

2004 No. 100

ANIMALS, ENGLAND

DESTRUCTIVE ANIMALS

The Mink Keeping (Prohibition) (England) Order 2004

Approved by both Houses of Parliament

<i>Made</i> - - - -	<i>19th January 2004</i>
<i>Laid before Parliament</i>	<i>20th January 2004</i>
<i>Coming into force</i> - -	<i>24th March 2004</i>

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

Title, application and commencement

1. This Order may be cited as the Mink Keeping (Prohibition) (England) Order 2004, shall apply in England, and shall come into force on the day after the day on which it is approved by resolution of each House of Parliament.

Prohibition on the keeping of mink

2.—(1) The keeping of mink (“*mustela vison*”) is prohibited.

(2) In the application of the Destructive Imported Animals Act 1932 in relation to mink, there shall be omitted—

- (a) section 5(2) and,
- (b) in section 6(1), paragraph (f) and the reference to a penalty in the case of an offence under paragraph (f).

19th January 2004

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) 1932 c. 12; section 11 (interpretation) was amended by S.I. 1992/3302.

(b) As respects England, by article 2(1) of, and the Schedule to, the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) the functions of the Secretary of State jointly exercisable with the Minister of Agriculture, Fisheries and Food under section 10 of the Act were transferred to the Minister and were then transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S. I. 2002/794).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, in exercise of the power granted to the Secretary of State by section 10 of the Destructive Imported Animals Act 1932 (“the Act”), prohibits the keeping of mink in England and replaces the Mink Keeping Order 2000 (S.I. 2000/3402), which ceased to have effect on 1st January 2004. The controls are not time-limited.

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(2) of the Act. These exceptions relate to the duty on occupiers of land to give notice of the presence on their land of mink not kept under a licence.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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