1988 No. 59

DESTRUCTIVE ANIMALS

Arctic Foxes (Importation and Keeping) Regulations (Northern Ireland) 1988

Made . . . . . 26th February 1988

The Department of Agriculture, in exercise of the powers conferred on it by section 2 of the Destructive Imported Animals Act (Northern Ireland) 1933(**a**) and of every other power enabling it in that behalf and with the approval of the Department of Finance and Personnel(**b**) as to fees, hereby makes the following regulations:

Citation

1. These regulations may be cited as the Arctic Foxes (Importation and Keeping) Regulations (Northern Ireland) 1988.

Interpretation

2. In these regulations:—

"the Act" means the Destructive Imported Animals Act (Northern Ireland) 1933;

"Arctic foxes" means animals of the species designated *Alopex lagopus*;

"the Department" means the Department of Agriculture.

Importation and keeping of Arctic foxes

3.—(1) The conditions attaching to a licence for the importation into and the keeping within Northern Ireland of Arctic foxes are set out in Parts I and II of Schedule 1.

(2) The fee payable for the grant or renewal of a licence for the importation and the keeping of Arctic foxes shall be £25.

Keeping of Arctic foxes

4.—(1) The conditions attaching to a licence to keep Arctic foxes are set out in Part II of Schedule 1.

(2) The fee payable for the grant or renewal of a licence to keep Arctic foxes shall be £25.

Licences

5.—(1) A licence authorising the importation into and the keeping within Northern Ireland of Arctic foxes shall be in the form set out in Schedule 2, and

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(**a**) 1933 c. 5 (N.I.)
(**b**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

subject to section 3(*b*) of the Act, shall be granted for a period of twelve months from the date of issue.

(2) A licence authorising the keeping within Northern Ireland of Arctic foxes shall be in the form set out in Schedule 3, and subject to section 3(*b*) of the Act, shall be granted for a period of twelve months from the date of issue.

Sealed with the Official Seal of the Department of Agriculture on 26th February 1988.

(L.S.) *S. R. Armstrong*
Assistant Secretary

The Department of Finance and Personnel hereby approves the fees prescribed in the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 26th February 1988.

(L.S.) *J. A. Mills*
Assistant Secretary

SCHEDULE 1 Regulations 3 and 4

PART I

Conditions attaching only to a licence to import and keep Arctic foxes

1. Where Arctic foxes are being transported they shall be confined in cages, boxes or other containers constructed from such materials and in such manner as to prevent their escape.

2. Immediately after importation into Northern Ireland Arctic foxes shall be moved to premises in respect of which a licence to keep Arctic foxes is in force.

3. The importer shall, at least 24 hours prior to the date of importation, serve on the Department a written notice containing the following information—
   (*a*) the number of Arctic foxes to be imported;
   (*b*) the date of importation; and
   (*c*) the border post on the land frontier with the Republic of Ireland or the port or airport through which the Arctic foxes are to be imported.

PART II

Conditions attaching both to a licence to import and keep Arctic foxes and a licence to keep Arctic foxes

1. Arctic foxes shall be kept in cages or other containers constructed from such materials and in such manner as to prevent escape. Such cages or other containers shall, except where the Arctic foxes are being transported from place to place, be kept within an enclosure which satisfies the requirements of this Part.

2. Enclosures shall be bounded by a guard fence consisting of wire netting not less than 2.5 mm thick with a mesh not greater than 50 mm. The fence shall be not less than 1.5 m high above ground level. The base of the fence shall be buried in the ground to a depth of at least 300 mm and shall be embedded in a trench of the same depth the bottom of which shall be provided with a foundation at least 300 mm wide on each side and at least 300 mm deep of consolidated hardcore or brick or concrete rubble or of similar solid and durable material or at least 150 mm wide on each side and at least 150 mm deep of concrete. At the top of the fence there shall be a flat sheet of galvanised metal not less than 1.6 mm thick and at least 500 mm deep securely attached to the inside of the wire netting and to any fence posts inside the enclosure so as to form a continuous baffle leaving no gap between the wire and sheet metal.

3. Gates and doors leading through guard fences surrounding enclosures shall close tightly onto a threshold or sill with a base consisting of wire netting buried in the ground and provided with a foundation such as is required in paragraph 2 for the base of guard fencing. Gates and doors shall be made of 50 mm box steel clad with wire netting not less than 2.5 mm thick with a mesh not greater than 50 mm.

4. No objects shall be placed within 1.5 m of the inside of the guard fence of any enclosure in which Arctic foxes are kept.

5. The area immediately outside a guard fence shall be kept clear of undergrowth to a distance of at least 1.5 m from the guard fence.

6. A strip of at least 1.5 m in width along the inside of the guard fence shall be kept clear of undergrowth.

7. Steps shall be taken to destroy as far as practicable any rats on the premises of the licence holder in and adjoining any enclosure or building containing Arctic foxes. Holes through which Arctic foxes could escape from such premises shall be effectively blocked. Any drainage channels on such premises shall be adequately guarded to prevent Arctic foxes from escaping.

8. If any Arctic foxes shall escape, the licence-holder shall as soon as practicable notify the Department.

9. The licence-holder shall inform persons to whom he disposes of Arctic foxes of their obligation to obtain a licence to keep them.

10. Where the occupancy of any premises at which Arctic foxes are kept under the authority of the licence changes or where Arctic foxes cease to be kept at any such premises the licence-holder shall serve notice in writing of that fact on the Department.

11. Arctic foxes shall, when not in the course of being transported from place to place, be kept only at premises named on the licence.

SCHEDULE 2 Regulation 5(1)

Form of licence authorising the importation and keeping of Arctic foxes

DESTRUCTIVE IMPORTED ANIMALS ACT (NORTHERN IRELAND) 1933

ARCTIC FOXES (IMPORTATION AND KEEPING) REGULATIONS (NORTHERN IRELAND) 1988

1. ..... of .... (hereinafter called "the holder") is hereby authorised to import Arctic foxes into Northern Ireland from ..... and to keep Arctic foxes at .....

2. This licence is granted subject to compliance by the holder with the licence conditions set out in the above-mentioned regulations.

Date ....

Authorised Officer

SCHEDULE 3 Regulation 5(2)

Form of licence authorising the keeping of Arctic foxes

DESTRUCTIVE IMPORTED ANIMALS ACT (NORTHERN IRELAND) 1933

ARCTIC FOXES (IMPORTATION AND KEEPING) REGULATIONS (NORTHERN IRELAND) 1988

1. ..... of .....
..... (hereinafter called "the holder") is hereby authorised to keep Arctic foxes at .....

2. This licence is granted subject to compliance by the holder with the licence conditions set out in the above-mentioned regulations.

Date ....
Authorised Officer

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations come into operation on the same day as the Arctic Foxes Order (Northern Ireland) 1988, S.R. 1988 No. 12, which prohibits the importation into or keeping within Northern Ireland of Arctic foxes except under a licence granted under the Destructive Imported Animals Act (Northern Ireland) 1933.

The regulations prescribe the conditions attaching to a licence to import and keep Arctic foxes and prescribe a fee of £25 for the grant or renewal of such a licence (regulation 3 and Parts I and II of Schedule 1).

They also prescribe the conditions attaching to a licence to keep Arctic foxes and prescribe a fee of £25 for the grant or renewal of such a licence (regulation 4 and Part II of Schedule 1).

The forms of licences for the importation and keeping of Arctic foxes or for their keeping are set out respectively in Schedules 2 and 3 and provision is made that such licences are to be granted for a period of 12 months (regulation 5).

Any person who, being the holder of a licence granted under the Destructive Imported Animals Act (Northern Ireland) 1933, acts in contravention of or fails to comply with any condition of his licence, is guilty of an offence. The penalty on summary conviction for such an offence is a fine at level 2 on the standard scale (currently £100) and a further fine of £5 for each day on which the offence continues after conviction. In addition the court before which any person is convicted may order any animals in respect of which the offence was committed to be forfeited and destroyed.