

## **Explanatory Memorandum to: The Spring Traps Approval (Wales) Order 2010**

This Explanatory Memorandum has been prepared by the Farm Development Division of the Rural Affairs Department and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Spring Traps Approval (Wales) Order 2010.

*Elin Jones*

Minister for Rural Affairs, one of the Welsh Ministers

5 October 2010

**1. Description** – The Spring Traps Approval (Wales) Order 2010 has the following effect:

- specify approved traps, namely those listed in column (1) of the Schedule and others which are equivalent in all respects to those so listed;
- add 11 types of traps to those approved under the previous Order.
- attach conditions to the approval of each type of trap specified in column (2) of the Schedule to ensure a trap is set in such a way to minimise the chances of injuring or killing non-target species

**2. Matters of special interest to the Constitutional Affairs Committee**  
None.

**3. Legislative Background**

These powers to make the legislation are contained in section 8(3) & (7) of the Pests Act 1954. The powers in those sections were originally vested in the Minister of Agriculture, Fisheries and Food but were transferred to the National Assembly for Wales, in so far as they are exercisable in relation to Wales, by the 1999 Transfer of Functions Order. The powers have been further transferred to the Welsh Ministers by the Government of Wales Act 2006.

The SI follows the negative resolution procedure.

**4. Purpose and intended effect of the legislation –**

The Spring Traps Approval Order 1995 (England and Wales), allowed for certain named spring traps, along with traps of a similar type, to be used to kill mammalian pests.

The Spring Traps Approval (Wales) Order 2010 revokes and remakes the original Spring Traps Approval Order in relation to Wales and authorises eleven new named traps: the Kania Trap 2500, the Solway Spring Trap Mk4, the Solway Spring Trap Mk6, the Nooski Trap and the Nooski mouse trap, the DOC 150 (Department of Conservation, New Zealand), the DOC 200 and the DOC 250, the Skinns Superior Squirrel Trap, the WCS Collarum and the WCS Tube Trap.

The wording of the original S.I. has also been amended slightly to extend the use of the traps currently authorised. This is to resolve a number of practical difficulties with the current Order:

- a. It is advantageous to amend the vague wording regarding the tunnels in which all traps must be sited. The current wording states that tunnels must be “fit for purpose” without clarifying this statement. It is therefore be considered judicious to specify that the placing of the traps in tunnels must be done in such a way as to minimise the chance of harming or killing non-target species.
- b. The wording used for the DOC traps is amended to ensure that the traps can only be used for certain species and with the tunnels provided. This is because the tunnels are designed not only to keep out non-targets but also to guide the target species into the trap at the right angle for a humane kill

## **5. Consultation**

The rationale for the traps' introduction is identical to that of those on the original Order, and there is no radical difference in either the killing method utilized by the traps or the target species. We do not therefore consider that a consultation on this Order is necessary. All the new traps have been assessed and passed by DEFRA's Central Science Laboratory.

## **7. Regulatory Impact Assessment**

A full impact assessment has not been produced for this instrument as it has no impact on the costs of business or other sectors.