

# HUNTING TROPHIES (IMPORT PROHIBITION) BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Hunting Trophies (Import Prohibition) Bill brought from the House of Commons on 20 March 2023 (HL Bill 119).

- These Explanatory Notes have been prepared by the Department for Environment, Food and Rural Affairs, with the consent of Baroness Fookes, the Peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

1. The Hunting Trophies (Import Prohibition) Bill (“the Bill”) makes provision to ban the import of hunting trophies from species of conservation concern.

## Policy background

2. The Bill will deliver a 2019 government manifesto commitment to ban the import of hunting trophies from endangered animals. This commitment was also included in the government’s Action Plan for Animal Welfare in May 2021,<sup>1</sup> which set out a range of legislative and non-legislative reforms to solidify and enhance the UK’s position as a global leader in animal welfare and in reducing the decline in global biodiversity. The Department published a call for evidence and a consultation in November 2019 on the trade in hunting trophies from endangered species.<sup>2</sup>
3. This measure will prohibit the bringing of hunting trophies from species of global conservation concern into Great Britain, which in turn should disincentivise trophy hunting of these species and send a positive signal internationally in support of species conservation. It will also respond to the British public’s views on this issue, as expressed through the consultation and call for evidence.
4. Biodiversity is declining at a dangerous and unprecedented rate, and species extinction rates are accelerating, with up to 1 million species threatened.<sup>3</sup> Exploitation is one of the key drivers of species extinction<sup>4</sup> and additional pressures on vulnerable species can result from unsustainable or inappropriately managed activity. In *A Green Future: Our 25 Year Plan to Improve the Environment*, published in January 2018,<sup>5</sup> the UK government committed to providing international leadership in protecting and improving international biodiversity and undertaking international action to protect endangered species. This measure will contribute towards delivering that plan and helping curb global biodiversity loss.

## Legal background

### Trade in endangered species

5. The UK is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which regulates international trade in over 35,000 species of wild animals and plants, their products (such as animal skins) and derivatives (such as food or medicine). All import, export, and re-export of species covered by CITES— including all types of animal products— is regulated through a permitting and

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<sup>1</sup> Our Action Plan for Animal Welfare, May 2021: <https://www.gov.uk/government/publications/action-plan-for-animal-welfare>

<sup>2</sup> Call for evidence (<https://www.gov.uk/government/consultations/hunting-trophies-call-for-evidence>) and consultation (<https://www.gov.uk/government/consultations/hunting-trophies-controlling-imports-to-and-exports-from-the-uk>), November 2019

<sup>3</sup> Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, IPBES, 2019: <https://www.ipbes.net/resource-file/32463>

<sup>4</sup> Ibid.

<sup>5</sup> *A Green Future: Our 25 Year Plan to Improve the Environment*, January 2018: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

certification system, which aims to ensure that international trade in listed species is sustainable, lawful, and traceable.

6. The species covered by CITES are reviewed every two to three years at the Conference of the Parties. They are contained in three Appendices to the agreement. Species are afforded differing levels of protection, depending on the Appendix in which they are listed:
  - Appendix I includes species threatened with extinction. Trade is permitted only in exceptional circumstances;
  - Appendix II includes species that are not necessarily threatened with extinction, but trade is controlled to avoid over-exploitation; and
  - Appendix III includes species which are already subject to trade restrictions in at least one country, where that country has requested the cooperation of other CITES parties to prevent unsustainable or illegal exploitation.
7. An animal product from a species listed on one of the CITES Appendices may only be imported into or exported (or re-exported) from a state which is a party to the Convention if the appropriate documentation is presented for clearance at the port of entry or exit.
8. The UK currently meets its obligations under CITES through the EU Wildlife Trade Regulations (EUWTRs) which continue to apply in Northern Ireland by virtue of Article 5(4) of and Annex 2 to the Windsor Framework; and the Wildlife Trade Regulations (WTRs) which apply in Great Britain as retained direct EU legislation. The EUWTRs and WTRs both comprise:
  - Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein (known as “the Principal Wildlife Trade Regulation”);
  - Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the implementation of Council Regulation No. 338/97;
  - Commission Implementing Regulation (EU) No. 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation No. 338/97; and
  - Commission Implementing Regulation (EU) 2019/1587 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora in accordance with Council Regulation No. 338/97.
9. Similar to the Convention, the Principal Wildlife Trade Regulation lists all CITES (and some non-CITES) species in four Annexes with varying levels of protection.
  - Annex A lists the most endangered species (which is broadly equivalent to CITES Appendix I);
  - Annex B lists species threatened by commercial trade (broadly equivalent to CITES Appendix II); and
  - Annexes C and D contain CITES Appendix III-listed species and some non-CITES

listed species.

10. The Control of Trade in Endangered Species Regulations 2018 provides for the enforcement of the EU Wildlife Trade Regulations in the UK.
11. The Endangered Species (Import and Export) Act 1976 enables the Secretary of State to implement CITES in the UK. However, it is largely redundant because CITES was implemented in the UK using powers under the European Communities Act 1972, which has now been repealed. The Principal Wildlife Trade Regulations and other directly applicable EU regulations on trade in animal products have been made operable using powers under the European Union (Withdrawal) Act 2018.
12. Trade in endangered species for the purpose of conservation is a reserved matter. This Bill reflects this position.

## Hunting trophies

13. The bringing into Great Britain of hunting trophies is currently governed by a permitting regime under the Principal Wildlife Trade Regulation, explained above.
14. Permit requirements for the bringing of hunting trophies to Great Britain are as follows:
  - A hunting trophy of any wild species listed in Annex A and of six species listed in Annex B to the Principal Wildlife Trade Regulation currently require both an export permit and an import permit.
  - Hunting trophies from other Annex B species require an export permit only.
  - Hunting trophies from species listed in Annex C and D to the Principal Wildlife Trade Regulation generally do not require an import or export permit.
15. Permits are generally only granted where it can be shown that the import would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the species.
16. Trophies from captive-bred animals are currently subject to less strict controls than wild animals. An import permit is not required for trophies from captive-bred animals of Annex A and six Annex B species. This is because trade in trophies from captive-bred animals is generally less likely to have a harmful effect on the conservation status of the species in the wild.

## The Customs and Excise Management Act 1979

17. The Customs and Excise Management Act 1979 makes it an offence to export or import goods with intent to evade a prohibition or restriction on those goods. Goods which have been imported or exported in breach of a prohibition or restriction are liable to forfeiture.

## Territorial extent and application

18. Clause 5 sets out the territorial extent of the Bill, which describes the jurisdictions in which the Bill forms part of the law. The territorial extent of the Bill is England and Wales, Scotland and Northern Ireland. The territorial application of the Bill (that is, where the Bill produces a practical effect) is England and Wales, and Scotland, because the prohibition in the Bill applies to imports to Great Britain only. In accordance with the terms of the Windsor Framework, the EUWTRs continue to apply to the United Kingdom in respect of

Northern Ireland.

19. See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

## Commentary on provisions of Bill

### Clause 1: Import prohibition

20. Subsection (1) prohibits the import of a hunting trophy into Great Britain in circumstances where the trophy is from an animal included in clause 2. It prohibits such an import where it is brought by or on behalf of the hunter from where the animal was hunted to where the hunter resides. It additionally makes clear that the prohibition will only apply to trophies from animals hunted on or after the day this clause comes into force.
21. Subsection (2) defines ‘hunting trophy’ for the purposes of this clause as the body or readily recognisable part or derivative of an animal that has been obtained by a person through hunting for their own personal use. It additionally notes that ‘personal use’ in subsection (b) does not include consumption. This applies irrespective of whether the body, part or derivative has been processed in any way.
22. Subsection (3) provides that the existing regime under the Wildlife Trade Regulations will not apply to the movement of hunting trophies where that movement is prohibited under subsection (1).
23. Subsection (4) defines the terms “the Principal Wildlife Trade Regulation” and “Wildlife Trade Regulations” for the purposes of this clause (see also the Legal background section above).

### Clause 2: Animals to which the import prohibition relates

24. Clause 2 provides that the prohibition applies to hunting trophies from all animal species listed in Annexes A and B of the Principal Wildlife Trade Regulation.

### Clause 3: Supplementary provision about the import prohibition

25. Subsection (1) defines bringing a hunting trophy into Great Britain. This includes (a) an import directly to Great Britain from outside the UK; and (b) removal from Northern Ireland to Great Britain.
26. Subsection (2) notes that the Customs and Excise Management Act 1979 applies equally to imports of hunting trophies to Great Britain taking place as set out in subsections (1)(a) and (1)(b).
27. However, subsection (3) makes clear that the prohibition does not apply to the removal of qualifying Northern Ireland goods from Northern Ireland to Great Britain.
28. Subsection (4) defines “qualifying Northern Ireland goods” for the purposes of this clause.

### Clause 4: Advisory Board on Hunting Trophies

29. Subsection (1) requires the Secretary of State to appoint an Advisory Board on Hunting Trophies. Subsection (2) provides that the Board may have up to three members. Subsection (4) requires that the Secretary of State, in appointing members of the Advisory Board, must have regard to their expertise in matters relating to the import of hunting trophies.

30. Subsection (3) sets out the role of the Advisory Board. It is to advise on any question relating to the Act which is referred to it by the Secretary of State; and on any matter relating to the import to Great Britain of hunting trophies from animals which the Secretary of State considers to be (or likely to become) endangered.

#### **Clause 5: Extent, commencement and short title**

31. Subsection (1) sets out the territorial extent of the Bill (see also Territorial extent and application section above and Annex A). It will extend to England and Wales, Scotland and Northern Ireland.
32. Subsections (2) and (3) set out when or how each provision in the Bill comes into force (see also the Commencement section below).
33. Subsection (4) provides that the Secretary of State may make transitional or saving provisions in relation to sections 1 and 2 coming into force.
34. Subsection (5) provides that regulations under this clause are to be made by secondary legislation.
35. Subsection (6) provides that the short title of the Bill will be the Hunting Trophies (Import Prohibition) Act 2023 once it becomes an Act.

#### **Commencement**

36. Clause 5 deals with commencement of provisions in the Bill. Sections 1 and 2 come into force in accordance with dates set out in commencement regulations by the Secretary of State. The other sections come into force at Royal Assent.

#### **Financial implications of the Bill**

37. The main financial implications of provisions of the Bill relate to enforcement costs. The Bill makes use of existing powers to control the trade in endangered species under the Customs and Excise Management Act 1979. Border Force would continue to use these existing powers to confiscate banned items at the border. Any additional costs to Border Force may be partially offset by a reduction of costs to the Animal and Plant Health Agency and the Joint Nature Conservation Committee due to no longer needing to assess and process CITES permits for hunting trophy imports.

#### **Parliamentary approval for financial costs or for charges imposed**

38. The Bill does not require a money resolution or a ways and means resolution.
39. A money resolution is required where a bill authorises new charges on the public revenue – broadly speaking new expenditure. A ways and means resolution is required where a bill authorises new charges on people – broadly speaking, new taxation or other similar charges.

#### **Compatibility with the European Convention on Human Rights**

40. As this is a Private Member's Bill, the Secretary of State is not required to make a

statement under section 19(1)(a) of the Human Rights Act 1998. However, the government has examined the compatibility of the provisions of the Bill with the European Convention on Human Rights and considers that the provisions of the Bill are compatible with the Convention rights.

## Related documents

41. The following documents are relevant to the Bill and can be read at the stated locations:

- Call for evidence (<https://www.gov.uk/government/consultations/hunting-trophies-call-for-evidence>) and consultation (<https://www.gov.uk/government/consultations/hunting-trophies-controlling-imports-to-and-exports-from-the-uk>), November 2019
- Summary of responses and government response to the call for evidence and consultation, December 2021: <https://www.gov.uk/government/consultations/hunting-trophies-controlling-imports-to-and-exports-from-the-uk/outcome/summary-of-responses-and-government-response--2>
- Our Action Plan for Animal Welfare, May 2021: <https://www.gov.uk/government/publications/action-plan-for-animal-welfare>



## Annex A: Territorial extent and application in the United Kingdom

All provisions in the Bill extend to Great Britain and Northern Ireland, and apply to Great Britain. This is summarised in the table below.

England	Wales		Scotland		Northern Ireland	
Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Yes	Yes	No	Yes	No	Extends but import ban does not apply	N/A

## Subject matter and legislative competence of devolved legislatures

In the opinion of His Majesty's Government, the subject matters of the Bill related to import of hunting trophies are not within the devolved legislative competence of the Scottish Parliament because they relate to a reserved matter under Schedule 5 of the Scotland Act 1998, international trade.

Those provisions are also not within the devolved legislative competence of Senedd Cymru because they relate to a reserved matter under Schedule 7A of the Government of Wales Act 2006, international trade.

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