

## **Title: Law Commission Review of Wildlife Management Law**

**Produced by: The Law Commission.** The Law Commission is an independent agency established by the Law Commissions Act 1965, tasked with reviewing the law of England and Wales. Our standard process lasts about three years and concludes with a report and a draft Bill to be laid before Parliament. We can also recommend legislation by the National Assembly for Wales if we consider it appropriate. Prior to publication of the final report and draft Bill, we conduct extensive consultation – both informally and through a consultation paper setting out our detailed provisional proposals for reform.

### ***Background/Progress***

We are undertaking a project on wildlife management law as part of our 11th programme of law reform. The project was proposed by DEFRA. The 11th programme of law reform was launched on 18 July 2011.

Our project's focus is on those provisions that allow for the management of wildlife, for instance the relevant sections of Part 1 of the Wildlife and Countryside Act 1981, the Game Acts, the Deer Act 1991, the Protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2010. The first Act transposes many of the obligations placed on the UK by Directive 79/409/EEC – the Birds Directive. The last transposes many of the obligations in Directive 92/43/EEC – the Habitats Directive.

Whilst our project involves the consideration of habitats provisions, and wider environmental obligations as part of the context, our remit is confined to reform to the species specific provisions.

### ***Plan/Proposals***

The project's intention is to create a simplified legal regime which balances appropriately the (potentially) competing interests involved in wildlife management, and allows those subject to the law to clearly understand their rights and obligations.

The project will consider:

- conservation provisions for species populations;
- provisions allowing for exploitation, such as the Game Acts;
- welfare and cruelty provisions relating to wild animals;

- wildlife criminal offences, including those relating to the sale of wild animals and their derivatives; and
- control of Invasive Non-Native Species.

We are currently at a preliminary stage in developing our suggested reforms. We are interested in exploring alternative methods to those currently adopted for the regulatory framework. Any option taken, of course, would necessarily have to transpose our EU obligations fully.

It is not part of the project to specify the level of protection afforded to a particular species. Furthermore, specifically excluded from the project is reform to, or repeal of, the Hunting Act 2004.

We intend to publish our consultation paper on wildlife management in summer 2012. Consultation will run until October 2012.

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***Action Requested***

- Ask all WBP members to participate in our consultation YES