
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 68

**The Humane Trapping Standards
Regulations (Northern Ireland) 2019**

PART 2

Amendment of the Wildlife (Northern Ireland) Order 1985

Amendment of the Wildlife (Northern Ireland) Order 1985

2. The Wildlife (Northern Ireland) Order 1985⁽¹⁾ is amended in accordance with regulations 3 to 8.

Amendment of Article 12

3.—(1) Article 12 (prohibition of certain methods of killing or taking wild animals) is amended as follows.

(2) For paragraph (2) substitute—

“(2) Subject to the provisions of this Part and to those of Article 20, if any person—

- (a) uses any trap or snare for the purpose of killing, taking or restraining any wild animal included in Schedule 6 or 6A;
- (b) sets in position any trap or snare of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedules 6 or 6A;
- (c) sets in position any—
 - (i) hook and line;
 - (ii) electrical device for killing or stunning; or
 - (iii) poisonous, poisoned or stupefying substance or muscle-relaxing agent, of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6;
- (d) uses for the purpose of killing or taking any wild animal included in Schedule 6 any—
 - (i) hook and line;
 - (ii) poisonous, poisoned or stupefying substance or muscle-relaxing agent;
 - (iii) net;
 - (iv) automatic or semi-automatic weapon;
 - (v) device for illuminating a target or sighting device for night shooting;
 - (vi) form of artificial light or any mirror or other dazzling device;

⁽¹⁾ 1985 No.171 (N.I.2), as amended by the Wildlife and Natural Environment Act (N.I.) 2011 (c. 15)

- (vii) gas or smoke not falling within head (iii);
- (viii) metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;
- (e) uses any electrical device for killing or taking any wild animal included in Schedule 6;
- (f) uses any mechanically propelled vehicle in immediate pursuit of any wild animal included in Schedule 6 for the purpose of driving, killing or taking that animal; or
- (g) knowingly causes or permits to be done an act mentioned in any of sub-paragraphs (a) to (f),

that person shall be guilty of an offence.”.

(3) In paragraph (4), for “(2)(b) to (d)” substitute “(2)(a), (d), (e) or (f)”.

(4) In paragraph (5)—

- (a) for “(2)(a)” substitute “(2)(b) or (c)”;
- (b) for “Schedule 6” substitute “the relevant Schedule”.

(5) After paragraph (5), insert—

“(5A) In paragraph (5), “the relevant Schedule” means—

- (a) where proceedings relate to an offence under paragraph (2)(b), Schedule 6 or 6A;
- (b) where proceedings relate to an offence under paragraph (2)(c), Schedule 6.”.

Amendment of Article 12A

4.—(1) Article 12A (spring traps) is amended as follows.

(2) In paragraph (1)(a), after “Schedule 6” insert “or 6A”.

(3) After paragraph (3), add—

“(4) In paragraph (1) any reference to an approved trap shall not include a reference to any trap if that trap is a leghold trap.

(5) In paragraph (4), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.”.

Amendment of Article 18

5.—(1) Article 18 (power to grant licences) is amended as follows.

(2) After paragraph (3A), insert —

“(3B) A licence granted under paragraph (1) or (3) may not permit the use of a leghold trap for the purpose of killing, taking or restraining a wild animal included in Schedule 6 or 6A.

(3C) Subject to paragraph (3J) a licence granted under paragraph (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6A only if the trap or snare—

- (a) meets the conditions relating to certification (see paragraphs (3D) to (3G)); or
- (b) meets the approved design conditions (see paragraphs (3H) and (3I)).

(3D) Subject to paragraph (3J), a licence granted under paragraph (1) or (3) may permit the use of a trap (other than a leghold trap) or a snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6A only if the trap or snare—

- (a) is of a certified type and make;

- (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and
- (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3E) For the purposes of paragraph (3D)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3F) For the purposes of this Article, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6A if it is certified by the Department or by or on behalf of any of the following authorities as conforming (where the trap or snare is set, operated safely and maintained in accordance with instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;
- (d) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3G) The Department shall—

- (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
- (b) make the list available to anyone who asks for it in writing⁽²⁾.

(3H) For the purposes of paragraph (3C)(b), a trap or snare meets the approved design conditions if it—

- (a) has been constructed by the person using it; and
- (b) complies with a design approved for this purpose by the Department.

(3I) The Department shall—

- (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with paragraph (3H)(b); and
- (b) make the details available to anyone who asks for them in writing⁽³⁾.

(3J) Paragraph (3C) does not apply in respect of a licence granted under paragraph (1) for a purpose mentioned in sub-paragraphs (a), (c), or (d) of that paragraph, or granted under paragraph (3), where the licence—

- (a) is subject to such conditions as the Department considers appropriate when granting the licence;
- (b) does not, in the opinion of the Department, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.”.

(3) In paragraph (8) after the definition of “development” insert—

(2) Requests in writing can be made to the Department of the Agriculture, Environment and Rural Affairs, Biodiversity and Conservation Science Team, Natural Environment Division, 2nd Floor, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA.

(3) See footnote (a) above.

“the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation⁽⁴⁾;

“leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.”.

Amendment of Article 20

6.—(1) Article 20 (exceptions to Articles 12 and 19) is amended as follows—

(2) In paragraph (1), for “12(2)(d)” substitute “12(2)(f)”.

(3) In paragraph (3), for “paragraph (2)(c)(iii) or (iv) or (2)(d) or Article 12 of” substitute “paragraph (2)(d)(v) or (vi) or (2)(f) of Article 12 or”.

(4) In paragraph (4), for “12(2)(a) or (b)” substitute “12(2)(b) or (c) or (d)(iii)”.

Amendment of Article 28

7.—(1) Article 28 (power to vary Schedules) is amended as follows—

(2) After paragraph (8), add—

“(9) The Department may by order, for the purpose of complying with the international trapping standards agreement, add any animal to, or remove any animal from, Schedule 6A.

(10) In paragraph (9), “the international trapping standards agreement” has the meaning given to it in Article 18(8).”.

New Schedule 6A

8. After Schedule 6, insert Schedule 6A to the Wildlife (Northern Ireland) Order 1985⁽⁵⁾, the Schedule set out in the Schedule to these Regulations.

(4) The Agreement was approved on behalf of the European Community by Council [Decision 98/142/EC](#) (OJ No. L42, 14.2.98, p. 40). The text of the Agreement is attached to the Decision (at OJ No. L 42, 14.2.98, p. 43).

(5) [1985 No.171 \(N.I.2\)](#), as amended by the Wildlife and Natural Environment Act (N.I.) [2011 \(c. 15\)](#)