliant snares more difficult to use than the ones that you hope they are now replacing?

[232] **Mr Swan:** No.

[233] **David Melding:** So, there's no barrier there?

[234] **Mr Swan:** There's no barrier.

[235] **David Melding:** Secondly, we've heard evidence that the UK is one of very few countries now in Europe that permits any snaring. Have you reflected on that and do you have any—? Well, do you challenge that evidence or do you have any explanations for why there's been a shift away from the use of snares as an acceptable way of catching target species?

[236] **Mr Swan:** Can I pick up on a couple of things there, because I think it's really quite an important question? In parts of Europe where snares are illegal, foxes and fox control is as much about producing fur, if not more, possibly, as it is about controlling fox predation on the likes of game and wildlife or indeed in relation to lambs and so on. In those kinds of countries, the snare doesn't fit the requirement in quite the same sort of way anyway.

[237] I remember particularly going to Strasbourg to understand fox control in that part of Germany, about 15 or 20 years ago. We were shown all sorts of devices for catching foxes and other species. We were also told all about the radio-tracking work that they were doing on foxes and we said, 'But how do you catch your foxes for radio tracking?', and the reply was, 'We use your beautiful snares. We may not be able to use them in any other circumstance, but we license snares as the best means of catching a fox to put a radio on it and to understand what it does.' So, we're back to the situation where the efficiency and effectiveness of the tool make it so much more superior to other forms of trapping.

[238] **David Melding:** So, Germany allows snaring.

[239] **Mr Swan:** Germany doesn't allow snaring on a day-to-day basis, I believe; I don't know for certain. My understanding from 15 years ago was that it wasn't allowed there, but it was licensable for scientific purposes.

[240] **David Melding:** I see. And your experience, then, of the general practice in European countries we've been told that don't allow snaring is that they never used much of it anyway, because they want—

[241] **Mr Swan:** Some may well have not used much of it.

[242] **David Melding:** Okay. That's interesting. It's something we can obviously explore in our own research.

[243] **Mark Reckless:** Vikki.

[244] **Vikki Howells:** So, all the panel are unanimous in your view that snares are a humane method, and more humane than some other methods too. So, to follow on from David's point that only five countries in Europe actually permit the use of snares, does that mean that you as a panel believe that countries that permit snares have more regard for animal welfare than all the countries that have banned them?

[245] **Mr Evans:** I think it's a mistake to compare countries, really, to be honest, because different countries have different cultures as they have developed. One thing that I have found interesting—I came across some research on snow leopards, which are exceptionally rare, and they are caught for research purposes to have radio collars fitted by the use of a modified foot snare. So, you know, snares are used elsewhere.

[246] **Vikki Howells:** That doesn't answer my question as to whether you think that countries are more progressive in terms of animal welfare if they have snares, rather than if they ban them.

[247] **Mr Evans:** The short answer is I think it's unfair to compare countries, because I'm not sure what other methods they are using to control foxes in those countries. I'm not sure whether, for instance, they're allowed to use poisons and things such as that, so it would be unfair.

[248] **Mark Reckless:** Good. Thank you. I'll now go to Simon Thomas. If he asks his questions in Welsh there's translation available on channel 1.

[249] **Simon Thomas:** Diolch, Gadeirydd. Yn gyntaf oll, fe fyddwn i'n licio jest gofyn ynglŷn â'r sefyllfa bresennol, achos mae yna lot o—. Wel, mae'n rhaid i mi ddweud fy mod i wedi drysu gyda'r gwahanol ffigurau sydd yn cael eu defnyddio gan y gwahanol garfannau yn y maes yma. Felly, dau gwestiwn i ddechrau. Yn gyntaf oll, ers i'r cod presennol ddod i rym yng Nghymru, a oes yna gasgliad o ffigurau o'r defnydd ac o ba anifeiliaid sy'n cael eu dal yn y maglau? A yw'r math yna o gasglu data yn digwydd? Yr ail gwestiwn yng nghyd-destun data yw: fe ddywedwyd yn y sesiwn flaenorol mai dim ond 5 y cant o ffermwyr a oedd yn defnyddio maglau, a oedd yn awgrymu bod 95 y cant o ddefnydd yn cael ei wneud gan giperiaid, ac ati. A ydy hwnnw yn ffigur rydych chi yn ei adnabod yn y cyd-destun Cymreig?

[250] **Ms Evans:** I ateb y cwestiwn cyntaf, nac oes, nid oes data gyda ni. Nid ydym wedi ceisio chwilio i mewn i gael y data, i fod yn onest, i weld faint o'r *snares* newydd sy'n cael eu defnyddio. Wedyn, o ran yr ail gwestiwn, buaswn i'n meddwl, dim ond drwy edrych drwy ffigurau un siop rwyf wedi gofyn iddi—mae sawl man arall lle byddech wedi gallu cael gafael ar *snares*—drwy dim ond gofyn i'r un siop, o'r atebion rwyf wedi eu cael, rwy'n credu bod y ffigur o 5 y cant o ffermwyr yn defnyddio magl yn lot mwy, i fod yn onest. Fel y dywedais i, dim ond un siop sy'n eu gwerthu nhw yn fy mhentref i. Maen

Simon Thomas: Thank you, Chair. Firstly, I'd like to just ask about the current situation, because there is a lot of—. I must say that I am confused by the different figures that have been used by the different bodies in this area. So, two questions to start. Firstly, since the current code came into force in Wales, is there a collection of figures on the use of snares, and what animals are caught in these snares? Have those data been collected? The second question in the context of data is: it was said in the previous session that only 5 per cent of farmers use snares, which suggests that 95 per cent of use was done by gamekeepers, and so forth. Is that a figure that you recognise in the Welsh context?

Ms Evans: To answer the first question, no, we don't have any data. We haven't tried to look into getting that data, to be honest, to see how many new snares are used. And then, on the second question, I would think that just through looking at one shop's figures—there were several other places you could get hold of snares—but by just asking one shop, from the answers that I've got, I think that the figure of 5 per cent of farmers using snares is much more, to be honest. As I said, only one shop sells them in my village. They sell 75 just before the lambing season, and there's no shooting at all in the area.

nhw'n gwerthu 75 jest cyn wyna, a does dim saethu yn yr ardal o gwbl. Felly, rwy'n credu bod mwy na 5 y cant o ffermwyr yn eu defnyddio nhw, yn enwedig yn yr *uplands*, yn y mannau lle mae'n *really* anodd i lampio, ac yn y blaen, hefyd. Achos rydych chi'n siarad am lampio a saethu ac a ydy hynny'n well, wel, os ydych chi'n lampio cadno unwaith a bod chi'n 'miss-io', chewch chi ddim siawns i'w wneud yr ail waith—maen nhw'n mynd yn *lamp-shy*.

So, I think that more than 5 per cent of farmers use them, particularly in the uplands, in the areas where it's very difficult to lamp, and so forth. You talk about lamping and shooting and whether that's better, well, if you lamp a fox and you miss, you won't have a chance to do it the second time because they become lamp-shy.

[251] So, we need opportunities to control foxes.

[252] **Simon Thomas:** Felly, rydych chi'n awgrymu bod y defnydd o faglau i reoli cadnoid yn fwy ymysg ffermwyr, yn enwedig ffermwyr defaid yn y bryniau a'r mynyddoedd yng Nghymru, er bod dim ffigurau, ond dyna beth rydych chi'n ei awgrymu. Yn y cyd-destun hwnnw, beth yw eich casgliad chi am y ddatl y dylid rheoli cadnoid mewn ffyrdd mwy naturiol, neu y dylid trapio? Rydych chi newydd sôn am lampio a saethu—mewn geiriau eraill, mae'n dod i lawr i fugeilio defaid, yn hytrach na rheoli cadnoid.

Simon Thomas: So, you're suggesting that the use of snares to control foxes is greater amongst farmers, especially sheep farmers on the hills and mountains of Wales, even though you don't have figures, but that's what you are suggesting. In that context, what is your conclusion about the argument that foxes should be controlled in more natural ways, or whether they should be trapped? You've just talked about lamping and shooting—in other words, it comes down to shepherding, rather than controlling foxes.

[253] **Ms R. Evans:** Rwy'n credu ein bod ni wedi hen fynd heibio'r diwrnodau pan oeddech chi'n gallu fforddio rhoi bugail ar ben y mynydd dim ond i reoli cadnoid. Yn fy marn i, mae hynny'n hollol *ridiculous*. Mae'r defnydd o reoli cadnoid wedi mynd yn llai; nid oes hela fel hynny rhagor

Ms R. Evans: I think we've moved on from the days when you could afford to put a shepherd on the top of a mountain just to control foxes. In my opinion, that's ridiculous. The use of fox control has gone down; there's no hunting anymore is there? So, we have to look for the best methods for

nac oes? Felly rydym yn gorfod the area. The snare is a very chwilio am y *methods* gorau i'r ardal. important part of shepherding. Felly, mae'r fagl yn rhan bwysig iawn. You're not going to give somebody a o fugeilio'ch defaid. Nid ych chi'n job to sit on top of a mountain these mynd i roi gwaith i rywun i eistedd ar days—that's totally unreasonable. But ben mynydd y dyddiau yma—mae then, you've been talking to the hynny'n hollol afresymol. Ond wedyn, league, which believes that you don't rŷch chi wedi bod yn siarad â'r need to control foxes and that a lot *league*, sydd yn meddwl nad oes of cases of lambs dying are down to rhaid rheoli cadnoid a hefyd bod the farmers, not the foxes. So, you llawer o farwolaeth wŷyn i lawr i'r hear— ffarmwr ac nid i'r cadno. Felly, rydych chi'n clywed—

[254] **Simon Thomas:** Nid oes yna **Simon Thomas:** There's no gytuno ar y pwynt yna, rwy'n cymryd. agreement on that point, I take it.

[255] **Ms R. Evans:** Na, achos rŷch **Ms R. Evans:** No, because you're chi'n siarad nawr â merch ffarm—. talking now to a farmer's daughter—.

[256] You know, you're talking to a farmer's daughter here and if you think that farmers could employ a shepherd for the hill just to look after or to control the fox population, which is something that doesn't need controlling at all—it is just totally ludicrous in this day and age, I'm afraid. It just doesn't happen. We have to give farmers the tools in order to protect their livestock and the snare is an essential tool for that.

[257] **Simon Thomas:** A oes yna **Simon Thomas:** Is there use of snares ddefnydd o faglau ar dir Llywodraeth on Welsh Government-owned land as Cymru, hyd y gwyddoch chi? far as you know?

[258] **Ms R. Evans:** Bydd yn rhaid ichi **Ms R. Evans:** Well, you'd have to ask ofyn i Lywodraeth Cymru. Nid wyf yn the Welsh Government that. I'm not siŵr sut mae'r gweithwyr yn rheoli— sure how the workers control—

[259] **Simon Thomas:** Rŷch chi'n **Simon Thomas:** Yes, but you know adnabod y ciperiaid sy'n gweithio ar gamekeepers who work there. y tir.

[260] **Ms R. Evans:** Y ciperiaid sy'n **Ms R. Evans:** The gamekeepers gweithio ar y tir—wel, heb fy mod yn working on the land—well, unless I

pigo mas un o'n haelodaeth ni yn pick out some of our members
bersonol— personally—

[261] **Simon Thomas:** Fe wna i ofyn y **Simon Thomas:** I will ask the
cwestiwn mewn ffordd arall: a ydych question in another way: do you
chi'n ymwybodol bod yna waharddiad know that there's a ban on snares on
ar faglau ar dir Llywodraeth Cymru? Welsh Government-owned land?

[262] **Ms R. Evans:** Na, rwy'n siŵr eu **Ms R. Evans:** No, I think that they do
bod nhw yn defnyddio nhw, ond use them, but you'd have to talk to
mae'n rhywbeth y bydd rhaid ichi the estate managers, really.
siarad â rheolwyr yr ystadau amdano.

[263] **Simon Thomas:** Ocê. Mae'r **Simon Thomas:** Okay. The last
cwestiwn olaf am y tro, sydd gen i, question I have for now is about the
ynglŷn â gwerthiant y maglau sale of these new snares—the ones
newydd—y rhai sydd yn *code* that are code compliant. As everyone
compliant. Fel y byddai pob un, rwy'n would like to see, since we do have a
credu, yn dymuno gweld, gan fod cod code—okay, it is new—but since we
gennym—ocê, mae'n newydd—ond do have a code, since there is
gan fod cod gennym, gan fod yna training going on, there is learning
hyfforddiant yn digwydd a chan fod from each other going on, one of the
yna ddysgu oddi ar ein gilydd yn worst things that we could do in
digwydd, un o'r pethau gwaethaf y Wales is that someone could walk
gallem ei gael yng Nghymru, a dweud into a shop, buy a snare that isn't
y gwir, yw bod rhywun yn gallu code compliant, read a little booklet,
cerdded i mewn i siop, prynu magl set it and think that they've behaved
sydd ddim yn *code compliant*, darllen within the code and the law when, in
rhyw lyfryn bach, gosod hwnnw a reality, there's a chance that they
meddwl eu bod nhw wedi ymddwyn o haven't. Is there any practical way of
fewn y cod a'r gyfraith, pan, a dweud ensuring, in your opinion, that we
y gwir, mae yna siawns nad ydyn don't sell snares that are not code
nhw. A oes yna unrhyw ffordd compliant in Wales? Forget about the
ymarferol i sicrhau, yn eich barn chi, internet for now; I'm talking about
nad ydym yn gwerthu maglau sydd shops and—
ddim yn *code compliant* yng
Nghymru? Anghofiwch am yr *internet*
am y tro; rwy'n sôn am siopau a—

[264] **Ms R. Evans:** Ie, ond mae'r **Ms R. Evans:** Yes, but the internet is a
internet yn rhan fawr o brynu large part of buying snares, because

maglau, achos maen nhw'n siepach they're cheaper online as well.
ar y we hefyd.

[265] The internet sales are far more competitive than somebody who has to pay their rates for their shop. So, the internet plays a huge part in the supply of snares, whether they're code compliant or not. I think for somebody to be able to walk into a store and pick up a code-compliant snare with one of these leaflets is far better than somebody trying to put something together at home because they're approaching their lambing season, or what have you, and saying, 'Oh, God, I haven't been trained, I haven't got this and I haven't got that'. So, this is what needs to be embedded into the culture. Perhaps in years to come, you might be moving further down the line more towards the Scotland model, but for now, I think that this is an essential tool of education to get people used to setting a code-compliant snare with the full package that my colleagues have mentioned—how you set it, where you set it. That's a huge part of how effective this is for this to be done correctly.

[266] **Simon Thomas:** Would it not be a very effective step to make the setting of a non-code-compliant snare in Wales illegal?

[267] **Ms R. Evans:** I think you'd just drive it underground, to be honest. I would rather see more emphasis on getting people to do it properly and to be code compliant, than to ban the sale of those snares. We need to give this time to bed in, otherwise, I think people will just be buying them off the internet anyway and you haven't really improved welfare, but by pushing this, this improves. I'm not convinced, to be honest.

[268] **Mark Reckless:** I'm very grateful. Could I actually just go to Huw Irranca-Davies, who has some questions to finish the session?

[269] **Huw Irranca-Davies:** I'll try and rattle through these quickly, thank you, Chair. The first one follows up on Simon's point. Surely the two could run alongside. You promote the code of compliance hard, but you also take steps to deal with the sale of hundreds, you're telling us, of non-compliant snares in mid Wales and north Wales. Surely you do both at the same time.

11:30

[270] **Ms R. Evans:** Yes, but hold on now, those figures were for ones sold in the last 12 months.

[271] **Huw Irranca-Davies:** Right.

[272] **Ms R. Evans:** Okay? So, this has been going on whilst this has been brought forward. We are working with those organisations. We sent out a joint letter from ourselves, the NFU and the FUW, which just came to fruition about a week last Thursday, asking everybody who sells snares to sell code-compliant snares. This is us doing it as organisations now. It's not coming from anywhere else, but it's us, as organisations, promoting this. So, we have written to suppliers and we are working with manufacturers; again, with the Welsh Government team—I think it's fair to say that the team has approached the manufacturers as well—so that we can get more compliant snares on the market.

[273] **Huw Irranca-Davies:** That push and nudge is really helpful, but why wouldn't you, for example, say that, in three years' time or in four years' time, we will move to a situation, with all that push and encouragement and so on, with the manufacturers, with the retailers, that there will be a date on which these non-compliant ones are banned? I know we've got the issue on the internet, but we're selling these. Shouldn't we be saying, in line with your logic, that there is a date at which we stop selling, manufacturing and distributing them?

[274] **Mr Evans:** I understand that. By pushing to the end user so they are looking for code-compliant snares, by pushing to the manufacturers and the stockists so they only stock code-compliant snares, in two or three years' time we may get to the situation where the market only wants code-compliant snares.

[275] **Huw Irranca-Davies:** And if we don't, would you rule out a ban on selling and distribution of non-compliant snares? Are you ruling that out?

[276] **Ms R. Evans:** Well, let's see where we get.

[277] **Huw Irranca-Davies:** Are you ruling it out?

[278] **Ms R. Evans:** Say that again. Can you give me the line again?

[279] **Huw Irranca-Davies:** Are you ruling it out?

[280] **Ms R. Evans:** Which bit?

[281] **Huw Irranca-Davies:** A ban on the sale and distribution of non-compliant snares if, in two or three years' time, you don't find that it's squeezed it down to nothing.

[282] **Ms R. Evans:** Oh, well, we've got to do something then, haven't we?

[283] **Huw Irranca-Davies:** Then you'll be open to—

[284] **Ms R. Evans:** In two or three years' time.

[285] **Huw Irranca-Davies:** Right. Okay. Thank you. Thank you.

[286] **Ms R. Evans:** Because we want this as well.

[287] **Mr Swan:** Can I pick up on the story in one slightly bigger way too? Remember, Wales has been pioneering here. That is now an industry code rather than a Government code, but it's in England now as well. The Scottish situation is up for review and it looks as though—because Scotland legislated in haste, slightly—the improvements on snare design that are contained in that code will become current for Scotland as well. From the manufacturers' point of view, there is now a United Kingdom marketplace, which is rather bigger than a Welsh marketplace, in which to be trying to develop and sell code-compliant snares in a much bigger way.

[288] **Huw Irranca-Davies:** Okay. Thank you for that. You're putting a lot of reliance on this code, industry led, working out there with people on the ground. Why should we have more faith in that code than we do in the lead shot code? The lead shot code, as you know, has been similarly trying to effect good practice on the ground, change the culture of working around the use of lead shot, and yet it's been openly criticised for not actually achieving the outcomes finally. So, tell me why we should—

[289] **Mr Swan:** The lead shot code—

[290] **Huw Irranca-Davies:** Sorry, I don't want to touch on the lead shot code, but the criticism—

[291] **Mr Swan:** The lead shot code is not a code, is it? The lead shot code is legislation. Wales has its—

[292] **Huw Irranca-Davies:** Yes, and there is a code as well. The lead shot—

[293] **Mr Swan:** The code of good shooting practice says, 'Thou shalt not deposit lead in—'

[294] **Huw Irranca-Davies:** Why should we have faith in that? That is what I'm saying.

[295] **Mr Swan:** There is a point, I think, actually. There are plenty of shotgun users out there who still have never quite understood the problem that you are trying to address.

[296] **Huw Irranca-Davies:** Exactly.

[297] **Mr Swan:** But I think they do understand the problem that they are trying to—

[298] **Huw Irranca-Davies:** We're selling hundreds of non-compliant snares. Okay, let me move on. Sorry, have I got time for a couple of—?

[299] **Mark Reckless:** Two more questions, I think.

[300] **Huw Irranca-Davies:** Okay. Very quickly, you've highlighted the issue of not the landowners, the gamekeepers, the farmers, but the other sale. Do you want to just touch on that? And maybe you'd want to write to us. I think you're hinting there at the one-man-and-his-dog sort of operation of using snares. What are you talking about with this 'other use in urban areas'?

[301] **Mr Swan:** The police story was that nearly all of the snaring incidents that they were involved with were in suburban sorts of environments, and it was malicious use of snares to try, perhaps, to deal with next-door's cat if it's causing them a problem, or something like that. They weren't being called into the countryside to look at snare-related problems. Those snares were being illegally set—

[302] **David Melding:** Well, there are access issues there, I think.

[303] **Mr Swan:** Yes, well, there are access issues. One policeman said that snares hanging in the fence around a school playground—those sorts of stories are not going to be addressed by the code, but they're also not going to be addressed by a ban on snares, are they, if it's a home-made snare being used in a malicious sort of way in that kind of environment?

[304] **Jenny Rathbone:** But it also goes back to the point I made, which is that most land is private land and there's no access.

[305] **Huw Irranca-Davies:** My final question—thank you, Chair, for some latitude on this. We've heard evidence suggesting that there is almost blanket use of snaring around issues of game bird estates and game bird shooting. Would you acknowledge that that is happening—that there is more extensive use of snaring around those particularly when they are released—or would you say that actually there is no misuse or no overuse of snares on privately managed game bird estates?

[306] **Mr Swan:** No, of course I wouldn't say that.

[307] **Huw Irranca-Davies:** Is there blanket use?

[308] **Mr Swan:** I don't think there's blanket use either, but I do think that, again, a part of this code and a part of the training is: spend more time finding what the foxes are doing, spend less time setting snares and checking snares and use them less and in a more targeted way. That is very much a strong theme that I personally use in training as well, because I believe that people get a better result out of that.

[309] **Mr Evans:** Could I just add something? We've spoken about different methods, or briefly touched on them, and it's important to remember that not every method is suitable for every situation. So, when we talk about shooting foxes, yes, for me, that may well be a preferred option. This time of year, the cover is low, but when we move into the spring and the summer when there are lambs about and I set snares on behalf of the farmers, also you have birds such as curlews, red-listed birds et cetera—I can't shoot foxes that time of year because the cover is this high. So, I need another method to catch those foxes that are a problem at that time and snares are the only method that fit the bill. [*Interruption.*] Sorry?

[310] **Vikki Howells:** Not trapping.

[311] **Mr Evans:** Not trapping. I mean, logistically—again, I'm talking about myself, I live in mid Wales. If I have a fox that's causing a predation problem on the hill, how am I going to carry a big trap across the farmer's field, damaging the crops? I can put three or four snares neatly in my bag, walk up a wheel mark and set them, catch the fox and bring the snares back.

[312] **Mark Reckless:** If I could give Rachel the last word.

[313] **Ms R. Evans:** Just picking up on what you said about trapping—as Mike has already said, the fox can have injuries in a trap as well. It's not trouble-free, so it's not the answer to everything. I think we have to keep that in mind, really, that it's just not the answer for everything.

[314] **Mark Reckless:** Can I thank all three witnesses for coming in and giving us their perspective on this panel?

11:38

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o weddill y Cyfarfod

Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting for the Remainder of the Meeting

Cynnig:

bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

Motion:

[315] that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[316] **Mark Reckless:** The committee's now going to move into private session to consider the evidence we've had. And I'll move a motion under 17.42 to do that, if no one has any objection. Good. So, thank you very much indeed.

[317] **Ms R. Evans:** Diolch yn fawr iawn. Thank you for the opportunity.

[318] **Mark Reckless:** Thank you for coming in.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 11:38.
The public part of the meeting ended at 11:38.