STATUTORY RULES OF NORTHERN IRELAND

2019 No. 68

WILDLIFE

The Humane Trapping Standards Regulations (Northern Ireland) 2019

Made - - - -	*27th March 2019*
Coming into operation	*31st May 2019*

The Department of Agriculture, Environment and Rural Affairs is a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to wild animals. The Department makes these Regulations in exercise of the powers conferred by that section.

PART 1

Introductory provisions

Title, commencement and interpretation

1.—(1) These Regulations—

(a) may be cited as the Humane Trapping Standards Regulations (Northern Ireland) 2019; and

(b) shall come into operation on 31st May 2019.

(2) The Interpretation Act (Northern Ireland) 1954 applies to these Regulations as it applies to an Act of the Assembly(**3**).

(**1**) S.I. 2014 No. 1890.
(**2**) 1972 c.68.
(**3**) 1954 c. 33.

PART 2

Amendment of the Wildlife (Northern Ireland) Order 1985

Amendment of the Wildlife (Northern Ireland) Order 1985

2. The Wildlife (Northern Ireland) Order 1985(**4**) is amended in accordance with regulations 3 to 8.

Amendment of Article 12

3.—(1) Article 12 (prohibition of certain methods of killing or taking wild animals) is amended as follows.

(2) For paragraph (2) substitute—

"(2) Subject to the provisions of this Part and to those of Article 20, if any person—

(a) uses any trap or snare for the purpose of killing, taking or restraining any wild animal included in Schedule 6 or 6A;

(b) sets in position any trap or snare of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedules 6 or 6A;

(c) sets in position any—

(i) hook and line;

(ii) electrical device for killing or stunning; or

(iii) poisonous, poisoned or stupefying substance or muscle-relaxing agent,

of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6;

(d) uses for the purpose of killing or taking any wild animal included in Schedule 6 any—

(i) hook and line;

(ii) poisonous, poisoned or stupefying substance or muscle-relaxing agent;

(iii) net;

(iv) automatic or semi-automatic weapon;

(v) device for illuminating a target or sighting device for night shooting;

(vi) form of artificial light or any mirror or other dazzling device;

(vii) gas or smoke not falling within head (iii);

(viii) metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;

(e) uses any electrical device for killing or taking any wild animal included in Schedule 6;

(f) uses any mechanically propelled vehicle in immediate pursuit of any wild animal included in Schedule 6 for the purpose of driving, killing or taking that animal; or

(g) knowingly causes or permits to be done an act mentioned in any of sub-paragraphs (a) to (f),

that person shall be guilty of an offence.".

(3) In paragraph (4), for "(2)(b) to (d)" substitute "(2)(a), (d), (e) or (f)".

(**4**) 1985 No.171 (N.I.2), as amended by the Wildlife and Natural Environment Act (N.I.) 2011 (c. 15)

(4) In paragraph (5)—

(a) for "(2)(a)" substitute "(2)(b) or (c)";

(b) for "Schedule 6" substitute "the relevant Schedule".

(5) After paragraph (5), insert—

"(5A) In paragraph (5), "the relevant Schedule" means—

(a) where proceedings relate to an offence under paragraph (2)(b), Schedule 6 or 6A;

(b) where proceedings relate to an offence under paragraph (2)(c), Schedule 6.".

Amendment of Article 12A

4.—(1) Article 12A (spring traps) is amended as follows.

(2) In paragraph (1)(a), after "Schedule 6" insert "or 6A".

(3) After paragraph (3), add—

"(4) In paragraph (1) any reference to an approved trap shall not include a reference to any trap if that trap is a leghold trap.

(5) In paragraph (4), "leghold trap" means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal's limbs, thereby preventing withdrawal of the limb or limbs from the trap.".

Amendment of Article 18

5.—(1) Article 18 (power to grant licences) is amended as follows.

(2) After paragraph (3A), insert —

"(3B) A licence granted under paragraph (1) or (3) may not permit the use of a leghold trap for the purpose of killing, taking or restraining a wild animal included in Schedule 6 or 6A.

(3C) Subject to paragraph (3J) a licence granted under paragraph (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6A only if the trap or snare—

(a) meets the conditions relating to certification (see paragraphs (3D) to (3G)); or

(b) meets the approved design conditions (see paragraphs (3H and (3I)).

(3D) Subject to paragraph (3J), a licence granted under paragraph (1) or (3) may permit the use of a trap (other than a leghold trap) or a snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6A only if the trap or snare—

(a) is of a certified type and make;

(b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and

(c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3E) For the purposes of paragraph (3D)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3F) For the purposes of this Article, a type and make of trap or snare is "certified" in relation to a wild animal included in Schedule 6A if it is certified by the Department or by or on behalf of any of the following authorities as conforming (where the trap or