

Annex D – Draft Legislative Reform Order

Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

REGULATORY REFORM

ANIMALS

The Legislative Reform (Animals Act 1971) (Amendment) Order 2009

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006⁽¹⁾, makes the following Order.

For the purposes of section 3(1) of the Legislative and Regulatory Reform Act 2006, the Secretary of State considers that the conditions under section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

¹(1) c.51; see section 32 for the definition of “Minister of the Crown”.

Citation, commencement and extent

1. This Order—

- (a) may be cited as the Legislative Reform (Animals Act 1971) (Amendment) Order 2009;
- (b) extends to England and Wales; and
- (c) comes into force on [date] 2009.

Amendment to section 2 of the Animals Act 1971

2.— Section 2 of the Animals Act 1971⁽²⁾ is amended as follows.

(1) For subsection (2)(b), substitute—

- (b) the damage was due to an unusual or conditional characteristic of the animal”.

(2) In subsection (2)(c)—

- (a) for “those characteristics” substitute “that characteristic, in the case of an unusual characteristic,”; and
- (b) for “were” (in each place) substitute “was”.

(3) After subsection (2), insert—

(3) A characteristic of an animal is unusual if it is not shared by animals of that species generally.

(4) A characteristic of an animal is conditional if it is shared by animals of that species generally, but only in particular circumstances.

(5) Subsection (2)—

(a) applies by virtue of a conditional characteristic only if the damage was caused in the particular circumstances (or one of them) by reference to which the characteristic is a conditional characteristic; and

(b) does not apply by virtue of a conditional characteristic if the keeper of the animal at the time when the damage was caused shows that there was no particular reason to expect that those circumstances would arise at that time..

Jonathan Shaw

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006 (c.51). It amends section 2 of the Animals Act 1971 (c.22) and concerns the circumstances in which strict liability is applied where damage is caused by an animal that does not belong to a dangerous species, as defined by section 6(2) of that Act.

An impact assessment has been produced for this instrument and placed in the library of each House of Parliament. Copies can be obtained from [].

⁽²⁾ c.22.