



UK CENTRE FOR ANIMAL LAW (ALAW)  
WILDLIFE SPECIAL INTEREST GROUP  
STEERING PAPER

*ALICE COLLINSON AND ROB ESPIN (CO-  
CHAIRS)*

*May 2020*

# ALAW – WILDLIFE SIG – STEERING PAPER

Below sets out a list of issues that the Co-Chairs of the Wildlife Special Interest Group (“SIG”) consider to be pressing issues of wildlife welfare law meriting review and discussion by the SIG. This represents a non-exhaustive list and the Co-Chairs are keen to actively engage with the SIG membership in order to update and revise topics to ensure the SIG’s direction is aligned with the interests of its members.



## 1. HABITAT PROTECTION

- Consideration of whether the protection provided to wild habitats by UK legislation (and the enforcement of such legislation) is sufficient to meet the welfare requirements of wild animals. Specific points to analyse include:

- a) **Conservation of Habitats and Species Regulations 2010 (the "CHSR")**: The effectiveness of the implementation and practical enforcement of the CHSR, including the recommendations of the Law Commission's Review of Wildlife Law (2015); and
- b) **Wildlife and Countryside Act 1981 (the "WCA")**: The effectiveness the WCA given the limitation of its scope certain of its provisions to species explicitly listed in its schedules.



## 2. COMPARISON AGAINST THE ANIMAL WELFARE ACT

- Consideration of the need for a general offence of cruelty against all wildlife in light of the patchwork nature of and resulting deficiencies in the protections afforded to individual wildlife specimens in the UK. Recommendations of how such offence should be formulated and enforced to also be considered.



## 3. HUNTING

- Evaluation of the effectiveness of the ban provided in the Hunting Act 2004 (the "HA"). The area is one which already benefits from extensive legal, welfare and political comment therefore it may be possible that the work of the SIG can be condensed into processing existing analysis of the issue and subsequently formulating proposals for the reform of the HA. The following points are to receive particular review:
  - a) **Continued permitted use of dogs**: The impacts of the continued use of dogs in certain circumstances (i.e. flushing out wild animals from below ground, stalking or to recapture wild animals); and
  - b) **Shooting recaptured animals**: Reform of provisions of the HA requiring wild animals to be shot where recaptured, stalked or flushed out.



## 4. INVASIVE SPECIES

- Evaluation of the UK's approach to control of "invasive" species from a welfare perspective. Particular points to consider include:
  - a) **Invasive Species Order 2019 (the "ISO")**: The impacts of the entry into force of the ISO, including effective restrictions of any re-release of any hurt or captured invasive species; and
  - b) **International Consensus Principles for Ethical Wildlife Control (ICPEWC)**: How welfare points contained in the ICPEWC can be practically introduced into UK law.



# ALAW – WILDLIFE SIG – STEERING PAPER (continued)

Below sets out a list of issues that the Co-Chairs of the SIG consider to be pressing issues of wildlife welfare law meriting review and discussion by the SIG. This represents a non-exhaustive list and the Co-Chairs are keen to actively engage with the SIG membership in order to update and revise topics to ensure the SIG's direction is aligned with the interests of its members.



## 5. WILDLIFE TRADE

- Evaluation of the UK's regulation of the trade of wildlife. Issues to evaluate include:
  - a) **Convention on the International Trade in Endangered Species of Wild Fauna and Flora 1975 ("CITES") and the Wildlife Trade Regulations (the "WTR"):** The need for the UK to retain the WTR post expiration of the Brexit-transition period and to implement the EU Action Plan Against Wildlife Trafficking;
  - b) **Fur Trade:** Merits of the UK adopting domestic fur trade bans for all fur species beyond the current EU regime;
  - c) **Traps:** Advantages should the UK introduce a wider ban on the use/sale of leg hold traps and similar devices; and
  - d) **Wet Markets and Wildlife Consumption:** Regulation or prohibition of live markets.



## 6. ZOOS

- Analysis of the effectiveness of the provisions and implementation of the Zoo Licensing Act 1981 (the "ZLA") in the context of wildlife welfare considerations.



## 7. WILDFISH AND MARINE WILDLIFE

- Review of the UK's protection of its marine wildlife. Particular points for consideration include:
  - a) **Marine Strategy Framework Directive (the "MSFD") and the UK Marine Strategy (the "UKMS"):** The need for the UK to implement the protections of the MSFD via the UKMS post expiration of the Brexit transition period and the practical methodology for such implementation;
  - b) **Bycatch:** How the UK can reduce impact on marine wildlife via regulating bycatch through continued transposition of the EU's Cetacean Bycatch Regulation and the Technical Conservation Measures Regulations; and
  - c) **Wild fish:** The opportunity to introduce regulation concerning the welfare of wild fish and related human activities.



## 8. BREXIT

- The Co-Chairs recognise that the issue of the UK's transposition into national law of EU regulation concerning wildlife post expiry of the transition period is a crucial issue in order to ensure that the protection offered to wildlife is not weakened as a result of Brexit. This notwithstanding, such question permeates each of the issues set out above and therefore will be considered as part of each topic, instead of as a standalone issue.



# ALAW – WILDLIFE SIG – Contacts

*[Base Camp details to be confirmed]*

