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[AS AMENDED IN COMMITTEE]

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

- (1) 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) subject to subsection (2), in the normal and humane conduct of a lawful and customary activity.

- (2) Subsection (1)(b) shall not apply—

- (a) where the suffering caused by the act should reasonably have been avoided or substantially alleviated in the course of his conduct of that activity; or 15

- (b) where—

- (i) there is a recognised code regulating the conduct of a particular activity or part of an activity; 20
(ii) the alleged offence relates to conduct in the course of that activity or that part thereof; and

(iii) the conduct in question is contrary to an express provision of that code.”

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

“2A Regulations

- (1) There shall be an Authority, appointed in accordance with the provisions of the Schedule. 5
- (2) The Authority may –
- (a) recognise any body as the proper authority for making from time to time a code in respect of the normal and humane manner of conducting any activity in connection with wild mammals or one or more species of wild mammal; 10
- (b) after proper consideration, approve a code made by any body so recognised as the proper code for regulating the conduct of the activity or part of the activity in respect of which that body was recognised. 15
- (3) Where the Authority has approved any code, it shall submit that code to the Secretary of State.
- (4) Where the Secretary of State receives from the Authority any code he may either –
- (a) make a regulation recognising that code, or 20
- (b) write to the Authority setting out the reasons why he does not consider that code to be suitable for recognition.
- (5) Any regulation recognising a code 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. 25
- (6) The Authority shall not exercise any of the powers conferred by this section, unless it is satisfied that it has, or that provision has been made to provide to it, sufficient monies to enable it to exercise such powers.
- (7) At the end of section 3 of that Act, there shall be inserted “and “recognised code” means a code from time to time submitted by the Authority under section 2A(3) and recognised by the Secretary of State under section 2A(4) and (6) hereof.”” 30

(4) After section 7 of that Act there shall be inserted –

“SCHEDULE

THE AUTHORITY 35

- 1 The Authority shall consist of –
- (a) a chairman appointed by the Secretary of State;
- (b) one member nominated by each of the following organisations or group of organisations – 40
- (i) the Royal College of Veterinary Surgeons,
- (ii) the Joint Nature Conservation Committee,
- (iii) the Country Land and Business Association,
- (iv) the National Farmers’ Union of England and Wales,

- (v) the Game Conservancy Trust and the British Deer Society jointly,
 - (vi) the Council of Hunting Associations,
 - (vii) the British Association for Shooting and Conservation and the National Gamekeepers' Organisation jointly, 5
 - (viii) the Universities Federation for Animal Welfare,
 - (ix) the Royal Society for the Prevention of Cruelty to Animals;
- (c) up to two further members appointed by the Authority.
- 2 (1) Each person shall be appointed for a term of three years, but shall be eligible for reappointment. 10
- (2) Any vacancy shall be filled by a further appointment made in accordance with paragraph 1 above.
- (3) The power of the Authority to act shall not be affected by any failure by any organisation named in paragraph 1(1)(b) above to nominate a member, or by any casual vacancy in its membership. 15
- 3 If at any time it appears to the Secretary of State that an organisation named in paragraph 1(1)(b) above has ceased to exist or is no longer an appropriate organisation to nominate a member of the Authority, he may by regulation made in accordance with section 2A(4) of this Act remove that organisation from paragraph 1(1)(b) above and appoint some other organisation which appears to him to be best fitted to act in lieu of the organisation so removed." 20

2 Extent, short title and commencement

- (1) This Act shall not apply to Scotland. 25
- (2) This Act may be cited as the Wild Mammals (Protection) (Amendment) Act 2004.
- (3) This Act shall come into force with the expiration of the period of 12 months beginning with its passing.

Wild Mammals (Protection) (Amendment) Bill

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To amend the Wild Mammals (Protection) Act 1996.

The Lord Donoughue

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