

IRISH HARE

An explanation of why the proposed special protection order does not cover the "possession" of the hare in addition to the "taking, killing, buying and selling" of it.

PROPOSED SPECIAL PROTECTION ORDER FOR THE IRISH HARE

SUMMARY OF KEY POINTS RELATING TO:

- wording, specifically exclusion of the term possession
- potential issues surrounding movements of Irish Hares from Scotland and/or Ireland

Capture of Irish Hares in the Republic of Ireland for coursing is allowed under annual licences issued by National Parks & Wildlife (NPWS).

30-40 licences are issued annually to these clubs.

Following alleged cross-border movement of hares (after the Special Protection Order (SPO) was imposed), NPWS introduced a clause, as a condition of the licence that hares caught could not leave the jurisdiction.

The penalty for such a breach is administrative - licences would not be re-issued to any club found in breach; this would be a significant penalty for an individual club.

The most likely explanation for the absence of "possession" from the SPO is because it is not provided for in the legislation. Under Sect. 7c of the Game Preservation Order 1928 the Minister may "*by order prohibit the killing or taking, or the sale or purchase, of game of any kind prescribed by the order, during such period not exceeding one year as shall be so prescribed.*" Changing this would require a modification to the Act.

It is unclear where the burden of proof lies if anyone was caught in possession as to where they originated. This would be impossible unless the party caught had to prove their origin. If this source was identified and was a licensed coursing club they would face action as specified above. It is likely that the burden of proof would lie with the prosecution.

Irish Hares are endemic so they could not be imported from Scotland.

STATUS

The Irish Hare is considered to be a subspecies of *Lepus timidus* (L.) and is endemic to Ireland. Their distinctiveness has been recently confirmed via a population genetics study¹, complementing other unique characteristics relating to their morphology, ecology and behaviour. Brown Hares *Lepus europeaus* are widespread in Great Britain, being absent from the north and west where replaced by Mountain Hares *Lepus timidus*. They were probably introduced by the Romans in ancient times² and have recently been introduced into northern parts of Ireland having been widely introduced throughout the island in the nineteenth century³.

The population has thought to have declined in recent decades but quantitative information is lacking prior to 1994/95. It appears that numbers in Northern Ireland have fluctuated between years and differences in survey methodology make it difficult to interpret the precise population trajectory. The most recent estimate indicates that the population in Northern Ireland in 2005 comprised 35,000-54,400 individuals (3.1 hares/km²). This is lower than the previous year (59,700 - 86,900) though up on 2002 figures⁴.

The absence of a complete survey in the Republic of Ireland means it is impossible to quantitatively ascertain the species population size and distribution. However, anecdotal evidence suggests that the population has declined in recent decades. An all-Ireland survey is underway and the first all-Ireland wide estimate of the size of the population will be available by the end of the summer 2007.

Given the endemic nature of the population and its decline, the species has been the subject of Action Plans in a Northern Ireland⁵ and all-Ireland context³.

PROTECTION

Lepus timidus is listed under Annex V (a) of the EU Directive 92/43/EEC (Habitat Directive). This Annex lists animal and plant species of Community interest whose taking in the wild and exploitation may be subject to management measures.

The Irish Hare is a quarry species and has limited protection under domestic legislation in Northern Ireland.

Since 1985 the Department had issued permits annually to allow hares to be taken from the wild to be used in hare coursing events by recognised Coursing Clubs. However, the Department's publication of the Northern Ireland Action Plan in 2000³, was seen by many as being at odds with the policy of issuing coursing permits.

¹ Hughes M, Montgomery I & Prodohl P. 2006. Population genetic structure and systematics of the Irish Hare. Quercus Project Q03-04 prepared for Environment & Heritage Service.

² Biodiversity: The UK Steering Group Report - Volume II: Action Plans (December 1995, Tranche 1, Vol 2, p83)

³ All-Ireland Species Action Plan: Irish Hare. Environment & Heritage Service and the Department of the Environment, Heritage and Local Government. Available at: www.ehsni.gov.uk/allirelandirishharesapnov05.pdf.

⁴ Tosh D, Marques TA, Brown S, Preston P, Reid N, Montgomery I, Borchers DL, Buckland ST & McDonald R. 2005. *Northern Ireland Irish Hare Survey 2005*. Report to the Environment & Heritage Service, Quercus, Belfast.

⁵ EHS 2000. Northern Ireland Species Action Plans: Irish Hare, Chough and Curlew. Available at: www.ehsni.gov.uk/speciesactionplans.pdf.

In January 2004, a 12-month ban on taking, selling or killing of Irish Hares under the Game Preservation Act (Northern Ireland) 1928. A second ban covering the period January 2005 – March 2005 was also introduced⁶.

In Scotland, Mountain Hares⁷ (*Lepus timidus*) are not afforded any special protection from hunting. However hunting with dogs was banned following the enactment of the Protection of Wild Mammals (Scotland) Act 2002. However, it is still legal to hunt hares by other methods. There does not seem to be any specific controls on the sale or ownership of hares in Scotland. Hunting with dogs and hare coursing became illegal in England and Wales on February 18, 2005.

Following concern from the then Minister for the Environment Angela Smith MP, regarding the importation of hares from the Republic of Ireland for hare coursing in Northern Ireland, the Republic of Ireland changed their licensing procedures. National Parks & Wildlife issue 30-40 licenses to coursing clubs annually and introduced a clause to prevent clubs from capturing hares and taking them out of the jurisdiction. Whilst admittedly it is difficult to regulate, the administrative penalty if a club was found to be in breach would be significant as no further licences would be issued for at least 1 year (P. Carville, NPWS licensing branch *pers comm.*).

Given this regulation it seems unlikely that any organised party in Northern Ireland would risk importing hares given that (a) it would reflect poorly on the activity of hare-coursing, and (b) the burden of proof would lie on those in possession to prove where they had obtained the hares. Revealing this would identify the source on which penalties would be applied.

⁶ Angela Smith Renews ban to protect the Irish Hare 22 December 2004 DoE News Release. Available at: <http://archive.nics.gov.uk/env/041222d-env.htm>.

⁷ Mountain Hares are widely distributed in northern latitudes of Europe and Asia ranging from Ireland, Scotland, Russia and Japan.

**NORTHERN IRELAND
HARE COURSING⁸**

Mr. Pickthall: To ask the Secretary of State for Northern Ireland what rules govern the import of live hares for coursing from the Republic of Ireland into Northern Ireland; and what assessment he has made of compliance with the rules in 2002. [123749]

Mr. Pearson: Hares are rabies susceptible animals, and as such, are covered by the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977.

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Under normal circumstances, there are no import restrictions on hares coming from the Republic of Ireland into Northern Ireland.

However, there are two exceptions.

The first exception is the import of a hare from the Republic of Ireland which has previously been brought to the Republic of Ireland from a country other than GB, the Channel Islands, Isle of Man or Northern Ireland and has not been detained and isolated in quarantine for a period of at least six months before entering Northern Ireland. The second exception is where my Department has reason to believe that there is an outbreak of rabies in the Republic of Ireland.

In both cases, the importation of a hare is prohibited, except under and in accordance with, the conditions of a licence granted by the Department. The conditions would include the immediate detention and isolation in quarantine for a period of six months.

Neither of the exceptions arose during 2002.

⁸ <http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030717/text/30717w52.htm>