

2011 No. 63

ANIMALS

DESTRUCTIVE ANIMALS

The Muntjac Keeping (Scotland) Regulations 2011

Made - - - - - *2nd February 2011*
Coming into force - - - - - *1st July 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Destructive Imported Animals Act 1932(a), as applied in relation to Muntjac by the Muntjac Keeping (Scotland) Order 2011(b), and all other powers enabling them to do so.

Title, commencement and extent

- 1.—(1) These Regulations may be cited as the Muntjac Keeping (Scotland) Regulations 2011, and come into force on 1st July 2011.
(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—
“1932 Act” means the Destructive Imported Animals Act 1932;
“Muntjac” means an animal of the genus *Muntiacus*; and
“licence” means a licence to keep muntjac under sections 3 (grant and revocation of licences) or 8 (savings in respect of animals kept for exhibition, &c.)(c) of the 1932 Act.

Licences

- 3.—(1) A licence shall endure for a period of 60 months.
(2) A licence shall include the conditions in the Schedule.

(a) 1932 c.12. Section 11 (interpretation) was amended by S.I. 1992/3302. The style and title of the Minister of Agriculture and Fisheries was changed to that of the Minister of Agriculture, Fisheries and Food by S.I. 1955/554. The functions of the Minister of Agriculture, Fisheries and Food and the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) (“1998 Act”). The requirement to obtain treasury consent was removed by section 55 of the 1998 Act.
(b) S.S.I. 2011/
(c) Sections 3 and 8 of the 1932 Act provide for the appropriate department to grant or revoke licences under those sections. Section 11 (interpretation) of the 1932 Act provides that the “appropriate department” means, in Scotland, the Department of Agriculture for Scotland (“DAS”). Section 11 was amended by S.I. 1992/3302. The functions of the DAS were transferred to the Secretary of State by section 1 of the Reorganisation of Offices (Scotland) Act 1939 (c.20). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

Licence fee

4. The fee to be paid by a licence holder to the Scottish Ministers in respect of the grant or renewal of a licence is £65.

St Andrew's House,
Edinburgh
2nd February 2011

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 3(2)

Licence conditions

1. Muntjac must be kept by, or on behalf of, the person specified in the licence (the “keeper”).
2. Subject to paragraph 3, Muntjac must be kept on the premises specified in the licence (the “main premises”).
3. Muntjac may be kept at premises other than the main premises for welfare reasons (for example, veterinary treatment), provided they are kept at the other premises for a continuous period not exceeding 7 days duration.
4. Muntjac moved to and from the main premises must be kept in a container constructed in such manner and of such materials as to prevent escape during the movement.
5. Muntjac on the main premises must be kept in an enclosure that—
 - (a) does not straddle a watercourse;
 - (b) is bounded by a mesh fence—
 - (i) constructed—
 - (A) from timber posts with a minimum length of 2973 millimetres, and with minimum dimensions of 76 millimetres by 76 millimetres if square, or a minimum diameter of 76 millimetres if round;
 - (B) from galvanised wire with a minimum diameter of 2.5 millimetres; and
 - (C) with a minimum mesh or net size of 50 millimetres by 50 millimetres;
 - (ii) a minimum height of 1900 millimetres above ground level;
 - (iii) a minimum depth of 160 millimetres below ground level;
 - (iv) an overhanging extension on the interior side of the fence, with an angle of 45 degrees from the vertical, and with a minimum length of 610 millimetres; and
 - (v) strainers (or turning posts) at every change in direction, with a minimum length of 3048 millimetres, and with minimum dimensions of 228 millimetres by 228 millimetres if square, or a minimum diameter of 228 millimetres if round.
6. Each gate to the enclosure must—
 - (a) be constructed on a concrete apron with a minimum—
 - (i) length of 600 millimetres; and
 - (ii) depth below ground of 300 millimetres;
 - (b) be constructed so that there is a maximum gap of 60 millimetres between each of the gate and the fence and the gate and the ground;
 - (c) be covered on the interior side with wire mesh as specified in paragraphs 5(b)(i)(B) and (C); and
 - (d) have an overhanging extension as specified in paragraph 5(b)(iv).
7. The keeper must give notice to the Scottish Ministers of the escape of a Muntjac from captivity within 24 hours after the escape.
8. The keeper must maintain a written record—
 - (a) of the number, age and sex of Muntjac as kept from time to time; and
 - (b) give that record (or a copy) to the Scottish Ministers—
 - (i) within 48 hours after a request to that effect;

(ii) on ceasing for any reason to keep Muntjac under the licence.

9. The keeper must provide access to the main premises for any person authorised by the Scottish Ministers, on showing proof of authorisation if requested, for the purpose of ensuring compliance with any requirement of the 1932 Act or the licence.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Muntjac Keeping (Scotland) Order 2010 extended the provisions of the Destructive Imported Animals Act 1932 (“1932 Act”), with modifications, to the keeping of animals of the genus *Muntiacus* (Muntjac deer).

These Regulations provide for the duration of licences granted by the Scottish Ministers to keep Muntjac under sections 3 and 8 of the 1932 Act, for fees payable in respect of licences, and for the minimum conditions to be included in licences.

It is an offence under section 6 of the 1932 Act for a licence holder to fail to comply with these Regulations, or any term of the licence.

A business and regulatory impact assessment has not been prepared for these Regulations.

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