

SCHEDULES

SCHEDULE 1

Section 27.

AMENDMENTS TO SCHEDULES TO THE WILDLIFE ORDER

1. Schedules 1 and 2 and 4 to 9 to the Wildlife Order are amended as follows.

2.—(1) Schedule 1 (birds which are protected by special penalties) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entry—

<i>Common name</i>	<i>Scientific name</i>
Cuckoo	<i>Cuculus canorus</i>
Curlew	<i>Numenius arquata</i>
Dove, Stock	<i>Columba oenas</i>
Egret, Little	<i>Egretta garzetta</i>
Flycatcher, Spotted	<i>Musciapa striata</i>
Gull, Mediterranean	<i>Larus melanocephalus</i>
Gyrfalcon	<i>Falco rusticolus</i>
Hobby	<i>Falco subbuteo</i>
Kite, Red	<i>Milvus milvus</i>
Lapwing	<i>Vanellus vanellus</i>
Martin, Sand	<i>Riparia riparia</i>
Owl, Snowy	<i>Bubo scandiacus</i>
Puffin	<i>Fratercula arctica</i>
Redshank	<i>Tringa totanus</i>
Shearwater, Manx	<i>Puffinus puffinus</i>
Sparrow, Tree	<i>Passer montanus</i>
Whinchat	<i>Saxicola rubetra</i>
Whitethroat, Lesser	<i>Sylvia curruca</i>

<i>Common name</i>	<i>Scientific name</i>
Yellowhammer	Emberiza citrinella

(3) In Part 1 omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus
Phalarope, Red-necked	Phalaropus lobatus
Tit, Bearded	Panurus biarmicus

3.—(1) Schedule 2 (birds which may be taken or killed) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entry—

<i>Common name</i>	<i>Scientific name</i>
Duck, Ruddy	Oxyura jamaicensis

(3) In Part 1 omit the following entry—

<i>Common name</i>	<i>Scientific name</i>
Curlew	Numenius arquata

4.—(1) Schedule 4 (birds which may be shown for competition purposes) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Blackbird	Turdus merula
Crossbill (all species)	Loxia (all species)
Dunnock	Prunella modularis
Hawfinch	Coccothraustes coccothraustes
Redstart	Phoenicurus phoenicurus
Stonechat	Saxicola torquata
Thrush, Mistle	Turdus viscivorus
Thrush, Song	Turdus philomelos
Tit, Blue	Cyanistes caeruleus

Status: This is the original version (as it was originally enacted).

<i>Common name</i>	<i>Scientific name</i>
Tit, Coal	<i>Periparus ater</i>
Tit, Great	<i>Parus major</i>
Tit, Long tailed	<i>Aegithalos caudatus</i>
Tit, Marsh	<i>Poecile palustris</i>
Wagtail, Pied	<i>Motacilla alba yarrelli</i>
Wagtail, Yellow	<i>Motacilla flava</i>
Waxwing	<i>Bombycilla garrulus</i>

5.—(1) Schedule 5 (animals which are protected at all times) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Butterfly, Real's Wood White	<i>Leptidea reali</i>
Crayfish, White-Clawed	<i>Austropotamobius pallipes</i>
Damselfly, Irish	<i>Coenagrion lunulatum</i>
Lobster, Spiny	<i>Palinurus elaphus</i>
Mussel, Fan	<i>Atrina fragilis</i>
Seahorse, Short Snouted	<i>Hippocampus hippocampus</i>
Seahorse, Spiny	<i>Hippocampus guttulatus</i>
Skate, Common (in respect of Article 10(1) only and with respect to coastal waters only)	<i>Dipturus batis</i>
Shark, Angel (in respect of Article 10(1) only and with respect to coastal waters only)	<i>Squatina squatina</i>
Shark, Basking	<i>Cetorhinus maximus</i>

(3) After the Note at the end of the Schedule insert—

“Note 2. In this Schedule “coastal waters” means the part of the territorial waters adjacent to Northern Ireland which is not more than 6 nautical miles from the baselines from which the breadth of those waters is measured; and “nautical mile” means an international nautical mile of 1,872 metres.”.

6.—(1) Schedule 6 (animals which may not be taken or killed by certain methods) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Crayfish, White-Clawed	<i>Austropotamobius pallipes</i>
Lobster, Spiny	<i>Palinurus elaphus</i>
Mussel, Fan	<i>Atrina fragilis</i>
Seahorse, Short Snouted	<i>Hippocampus hippocampus</i>
Seahorse, Spiny	<i>Hippocampus guttulatus</i>
Shark, Basking	<i>Cetorhinus maximus</i>
Shrew, Pygmy	<i>Sorex minutus</i>

7.—(1) Schedule 7 (animals which may not be sold alive or dead at any time) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Butterfly, Real's Wood White	<i>Leptidea reali</i>
Crayfish, White-Clawed	<i>Austropotamobius pallipes</i>
Damselfly, Irish	<i>Coenagrion lunulatum</i>
Lobster, Spiny	<i>Palinurus elaphus</i>
Mussel, Fan	<i>Atrina fragilis</i>
Seahorse, Short Snouted	<i>Hippocampus hippocampus</i>
Seahorse, Spiny	<i>Hippocampus guttulatus</i>
Shark, Basking	<i>Cetorhinus maximus</i>

(3) Omit the following entry—

<i>Common name</i>	<i>Scientific name</i>
Fox	<i>Vulpes vulpes</i>

8.—(1) Schedule 8 (plants which are protected) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entries—

Status: This is the original version (as it was originally enacted).

<i>Common name</i>	<i>Scientific name</i>
Beak-sedge, Brown	Rhynchospora fusca
Birds-foot	Ornithopus perpusillus
Bristle-moss, Spruce's	Orthotrichum sprucei
Burnet, Great	Sanguisorba officinalis
Clubmoss, Alpine	Diphasiastrum alpinum
Clubmoss, Marsh	Lycopodiella inundata
Clubmoss, Stag's Horn	Lycopodium clavatum
Cranesbill, Meadow	Geranium pratense
Dodder	Cuscuta epithymum
Feather-moss, Elegant	Eurhynchiastrum pulchellum
Fern, Parsley	Cryptogramma crispa
Figwort, Green	Scrophularia umbrosa
Gentian, Autumn	Gentianella amarella
Henbane	Hyoscyamus niger
Hornwort, Soft	Ceratophyllum submersum
Jelly-lichen, River	Collema dichotomum
Juniper	Juniperus communis
Lichen	Enterographa elaborata
Lichen	Lobaria virens
Meadow-rue, Alpine	Thalictrum alpinum
Notchwort, Ragged	Leiocolea heterocolpos
Orchid, Dense-flowered	Neotinea maculata
Orchid, Lapland Marsh	Dactylorhiza lapponica
Orchid, Narrow-leaved Marsh	Dactylorhiza traunsteineri
Petalwort	Petalophyllum ralfsii
Sea-kale	Crambe maritima
Sedge, Stiff	Carex bigelowii
Small-reed, Wood	Calamagrostis epigejos
St John's Wort, Hairy	Hypericum hirsutum
Thistle, Melancholy	Cirsium heterophyllum

Status: This is the original version (as it was originally enacted).

<i>Common name</i>	<i>Scientific name</i>
Thread-moss, Slender	<i>Orthodontium gracile</i>
Vetch, Wood Bitter	<i>Vicia orobus</i>
Wormwood, Sea	<i>Seriphidium maritimum</i>

(3) In Part 1, omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Barley, Wood	<i>Hordelymus europaeus</i>
Betony	<i>Stachys officinalis</i>
Clubmoss, Marsh	<i>Lycopodium inundatum</i>
Orchid, Bird's Nest	<i>Neottia nidus-avis</i>
Orchid, Narrow-leaved Marsh	<i>Dactylorchis traunsteineri</i>
Pea, Marsh	<i>Lathyrus palustris</i>
Pillwort	<i>Pilularia globulifera</i>
Thistle, Melancholy	<i>Cirsium helenioides</i>
Waterwort, Eight-stamened	<i>Elatine hydropiper</i>

(4) In Part 2 at the appropriate place in alphabetical order insert the following entry—

<i>Common name</i>	<i>Scientific name</i>
Bluebell	<i>Hyacinthoides non-scripta</i>

9.—(1) Schedule 9 (animals and plants to which Article 15 applies) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Amphipod, Freshwater	<i>Crangonyx pseudogracilis</i>
Crayfish, Signal	<i>Pacifastacus leniusculus</i>
Crayfish, Narrow-clawed	<i>Astacus leptodactylus</i>
Crayfish, Noble	<i>Astacus astacus</i>
Crayfish, Spiny-cheek	<i>Orconectes limosus</i>
Crayfish, Marbled	<i>Procambarus sp.</i>

Status: This is the original version (as it was originally enacted).

<i>Common name</i>	<i>Scientific name</i>
Deer, Chinese water	Hydropotes inermis
Deer, Muntjac	Muntiacus reevesi
Deer, Roe	Capreolus capreolus
Duck, Mandarin	Aix galericulata
Hare, Brown	Lepus europaeus
Hedgehog (with respect to islands in territorial waters only)	Erinaceus europaeus
Fox (with respect to islands in territorial waters only)	Vulpes vulpes
Limpet, Slipper	Crepidula fornicata
Mussel, Zebra	Dreissena polymorpha
Rat, Common Brown (with respect to islands in territorial waters only)	Rattus norvegicus
Sea squirt	Didemnum vexillum
Sea squirt, Club	Styela clava
Shrimp, Freshwater	Gammarus pulex
Shrimp, Freshwater	Gammarus tigrinus
Shrimp, Japanese skeleton	Caprella mutica
Stoat, Irish (with respect to islands in territorial waters only)	Mustela erminea hibernicus

(3) In Part 1 omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Duck, Carolina Wood	Aix sponsa
Goshawk	Accipiter gentilis
Pheasant, Golden	Chrysolophus pictus

(4) In Part 2 at the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Balsam, Himalayan	Impatiens glandulifera.
Bluebell, Spanish	Hyacinthoides hispanica

<i>Common name</i>	<i>Scientific name</i>
Cabbage, Skunk	<i>Lysichiton americanum</i>
Eelgrass, Dwarf	<i>Zostera japonica</i>
Fanwort	<i>Cabomba caroliniana</i>
Fig, Hottentot	<i>Carpobrotus edulis</i>
Honeysuckle, Japanese	<i>Lonicera japonica</i>
Kelp, Japanese	<i>Undaria pinnatifida</i>
Knotweed, Giant	<i>Fallopia sachalinensis</i>
Knotweed, Himalayan	<i>Polygonum wallichii</i>
Knotweed, Japanese	<i>Fallopia japonica</i>
Leek, Few-flowered	<i>Allium paradoxum</i>
Mile-A-Minute Weed	<i>Polygonum perfoliatum</i>
Parrot's Feather	<i>Myriophyllum aquaticum</i>
Pennywort, Floating	<i>Hydrocotyle ranunculoides</i>
Reed, Giant	<i>Arundo donax</i>
Rhubarb, Giant	<i>Gunnera tinctoria</i>
Salmonberry	<i>Rubus spectabilis</i>
Salvinia, Giant	<i>Salvinia molesta</i>
Sea-buckthorn	<i>Hippophae rhamnoides</i>
Stonecrop, Australian swamp	<i>Crassula helmsii</i>
Water Chestnut	<i>Trapa natans</i>
Water Fern	<i>Azolla filiculoides</i>
Water Lettuce	<i>Pistia stratiotes</i>
Water Primrose	<i>Ludwigia</i>
Water Soldier	<i>Stratiotes aloides</i>
Waterlily, Fringed	<i>Nymphoides peltata</i>
Waterweeds (all species)	<i>Elodea (all species)</i>
Waterweed, Curly	<i>Lagarosiphon major</i>
Waterweed, Large flowered	<i>Egeria densa</i>

(5) In Part 2 omit the following entries—

Status: This is the original version (as it was originally enacted).

<i>Common name</i>	<i>Scientific name</i>
Knotweed	Reynoutria sachalinensis
Knotweed, Japanese	Reynoutria japonica

(6) After the Note at the end of the Schedule insert—
 “Note 2. In this Schedule “territorial waters” means the territorial waters adjacent to Northern Ireland.”.

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))”.

SCHEDULE 3

Section 39.

REPEALS

PART 1

WILDLIFE

Short Title	Extent of repeal
The Welfare of Animals Act (Northern Ireland) 1972 (c. 7)	Section 21.
The Wildlife (Northern Ireland) Order 1985 (NI 2)	Article 2(3). Article 4(5). In Article 4(6) the words from “and, where that offence” to the end. In Article 4(12) the words “Without prejudice to Article 29(3),”. In Article 6(1) the words “and be liable to a special penalty”. Article 7(3), (6) and (7). In Article 9(1) and (3) the words “and be liable to a special penalty”. Article 11(4). In Article 12(1)(b) the words “any self-locking snare, whether or not of such a nature or so placed as aforesaid,”. In Article 12(7) the words “with a view to its being used for a purpose which is unlawful under paragraph (1)(a) or (b),”. Article 15(5) and (6). In Article 24 the word “he” (immediately after paragraph (b)). Article 26(1).
The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)	In Schedule 6, paragraph 13.

Status: This is the original version (as it was originally enacted).

Short Title	Extent of repeal
The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (NI 2)	In Schedule 1, paragraph 22.

PART 2

GAME LICENCES AND GAME DEALERS' LICENCES, ETC.

Short Title	Extent of repeal
The Game Act 1831 (c. 32)	The whole Act.
The Game Preservation Act (Northern Ireland) 1928 (c. 25)	Section 2(1). In section 2(3) the words “demand or”. Sections 3 to 5. Section 7(4). In section 7(6) the words “or subsection (4)”. In the Schedule, the references to the Night Poaching Act 1828 and the Game Act 1831.
The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 11)	The whole Act.
The Criminal Justice (Northern Ireland) Order 1980 (NI 6)	In Schedule 1, paragraph 64.
The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)	In Schedule 6, paragraphs 128 to 130.
The Wildlife (Northern Ireland) Order 1985 (NI 2)	In Article 23, paragraph (1) and in paragraph (3) the definition of “prohibited period”. In Schedule 12, paragraph 1.
The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)	Section 2(5).
The Forestry Act (Northern Ireland) 2010 (c. 10)	In section 11(5), the words “game licences or”.

PART 3
HARE COURSING

Short Title	Extent of repeal
The Game Preservation Act (Northern Ireland) 1928 (c. 25)	In Section 7(2) paragraph (b) and the word “or” immediately before it. Section 7D(4).
The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)	Section 5(2).
The Wildlife (Northern Ireland) Order 1985 (NI 2)	In Schedule 12, paragraph 3.
The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)	In Article 2(2), in the definition of “bookmaker’s licence”, the words “or coursing”.
The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)	Section 1(4).