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TO

Amend the Wild Mammals (Protection) Act 1996.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of Wild Mammals (Protection) Act 1996

- (1) For section 1 of the Wild Mammals (Protection) Act 1996 (c. 3) there shall be substituted—

“Offences

Any person who intentionally causes undue suffering to any wild mammal shall be guilty of an offence.” 5

- (2) For section 2 of that Act there shall be substituted—

“Exceptions from offence under the Act

A person shall not be guilty of an offence under this Act by reason of any act done— 10

- (a) in accordance with a recognised code, or
(b) in the normal and humane conduct of a lawful and customary activity,

unless any suffering caused by that act should reasonably have been avoided or substantially alleviated in the course of his conduct of that activity.” 15

- (3) After section 2 of that Act there shall be inserted—

“2A Regulations

- (1) The Secretary of State shall have power to make regulations for—
(a) the recognition of any existing body as the proper authority for the control of any activity in connection with wild mammals or 20

- one or more species of wild mammal or for making a code in respect of the conduct of that activity;
- (b) the establishment of a body as the proper authority for such control or for the making of any such code;
 - (c) the creation of tribunals with jurisdiction, whether or not exclusive, to hear, determine and punish any complaint of any offence under this Act and for conferring upon such tribunals all or any of the powers of a court of summary jurisdiction. 5
- (2) Such regulations shall be made by statutory instrument and shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.” 10
- (4) At the end of section 3 of that Act, there shall be inserted –
“and “recognised code” means a code from time to time published by any relevant authority recognised or established by regulations made under section 2A hereof.” 15

2 Short title and commencement

- (1) This Act may be cited as the Wild Mammals (Protection) (Amendment) Act 2002.
- (2) This Act shall come into force with the expiration of one month beginning with its passing. 20

Wild Mammals (Protection) (Amendment) Bill

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To amend the Wild Mammals (Protection) Act 1996.

The Lord Donoughue

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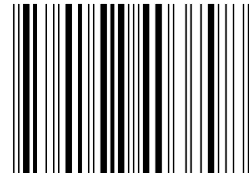
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