

2010 No. 839

REGULATORY REFORM, ENGLAND AND WALES

ANIMALS, ENGLAND AND WALES

**The Legislative Reform (Dangerous Wild Animals) (Licensing)
Order 2010**

Made - - - - *17th March 2010*

Coming into force in accordance with article 1(c)

The Secretary of State for Environment, Food and Rural Affairs makes the following Order, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006^(a).

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions in section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State laid a draft Order and explanatory statement before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15(4) of that Act, the House of Lords required in respect of that draft Order that the super-affirmative resolution procedure (within the meaning of Part 1 of that Act^(b)) should apply in relation to the making of the Order.

After the expiry of the 60-day period mentioned in section 18 of that Act^(c), the Secretary of State laid a revised draft Order and a statement before Parliament in accordance with section 18(7) of that Act.

In accordance with section 18(8) of that Act, the revised draft Order has been approved by resolution of each House of Parliament.

(a) 2006 c. 51; sections 1, 4, 11, 13, 24 and 27 were amended by the Government of Wales (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388). See section 32(1) for the definition of “Minister of the Crown”.

(b) See section 18 of the Legislative and Regulatory Reform Act 2006.

(c) The expression “60-day period” is defined in section 18(13) of the Legislative and Regulatory Reform Act 2006.

Citation, extent and commencement

1. This Order—

- (a) may be cited as the Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010;
- (b) extends to England and Wales only; and
- (c) comes into force on the day after the day on which it is made.

Licences

2. In section 2 of the Dangerous Wild Animals Act 1976(a), for subsections (2) and (3) substitute—

“(2) Subject to subsection (3A)(a) of this section, any licence under this Act shall come into force immediately upon being granted.

(3) Subject to subsection (3A)(b) of this section and the provisions of this Act with respect to cancellation, any licence granted under this Act shall remain in force for two years and shall then expire.

(3A) Where, before the expiry of a licence granted under this Act (“the existing licence”), an application is made for a licence to be granted by way of renewal of the existing licence—

- (a) if a licence is so granted, it shall come into force from the date of expiry of the existing licence, whether it is granted before, on or after that date;
- (b) if the grant or refusal of that application occurs after the date of expiry of the existing licence, the existing licence shall be deemed to be still in force until the grant or refusal.

(3B) For the purposes of subsection (3A) of this section, a licence is not granted by way of renewal of an existing licence unless it is granted in respect of any species in respect of which the existing licence was granted (whether or not either licence also relates to some other species).”.

17th March 2010

Jim Fitzpatrick
Minister of State
Department for Environment, Food and Rural Affairs

(a) 1976 c. 38. The Act extends to England, Wales and Scotland.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006 (c. 51). It modifies provisions of the Dangerous Wild Animals Act 1976 (c. 38) which relate to the grant of licences to keep wild animals.

This Order makes two changes.

(a) It extends the period of validity of a licence from a maximum of one year to two years (*article 2*).

(b) It provides that licences will come into force immediately upon their being granted (rather than, as was the case previously, from either the date of grant or the beginning of the next following year), except for renewals of a licence applied for before the expiry of the licence they are to replace, in which case the subsequent licence will come into force from the date of expiry of the licence it replaces (*article 2*).

An impact assessment has been prepared in respect of this Order. A copy may be obtained from Defra (Wildlife Species Conservation Division), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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