

**Reprint
as at 31 December 2009**



**Animal Welfare (Leg-hold Traps)
Order 2007**
(SR 2007/353)

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.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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

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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 greatest distance between the outer edges of the jaws of the trap (measured at right angles to the jaw hinges with the jaws fully open) is between 10.5 and 13.5 centimetres inclusive.

Clause 3 **size 1½**: substituted, on 31 December 2009, by clause 4 of the Animal Welfare (Leg-hold Traps) Amendment Order 2009 (SR 2009/375).

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.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 22 November 2007.

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Animal Welfare (Leg-hold Traps) Order 2007. The reprint incorporates all the amendments to the order as at 31 December 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Animal Welfare (Leg-hold Traps) Amendment Order 2009 (SR 2009/375)
