

## **EXPLANATORY MEMORANDUM TO**

### **The Spring Traps Approval (Amendment) Order (Northern Ireland) 2021**

**2021 No. 321**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers contained in Article 12A of the Wildlife (Northern Ireland) Order 1985 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of the Order is to update the list of the makes and models of spring traps that are authorised for use in Northern Ireland under the Spring Traps Approval Order (Northern Ireland) 2019 (the 2019 Order). This amendment Order adds another type of approved trap and amends the targets species in two other traps.

#### **3. Background**

- 3.1. Spring traps are devices used to take or kill certain species of animal regarded as pests, for example, rats. Gamekeepers and pest controllers are most likely to use these traps. Householders often use traditional break-back spring traps for mice and rats.
- 3.2. The sale and use of spring traps was formally regulated under the Welfare of Animals Act (NI) 1972 ('the 1972 Act'), administered by the Department for Agriculture and Rural Development. The Spring Traps Approval Order (NI) 1996 ('the 1996 Order'), made under the powers contained in the 1972 Act, listed those traps that were approved for use in Northern Ireland.
- 3.3. The powers to regulate the use of spring traps transferred to the Department of the Environment through provision contained in Wildlife and Natural Environment Act 2011 ('the WANE Act') which has also coincided with the repeal of the 1972 Act.
- 3.4. The 1996 Order replicated similar legislation in place throughout the United Kingdom (UK). Since then, the other UK administrations have added a number of newly approved spring traps to their 'Spring Traps Approval' Orders. It is important that all of the UK administrations act in unison in terms of authorising particular makes of traps for use as it affects trade in such mechanisms (subject to EU trade rules and the EU Technical Standards Directive), and as such the 2019 Order was introduced replacing the 1996 Order.
- 3.5. Since the 2019 Order new traps and variations to target species on existing approved traps have been authorised in Great Britain. For these reasons it

is necessary to amend 2019 Order to update the list of traps approved for use in Northern Ireland.

#### **4. Consultation**

4.1. The Department consulted the Council for Nature Conservation and Countryside and Local Councils. As the amendments are technical in nature, a public consultation was considered unnecessary.

#### **5. Equality Impact**

5.1. There are no equality impact implications arising from the Regulations.

#### **6. Regulatory Impact**

6.1. The impacts of this Order are technical updates and are not expected to place any direct additional burdens on businesses, charities, voluntary bodies or the public sector.

#### **7. Financial Implications**

7.1. There are no anticipated financial implications.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Order does not contravene Section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

9.1. The Order was notified in draft to the European Commission in accordance with Directive 2015/1535

#### **10. Parity or Replicatory Measure**

10.1. The Order will ensure parity with legislation being introduced by the other UK administrations and achieve a consistent approach in relation to the authorisation of spring traps.

#### **11. Additional Information**

11.1. None.