

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 13: Other measures relating to animals, food and the environment

Part 1: Destructive imported animals

740. The Destructive Imported Animals Act 1932 provides for the prohibition or control of the importation into, and/or keeping within, Great Britain of destructive non-indigenous mammalian animals, and facilitates the eradication of any such mammals established in the wild. The Act assumes that, where there are such animals at large, the policy will be to destroy them before the wild population becomes so established that eradication ceases to be viable.
741. Amongst other controls, it requires occupiers of land to report the presence of such animals at large on their land, so as to facilitate their eradication.
742. The 1932 Act applies expressly to musk rats (which were eradicated in the 1930s), but section 10 permits its provisions to be extended to other similarly destructive non-indigenous mammal species via an order. Such orders now include the Grey Squirrels (Prohibition of Importation and Keeping) Order 1937.
743. The amendment to the Grey Squirrels (Prohibition of Importation and Keeping) Order 1937 removes the obligation under section 5(2) of the Act upon occupiers to notify the authorities of any grey squirrels (save those kept lawfully under licence) on their land, and the associated offence provision (in section 6(1)(f) of the Act) for failing to do so.
744. Eradication of grey squirrels is currently considered neither feasible nor widely supported, so the general obligation to report grey squirrels at large to the authorities serves no useful purpose and is neither observed by occupiers (who thereby commit an offence) nor enforced by government. It undermines the criminal law to maintain unenforced offences.
745. The amendment to section 10 of the 1932 Act revises the test that must be satisfied before an order may be made or amended. Rather than the Secretary of State or the Welsh Ministers (as the case may be) needing to be satisfied that it is desirable to destroy all such animals at large it will be enough if they are satisfied that it is desirable to keep under review whether any which may be at large should be destroyed.
746. These amendments, like the 1932 Act, form part of the law of England and Wales only.
747. These amendments come into force at the end of the period of 2 months beginning with the day on which the Act is passed.