

FUR FARMING (PROHIBITION) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Offences

9. *Subsection (1)* creates a primary offence of keeping animals solely or primarily for slaughter for the value of their fur or for breeding progeny for such slaughter. The offence can be committed by a company or a natural person. It is immaterial whether the slaughter will be carried out by the keeper of the animals or by another person. A person who keeps animals partly for slaughter for the value of their fur and partly for another purpose will only be guilty of the offence if the former is the primary purpose for which he keeps the animals. The primary meaning of "value" in this context is commercial value, but the term is sufficiently wide to include the value of the fur to an individual who has no intention to sell it.
10. *Subsection (2)* creates a secondary offence of knowingly causing or permitting another person to keep animals solely or primarily for slaughter for the value of their fur or for breeding progeny for such slaughter. Again, the offence can be committed by a company or a natural person. A person is only guilty of this offence if he knows not only that the animals are being kept but also that the sole or primary purpose of the keeping is as described above. It is anticipated that there will be relatively few cases where a person is guilty of an offence under subsection (2). However, a director of an overseas company might have caused the company to commit an offence under subsection (1). It is also conceivable that a person might knowingly cause or permit the keeping of animals for the prohibited purpose without having any clear relationship of agency with the person who physically keeps the animals. An

example of a person who might be guilty of the offence of permitting is a person who grants a tenancy of land for the purpose of enabling the tenant to carry on a fur farming business.
11. *Subsection (3)* makes it clear that, for the purposes of both the primary and the secondary offence, the necessary purpose will be present if the ultimate purpose for which the animals are kept is slaughter for the value of their fur, notwithstanding that the keeper may intend to sell the animals with a view to their ultimate slaughter rather than slaughter them while they are in his ownership or possession.
12. *Subsection (4)* provides that both the primary and the secondary offence are summary offences, for which the maximum penalty is £20,000.