

EXECUTIVE NOTE

THE DANGEROUS WILD ANIMALS ACT 1976 (MODIFICATION) (SCOTLAND) ORDER 2008 SSI/2008/302

The above instrument was made in exercise of the powers conferred by section 8(1) of the Dangerous Wild Animals Act 1976 (the “Act”) which allows Scottish Ministers to add or remove animals from the Schedule to the Act which are considered to pose, or no longer to pose, a threat to public safety. The Instrument is subject to the negative resolution procedure.

Policy Objectives

The purpose of the Act is to regulate the keeping of certain kinds of dangerous wild animals, as listed in the Schedule to the Act. The principle aim is to ensure that where private individuals keep such animals they do so in circumstances which create no risk to the public. This is done by means of a local authority licensing regime. It is an offence under the Act to keep an animal listed in the Schedule without a licence from the local authority.

The objectives of the Order are to remove some species of animals, the keeping of which are no longer considered to pose a threat to the public and adding some species of animals which are now considered to pose a threat to the public.

It should be noted that the effect of section 5 of the Act is that it does not apply to any dangerous wild animal kept in a zoo, circus, pet shop or registered scientific establishment, as such premises are covered by their own specific legislation.

One of the main objectives was to remove the need for a licence for domestic hybrid cats, such as the Bengal cat created from a hybrid of a domestic cat and an Asian leopard cat.

Scope of the Order

The Order substitutes a new Schedule to the Act, which specifies the kinds of animals to which the provisions of the Act apply. The Schedule was last modified by S.I. 1984/1111 and that instrument is therefore revoked by this Order.

The Order adds the following animals to the Schedule; the Argentine Black-headed snake, the Peruvian racer, the South American green racer, the Amazon false viper, the Middle Eastern thin-tailed scorpion, and the dingo.

The Order also removes the following animals previously listed; certain smaller primates (woolly lemurs, tamarins, night monkeys, titis and squirrel monkeys), Sloths, North American porcupine and crested porcupines, Capybara, Cacomistles, racoons, coatis, olingoes, the little coatimundi, kinkajou and binturong, cat hybrids which are predominately domestic cat, certain small cat species, Hyraxes, Guanaco and Vicuna, Emus, sand snakes and mangrove snakes, and Brazilian wolf spiders.

The Order makes it clear that wild boar, including those farmed, are covered by the Act.

Consultation

Proposals to amend the Schedule to the Act were included as part of the Scottish Executive's consultation document on 'Proposals to Revise Existing Animal Welfare Legislation' issued in March 2004 and attracted comments from some 59 respondees (the majority of which were local authorities and various animal groups). There was a consensus that the Schedule needed to be amended and updated to produce a revised list of controlled species. Although some respondees made suggestions for adding or deleting species there was no real consensus (or the provision of new evidence) as to which species should be added or deleted from the Schedule.

Given the 'exotic' nature of many of the species we, in conjunction with Defra, also sought the advice of a GB panel of experts to identify which species should be removed or added to the Schedule. The factors that the experts took into account were the likelihood and capacity of the animal producing serious injury, the focus being on the protection of the general public in the event of escapes. Accordingly the species listed in the new Schedule are those which are deemed to present a genuine threat to the public.

Financial Effects

A Regulatory Impact Assessment has not been prepared for this Order. It will not have any impact on the Scottish Government nor local authorities. The Order does require private keepers of the Argentine Black-headed snake, the Peruvian racer, the South American green racer, the Amazon false viper, the Middle Eastern thin-tailed scorpion, and the dingo to be licensed. However, there will be very few people who fall into this category.

The Order removes the need for a licence, and its costs, for the keepers of most species of hybrid cats.

**Scottish Government
Rural Directorate**

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