
STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART II

Wildlife

Protection of other animals

Prohibition of certain methods of killing or taking wild animals

12.—(1) Subject to the provisions of this Part, if any person—

- (a) sets in position [^{F1}or otherwise uses] any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;
- [^{F2}(aa) sets in position or otherwise uses any other type of snare which is either of such a nature or so placed (or both) as to be calculated to cause unnecessary suffering to any wild animal coming into contact with it;]
- (b) uses for the purpose of killing or taking any wild animal ^{F3} . . . any missile which is not discharged from a firearm, including in particular any arrow or spear, or any explosive other than ammunition for a firearm; or
- (c) uses as a decoy, for the purpose of killing or taking any wild animal, any sound recording or any live mammal or bird whatever,

he shall be guilty of an offence.

[^{F4}(2) Subject to the provisions of this Part and to those of Article 20, if any person—

- (a) uses any trap or snare for the purpose of killing, taking or restraining any wild animal included in Schedule 6 or 6A;
- (b) sets in position any trap or snare of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedules 6 or 6A;
- (c) sets in position any—
 - (i) hook and line;
 - (ii) electrical device for killing or stunning; or
 - (iii) poisonous, poisoned or stupefying substance or muscle-relaxing agent,of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6;
- (d) uses for the purpose of killing or taking any wild animal included in Schedule 6 any—
 - (i) hook and line;
 - (ii) poisonous, poisoned or stupefying substance or muscle-relaxing agent;
 - (iii) net;

- (iv) automatic or semi-automatic weapon;
- (v) device for illuminating a target or sighting device for night shooting;
- (vi) form of artificial light or any mirror or other dazzling device;
- (vii) gas or smoke not falling within head (iii);
- (viii) metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;
- (e) uses any electrical device for killing or taking any wild animal included in Schedule 6;
- (f) uses any mechanically propelled vehicle in immediate pursuit of any wild animal included in Schedule 6 for the purpose of driving, killing or taking that animal; or
- (g) knowingly causes or permits to be done an act mentioned in any of sub-paragraphs (a) to (f),

that person shall be guilty of an offence.]

[^{F5}(2A) Any person who sets a snare in position or who knowingly causes or permits a snare to be so set must, while it remains in position, inspect it or cause it to be inspected at least once every day at intervals of no more than 24 hours.

(2B) Any person who, while carrying out such an inspection, finds an animal caught by the snare being inspected must, during the course of the inspection, release or remove the animal (whether live or dead).

(2C) Any person who—

- (a) without reasonable excuse, contravenes paragraph (2A), or
- (b) contravenes paragraph (2B),

shall be guilty of an offence.

(2D) Any person who, without reasonable excuse, is in possession of a snare which is capable of operating as a self-locking snare shall be guilty of an offence.

(2E) Any person who, without reasonable excuse—

- (a) while on any land, has in his possession any snare without the authorisation of the owner or occupier of the land, or
- (b) sets any snare in position on any land without the authorisation of the owner or occupier of the land,

shall be guilty of an offence.

(2F) Any person who—

- (a) uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Department, or
- (b) knowingly causes or permits any other person to do so,

shall be guilty of an offence.]

(3) The Department may by order, either generally or in relation to any species of wild animal specified in the order, amend paragraph (1) or (2) by adding any method of killing or taking wild animals or by omitting any such method as is mentioned in that paragraph.

(4) In any proceedings for an offence under paragraph (1)(b) or (c) or [^{F6}(2)(a), (d), (e) or (f)] , the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

(5) In any proceedings under paragraph [^{F7}(2)(b) or (c)] it shall be a defence to show that the article was set in position by the accused for the purpose of killing or taking, in the interests of public health, agriculture or nature conservation, any wild animals which could be lawfully killed or taken

by that method and that he took all reasonable precautions to prevent injury thereby to any wild animals included in [^{F8}the relevant Schedule] .

[^{F9}(5A) In paragraph (5), “the relevant Schedule” means—

(a) where proceedings relate to an offence under paragraph (2)(b), Schedule 6 or 6A;

(b) where proceedings relate to an offence under paragraph (2)(c), Schedule 6.]

(6) Any person who, being the occupier or concerned in the management of any land, [^{F10}knowingly causes or permits] another person to commit an offence under paragraph (1) or (2) on that land, shall be guilty of an offence.

(7) Any person who sells, offers or exposes for sale, any self-locking snare ^{F11} . . . shall be guilty of an offence.

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| F1 | Words in art. 12(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 10(2), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F2 | Art. 12(1)(aa) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 10(3), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F3 | Words in art. 12(1)(b) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1) , Sch. 3 Pt. 1 ; S.R. 2011/285, art. 2 , Sch. |
| F4 | Art. 12(2) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68) , regs. 1(1)(b), 3(2) |
| F5 | Art. 12(2A)-(2F) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 10(4), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F6 | Words in art. 12(4) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68) , regs. 1(1)(b), 3(3) |
| F7 | Words in art. 12(5) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68) , regs. 1(1)(b), 3(4)(a) |
| F8 | Words in art. 12(5) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68) , regs. 1(1)(b), 3(4)(b) |
| F9 | Art. 12(5A) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68) , regs. 1(1)(b), 3(5) |
| F10 | Words in art. 12(6) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1) , Sch. 2 para. 12 ; S.R. 2011/285, art. 2 , Sch. |
| F11 | Words in art. 12(7) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1) , Sch. 3 Pt. 1 ; S.R. 2011/285, art. 2 , Sch. |

Changes to legislation:

There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 12.