



Isle of Man

Ellan Vannin

AT 4 of 1980

**WILD ANIMALS (RESTRICTION ON
IMPORTATION, ETC.) ACT 1980**



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**Isle of Man***Ellan Vannin*

WILD ANIMALS (RESTRICTION ON IMPORTATION, ETC.) ACT 1980

Received Royal Assent: 13 February 1980
Passed: 18 March 1980
Commenced: 1 June 1980

AN ACT to restrict the importation and keeping of certain animals, and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Restriction on importation of certain animals

[P1976/72/1 (1) and (2); 1976/21/3(3); 1976/21/3(4)]

- (1) Subject to subsection (2), the importation of any animal specified in the Schedule (in this Act referred to as a '**scheduled wild animal**') is hereby prohibited.
- (2) Subsection (1) does not apply to the importation of a scheduled wild animal under and in accordance with the conditions of a licence issued by the Department of Environment, Food and Agriculture (in this Act referred to as 'the Department'), but no such licence shall be granted except for the purpose of a circus or of a zoological garden or for such other purpose as the Department may by order prescribe.¹
- (2A) An order under subsection (2) shall not come into operation unless it is approved by Tynwald.²
- (3) Subsections (1) and (2) shall have effect in relation to the removal to the Island from the United Kingdom of a scheduled wild animal as they apply to the importation of such an animal.
- (4) Any person who causes or attempts to cause any scheduled wild animal to be removed to the Island from the United Kingdom in contravention of this section shall be deemed to have had that animal in his possession in contravention of section 4(1).

1A Escape of wild animals

- (1) Any person who has possession or control of a scheduled wild animal shall take appropriate steps to ensure that it does not escape from captivity.
- (2) Where a scheduled wild animal escapes from captivity, any expense which is reasonably incurred by any person in capturing the animal or destroying it shall be recoverable as a civil debt from the person who had possession or control of the animal at the time of its escape.³

2 Licence to import, etc

[P1976/72/1(4)(c), (5), (7) and (8)]

- (1) A licence issued under section 1(2) shall, unless sooner revoked, be valid for such period as is stated in the licence.
- (2) The Department may charge for the issue of a licence under section 1(2) such sum (if any) as is for the time being prescribed by order of the Department, but no such order shall have effect until it has been approved by Tynwald.⁴
- (3) Where a licence is issued under section 1(2) and, for the purpose of obtaining its issue, a person commits an offence under section 4(3), the licence shall be void.
- (4) Where any scheduled wild animal is being or has been imported, a person authorised by the Treasury may require any person possessing or having control of the animal to furnish proof that its importation is or was not unlawful by virtue of section 1; and, if such proof is not furnished to the satisfaction of the Treasury, the animal shall be liable to forfeiture under the Customs and Excise Management Act.⁵
- (5) Subsection (4) shall have effect in relation to scheduled wild animals removed or being removed to the Island as if —
 - (a) for the references to the Treasury there were substituted references to the Department; and⁶
 - (b) for the words from ‘under’ onwards there were substituted the words ‘and shall be disposed of as the Department may direct.’⁷

3 Power to modify Schedule

[P1976/38/8]

- (1) The Department may, after consultation with the Wildlife Committee, by order amend the Schedule if it is satisfied that the scope of this Act should be —
 - (a) extended so as to include animals of a kind which is not, for the time being, included in the Schedule; or

- (b) diminished so as to exclude animals of a kind which is, for the time being, included in the Schedule.⁸
- (2) No order under subsection (1) shall have effect until it has been approved by Tynwald.

4 Offences

[P1976/72/1(6); P1976/72/4(8)]

- (1) Any person who has in his possession or under his control any scheduled wild animal shall be guilty of an offence unless he satisfies the court that the animal –
 - (a) is in his possession or under his control under and in accordance with the conditions of a licence issued under section 1(2) or by virtue of an approval in writing of the Department given under subsection (2); or⁹
 - (b) was imported or removed into the Island before the commencement of this Act or, as the case may be, before the animal became a scheduled wild animal.
- (2) Any person who, having imported or removed into the Island a scheduled wild animal under a licence issued under section 1(2), transfers the possession or control of that animal, or causes it to be so transferred, without the prior approval in writing of the Department, shall be guilty of an offence.¹⁰
- (3) Any person who, for the purpose of obtaining whether for himself or another, the issue of a licence under section 1(2) or of the giving of an approval under subsection (2) of this section –
 - (a) makes a statement or representation which he knows to be false in a material particular; or
 - (b) furnishes a document or information which he knows to be false in a material particular; or
 - (c) recklessly makes a statement or representation which is false in a material particular; or
 - (d) recklessly furnishes a document or information which is false in a material particular,shall be guilty of an offence.
- (4) Any person guilty of an offence under subsection (1), (2) or (3) shall be liable –
 - (a) on conviction on information, to a fine;
 - (b) on summary conviction, to a fine not exceeding £5,000.
- (5) For the purposes of any proceedings under section 47 or 178 of the Customs and Excise Management Act (penalties for improper importation and evasion of restriction on importation) for an offence in

connection with the importation of anything contrary to section 1, this section shall not be taken expressly to provide a penalty for that offence.¹¹

5 Offences by corporations

[P1976/72/8]

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

6 Expenses

Any expenses incurred by the Department in the operation of this Act shall be defrayed out of money provided by Tynwald.¹²

7 Interpretation

[P1976/38/7 (4) and (5)]

(1) In this Act —

“**the Board**” [Repealed]¹³

“**circus**” means any place where performing animals are kept or introduced wholly or mainly for the purpose of the entertainment of members of the public for gain;

“**the Customs and Excise Management Act**” means the *Customs and Excise Management Act 1986*;¹⁴

“**the Department**” has the meaning given by section 1(2);¹⁵

“**scheduled wild animal**” has the meaning assigned to it by section 1(1);

“**the Wildlife Committee**” means the Wildlife Committee established under section 1(2) of the *Endangered Species Act 2010*;¹⁶

“**zoological garden**” means any place, other than a circus, where animals not living in their natural surroundings are kept for the purpose of being regularly exhibited to members of the public for gain.

(2) The second column of the Schedule is included by way of explanation only; in the event of any dispute or proceedings, only the first column is to be taken into account.

8 Amendment of the Destructive Imported Animals Act 1963

[Amends sections 1, 5 and 10 of the *Destructive Imported Animals Act 1963*.]

9 Short title and commencement

- (1) This Act may be cited as the Wild Animals (Restriction on Importation, Etc.) Act 1980.
- (2) This Act shall come into operation on such day as the Board may by order appoint, but no day shall be so appointed before the expiration of a period of one month beginning with the date on which this Act is passed.¹⁷

SCHEDULE

SCHEDULED WILD ANIMALS

Sections 1(1) and 3(1)¹⁸

Scientific name of kind	Common name or names
Canidae, with the exception of all types of the species <i>Canis familiaris</i> other than the following: — (a) any dog of the type known as the Pit Bull Terrier; (b) any dog of the type known as the Japanese Tosa (or Tosa); (c) any dog of the type known as Dogo Argentino; and (d) any dog of the type known as Fila Brasileiro.	This kind includes the wild dog, wolf, jackal, coyote, fennec and fox, except that the domestic dog (with the exception of the Pit Bull Terrier, Japanese Tosa, Dogo Argentino or Fila Brasileiro).
Casuariidae	Cassowary
Cercopithecidae	Old World monkey (including langur, colobus, macaque, guenon, patas, mangabey, baboon and mandrill)
<i>Cervus Canadenis</i>	Wapiti Deer
<i>Cervus Davidianus</i>	Pere David's Deer
Crocodylia	This kind includes the alligator, crocodile, gharial, false gharial and caiman
Dromaiidae	Emu
Elapidae (including Hydrophiidae)	This kind includes the cobra, krait, mamba, coral snake and sea snake, and all Australian poisonous snakes (including the death adder)
Felidae, except the species <i>Felus catus</i>	This kind includes the lynx, caracal, serval, bobcat, cheetah, lion, tiger, leopard, panther, jaguar, puma, cougar and ocelot, except that the domestic cat is specifically excluded
Helodermatidae	Gila monster and Mexican beaded lizard
Herpestidae	Mongoose
Hylobatidae	Gibbon
<i>Meles meles</i>	European badgers
Pongidae	Anthropoid ape (including orangutan, gorilla and chimpanzee)
Rheidae	Rhea
Struthionidae	Ostrich
Ursidae	This kind includes the polar bear, brown bear and grizzly bear
Viperidae (including Crotalidae)	This kind includes — (a) most snakes known as vipers and adders; and (b) the rattlesnake, bushmaster, fer de lance, water moccasin and copperhead.



ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (2) amended by GC121/86, by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 4 and by SD155/10 Sch 3.

² Subs (2A) inserted by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 4.

³ S 1A inserted by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 4.

⁴ Subs (2) amended by GC121/86.

⁵ Subs (4) amended by Wildlife Act 1990 s 39.

⁶ Para (a) amended by GC121/86 and by Wildlife Act 1990 s 39.

⁷ Para (b) amended by GC121/86.

⁸ Subs (1) amended by GC121/86 and by Endangered Species Act 2010 Sch 4.

⁹ Para (a) amended by GC121/86.

¹⁰ Subs (2) amended by GC121/86.

¹¹ Subs (5) amended by Wildlife Act 1990 s 39.

¹² S 6 amended by GC121/86.

¹³ Definition of 'the Board' repealed by GC121/86.

¹⁴ Definition of 'the Customs and Excise Management Act' substituted by Wildlife Act 1990 s 39.

¹⁵ Definition of 'the Department' inserted by GC121/86.

¹⁶ Definition of 'the Wildlife Committee', previously 'the Scientific Advisory Committee', substituted by Endangered Species Act 2010 Sch 4.

¹⁷ ADO (whole Act) 1/6/1980 (GC147/80).

¹⁸ Sch amended by GC405/91, by SD234/94 and by SD939/08.

Note: See section 7(2) for the effect of the second column of the Schedule.