

## Delegated Powers and Law Reform Committee

33<sup>rd</sup> Meeting, 2023 (Session 6), Tuesday, 28 November 2023

### Instrument Responses

#### **Spring Traps Approval (Scotland) Amendment Order 2023 (SSI 2023/340)**

On 15 November 2023, the Committee asked the Scottish Government

1. Article 2(c) of the instrument, amending entry 16za in the schedule of the principal Order, amends “Perdix Wildlife Supplies” to the name of a company, “Perdix Wildlife Solutions Limited”, but it does not amend the address. The result is that the address given for the company is not its registered office (according to Companies House, the registered office of the company is currently Celixir House, Stratford Business And Technology Park, Stratford-Upon-Avon, Warwickshire, United Kingdom, CV37 7GZ). Is this intentional?

2. Article 2(d) of the instrument, inserting a new entry 16aa for the Quill Trap, requires the trap to be used in a tunnel, and says that:

“The tunnel must include an internal baffle arrangement that conforms to the type described in the Quill Productions design specifications as set out in their trap use instructions published on SASA’s website. The trap must be positioned in relation to the baffle or baffles and to the side of the tunnel so that it conforms with those specifications”.

Those instructions do not appear to be available on SASA’s website at present. It would seem important that the instructions are accessible given that it will be an offence to use this trap without the baffle arrangement and/or without it being positioned in accordance with the specifications set out in the instructions. Can you advise whether the instructions are available on SASA’s website, and if not, whether they will be available there before the instrument comes into force?

3. The instrument significantly changes the law on which traps can lawfully be used for edible dormice in particular (article 2(b)). It appears that, at present, there are 14 types of trap that can lawfully be used to trap edible dormice, but this instrument will reduce that to just 3. Accordingly, this instrument has the effect that it will be a criminal offence to carry on using these 11 types of traps for edible dormice after 1 January 2024. Do the accompanying documents make it sufficiently clear to those who will be affected that the instrument has this effect? We note that the Policy Note does not spell this out. In this regard it says only that the instrument “makes amendments to the target species for traps approved for use”. For comparison, the [Policy Note for SSI 2018/389](#), which removed stoats from the approved use for a number of traps, said explicitly: “The Order... removes stoat from the species listed for the traps currently approved....; this removal takes effect on 1 April 2020 after which date there will only be 5 spring traps approved for the killing of stoat.”

4. Please confirm whether any corrective action is proposed, and if so, what action and when.

On 21 November 2023, the Scottish Government responded:

1. Yes, it was intended to only amend the name of the company in the schedule of the Spring Traps Approval (Scotland) Order 2011 (“the 2011 Order”) to “Perdix Wildlife Solutions Limited” and not, at the same time, amend the associated address. Scottish Government officials have liaised with officials at Perdix Wildlife Solutions Limited in respect of this amendment. The address in the 2011 Order is the address of the physical location of the place of business of the company and it was the preference of the company for that address to continue to be used in the schedule.
2. The Scottish Government agrees that it is important that the instructions are accessible to the public as it will be an offence to use this trap without the baffle arrangement being positioned in accordance with the specifications set out in the instructions. The Quill Productions design specifications are not yet published on the Science and Advice for Scottish Agriculture (“SASA”) website. Those specifications will be published in advance of the amendments coming into force on 1 January 2024.
3. The Scottish Government agrees that it would have been preferable, though not strictly necessary, for the Policy Note to provide information on the effect of the amendment made by article 2(b) of the instrument as regards the spring traps approved for the purpose of killing or taking edible dormice. Information on the approved traps for edible dormice, and the amendments legislated for by this instrument, will be published on the relevant sections of the Scottish Government and SASA websites in advance of the amendments coming into force on 1 January 2024.

In addition to these publications, the Scottish Government intends to lay an updated Policy Note which will include the following information: “This instrument removes edible dormice (*glis glis*) from the species listed for certain traps currently approved under the 2011 Order. These amendments take effect from 1 January 2024 after which date there will only be 3 spring traps approved for the killing of edible dormice (the Goodnature A24 rat and stoat trap; the Kania Trap 2000; and the Kania Trap 2500)”.

4. No legislative corrective action is proposed. However, an amended Policy Note was laid before the Scottish Parliament on 16 November 2023.