

SCHEDULES

SCHEDULE 9

CONSERVATION OF SEALS

PART 1

AMENDMENTS OF THE CONSERVATION OF SEALS ACT 1970

- 1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 2
to 12.
- 2 For section 1 (prohibited methods of killing seals) substitute—

“1 Prohibition of the killing, injuring or taking of seals

A person commits an offence if the person intentionally or recklessly kills, injures or takes a seal.”

- 3 Omit section 2 (close seasons for seals).
- 4 Omit section 3 (orders prohibiting killing seals).
- 5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “seal, item or”.
- 6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute—
- “(a) any seal or seal skin in respect of which the offence was committed;
 - (b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;
 - (c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person’s possession at the time of the offence.”
- 7 In section 8 (attempt to commit offence), in subsection (2)—
- (a) after “poisonous” insert “or explosive”;
 - (b) after “substance” insert “, any explosive article”;
 - (c) omit “the use of which is prohibited by section 1(1)(b) of this Act”.
- 8 In section 9 (general exceptions)—
- (a) in subsection (1)—
 - (i) for “2 or 3” substitute “1”;
 - (ii) in paragraph (a), omit “otherwise than by his act”;
 - (iii) omit paragraphs (b) and (c);
 - (b) in subsection (2)—
 - (i) omit “, 2 or 3”;

Status: This is the original version (as it was originally enacted).

- (ii) omit “otherwise than by his act”.
- 9 In section 10 (power to grant licences)—
- (a) in subsection (1), in paragraph (c)—
- (i) omit sub-paragraphs (i) and (iii) (but not the “or” after paragraph (iii));
- (ii) after sub-paragraph (ii) insert—
- “(iia) the protection of animal or human health or public safety;”;
- (b) after subsection (1) insert—
- “(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 52 of that Act).”
- 10 In section 11 (entry upon land)—
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (d);
- (c) in subsection (4)—
- (i) omit the words from “, or in the” to “28 days’ notice;”;
- (ii) omit the words from “; and in the case” to the end;
- (d) omit subsection (5).
- 11 Omit section 14 (orders).
- 12 In section 15 (interpretation), at the appropriate places insert—
- ““explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;
- ““explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —
- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;
- ““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.