Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006, for approval by each House of Parliament; draft to lie for forty days, pursuant to section 17(2) of that Act; following the first thirty days but before the expiry of the forty days, a committee of either House may recommend that no further proceedings are taken in relation to the draft Order, which recommendation may be rejected by resolution of that House in the same Session.

DRAFT STATUTORY INSTRUMENTS

2009 No.

REGULATORY REFORM, ENGLAND AND WALES ANIMALS, ENGLAND AND WALES

DANGEROUS WILD ANIMALS

The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009

Made - - - -

Coming into force in accordance with article 1(1)(c)

The Secretary of State for Environment, Food and Rural Affairs makes the following Order, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(**1**).

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions in section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, extent, commencement and interpretation

1.—(1) This Order—

(**1**) 2006 c. 51; sections 1, 4, 11, 13, 24 and 27 were amended by the Government of Wales (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388). See section 32(1) for the definition of "Minister of the Crown".

(a) may be cited as the Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009;

(b) extends to England and Wales only; and

(c) comes into force on the day after the day on which it is made.

(2) In this Order "the 1976 Act" means the Dangerous Wild Animals Act 1976(**2**).

Inspection powers

2. In section 1 of the 1976 Act—

(a) in subsection (5), for "A local authority" substitute "Subject to subsection (5A) of this section, a local authority";

(b) after subsection (5) insert—

"(5A) Subsection (5) of this section does not apply where—

(a) a person holds a licence under this Act which is in force ("the existing licence");

(b) that person applies for a new licence which is not to specify any species which —

(i) is not specified in the existing licence, or

(ii) is not in the family of a species so specified;

(c) the conditions of the new licence as regards the keeping of any animal concerned are to be substantially the same as those contained in the existing licence; and

(d) the local authority is satisfied that the grant of the new licence is not contrary to the public interest on the grounds of safety, nuisance or otherwise.".

Licences

3. In section 2 of the 1976 Act, for subsections (2) and (3) substitute—

"(2) Subject to subsection (3A)(a) of this section, any licence under this Act shall come into force immediately upon being granted.

(3) Subject to subsection (3A)(b) of this section and the provisions of this Act with respect to cancellation, any licence granted under this Act shall remain in force for two years and shall then expire.

(3A) Where, before the expiry of a licence granted under this Act ("the existing licence"), an application is made for a licence to be granted by way of renewal of the existing licence—

(a) if a licence is so granted, it shall come into force from the date of expiry of the existing licence, whether it is granted before, on or after that date;

(b) if the grant or refusal of that application occurs after the date of expiry of the existing licence, the existing licence shall be deemed to be still in force until the grant or refusal.

(3B) For the purposes of subsection (3A) of this section, a licence is not granted by way of renewal of an existing licence unless it is granted in respect of any species in respect of which the existing licence was granted (whether or not either licence also relates to some other species).".

(**2**) 1976 c. 38. The Act extends to England, Wales and Scotland.