



Agriculture (Miscellaneous Provisions) Act 1972

1972 CHAPTER 62

19 Use of poison against grey squirrels and coypus

- (1) The relevant Minister may, by an order made for the purposes of this section and applying either to the whole of Great Britain or to any specified part or area thereof, specify a poison for use for the purpose of destroying grey squirrels or coypus and the manner of its use for that purpose; and it shall be a defence in proceedings for an offence against any of the enactments mentioned in subsection (2) of this section to show that—
 - (a) the act alleged to constitute the offence was done for the purpose of destroying grey squirrels or coypus and was done at a time when, and in a place where, such an order had effect; and
 - (b) the poison used and the manner of its use were such as to comply with the provisions of the order.
- (2) The said enactments are section 8(6) of the Protection of Animals Act 1911, section 1(b) of the Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisoned substances) and so much of section 5(1)(a) of the Protection of Birds Act 1954 as relates to poisoned or poisonous substances.
- (3) The relevant Minister shall not make an order for the purposes of this section except after such consultation as he considers appropriate with such organisations as appear to him to represent the interests concerned and unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any order made for the purposes of this section may make different provision in relation to grey squirrels and in relation to coypus; and the power to make orders for the purposes of this section shall be exercisable by statutory instrument and shall include power to vary or revoke a previous order.
- (5) In this section " the relevant Minister " means—
 - (a) in the case of an order which does not apply outside England, the Minister;

Status: This is the original version (as it was originally enacted).

- (b) in the case of an order which does not apply outside Scotland, the Secretary of State for Scotland;
- (c) in the case of an order which applies both in England and in Scotland but not in Wales, the Minister and the Secretary of State for Scotland acting jointly;
- (d) in the case of an order which applies in Wales or both in England and Wales but not (in either case) in Scotland, the Minister and the Secretary of State for Wales acting jointly ; and
- (e) in the case of an order which applies in England, Scotland and Wales, the Minister and those Secretaries of State acting jointly.

For the purposes of this subsection Monmouthshire shall be treated as part of Wales and not of England.

- (6) This section is without prejudice to any defence available apart from this section in proceedings for any such offence as is mentioned in subsection (1) of this section; and nothing in this section shall be construed as conferring any exemption from any provision contained in or having effect under any enactment not mentioned in subsection (2) of this section.