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STATUTORY INSTRUMENTS

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**1985 No. 171**

**The Wildlife (Northern Ireland) Order 1985**

**PART II**

**Wildlife**

*Protection of other animals*

***Protection of certain wild animals***

**10.**—(1) Subject to the provisions of this Part, if any person intentionally [<sup>F1</sup>or recklessly] kills, injures or takes any wild animal included in Schedule 5 he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (2) if he shows that—

- (a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or
- (b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of the provisions of this Part.

(4) Subject to the provisions of this Part, if any person intentionally [<sup>F1</sup>or recklessly]—

- (a) damages or destroys, or obstructs access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection;
- (b) damages or destroys anything which conceals or protects any such structure; or
- (c) disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection,

he shall be guilty of an offence.

[<sup>F2</sup>(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—

- [<sup>F3</sup>(a) a seal (pinniped), or]
- (c) a basking shark (*cetorhinus maximus*),

he shall be guilty of an offence.]

[<sup>F4</sup>(4B) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this Article shall be guilty of an offence.]

(5) In any proceedings under paragraph (1) or (2) [<sup>F5</sup>or for an offence under paragraph (4B) relating to an act which is mentioned in paragraph (1) or (2)], the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

- F1** Words in art. 10(1)(4) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), **ss. 5(2)(b)**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F2** Art. 10(4A) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), **ss. 9**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F3** Art. 10(4A)(a) substituted for art. 10(4A)(a)(b) (1.3.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(5), **Sch. 9 para. 14** (with Sch. 4 para. 31)
- F4** Art. 10(4B) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), **ss. 6(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F5** Words in art. 10(5) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 39(1), 40(1), **Sch. 2 para. 10**; S.R. 2011/285, **art. 2**, Sch.

**Exceptions to Article 10**

**11.—(1)** Paragraphs (4) and (5) of Article 5 shall apply in relation to Article 10 as if in those paragraphs—

- (a) for any reference to Article 4 there were substituted a reference to Article 10; and
- (b) for any reference to a wild bird there were substituted a reference to a wild animal.

[<sup>F6</sup>(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if—

- (a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and
- (b) sub-paragraph (c) were omitted.]

(2) Subject to paragraph (4), nothing in Article 10(4) shall make unlawful anything done within a dwelling house.

(3) Notwithstanding anything in Article 10, an authorised person shall not be guilty of an offence by reason of the killing or injuring of a wild animal included in Schedule 5—

- (a) if he shows that his action was necessary for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or any other form of property or to fisheries [<sup>F7</sup>or inland waters]; and
- (b) he notifies the Department immediately after taking such action.

[<sup>F8</sup>(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.]

(4) <sup>F9</sup> .....

(5) An authorised person shall not be entitled to rely on the defence provided by paragraph (3) as respects any action taken at any time if it had become apparent, before that time, that that action would prove necessary for the purpose mentioned in that paragraph and either—

- (a) a licence under Article 18 authorising that action had not been applied for as soon as reasonably practicable after that fact had become apparent; or
- (b) an application for such a licence had been determined.

- F6** [Art. 11\(1A\)](#) inserted (1.3.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(5), **Sch. 9 para. 15(a)** (with Sch. 4 para. 31)
- F7** Words in art. 11(3)(a) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 39(1), 40(1), **Sch. 2 para. 11(2)**; S.R. 2011/285, **art. 2**, Sch.
- F8** [Art. 11\(3A\)](#) inserted (1.3.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(5), **Sch. 9 para. 15(b)** (with Sch. 4 para. 31)

**F9** Art. 11(4) repealed (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (c. 15), ss. 39, 40(1), Sch. 2 para. 11(3), **Sch. 3 Pt. 1**; S.R. 2011/285, **art. 2**, Sch.

### ***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 [<sup>F10</sup>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;
- [<sup>F11</sup>(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 <sup>F12</sup>. . . 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.

[<sup>F13</sup>(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.]

[<sup>F14</sup>(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 [<sup>F15</sup>(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 [<sup>F16</sup>(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 [<sup>F17</sup>the relevant Schedule] .

[<sup>F18</sup>(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, [<sup>F19</sup>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 <sup>F20</sup> . . . shall be guilty of an offence.

- F10** 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.
- F11** 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.
- F12** 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.
- F13** 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)**
- F14** 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.
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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.
- F20** 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.

## [<sup>F21</sup>Spring traps

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

- (a) for the purpose of killing or taking any wild animal other than one included in Schedule 6 [<sup>F22</sup>or 6A], uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for wild animals for which it is not approved, or
- (b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under sub-paragraph (a), or
- (c) has in his possession any spring trap for a purpose which is unlawful under this paragraph,

shall be guilty of an offence.

(2) Paragraph (1) does not apply to traps of any description specified by order of the Department as being adapted solely for the destruction of rats, mice or other small ground vermin.

(3) In paragraph (1) any reference to an approved trap is a reference to a trap of a type and make for the time being specified by an order of the Department, either generally or subject to conditions as to the circumstances in which or the wild animals for which it may be used, and any reference to the circumstances or wild animals for which a trap is approved shall be construed accordingly.]

[<sup>F23</sup>(4) In paragraph (1) any reference to an approved trap shall not include a reference to any trap if that trap is a leghold trap.

(5) In paragraph (4), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.]

- F21** Art. 12A inserted (30.1.2012 for specified purposes, 12.3.2012 in so far as not already in operation) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), **ss. 11(1)**, 40(1); S.R. 2012/21, **art. 2(1)(2)(a)**

- F22** Words in art. 12A(1)(a) inserted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **4(2)**
- F23** Art. 12A(4)(5) inserted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **4(3)**

***Sale, etc., of live or dead wild animals***

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

- (a) sells, or offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises any live wild animal included in Schedule 7;
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any such animal,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person who is not for the time being registered in accordance with regulations made by the Department—

- (a) sells, offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises any dead wild animal included in Schedule 7 or any part, or anything derived from, such a wild animal; or
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

<sup>F24</sup>(2A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by paragraph (1)(a) or (2)(a) shall be guilty of an offence.]

(3) Paragraphs (4) [<sup>F25</sup>to (5A)] of Article 7 shall apply for the purposes of this Article in the same manner as they apply for the purposes of that Article.

(4) In any proceedings under paragraph (1) or (2) [<sup>F26</sup>or for an offence under paragraph (2A) relating to an act which is mentioned in paragraph (1)(a) or (2)(a)], the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

- F24** Art. 13(2A) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. **6(5)**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F25** Words in art. 13(3) substituted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 39(1), 40(1), **Sch. 2 para. 13(2)**; S.R. 2011/285, **art. 2**, Sch.
- F26** Words in art. 13(4) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 39(1), 40(1), **Sch. 2 para. 13(3)**; 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, Cross Heading: Protection of other animals.