



Animal Welfare (Leg-hold Traps) Order 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 19th day of November 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 32 of the Animal Welfare Act 1999, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Leg-hold traps declared restricted traps	2
5 Restriction on use of long spring leg-hold traps of size 1½ or larger from 1 January 2009	2
6 Restriction on use of double-coil spring leg-hold traps larger than size 1½ from 1 January 2009	3
7 Restriction on use of double-coil spring leg-hold traps of size 1½ from 1 January 2011	3
8 Restriction on use in certain areas of all leg-hold traps from 1 January 2008	3
9 Restriction on sale of leg-hold traps of size 1½ or larger from 1 January 2008	3

10	Approval for use or sale of otherwise restricted trap	3
11	Application for approval	4
12	Form of approval	5
13	Delegation of power to approve	5
14	Offences under Act	5

Order

1 Title

This order is the Animal Welfare (Leg-hold Traps) Order 2007.

2 Commencement

This order comes into force on 1 January 2008.

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Animal Welfare Act 1999

leg-hold trap means a trap with metal jaws, including a long spring or double-coil spring trap, designed with the primary purpose of catching and holding an animal by a limb, including the foot

padded trap means a commercially manufactured leg-hold trap that has non-abrasive and durable cushioning material firmly fixed to the contact surfaces of its metal jaws

size 1½, in relation to a leg-hold trap, means that the leg-hold trap measures 10.5 centimetres along its closed jaws.

4 Leg-hold traps declared restricted traps

Leg-hold traps are declared to be restricted traps in terms of section 32 of the Act.

5 Restriction on use of long spring leg-hold traps of size 1½ or larger from 1 January 2009

No person may, on or after 1 January 2009, use in any area any long spring leg-hold trap of size 1½ or larger, unless the use is pursuant to and in accordance with the conditions of an approval given under clause 10.

6 Restriction on use of double-coil spring leg-hold traps larger than size 1½ from 1 January 2009

No person may, on or after 1 January 2009, use in any area any double-coil spring leg-hold trap larger than size 1½, unless the use is pursuant to and in accordance with the conditions of an approval given under clause 10.

7 Restriction on use of double-coil spring leg-hold traps of size 1½ from 1 January 2011

No person may, on or after 1 January 2011, use in any area any double-coil spring leg-hold trap of size 1½ unless—

- (a) the trap is a padded trap; or
- (b) the use is pursuant to and in accordance with the conditions of an approval given under clause 10.

8 Restriction on use in certain areas of all leg-hold traps from 1 January 2008

Unless the use of the trap is pursuant to and in accordance with the conditions of an approval given under clause 10, no person may use a leg-hold trap—

- (a) within 150 metres of any dwellinghouse (but excluding a hut on public conservation land) without the express permission of the occupier; or
- (b) in any area where there is a probable risk of catching a companion animal.

9 Restriction on sale of leg-hold traps of size 1½ or larger from 1 January 2008

No person may, on or after 1 January 2008, sell any leg-hold trap of size 1½ or larger unless—

- (a) the trap is a double-coil spring padded trap of size 1½; or
- (b) the sale is pursuant to and in accordance with the conditions of an approval given under clause 10.

10 Approval for use or sale of otherwise restricted trap

- (1) The Minister may, if satisfied of the matters referred to in subclause (2), and subject to any conditions specified by the Minister under subclause (3),—

- (a) approve the use by a specified person or class of persons, in any specified situation or for any specified purpose, of a leg-hold trap whose use would otherwise be prohibited by clause 5, 6, 7, or 8;
 - (b) approve the sale by a specified person or class of persons, in any specified situation or for any specified purpose, of a leg-hold trap whose sale would otherwise be prohibited by clause 9.
- (2) The Minister may give an approval under subclause (1) only if the Minister considers that—
- (a) approval of the relevant use or sale is in the public interest (including for biosecurity, conservation, public health, or animal health purposes); and
 - (b) no viable alternative is available in the circumstances.
- (3) The Minister may approve the use or sale of a leg-hold trap under this clause subject to any 1 or more of the following conditions:
- (a) that the trap be used only for a specified duration;
 - (b) that the trap be used only in a specified area or a specified layout;
 - (c) that the trap be used only to target certain species of animal;
 - (d) that the trap be used only for a specific purpose;
 - (e) that only a specified number or maximum number of traps are used;
 - (f) that the trap be of a specified make, type, or size;
 - (g) that the trap be set in a specified way;
 - (h) that the trap must meet any guidelines set by the National Animal Welfare Advisory Committee;
 - (i) in the case of an otherwise prohibited sale, that the sale be only to a specified person or class of persons;
 - (j) such other conditions as the Minister considers necessary to reduce the risk to animal welfare.
- (4) The Minister may at any time revoke an approval given under this clause by notifying the person who applied for the approval.

11 Application for approval

A person wishing to apply for an approval under clause 10 must—

- (a) apply to the Director-General in a manner approved by the Director-General; and
- (b) provide all relevant information required by the Director-General.

12 Form of approval

An approval under clause 10 must be evidenced in writing or in electronic format.

13 Delegation of power to approve

The Minister may not delegate his or her powers under clause 10 to the Director-General in any case where the applicant for the relevant approval is the Director-General or an employee of the Ministry.

14 Offences under Act

A person who uses or sells a leg-hold trap in contravention of clause 5, 6, 7, 8, or 9 is liable to prosecution for an offence against section 34 or 35 of the Act, and on conviction is liable to the relevant penalty set out in section 37 of the Act.

Rebecca Kitteridge,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 January 2008, declares leg-hold traps to be restricted traps in terms of section 32 of the Animal Welfare Act 1999, and imposes restrictions on their sale and use.

Clause 5 prohibits the use on or after 1 January 2009 of long spring leg-hold traps whose closed jaws measure 10.5 centimetres or more, unless special approval for their use is obtained under *clause 10*.

Clause 6 prohibits the use on or after 1 January 2009 of double-coil spring leg-hold traps whose closed jaws measure more than 10.5 centimetres, unless special approval for their use is obtained under *clause 10*.

Clause 7 prohibits the use on or after 1 January 2011 of double-coil spring leg-hold traps with closed jaws measuring 10.5 centimetres unless the traps are padded, or unless special approval for their use is obtained under *clause 10*.

Clause 8 prohibits the use of all leg-hold traps, of whatever size,—

- within 150 metres of a dwellinghouse, unless the occupier has given express permission; or
- in any area where there is a probable risk of catching any companion animal.

The prohibition takes effect on 1 January 2008, and will apply in all cases unless special approval is obtained under *clause 10*.

Clause 9 prohibits from 1 January 2008 the sale of all leg-hold traps whose jaws measure 10.5 centimetres or more, unless—

- the traps are double-coil spring padded traps with jaws measuring no more than 10.5 centimetres; or
- special approval for the sale is obtained under *clause 10*.

Clause 10 allows the Minister to approve the use or sale of a trap that would otherwise be prohibited under *clauses 5 to 9* in any specified situation or for any specified purpose if, and only if, the Minister considers that—

- the approval is in the public interest (including for biosecurity, conservation, public health, or animal health purposes); and
- no viable alternative is available in the circumstances.

An approval may be subject to strict conditions, and may be revoked at any time by appropriate notification.

Clauses 11 and 12 provide for applications for and the form of approvals.

Clause 13 provides that the Minister cannot delegate to the Director-General his or her powers to give an approval in any case where the applicant for approval is the Ministry itself.

Clause 14 makes reference to the offences and penalties set out in sections 34, 35, and 37 of the Act, which will apply in the case of a contravention of *clauses 5 to 9*.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 November 2007.

This order is administered by the Ministry of Agriculture and Forestry.
