

Order made by the Minister for Environment and Sustainable Development, one of the Welsh Ministers, laid before the National Assembly for Wales under section 10(1) of the Destructive Imported Animals Act 1932, for approval by resolution of the National Assembly for Wales.

WELSH STATUTORY INSTRUMENTS

2012 No. (W.)
ANIMALS, WALES
DESTRUCTIVE ANIMALS

The Mink Keeping (Prohibition) (Wales) Order 2012

<i>Made</i>	- - - -	<i>8 May 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 May 2012</i>
<i>Coming into force</i>	- -	<i>1 June 2012</i>

The Welsh Ministers, being satisfied that by reason of the destructive habits of the non-indigenous mammalian species which are the subject of this Order it is desirable to prohibit or control the keeping of them and to destroy any which may be at large, and in exercise of the powers conferred by section 10(1) of the Destructive Imported Animals Act 1932(1) and now vested in them(2), make the following Order:

Title, application and commencement

- 1.—(1) The title of this Order is the Mink Keeping (Prohibition) (Wales) Order 2012.
- (2) This Order applies in relation to Wales.
- (3) This Order comes into force on 1 June 2012.

Interpretation

2. In this Order—
 - (a) “the Act” (“*y Ddeddf*”) means the Destructive Imported Animals Act 1932; and

(1) 1932 c. 12; section 11(interpretation) was amended by S.I.1992/3302.
(2) The functions of the Minister of Agriculture, Fisheries and Food under section 10 of the Act transferred to that Minister and the Secretary of State for Wales jointly by virtue of the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388). Those functions, in so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and were vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The 1999 Order provides for an exception to the transfer of functions under section 10 of the Act where the exercise of the functions relates to importation of animals to which that Act relates but that exception is not relevant to this Order.

- (b) “mink” (“*minc*”) means the animal of the species *mustela vison*.

Prohibition on the keeping of mink

- 3.—(1) The keeping of mink is prohibited.
- (2) In the application of the Act in relation to mink, the following are to be omitted—
- (a) section 5(2) and,
 - (b) section 6(1), paragraph (f) and the reference to a penalty in the case of an offence under paragraph (f).

8 May 2012

John Griffiths
Minister for Environment and Sustainable
Development , one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, in exercise of the power granted by section 10 of the Destructive Imported Animals Act 1932 (“the Act”), prohibits the keeping of mink in Wales.

Section 10 of the Act provides that, in relation to an Order made pursuant to that section, the provisions of the Act apply as they apply to musk rats, subject to such exceptions and modifications as may be specified in the Order. In this Order, exceptions are made in relation to sections 5(2) and 6(1)(f) of the Act. Section 5(2) of the Act relates to the duty on occupiers of land to give notice of the presence on their land of mink not kept under a license. Section 6(1)(f) of the Act provides for an offence where an occupier of land fails to give such notice under section 5(2).

A regulatory impact assessment has not been produced for this Order as no impact on the costs of business or the voluntary sector is foreseen.