

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fourth Delegated Legislation Committee

## DRAFT HUMANE TRAPPING STANDARDS REGULATIONS 2019

*Wednesday 19 December 2018*

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**The Committee consisted of the following Members:**

*Chair:* PHILIP DAVIES

- |  |   |
|--|---|
| † Coffey, Dr Thérèse ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> ) | † Peacock, Stephanie ( <i>Barnsley East</i> ) (Lab)         |
| † Courts, Robert ( <i>Witney</i> ) (Con)   | † Reynolds, Emma ( <i>Wolverhampton North East</i> ) (Lab)  |
| † Drew, Dr David ( <i>Stroud</i> ) (Lab/Co-op)   | † Stewart, Iain ( <i>Milton Keynes South</i> ) (Con)        |
| † Fellows, Marion ( <i>Motherwell and Wishaw</i> ) (SNP)   | † Streeting, Wes ( <i>Ilford North</i> ) (Lab)              |
| † Goodwill, Mr Robert ( <i>Scarborough and Whitby</i> ) (Con)  | † Sturdy, Julian ( <i>York Outer</i> ) (Con)                |
| † Hart, Simon ( <i>Carmarthen West and South Pembrokeshire</i> ) (Con)   | Thomas, Gareth ( <i>Harrow West</i> ) (Lab/Co-op)           |
| † Hoare, Simon ( <i>North Dorset</i> ) (Con)   | † Tracey, Craig ( <i>North Warwickshire</i> ) (Con)         |
| † Leslie, Mr Chris ( <i>Nottingham East</i> ) (Lab/Co-op)  | † Trevelyan, Anne-Marie ( <i>Berwick-upon-Tweed</i> ) (Con) |
| † Martin, Sandy ( <i>Ipswich</i> ) (Lab)   |   |
|  | Mike Winter, <i>Committee Clerk</i>                         |
|  | † <b>attended the Committee</b>                             |

## Fourth Delegated Legislation Committee

*Wednesday 19 December 2018*

[PHILIP DAVIES *in the Chair*]

### Draft Humane Trapping Standards Regulations 2019

2.30 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):** I beg to move,

That the Committee has considered the draft Humane Trapping Standards Regulations 2019.

It is a pleasure to serve under your chairmanship once again, Mr Davies. The regulations amend the Wildlife and Countryside Act 1981 to implement in Great Britain the trap welfare requirements contained in the Agreement on International Humane Trapping Standards. The European Union is a party to the agreement. However, there is no implementing legislation at the EU level, so the UK is obliged to implement the welfare standards directly.

What is the agreement about? In 1997, the EU concluded two international agreements—an agreement with Canada and Russia, and an agreed minute with the USA—to establish humane trapping standards that would facilitate trade between the parties in wild-sourced pelts and manufactured goods incorporating such pelts. The agreement covers species commonly trapped for their fur in the territory of the contracting parties. That is why species farmed for their fur, or trapped only for predator or pest control purposes, are not covered.

Although the primary function of the agreement is to ensure that the trapping of animals for fur is humane, it also covers trapping for wildlife management and conservation purposes. Many hon. Members hold principled views about the trapping of animals and the trade in their pelts, but the regulations are not about the policy issue of whether or not that is right; they are a means of improving the welfare of those animals in that process.

The humaneness standards and rigorous trap-testing procedures in the agreement will ensure that the United Kingdom adheres to that internationally recognised benchmark for animal welfare. The agreement requires that the UK establishes appropriate processes for testing and certifying traps in accordance with the humaneness standards and procedures set out in the agreement. It also requires that manufacturers identify certified traps, provide instructions for their appropriate setting, safe operation and maintenance and, finally, ensure that trappers are trained in the humane, safe and effective use of trapping methods.

In the UK, the trapping standards apply to five species: the badger, the beaver, the stoat, the pine marten and the otter. Those five species occur in the wild in parts of the UK. Beavers are not recognised as being wildlife specifically, but they are now well established in Scotland and are, of course, being reintroduced under trials in certain parts of England. Certainly, no decision

has been made so far on the protected status of the beaver in England. However, we recognise that with the licensing of the trials there will be times when beavers may need to be trapped, and it was important to include the species so that their welfare could be accounted for. As I said, the regulations in no way affect the status of beavers in England, but they ensure that any traps used will comply with the welfare standards.

Of the five species, only the stoat is regularly and widely trapped in the UK, and it is the only species for which lethal traps are commonly used. A UK-wide consultation on the implementation of the agreement took place in spring 2018. Stakeholders broadly supported the welfare improvements outlined in the agreement. However, many trap users believe that there will not be sufficient numbers of compliant stoat traps available when the regulations come into force.

Many of the traps used in the UK to kill stoats do not meet the standards outlined in the agreement, but so far it has not been possible to identify a suitable compliant stoat trap used by other contracting parties to the agreement. I have to admit that that was one of the first issues I came across when I was appointed Minister. Since 2016, the Government have been supporting industry stakeholders in the development and testing of new compliant stoat traps, and I am pleased to say that from 1 January 2019 compliant stoat traps will be available for sale and use.

The Government have delayed implementation of the regulations—for stoats only, for a year, until 1 April 2020. That is a pragmatic step, which signals to manufacturers and trap users that they must transition to compliant traps for stoats while recognising that they will need time to do so—in particular, to ensure that manufacturers have sufficient time to produce the numbers required. Implementation will primarily impact on people who sell, manufacture, import or use stoat traps in the UK, as most will need replacing. The total cost to business is calculated to be £1.1 million.

We have existing legal mechanisms in place for regulating the use of traps. The agreement simply improves the standards to which traps must comply before they can be used, and it extends the scope of current trap offences to two additional species: stoats and beavers. Implementation does not require the introduction of new offences or penalties, and the current licensing mechanism would be used to authorise the use of compliant traps. Licences are already required to trap all UK species covered by the agreement, except for stoats and beavers. We propose that the trapping of stoats by using compliant traps should be permitted under a general licence, which will result in much lower costs for the licensing authority and provide the least burdensome approach for trappers.

The Government are committed to the highest standards of animal welfare. As the Prime Minister has set out, we will make the United Kingdom a world leader in the care and protection of animals as we leave the European Union. The agreement contains minimum humane trapping standards and rigorous trap-testing procedures, creating an internationally recognised benchmark for trap welfare. It is important that we implement those standards in this country. For those reasons, I commend these regulations to the Committee.

2.36 pm

**Dr David Drew** (Stroud) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Davies. I am delighted that the Minister is in her place. Happy Christmas to everybody—it may not be so happy when I finish, but let us start as we mean to go on.

This is an interesting piece of secondary legislation. It is the sort of thing that could pass through on the nod without people taking much notice, because in a sense it is just doing what was agreed some time ago with the EU. Why has it taken quite so long to get here? It was laid down in 2016, and the original agreement dates back to 1997. I am a little intrigued about why, within three months of our potentially leaving the EU, we have this piece of secondary legislation now. I have always thought that the idea of humane trapping is an oxymoron, but I will pass over that quickly.

I want to raise a number of issues. Clause 108(1) in the Government's excellent draft legislation to replace the Wildlife and Countryside Act 1981 is about the prohibition of leg-hold traps:

"It is an offence to use a leghold trap for or in connection with the purpose of killing, injuring or capturing a wild bird or other wild animal."

The Government are clear that they want to outlaw these things. It is disappointing that the primary legislation has not been introduced, which would mean at least that we had clarity. The Minister will have to answer this: should we reject this legislation, would it make any difference? We have an indication that the Government want to outlaw leg-hold traps when they introduce the primary legislation.

Are we putting ourselves in jeopardy as regards the international agreement? Clearly, this is one agreement that we will, supposedly, have to renegotiate: it is between the EU, Russia and Canada, not the UK. The Minister will have to persuade me that we have some clarity on how we will go about doing that—otherwise, why are we all here today? We could have left it until after March and done our own thing in due course.

My hon. Friend the Member for Ipswich might have some other things to say about the consultation, because he pointed it out to me. The consultation was a bit one-sided: respondents included every estate that can be imagined and only a very small number of animal welfare organisations. In the main, they shrugged and said, "Well, if it's coming, it's coming," but they were not overjoyed at some of the proposals.

I draw the Minister's attention to the accompanying impact assessment, which I thought was the most interesting document of the lot. On page 11, on currently approved spring traps that are rarely used and not compliant, it says:

"We should be restricting the continued use of non-compliant traps to the minimum necessary to enable the continued trapping of stoats"—

as the Minister rightly said, the regulations are mainly about stoats—

"prior to implementation. The remaining traps approved for stoat have been out of production for some time and are not used in meaningful numbers to trap any permitted target species."

Out-of-date traps are therefore still being used—presumably, to trap stoats—yet we currently have no real intention of outlawing them, even if we pass the SI. If we are not outlawing, to some extent, these traps, what are we doing today?

Page 16 of the impact assessment says:

"There is significant evidence that the public value animal welfare"—

there's a surprise. It goes on:

"Research by the University of Reading...conducted a small survey on animal welfare."

That research found that 96% of respondents thought that animal welfare was a very good thing—I do not know about the other 4%; there always people who are contrary to the public will—and were prepared to pay extra for animal welfare to be put in place. I am not sure how that relates to the trapping of wild animals, but in my view we need animal welfare to be in line with not just the letter of the law, but the practicalities of how animals are treated.

Obviously, any trap in which an animal is kept for only five minutes can do limited damage. Nothing that I have read, however, says that the traps are time limited: an animal can be trapped for days, during which time it dies, yet that trap is apparently treated in exactly the same way.

**Anne-Marie Trevelyan** (Berwick-upon-Tweed) (Con): I am confused by that statement, because it is illegal for a gamekeeper not to check traps every 24 hours, so an animal could not legally be left in any trap for any length of time. Does the hon. Gentleman agree?

**Dr Drew:** That is what happens in theory, but of course other people put traps down for slightly nefarious reasons. Yes, I know that gamekeepers have a strict way of doing things, and I accept that the regulations relate largely to gamekeepers. Within current law, however, others can trap and catch wild animals. On the one hand, we are trying to reintroduce stoats into certain parts of the country—sadly, their numbers are very small, despite being one of our native species—and on the other, we are trapping stoats in other parts of the country. That is just an observation.

Before I sit down, I will make a couple of other points. There is a real lack of clarity about why the regulations are being introduced now and what their impact will be. I mentioned the time limits for keeping an eye on caught animals, but there is no mention of animals caught by accident. Clearly, with any trap, any animal—dare I say, even a human being—can put its foot on a trap. Some ask whether that is an appropriate way to manage our wildlife.

The League Against Cruel Sports has been critical of the continuation of trapping generally, and, in particular, of the way that the Agreement on International Humane Trapping Standards operates. It wants greater clarification on how we intend to move forward—we are talking about a new traps regime. I am not totally sure who pays the £1.7 million cost of providing the new traps. Is it the industry, or are the Government prepared to put some money where their mouth is?

Perhaps alternative ideas could have been explored and brought forward. There are a number of questions. Where are the Government going with their animal welfare legislation? No doubt this issue would have been wrapped up with the animal welfare Bill if we had got it to the stage of being debated, in which case we would not have had to have this debate at all. Since we are having it, if the Opposition were to vote against it,

[Dr Drew]

would that put us in any international jeopardy or can we do our own thing, when appropriate, after March—if that is when we have some freedom—and adopt even higher standards of animal welfare? That could include looking at alternatives to trapping. Trapping is a very difficult exercise and we will always check to see that it is done in the most humane way possible. That is the whole point about this legislation.

2.46 pm

**Marion Fellows** (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies. I have very little to say and I will say it quickly. The Scottish National party supports this statutory instrument because it seeks to improve animal welfare, removing trapping methods that do not meet international human trapping standards, and it has been agreed in consultation with the public and trappers.

As a party, we have a high regard for animal welfare and we recognise that as a key theme in the responses received in the public consultation. The SNP also understands that a transitional period is required for manufacturers of stoat traps, to allow them to produce a sufficient number that comply with the new standard. Although we recognise that a time period is required to do that, there should be a clear signal to trap manufacturers that they must use this time to bring their traps into compliance with the regulations.

In Scotland, the SNP Government continue to seek to improve animal welfare; we will have a consultation shortly on the Animal Health and Welfare (Scotland) Act 2006.

2.47 pm

**Sandy Martin** (Ipswich) (Lab): It is a pleasure to speak under your chairmanship, Mr Davies. We are already in contravention of our international obligations and have been since 2016. We have had since 1999 to implement this provision, so I am not quite sure why there is a sense of urgency to do it now.

Badgers, otters and pine martens are already protected under our pre-existing UK regulations and there are not yet sufficient beavers in the wild for them to be affected. Basically, the only species that will be materially affected by this statutory instrument is the stoat. It is stoats for whom the trapping regulations are being delayed by a further—and, I argue, unnecessary—year. Unless we introduce regulations for stoats at the earliest opportunity, I cannot see the point in passing the statutory instrument. Even if we pass it, we will still be in contravention of our international obligations until the new traps are in place and the new regulations are enforced on stoat trapping.

I cannot really understand what Government Members have against stoats; the date of 1 April 2019 for the new compliant traps should be perfectly achievable. I cannot see the point of passing this statutory instrument and continuing to allow stoats to be trapped in inhumane traps.

2.49 pm

**Dr Coffey**: I thank the hon. Members who have contributed to the debate. It is unusual to have two Opposition Front-Bench spokespeople speaking, but I recognise they may have wanted to raise different points.

Why has the statutory instrument taken so long? The Commission was going to issue a directive, but it changed its mind so we had to do it through domestic regulations. Does it really matter? I think it does: it will improve the welfare of animals, as the hon. Member for Motherwell and Wishaw rightly recognised. Dare I say to my constituency neighbour, the hon. Member for Ipswich, that his comments show that he does not represent a rural area? He does not represent a constituency where this is an issue and these traps are being laid. He has not spoken to the gamekeepers or the people who manufacture these traps. There are other traps in the world, but they are not appropriate for the environment here. We demanded higher standards, and that is what we are determined to bring forward to ensure that animal welfare is respected. I am conscious that it has taken some time, but it has taken quite a lot of time for the manufacturers to ensure that they are designing suitable traps relevant to the environment in parts of the United Kingdom.

The hon. Gentleman says there are not enough beavers around, but there are plenty around that still need careful management. In particular, certain beavers in parts of the country were recently trapped and tested for a particular disease because the person who brought them in contravened the voluntary code of practice. He sourced them from a place that has the disease and, unfortunately, one of the beavers trapped was found to have that disease. If transferred to humans, which it can be, that disease is lethal. That is why we actively need traps for animals. That example may be rather extreme, but on a daily basis it is normal practice in conservation management to use trapping. It is part of our approach to conservation.

As I am sure the hon. Member for Stroud will be aware, leg-hold traps are already outlawed. We have an operability statutory instrument that will come into force in the spring when we leave the European Union to ensure the continued functioning of that regulation, but the standard goes wider than just leg-hold traps.

On whether we would renegotiate the agreement again, we have to accept that we will continue to trap in this country. That is why we want to ensure that we have high welfare standards. I am conscious that the welfare standards are not good enough for stoats at the moment. That is why we need to make the changes.

I was asked who needs to pay. The industry needs to pay for the new traps that will be coming in. In some circumstances, for animals caught by accident—or “nefariously”, as someone called it—anyone who lays a trap is legally obliged to check it every 24 hours, as my hon. Friend the Member for Berwick-upon-Tweed pointed out. I accept that the hon. Member for Stroud believes that not everyone does that, but if there is good evidence, people should present it to the police. It matters that we take these things seriously.

Finally, the hon. Member for Stroud referred to the animal welfare Bill. Animal welfare is split between three Ministers in DEFRA. I am responsible for wild animals; the Minister for Agriculture, Fisheries and Food, my hon. Friend the Member for Camborne and Redruth (George Eustice), is responsible for farmed animals connected to the agriculture industry; and the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Macclesfield (David Rutley), has responsibility for domestic animals.

**Dr Drew:** That is why there are two of us!

**Dr Coffey:** There is only one of me here.

The House is passionate about improving welfare standards. One of the slight risks of our leaving the European Union is that we have been at the forefront of promoting high animal welfare standards across the EU, and we will continue to do so. I am on my way to the Environment Council tonight, and I will continue to encourage my friends from other nations to keep up the good practice that we wish to set in place.

As I said earlier, the regulations do not have anything to do with the policy of trapping; they are about raising welfare standards for the policies currently in existence. I hope that the Opposition will support the regulations; I would be somewhat surprised if they were happy for animal welfare standards not to be so high in future. I am sure they recognise that.

*Question put and agreed to.*

2.53 pm

*Committee rose.*

