

Review and Consolidation of Wildlife Legislation

Key Information

- The RSPCA broadly welcomed the Law Commission's report and recommendations on the review of wildlife law in 2015.
- We are currently reviewing this report and information in light of new trends and issues identified since its publication to develop a set of proposals for the new Government.
- We believe an updated and consolidated Act is long overdue and we would like to see the new Government bring a consultation on this issue forward in due course.

Background

How wild animals are treated is clearly important to the public and this fact is reflected both in international legislation and in domestic legislation where the UK Parliament (and devolved administrations) have chosen to go further in protecting particular species or providing constraints on the methods by which they can be killed or taken.

Current wildlife legislation is spread over a wide range of statutes, sometimes causing challenges for enforcement bodies when considering the best way to investigate complaints or identify what charges are best used.

In 2015 the Law Commission published its final report on a review of wildlife legislation and set out proposals for consolidation and updating of the law¹. Overall the RSPCA believes that the report and recommendations set out a useful template for updating and consolidating wildlife legislation so that it reflects our current scientific understanding of animal welfare. A single statute has potential attractions in that it could avoid some of the current difficulties posed by legislative provisions being spread across numerous statutes.

In particular, we are pleased the Law Commission has recommended retaining the reversal of the burden of proof for such offences as badger digging and the collection of bird eggs and also the proposals for introducing an offence of recklessness and increasing sentences. However, the review did not propose any further restrictions on

¹ <https://lawcom.gov.uk/project/wildlife-law/>

the use of snares and some of the terms suggested such as 'judicious use' and 'naturally occurring' raise concerns about how they will be applied and just what they may allow. We are also concerned that there may be no provisions for protecting wild animals that may be trapped and then kept in captivity for no reason. It would appear they may fall between the purview of the Animal Welfare Act 2006 and wildlife legislation. This we feel is something that should be addressed. To try and move this issue forward the RSPCA is currently conducting its own research on this area, looking to pick up the work of the Law Commission and identify what if any further areas need considering

RSPCA's Position and Recommendations

- We welcome the Law Commission's report and recommendations for an updated and consolidated Wildlife Act, however as it has been some time since the report we are reviewing the recommendations in light of the latest scientific understanding and current trends in wildlife crime to develop a series of proposals we hope the UK Government will take forward.