



Planning and Environmental Policy Group

**Proposals for amending the
Schedule to the Dangerous
Wild Animals (Northern Ireland)
Order 2004**

Consultation Paper

June 2008

Proposals for amending the Schedule to the Dangerous Wild Animals (Northern Ireland) Order 2004

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Department of the Environment
Planning and Environmental Policy Group
River House
48 High Street
Belfast
BT1 2AW

Website: www.doeni.gov.uk

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Introduction

The Dangerous Wild Animals (Northern Ireland) Order 2004 came into effect on 28th of December 2006 to regulate the keeping of dangerous wild animals by private individuals.

Up until that time there was no legal provision for regulating the keeping of these animals. The Order addresses the gap in the law by ensuring individuals that keep these animals do so in a manner which protects public safety and safeguards the welfare of the animals. The Order does not prohibit the keeping of such animals, but requires those keeping them to be licensed to ensure they have appropriate skills and facilities to both secure public safety and the welfare of the animals. Environment and Heritage Service (EHS), an agency within the Department of the Environment, manages the licensing scheme.

The Dangerous Wild Animals Act 1976 is the equivalent legislation in Great Britain (GB). It was amended in 2004.

Purpose of this consultation

The purpose of this consultation is to seek views on the proposed alterations to the Schedule. This will involve the removal of over 30 species and the addition of 6 individual species and one complete family and will maintain parity with GB legislation. Details are given in **Annex 1**.

The Schedule to the GB Legislation, (the Dangerous Wild Animals Act 1976) was amended in 2004. The Government in GB took the advice of a group of experts in formulating proposals on which species should be removed or added to the current Schedule. Included in their report was the view of many keepers that the controls extended to non-dangerous animals. For details see:
http://www.defra.gov.uk/science/Project_Data/DocumentLibrary/WP01013/WP01013_3997_FRP.pdf

In response to this report the Department for Environment, Food and Rural Affairs (DEFRA) made a number of alternations to the Schedule which came into force in 2004. It is proposed for the same amendments to be made to the Schedule to the Dangerous Wild Animals (Northern Ireland) Order 2004.

The amendments would remove those animals such as small primates, that are unlikely to pose a serious risk to humans, and to add others – particularly four species of poisonous snake, all sea snakes, a species of scorpion and the dingo – that do seem to pose a danger. We propose that certain cat hybrids should also be excluded.

Views are therefore sought on the proposed changes to the Schedule as detailed in **Annex 1**. In addition, views would be welcome on whether any further species should be added to, or removed from, the Schedule.

Impact Assessments

All relevant Impact Assessments were carried out on the introduction of the Order. The original assessments remain relevant for the proposed amendments.

Who will be affected/who might like to comment

Everyone is welcome to comment, but we believe those most likely to be affected or to have an interest are: private keepers of animals - anyone in Northern Ireland who proposes to keep or does keep animals listed in the existing schedule to the Order, or listed in the proposed revised schedule, medical and veterinary professionals, animal welfare organisations and animal rescue centre owners.

Responses and deadline for comments

Please consider the suggested amendments to the Dangerous Wild Animals (Northern Ireland) Order 2004 and respond by mail or email to the address below before **26th September 2008**. Before you submit your response, please read **Annex 2** on the confidentiality of consultations, which gives you guidance on the legal position of any information given by you in response to this consultation. If you are responding on behalf of a group or organisation, please indicate this on your response.

Louise McAlavey
Planning and Environmental Policy Group
Department of the Environment
Room 1307 River House
48 High Street
Belfast
BT1 2AW

Phone: 02890257305
Fax: 02890257300

Email: louise.mcalavey@doeni.gov.uk

Further copies of the consultation paper are available on written request or by telephone (02890257305). The paper can also be accessed at the following website <http://www.doeni.gov.uk/index/information/consultations.htm>

Should you require a copy of the document in an alternative format, it can be made available on request in large print, disc, Braille, audio cassette or textphone for the hearing impaired. It may also be made available on request in minority languages for those who are not proficient in English.

Annex 1

Proposals for amending the Dangerous Wild Animals (Northern Ireland) Order 2004

Amendments to the list of species to be controlled (Schedule)

The Department has followed the approach taken by DEFRA to the amendment to the Schedule to the Dangerous Wild Animals Act 1976. DEFRA took the advice of a group of experts in formulating proposals on which species should be removed or added to the current Schedule. The factors that the experts took into account were the likelihood and capacity of the animal to give rise to serious injury. They looked at:

- the animal's armoury – its tools and its size;
- the animal's ferocity – its temperament and inclination to use its armoury;
- the harm the animal could do to a child (we believe a threshold of serious injury to a child is consistent with the original intentions of the Act and is a credible threshold);
- the animal's likely behaviour when unrestrained or cornered outside of the keeper's premises;
- recorded incident of deaths or serious injury;
- what legislation already exists for regulating the acquisition or keeping of animals (e.g. under the UN CITES Convention or on farmed animals).

The experts excluded from consideration the potential threat of disease transmitted from animals to humans as not every animal would carry disease, and some animals might carry a disease that non-listed animals could carry. There is also no evidence that uncommonly kept animals pose a significant extra risk of disease to humans compared to common pets.

We have also been mindful that the existing Schedule contains animals no more dangerous than common domestic pets, such as dogs or cats. We therefore propose to remove animals that fall into that category.

The present Schedule with the proposed changes is shown at below with explanations in the notes. These changes will be achieved through subordinate legislation.

Proposals

Text struck through is proposed for deletion, text underlined shows proposed additions. Other minor changes are indicated by a number. Clarification notes are provided at the foot of the table.

Scientific name of kind	Common name or names
Mammals	
Marsupials	
<i>Dasyuridae</i> of the species <i>Sarcophilus lanarius</i>	The Tasmanian devil.
<i>Macropodidae</i> of the species <i>Macropus fuliginosus</i>, <i>Macropus giganteus</i>, <i>Macropus robustus</i> and <i>Macropus rufus</i>.	Grey kangaroos, the euro, the wallaroo and the red kangaroo.
Primates	
<i>Callitrichodae</i> of the species of the genera <i>Leontopithecus</i> and <i>Saguinus</i> (1)	Tamarins
<i>Cebidae</i>	New-world monkeys (including capuchin, howler, saki, uacari, spider & woolly monkeys).
All species except those of the genera <i>Aotus</i>, <i>Callicebus</i> and <i>Samiri</i> (1)	Night monkeys (also known as owl monkeys), titi monkeys and squirrel monkeys are excepted.
<i>Cercopithecidae</i>	Old-world monkeys (including baboons, the drill, colobus monkeys the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas and proboscis monkeys and the talapoin)
<i>Indriidae</i> of genera <i>Propithecus</i> and <i>Indri</i>	Leaping lemurs (including the indri and sifakas).
(<i>Avahi laniger</i> is excepted) (1)	The woolly lemur is excepted.
<i>Lemuridae</i>	Large lemurs
except the species of the genus <i>Hapalemur</i> .	(the broad-nosed gentle lemur and the grey gentle lemur (also known as bamboo lemurs (2)) are excepted).
<i>Hylobatidae</i>	Gibbons and Siamangs
<i>Hominidae</i> except genus <i>Homo</i>	Anthropoid apes including chimpanzees, bonobos orang-utans and gorillas
Edentates	
<i>Bradypodidae</i> (1)	Sloths
<i>Dasypodidae</i> of the species <i>Priodontes maximus</i> (3)	The giant armadillo

<i>Myrmecophagidae</i> of the species <i>Myrmecophaga tridactyla</i>	The giant anteater
Rodents	
<i>Erithizontidae</i> of the species <i>Erithizon dorsatum</i> (1)	The North American porcupine
<i>Hydrochoeridae</i> (1)	The Capybara
<i>Hystriidae</i> of the species of the genus <i>Hystrix</i> (1)	Crested porcupines
Carnivores	
<i>Ailuropodidae</i> (<i>Ailuridae</i>)	The red (lesser) panda
<p><i>Canidae</i>, all species</p> <p>except the species of the genera <i>Alopex</i>, <i>Cerdocyon</i>, <i>Pseudoplex</i>, <i>Urocyon</i> (4), <i>Dusicyon</i>, <i>Otocyon</i>, <i>Nyctereutes</i> and <i>Vulpes</i>,. The species <i>Canis familiaris</i> other than the subspecies <u><i>Canis familiaris dingo</i></u> (5)</p>	<p>Wild dogs, wolves, jackals, maned wolf, bush dog, dhole,</p> <p>(foxes and the raccoon dog and the domestic dog (but not the dingo(6)) are excepted)</p>
<p>Felidae,</p> <p>All except</p> <p>(a) the species <i>Felis silvestris</i>, <i>Otocolobus manul</i>, <i>Leopardus tigrinus</i>, <i>Oncifelis geoffroyi</i>, <i>Oncifelis guina</i>, <i>Catopuma badia</i>, <i>Felis margarita</i>, <i>felis nigripes</i>, <i>Prionailurus rubiginosus</i> and <i>felis silvestris catus</i></p> <p>(b) a hybrid cat which is is descended exclusively from any one or more species within paragraph (a);</p> <p>(c) a hybrid of which – (i) one parent is <i>Felis silvestris catus</i>, and (ii) the other parent is a first generation hybrid of <i>Felis silvestris catus</i> and any cat within paragraph (a):</p> <p>(d) any cat which is descended exclusively from any one or more hybrids within paragraph (c) (ignoring for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any</p>	<p>All cats including the bobcat, caracal, cheetah, jaguar, lion, lynx, ocelot, puma, serval and tiger.</p> <p>The following are excepted:</p> <p>(a) the wild cat, the pallas cat, the little spotted cat, the Geoffroy's cat, the kodkod, the bay cat, the sand cat, the Black-footed cat, the rusty-spotted cat and domestic cat;</p> <p>(b) a hybrid cat which is is descended exclusively from any one or more species within paragraph (a);</p> <p>(c) a hybrid cat having as one parent a domestic cat and as the other parent a first generation hybrid of a domestic cat and any cat not within paragraph (a);</p> <p>(d) any cat which is descended exclusively from any one or more hybrids within paragraph (c)</p>

hybrid within paragraph (c): (e) any cat which is descended exclusively from <i>Felis silvestris catus</i> and any one or more hybrids within paragraph (c) (ignoring for the purposes of descent, the parents and remoter ancestors of any hybrid within paragraph (c)). (6)	(e) any cat which is descended exclusively from a domestic cat and any one or more hybrids within paragraph (c). (6)
<i>Hyaenidae</i> except the species <i>Proteles Cristatus</i>	Hyaenas (except the aardwolf)
<i>Mustelidae</i> of the species of the genera <i>Arctonyx</i> , <i>Aonyx</i> , <i>Enhydra</i> , <i>Lutra</i> (except <i>Lutra lutra</i>), <i>Amblonyx</i> , <i>Lontra</i> (3) <i>Melogale</i> , <i>Mydaus</i> , <i>Pteronura</i> and <i>Taxidea</i> and of the species <i>Eira barbara</i> , <i>Gulo gulo</i> , <i>Martes pennanti</i> and <i>Mellivora Capensis</i>	Badgers (except the Eurasian badger), otters (other than the European otter) and the tayra, wolverine, fisher and ratel (otherwise known as the honey badger)
<i>Procyonidae</i> (1)	Cacomistles, racoons, coatis, olingos, the little coatimundi and the kinkajou
<i>Ursidae</i> All species including the species <i>Ailuropoda melanolenca</i>	All bears including the giant panda.
<i>Viverridae</i> of the species of the genus <i>Civettictis</i> (7), <i>Viverra</i> , and of the species and <i>Cryptoprocta ferox</i> <i>Arctictis binturong</i> (1)	The African, Large-spotted, genus Malay and large Indian civets, the fossa. The binturong
Pinnipedes	
<i>Odobenidae</i> , <i>Otariidae</i> and <i>Phocidae</i> except <i>Phoca vitulina</i> and <i>Halichoerus grypus</i>	The walrus, eared seals, sea lions and earless seals (the common or harbour(2) and grey seals are excepted)
Elephants	
<i>Elephantidae</i>	Elephants
Odd-toed ungulates	
<i>Equidae</i> , except the species <i>Equus asinus</i> , <i>Equus caballus</i> and <i>Equus asinus x Equus caballus</i>	Asses, horses and zebras (the donkey, domestic horse and domestic hybrids are excepted)
<i>Rhinocerotidae</i>	Rhinoceroses
<i>Tapiridae</i>	Tapirs
Aardvark	
<i>Orycteropidae</i>	The aardvark
Hyraxes	
<i>Procaviidae</i> (1)	Tree and rock hyraxes (otherwise known as dassies)

Even-toed ungulates	
<i>Antilocapridae</i> <i>Antilocapra americana</i> (8)	The Pronghorn
<i>Bovidae</i> , except any domestic form of the genera <i>Bos</i> and <i>Bubalus</i> , <i>Capra</i> and <i>Ovis</i> .	Antelopes, bison, buffalo, gazelles, goats and sheep (domestic cattle, buffalo, goats and sheep are excepted)
<i>Camelidae</i> All species of the genus <i>Camelus</i>	Camels
<i>Lama guanacoe</i> , <i>Lama pacos</i> , <i>Lama glama</i> and <i>Vicugna vicugna</i> are excepted (3)	The Guanaco, the alpaca, domestic llama and vicuna are excepted
<i>Cervidae</i> of the species <i>Alces alces</i> and <i>Rangifer tarandus</i> , except any domestic form of the species <i>Rangifer tarandus</i>	The moose or elk and the caribou or reindeer (the domestic reindeer is excepted)
<i>Giraffidae</i>	The giraffe and the okapi
<i>Hippopotamidae</i>	The hippopotamus and the pygmy hippopotamus
<i>Suidae</i> , Except any domestic form of the species <i>Sus scrofa</i> .	Old-world pigs (including the wild boar and the wart hog)(the domestic pig is excepted).
<i>Tayassuidae</i>	New-world pigs (otherwise known as peccaries)
Any hybrid of a kind of animal specified in the foregoing provisions of this column where one parent is, or both parents are, of a kind so specified.	Mammalian hybrids with a parent (or parents) of a specified kind and animal of which at least one parent is such a hybrid.
This does not include an excepted hybrid of the Family <i>Felidae</i> .	This does not apply to cat hybrids (9)

Birds	
Cassowaries and emus	
<i>Casuariidae</i>	Cassowaries
<i>Dromalidae</i> (1)	Emus
Ostrich	
<i>Struthionidae</i>	The ostrich

Reptiles	
Crocodylians	
<i>Alligatoridae</i>	Alligators and caimans
<i>Crocodylidae</i>	Crocodiles and the false gharial
<i>Gavialidae</i>	The gharial (otherwise known as the

	gavial)
Lizards and snakes	
<p><i>Atractaspididae</i> of the genus <i>Atractaspis</i> (3)</p> <p><i>Colubridae</i> of the species of the genera, <i>Malpolon</i>, <i>Thelotornis</i>,</p> <p><i>Dispholidus typus</i>, <i>Rhabdophis subminiatus</i>, <i>Rhabdophis tigrinus</i>,</p> <p><u><i>Phalotris lemniscatus trilineatus</i>, (10)</u> <u><i>Philodryas olfersii</i>, (10)</u> <u><i>Tachymenis peruvianus</i>, (10)</u> <u><i>Xenodon severus</i> (10)</u> <i>Psammophis</i> (1) <i>Boiga dendrophila</i> (1)</p>	<p>Burrowing asps, also known as mole or burrowing vipers and stiletto snakes.</p> <p>Certain rear-fanged venomous snakes Montpellier snakes, African twig, vine, bird or tree snakes, the boomslang, the red-necked keelback, the yamakagashi (other-wise known as the Japanese tiger-snake)</p> <p><u>The Argentine black-headed snake, the South American green racer, the Peruvian racer,</u> <u>the Amazon false viper</u> <u>Sand snakes</u> <u>The Mangrove snake</u></p>
<i>Elapidae</i>	Certain front-fanged venomous snakes (including cobras, coral snakes, the desert black snake, kraits, mambas, sea snakes and all Australian poisonous snakes (including the death adders))
<i>Helodermatidae</i>	The gila monster and the (Mexican) beaded lizard.
<i>Viperidae</i>	Certain front-fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the copperhead, the fer-de-lance, moccasins, rattlesnakes and vipers)
<u><i>Hydrophiidae</i> (10) all species</u>	<u>Sea snakes</u>

Invertebrates	
Spiders	
<i>Ctenidae</i> of the species of the genus <i>Phoneutria</i>	Wandering spiders
<i>Dipluridae</i> of the species of the genus <i>Atrax</i>	The Sydney funnel-web spider and its close relatives
<i>Lycosidae</i> of the species <i>Lycosa raptorial</i> (1)	The Brazilian Wolf spider
<i>Sicariidae</i> of the species of the genus <i>Loxosceles</i>	Brown recluse spiders (otherwise known as violin spiders)
<i>Theridiidae</i> of the species of the genus <i>Latrodectus</i>	The black widow spider (otherwise known as redback spider) and its close relatives.

Scorpions	
Buthidae	Buthid scorpions
<u>Scorpionidae</u>	<u>Middle Eastern thin-tailed scorpion</u>
<u>Hemiscorpius lepturus (10)</u>	

Notes

- (1) These species are proposed for de-listing as they are not considered sufficiently dangerous
- (2) Clarification of common name
- (3) Taxonomic change
- (4) These Latin names have been added to provide a full list of fox genera
- (5) The Dingo is added because it is considered a dangerous animal - there are records that show them as the cause of some deaths. Also taxonomic re-phrasing.
- (6) Detail and clarification on excepted cat species and cat hybrids is provided
- (7) Latin name not previously listed
- (8) Clarification of Latin name
- (9) Clarification on hybrids
- (10) These animals are considered very poisonous with the potential to cause serious harm.

Annex 2

Freedom of Information Act 2000 – Confidentiality of Consultations

1. The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
 - the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
 - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>).

