



2011 CHAPTER 15

Amendments to the Wildlife Order

Possession of pesticides harmful to wildlife

15 After Article 15A of the Wildlife Order (inserted by section 14) insert—

“Possession of pesticides harmful to wildlife

15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.

(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

- (a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;
 - (b) provision made by or under the Poisons (Northern Ireland) Order 1976;
 - (c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or
 - (d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.
- (4) In this Article “pesticide” means—

Changes to legislation: There are currently no known outstanding effects for the Wildlife and Natural Environment Act (Northern Ireland) 2011, Section 15. (See end of Document for details)

- (a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and
- (b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.”.

Changes to legislation:

There are currently no known outstanding effects for the Wildlife and Natural Environment Act (Northern Ireland) 2011, Section 15.