

## SCHEDULES

### SCHEDULE 2

Section 39.

### AMENDMENTS

#### *The Game Preservation Act (Northern Ireland) 1928 (c. 25)*

- 1.—(1) Section 2 (police powers to search for game, etc.) is amended as follows.
  - (2) Omit subsection (1).
  - (3) In subsection (2) for the words from the beginning to “read the same” substitute “If any officer or constable has reasonable grounds to suspect that any person is or has been unlawfully in pursuit of any game,”.
  - (4) In subsection (3) omit “demand or”.
2. After section 7F insert—

#### **“7G Relationship of this Act with Wildlife Order**

**7G.** Sections 7(1) and (2) and 7A(1) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order 1985.”.

3. In section 8(1) (penalties for offences) after “this Act” insert “(except section 7AA)”.
4. In section 10(2) (interpretation) for the definition of “game” substitute—
 

““game” means any hare or game-bird;  
“game-bird” has the same meaning as in the Wildlife (Northern Ireland) Order 1985;”.

#### *The Wildlife (Northern Ireland) Order 1985 (NI 2)*

- 5.—(1) Article 2 (interpretation) is amended as follows.
  - (2) In paragraph (2) at the appropriate place in alphabetical order insert—
 

““inland waters” has the meaning given in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006;”.
  - (3) In paragraph (2) in the definition of “wild bird” at the end add “or any game bird”.
  - (4) Omit paragraph (3).

**6.** In Article 5(6)(a)(iii) (exceptions to Article 4) for “or fisheries” substitute “, fisheries or inland waters”.

**7.** In Article 6(5) (prohibition of certain methods of taking or killing wild birds) for “permits or suffers” substitute “knowingly causes or permits”.

**8.—(1)** Article 7 (sale of wild birds, eggs, etc.) is amended as follows.

(2) In paragraph (5)(a) for “for which a special penalty is provided” substitute “to which paragraph (5A) applies”.

(3) After paragraph (5) insert—

“(5A) The offences falling within this paragraph are —

(a) any offence under Article 4(1), (2) or (6) in respect of—

(i) a bird included in Schedule A1 or 1 or any part of, or anything derived from, such a bird,

(ii) the nest of such a bird, or

(iii) an egg of such a bird or any part of such an egg;

(b) any offence under Article 6(1);

(c) any offence under Article 7 in respect of—

(i) a bird included in Schedule A1 or 1 or any part of, or anything derived from, such a bird, or

(ii) an egg of such a bird or any part of such an egg;

(d) any offence under Article 9.”.

**9.** In Article 9(2)(protection of captive birds) at the end of sub-paragraph (b) insert “or”.

**10.** In Article 10(5) (protection of certain wild animals) after “or (2)” insert “or for an offence under paragraph (4B) relating to an act which is mentioned in paragraph (1) or (2)”.

**11.—(1)** Article 11 (exceptions to Article 10) is amended as follows.

(2) In paragraph (3)(a) after “fisheries” insert “or inland waters”.

(3) Omit paragraph (4).

**12.** In Article 12(6) (prohibition of certain methods of taking or killing wild animals) for “permits or suffers” substitute “knowingly causes or permits”.

**13.—(1)** Article 13 (sale of wild animals) is amended as follows.

(2) In paragraph (3) for “to (7)” substitute “to (5A)”.

(3) In paragraph (4) after “or (2)” insert “or for an offence under paragraph (2A) relating to an act which is mentioned in paragraph (1)(a) or (2)(a)”.

**14.** In Article 14(4) (protection of wild plants) after “(2)(a)” insert “or for an offence under paragraph (3A) relating to an act which is mentioned in paragraph (2)(a)”.

**15.—**(1) Article 16(1) (wildlife refuges) is amended as follows.

(2) In paragraph (1)(a) after head (iii) insert—

“(iiia) obstructs or prevents any wild bird or wild animal from using its nest or any structure or place which such a bird or animal uses for shelter or protection;”.

(3) In paragraph (1)(c) for “the offender shall be liable to a special penalty” substitute “the offence shall be treated as falling within Article 7(5A)”.

**16.** In Article 18 (licences)—

(a) in paragraphs (1) and (3) for “and (4)” substitute “, (4) and (4A)”;

(b) in paragraph (4) for “and 15” substitute “, 15 or 15A”.

**17.** In Article 27 (penalties)—

(a) in paragraph (7) for “(2), (3), (4) or (5)” substitute “or (2)”;

(b) in paragraph (8)(b) after “15” insert “or 15A”.

**18.—**(1) Article 28 (power to vary Schedules) is amended as follows.

(2) In paragraph (1) for “Schedules 1” substitute “Schedules A1”.

(3) In paragraph (4)—

(a) for “this Part” substitute “Part 2”;

(b) in sub-paragraph (a) for “or Schedule 6” substitute “, Schedule 6 or Schedule 7”.

**19.** In Article 29(3) (orders) after “any order” insert “(other than an order under Article 4(10))”.