Destructive Imported Animals Act (Northern Ireland) 1933 [F1]

1933 CHAPTER 5

An Act to make provision for prohibiting or controlling the importation into and the keeping within Northern Ireland of destructive non-indigenous animals, for exterminating any such animals which may be at large, and for purposes connected with the matters aforesaid. [28th March 1933]

WHEREAS by an Act passed by the Parliament of the United Kingdom and entitled "the Destructive Imported Animals Act, 1932 [M1]," provision has been made for prohibiting or controlling the importation into and the keeping within Great Britain of destructive non-indigenous animals, for exterminating any such animals which may be at large and for purposes connected with the matters aforesaid:

And whereas it is enacted by sub-section (2) of section twelve of the said Act that the said Act shall not extend to Northern Ireland, and that for the purposes of the Government of Ireland Act, 1920 [M2], the enactment of legislation for purposes similar to the purposes of the said first-mentioned Act shall not be deemed to be beyond the powers of the Parliament of Northern Ireland by reason only of the restrictions on those powers contained in section four of the Government of Ireland Act, 1920:

F1 SI 1972/971

Marginal Citations

M1 1932 c. 12

M2 1920 c. 67

1 Power to prohibit or control the importation or keeping of musk rats.

(1) The Ministry of Agriculture may prohibit by order either absolutely, or except under a licence granted under this Act, the importation into and the keeping within Northern Ireland of any animal of the species designated *Fiber zibethicus* or *Ondatra zibethica*, and commonly known as the musk rat, or musquash.

Changes to legislation: *There are currently no known outstanding effects for the Destructive Imported Animals Act (Northern Ireland) 1933. (See end of Document for details)*

An order made under this sub-section may prohibit absolutely the importation of musk rats notwithstanding that the keeping of them is not prohibited absolutely.

(2) Every order made under sub-section (1) of this section shall, so soon as may be after it is made, be laid before each House of Parliament. If either House of Parliament, within the statutory period next after any order made as aforesaid has been laid before such House, resolves that the order shall be annulled, the order shall, after the date of the resolution, be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

2 Power to make regulations and prescribe form of licences.

For the purpose of enabling effect to be given to orders made under the foregoing section of this Act, the Ministry of Agriculture may—

(a) make regulations with respect to the ports and other places at which musk rats may be imported under a licence, the form of container to be used for their transport from place to place, the nature of the premises upon which, and the manner in which, musk rats may be kept under a licence, and the precautions to be taken against their escape;

(b) prescribe the forms of licences to be used under this Act, the duration of such licences and the conditions to be attached thereto; and

(c) with the approval of the Ministry of Finance, prescribe the fees to be charged in respect of the grant or renewal of such licences.

3 Grant and revocation of licences.

The Ministry of Agriculture may at its discretion—

(a) upon payment by an applicant of the prescribed fee, grant to him a licence in the prescribed form authorising him to import and keep, or to keep, musk rats in accordance with the conditions of the licence and with the regulations, and from time to time renew any licence so granted; and

(b) revoke any such licence, if it is shown to the satisfaction of the said Ministry that the holder thereof has failed to comply with any condition of the licence or with any of the regulations, or has been convicted of an offence under this Act.

4 Power of inspection.

While an order under section one of this Act is in force, any authorised officer or other authorised person shall at all reasonable times be permitted, on production of his authority if so required, to enter and inspect any land occupied by a person holding a licence under this Act and any other land in a case where he has reason to believe that musk rats are being kept or may be found thereon.

5 Provisions as to musk rats found on land or premises.

At any time while an order under section one of the Act is in force, the following provisions shall have effect:—

(a) The occupier of any land who knows that musk rats, not being musk rats kept by him under a licence, are to be found on such land shall forthwith give notice to the Ministry of Agriculture;

(b) The Ministry of Agriculture, so soon as the said Ministry becomes aware that musk rats, not being musk rats kept under a licence, are to be found on any land, may take such steps as the said Ministry considers necessary for the destruction of the musk rats, and for that purpose it shall be the duty of the occupier of the land to afford all such facilities as are within his power to any authorised officer or other authorised person;

(c) The Ministry of Agriculture may authorise a committee of the council of any county (including a county borough) to exercise within that county, on behalf and at the expense of the said Ministry, the powers of the said Ministry under paragraph (*b*) of this section;

(d) No criminal prosecution shall be brought, and no action for damages shall lie, in respect of the killing or wounding of any musk rat which is found at large.

6 Provisions as to offences.

(1) Any person who—

(a) at a time when the importation of musk rats is prohibited absolutely, imports or attempts to import any musk rat into Northern Ireland, or, at a time when such importation is prohibited except under a licence, imports or attempts to import any musk rat into Northern Ireland without having in force a licence authorising such person so to do; or

(b) at a time when the keeping of musk rats is prohibited absolutely, keeps any musk rat in Northern Ireland, or, at a time when the keeping of musk rats is prohibited except under a licence, keeps any musk rat in Northern Ireland without having in force a licence authorising such person so to do; or

(c) being the holder of a licence granted to such person under this Act, acts in contravention of or fails to comply with any regulation made under this Act, or any condition of his licence; or

(d) turns loose any musk rat, or wilfully allows any musk rat to escape; or

(e) obstructs any authorised officer or other authorised person in the execution of his duty under this Act; or

(f) wilfully fails to give a notice which he is required by paragraph (a) of the last preceding section of this Act to give;

shall be guilty of an offence under this Act, and shall on summary conviction be liable to the following penalties, that is to say:—

In the case of an offence under paragraph (a), paragraph (b), or paragraph (d) of this sub-section, a fine of**[**[F2] level 3 on the standard scale**]**[F2], or if the offence was committed in respect of more than four animals, a fine of [[F3] £25] in respect of each animal;

In the case of an offence under paragraph (c) of this sub-section, a fine of**[**[F2] level 2 on the standard scale**]**[F2] and a further fine of [[F3] £5] for each day on which the offence continues after conviction therefor;

In the case of an offence under paragraph (e) of this sub-section, a fine of**[**[F2] level 3 on the standard scale**]**[F2];

In the case of an offence under paragraph (f) of this sub-section, a fine of**[**[F2] level 2 on the standard scale**]**[F2].

The court before which any person is convicted of an offence under paragraph (a), paragraph (b), or paragraph (c) of this sub-section may order any musk rats in respect of which the offence was committed to be forfeited and destroyed.