
STATUTORY INSTRUMENTS

1985 No. 171 (N.I. 2)

NORTHERN IRELAND

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

Laid before Parliament in draft

Made

13th February 1985

Coming into operation in accordance with Article 1

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At the Court at Buckingham Palace, the 13th day of February 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

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INTRODUCTORY

Title and commencement

1. This Order may be cited as the Wildlife (Northern Ireland) Order 1985 and shall come into operation on such day as the Head of the Department may by order appoint.

General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

1954 c. 33 (N.I.)

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(2) In this Order—

“ammunition” has the same meaning as in the Firearms (Northern Ireland) Order 1981;

“Committee for Nature Conservation” means the Committee established under Article 5 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“deer”, except where otherwise provided, means deer of any species and their hybrids, and includes those on enclosed land where deer not in the wild state are usually kept;

“the Department” means the Department of the Environment;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching;

“firearm” has the same meaning as in the Firearms (Northern Ireland) Order 1981;

“game” means any hare or game-bird and includes deer;

“game-bird” means any pheasant, partridge (including chukar partridge and red-legged partridge), woodcock, snipe or red grouse;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting it;

“poultry” means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons and quails;

“sale” includes barter and exchange, and any other transaction by which anything is disposed of for value;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant with its roots from the land on which it is growing;

“vehicle” includes any aircraft, hovercraft and boat;

“veterinary practitioner” means a person who is for the time being registered in the supplementary veterinary register;

“veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons;

“wild animal” means, subject to paragraph (3), any animal (other than a bird) which is or (before it was killed or taken) was living wild;

“wild bird” means, subject to paragraph (4), any bird of a kind which is ordinarily resident in or is a visitor to Northern Ireland in a wild state but does not include poultry;

“wild plant” means any plant which is or (before it was picked, removed, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Northern Ireland in a wild state.

(3) In Articles 12 and 16 and in so far as they have effect in relation to those Articles, in Articles 17 and 18 and Part IV, any reference to

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a wild animal includes a reference to game.

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(4) In Articles 6 and 16 and, in so far as they have effect in relation to those Articles, in Articles 17 and 18 and Part IV, any reference to a wild bird includes a reference to a game-bird.

(5) In this Order any reference to any part of Northern Ireland includes, unless the context otherwise requires, a reference to the territorial waters adjacent to that part.

(6) Any reference in this Order to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of the kind.

(7) Nothing in this Order shall make unlawful anything done under the Diseases of Animals (Northern Ireland) Order 1981.

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PART II

WILDLIFE

Interpretation of Part II

3.—(1) In this Part—

“advertisement” includes a catalogue, a circular and a price list;

“authorised person” means—

(a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken,

(b) any person authorised by the Department;

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

“automatic weapon” and “semi-automatic weapon” do not include any weapon the magazine of which is incapable of holding more than two rounds;

“aviculture” means the breeding and rearing of birds in captivity;

“livestock” includes any animal which is kept—

(a) for the provision of food, wool, skins or fur;

(b) for the purpose of its use in the carrying on of any agricultural activity; or

(c) for rearing and release into the wild for the provision or improvement of shooting or fishing, or for the purposes of nature conservation;

“occupier” includes any person having any right of hunting, shooting, fishing or taking game or fish.

(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.

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PART II

Protection of birds

Protection of wild birds, their nests and eggs

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

- (a) kills, injures or takes any wild bird; or
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—

- (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
- (b) an egg of a wild bird or any part of such an egg,

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 bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions; or
- (b) the bird, egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.

(4) In paragraph (3) “the relevant provisions” means the provisions of this Part and of orders made under it and the provisions of the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts.

(5) Any person convicted of an offence under paragraph (1) or (2) in respect of—

- (a) a bird included in Schedule 1 or any part of, or anything derived from, such a bird;
- (b) the nest of such a bird; or
- (c) an egg of such a bird or any part of such an egg,

shall be liable to a special penalty.

(6) Subject to the provisions of this Part, if any person intentionally—

- (a) disturbs any wild bird other than one included in Part II of Schedule 2 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence and, where that offence is in respect of a bird included in Schedule 1, liable to a special penalty.

1931 c. 14 (N.I.)
1950 c. 26 (N.I.)
1968 c. 5 (N.I.)

(7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I of that Schedule and, during the close season for the bird in question, any bird included in Part II of that Schedule.

(8) In this Article and in Article 5 “close season” means, subject to the provisions of this Part, the period in any year commencing with 1st February and ending with 31st August.

(9) The Department may by order made with respect to the whole or any specified part of Northern Ireland vary the close season for any wild bird specified in the order.

(10) If it appears to the Department expedient that any wild birds included in Part II of Schedule 1 or Part I of Schedule 2 should be protected during any period outside the close season for those birds, the Department may, subject to paragraph (12), make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(11) This Article and Article 5 shall have effect as if any period of special protection declared under paragraph (10) for any birds formed part of the close season for those birds.

Exceptions to Article 4

5.—(1) Subject to the provisions of this Article, a person shall not be guilty of an offence under Article 4 by reason of the killing or taking of a bird included in Part I of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

(2) Subject to the provisions of this Article, an authorised person shall not be guilty of an offence under Article 4 by reason of—

(a) the killing or taking of a bird included in Part II of Schedule 2, or the injuring of such a bird in the course of an attempt to kill it; or

(b) the taking, damaging or destruction of a nest of such a bird; or

(c) the taking or destruction of an egg of such a bird.

(3) Paragraphs (1) and (2) shall not apply on Sundays or during the period commencing one hour after sunset on any day and ending one hour before sunrise on the next day.

(4) Nothing in Article 4 shall make unlawful anything done—

(a) in pursuance of a requirement by the Department of Agriculture under any scheme made under section 6 of the Agriculture Act (Northern Ireland) 1949 or under section 2 of the

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1959 c. 2 (N.I.)
1973 NI 1

Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1959; or

(b) under the Drainage (Northern Ireland) Order 1973.

(5) Notwithstanding anything in Article 4, a person shall not be guilty of an offence by reason of—

- (a) the taking of any wild bird if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;
- (b) the killing of any wild bird if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or
- (c) any act made unlawful by those provisions if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(6) Notwithstanding anything in the provisions of Article 4, an authorised person shall not be guilty of an offence by reason of the killing or injuring of any wild bird, other than a bird included in Schedule 1—

- (a) if he shows that his action was necessary for the purpose of—
 - (i) preserving public health or public or air safety,
 - (ii) preventing the spread of disease, or
 - (iii) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or fisheries; and
- (b) he notifies the Department immediately after taking such action.

Prohibition of certain methods of killing or taking wild birds

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

- (a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming into contact therewith, that is to say, any springe, trap, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance or muscle-relaxing agent;
- (b) uses for the purpose of killing or taking any wild bird any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net, baited board, bird-lime or substance of a like nature to bird-lime;
- (c) uses for the purpose of killing or taking any wild bird—
 - (i) any missile which is not discharged from a firearm, including in particular any arrow or spear;
 - (ii) any explosive other than ammunition for a firearm;

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- (iii) any automatic or semi-automatic weapon;
 - (iv) any shotgun of which the barrel has an internal diameter at the muzzle of more than one and three-quarter inches;
 - (v) any metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;
 - (vi) any device for illuminating a target or any sighting device for night shooting;
 - (vii) any form of artificial light or any mirror or other dazzling device;
 - (viii) any gas or smoke not falling within sub-paragraphs (a) and (b); or
 - (ix) any chemical wetting agent;
- (d) uses as a decoy, for the purpose of killing or taking any wild bird, any sound recording or any live bird or other animal whatsoever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured; or
- (e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or taking that bird,

he shall be guilty of an offence and be liable to a special penalty.

(2) The Department may by order amend paragraph (1) by adding any method of killing or taking wild birds or by omitting any such method which is mentioned in that paragraph.

(3) In any proceedings under paragraph (1)(a) 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, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to wild birds.

(4) Nothing in paragraph (1) shall make unlawful—

- (a) the use of a cage-trap or net by an authorised person for the purpose of taking a bird included in Part II of Schedule 2;
- (b) the use of a cage-trap or net for the purpose of taking any game-bird, if it is shown that the taking of the bird is solely for the purpose of breeding;

but nothing in this paragraph shall make lawful the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.

(5) Any person who, being the occupier or concerned in the management of any land, permits or suffers another person to commit an offence under paragraph (1) on that land, shall be guilty of an offence.

(6) Any person who sells, offers or exposes for sale, any self-locking snare with a view to its being used for a purpose which is unlawful under paragraph (1)(a) or (b), shall be guilty of an offence.

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Sale, etc., of live or dead wild birds, eggs, etc.

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

(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—

(i) any live wild bird or an egg of a wild bird or any part of such an egg, or

(ii) any live bird one of whose parents was such a wild bird, or an egg of such a bird or any part of such an egg; 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.

(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 bird other than a bird included in Schedule 3, or any part of, or anything derived from, such a wild bird; 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.

(3) Any person convicted of an offence under this Article in respect of—

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

(b) an egg of such a bird or any part of such an egg,

shall be liable to a special penalty.

(4) The power of the Department to make regulations under paragraph (2) shall include power—

(a) to impose requirements as to the carrying out by a person registered in accordance with the regulations of any act which, apart from the registration, would constitute an offence under this Article; and

(b) to provide that any contravention of the regulations shall constitute such an offence.

(5) Regulations under paragraph (2) shall secure that no person shall become or remain registered—

(a) within 5 years of his having been convicted of an offence under this Part for which a special penalty is provided; or

- (b) within 3 years of his having been convicted of any other offence under this Part so far as it relates to the protection of birds or other animals or any offence involving their ill-treatment,

no account being taken for this purpose of a conviction which has become spent by virtue of the Rehabilitation of Offenders (Northern Ireland) Order 1978.

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(6) Any person authorised in writing by the Department may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter and inspect any premises where a registered person keeps any wild birds for the purpose of ascertaining whether an offence under this Article is being, or has been, committed on those premises.

(7) Any person who intentionally obstructs a person acting in the exercise of the power conferred by paragraph (6) shall be guilty of an offence.

Competitions, etc.

8.—(1) Subject to the provisions of this Part, if any person shows or causes or permits to be shown for the purposes of any competition or in any premises in which a competition is being held—

- (a) any live wild bird other than a bird included in Schedule 4 which was bred in captivity and has been ringed under a licence granted by the Department in accordance with Article 18(2)(d); or

- (b) any live bird one of whose parents was such a wild bird,

he shall be guilty of an offence.

(2) Any person who promotes any event at which any bird mentioned in Schedule 4 is to be shown for the purposes of any public exhibition or competition shall notify the Department in writing at least 7 days before the date upon which the event is to take place.

(3) Any person failing to comply with paragraph (2) shall be guilty of an offence.

Protection of captive birds

9.—(1) If any person keeps or confines any bird whatsoever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence and be liable to a special penalty.

(2) Paragraph (1) does not apply to poultry, or to the keeping or confining of any bird—

- (a) while that bird is in the course of conveyance by whatever means; or

- (b) while that bird is being shown for the purposes of any public exhibition or competition if the time during which the bird is

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kept or confined for those purposes does not in the aggregate exceed 72 hours;

- (c) while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner; or
- (d) while that bird is being kept temporarily in a birdbag or keeping cage as part of a ringing exercise carried out under and in accordance with the terms of a licence granted under Article 18(2)(a).

(3) Every person who—

- (a) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatsoever at or in the course of which captive birds are liberated by hand or by any other means whatsoever—
 - (i) for the purpose of being shot, or
 - (ii) for the purpose of being hunted by trained birds of prey, immediately after their liberation; or
- (b) being the owner or occupier of any land, permits that land to be used for the purposes of such an event,

shall be guilty of an offence and be liable to a special penalty.

Protection of other animals

Protection of certain wild animals

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

- (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,
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he shall be guilty of an offence.

(5) In any proceedings under paragraph (1) or (2), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

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.

(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; and
- (b) he notifies the Department immediately after taking such action.

(4) A person shall not be entitled to rely on the defence provided by—

- (a) Article 5(5)(c) as applied under paragraph (1), or
- (b) paragraph (2),

as respects anything done in relation to a bat otherwise than in the living area of a dwelling house unless he had notified the Department of the proposed action or operation and allowed them a reasonable time to advise him as to whether it should be carried out and, if so, the method to be used.

(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.

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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 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;
- (b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, 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.

(2) Subject to the provisions of this Part and to those of Article 20, if any person—

- (a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6 which comes into contact therewith, that is to say, any springe, trap, gin, snare, hook and line, any electrical device for killing or stunning or any poisonous, poisoned or stupefying substance or muscle-relaxing agent;
- (b) uses for the purpose of killing or taking any such wild animal any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net;
- (c) uses for the purpose of killing or taking any such wild animal—
 - (i) any automatic or semi-automatic weapon;
 - (ii) any metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;
 - (iii) any device for illuminating a target or any sighting device for night shooting;
 - (iv) any form of artificial light or any mirror or other dazzling device; or
 - (v) any gas or smoke not falling within sub-paragraphs (a) and (b); or
- (d) uses any mechanically propelled vehicle in immediate pursuit of any such wild animal for the purpose of driving, killing or taking that animal,

he 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.

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

(5) In any proceedings under paragraph (2)(a) 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 Schedule 6.

(6) Any person who, being the occupier or concerned in the management of any land, permits or suffers 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 with a view to its being used for a purpose which is unlawful under paragraph (1)(a) or (b), shall be guilty of an offence.

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.

(3) Paragraphs (4) to (7) 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), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

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Other protection

Protection of wild plants

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

- (a) intentionally picks, removes, uproots or destroys any wild plant included in Part I of Schedule 8; or
- (b) not being an authorised person, intentionally uproots or destroys any wild plant not included in that Part of that Schedule,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person—

- (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 live or dead wild plant included in Part I or Part II of Schedule 8, or any part of, or anything derived from, such a plant; 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.

(3) Notwithstanding anything in paragraph (1), a person shall not be guilty of an offence by reason of any act made unlawful by that paragraph if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.

(4) In any proceedings for an offence under paragraph (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Introduction of new species, etc.

15.—(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—

- (a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state; or
- (b) is included in Part I of Schedule 9,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.

(3) Subject to paragraph (4), it shall be a defence to a charge of committing an offence under paragraph (1) or (2) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by paragraph (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave

of the court, be entitled to rely on the defence unless, within a period ending 7 days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession. PART II

(5) Any person authorised in writing by the Department may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter any land for the purpose of ascertaining whether an offence under paragraph (1) or (2) is being, or has been, committed on that land; but nothing in this paragraph shall authorise any person to enter a dwelling.

(6) Any person who intentionally obstructs a person acting in the exercise of the power conferred by paragraph (5) shall be guilty of an offence.

Wildlife refuges

16.—(1) The Department may by order make provision with respect to any area specified in the order providing for all or any of the following matters, that is to say—

- (a) that any person who, within that area or any part of it specified in the order, at any time or during any period so specified intentionally—
 - (i) kills, injures or takes any wild bird or wild animal or any wild bird or wild animal so specified,
 - (ii) takes, damages or destroys any nest or any structure or place which such a bird or animal uses for shelter or protection while that nest or structure is in use or being built or while that place is in use,
 - (iii) takes, damages or destroys anything which conceals or protects any such nest, structure or place;
 - (iv) takes or destroys an egg of such a bird or the egg, larva, pupa or any such immature stage of such an animal,
 - (v) disturbs such a bird or animal while it is building a nest or structure for shelter or protection or while it is in, on or near such a nest or structure containing the egg of such a bird or the egg, larva, pupa or any such immature stage of such an animal,
 - (vi) disturbs the dependent young of such a bird or animal, or
 - (vii) picks, removes, uproots or destroys any wild plant or wild plant so specified,shall be guilty of an offence under this Article;
- (b) that any person who, except as may be provided in the order, enters into that area or any part of it specified in the order at any time or during any period so specified shall be guilty of an offence under this Article;

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- (c) that where any offence under this Part, or any such offence under this Part as may be specified in the order, is committed within that area, the offender shall be liable to a special penalty.
- (2) An authorised person shall not by virtue of any such order be guilty of an offence by reason of—
- (a) the killing or taking of a bird included in Part II of Schedule 2, or the injuring of such a bird in the course of an attempt to kill it;
 - (b) the taking, damaging or destruction of the nest of such a bird;
 - (c) the taking or destruction of an egg of such a bird; or
 - (d) the disturbance of such a bird or the dependent young of such a bird.
- (3) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under an order made under this Article in relation to any area, he may require that person—
- (a) to give his full name and address; and
 - (b) to quit that area forthwith;
- and any person who fails to comply with a requirement under this paragraph shall be guilty of an offence.
- (4) The making of any order under this Article with respect to any area shall not affect the exercise by any person of any right vested in him, whether as owner, lessee or occupier of any land in that area or by virtue of a licence or agreement.
- (5) Before making any order under this Article the Department—
- (a) shall consult with any district council within whose district the area with respect to which the order is to be made or any part thereof is situated; and
 - (b) shall give particulars of the intended order either by notice in writing to every owner and every occupier of any land included in the area with respect to which the order is to be made or, where the giving of such a notice is in the Department's opinion impracticable, by advertisement in a newspaper circulating in the locality in which that area is situated.
- (6) The Department shall not make an order under this Article unless—
- (a) all the owners and occupiers aforesaid have consented thereto; or
 - (b) no objections thereto have been made by any of those owners or occupiers before the expiration of a period of 3 months from the date of the giving of the notice or the publication of the advertisement; or
 - (c) any such objections so made have been withdrawn.

Exceptions to Article 16

PART II

17.—(1) Paragraphs (4) and (5) of Article 5 shall apply in relation to any order made under Article 16 as if in those paragraphs—

- (a) for any reference to Article 4 there were substituted a reference to an order under Article 16; and
- (b) any reference to a wild bird included a reference to a wild animal.

(2) Paragraph (6) of Article 5 shall apply in relation to the protection by any order made under Article 16 of any wild bird, or the nest or egg of such a bird, in the same manner as that paragraph applies for the purposes of Article 4.

(3) Paragraph (3) of Article 11 shall apply in relation to the protection by an order made under Article 16 of any wild animal or its shelter in the same manner as that paragraph applies for the purposes of Article 10.

(4) Paragraph (3) of Article 14 shall apply in relation to the protection by an order under Article 16 of any wild plant in the same manner as that paragraph applies for the purposes of paragraph (1) of Article 14.

Licences

Power to grant licences

18.—(1) Articles 4, 6, 8, 9, 10(1), (2) and (4), 12(1) and (2), 14(1), and orders under Article 16, do not apply to anything done—

- (a) for scientific or educational purposes;
- (b) for the purpose of photography;
- (c) for the purpose of preventing the spread of disease; or
- (d) for the purpose of preserving public health or public or air safety,

if it is done under and in accordance with a licence granted by the Department.

(2) Articles 4, 6, 8 and 9 and orders under Article 16 do not apply to anything done—

- (a) for the purpose of ringing or marking, or examining any ring or mark on, wild birds or their eggs;
- (b) for the purpose of conserving wild birds;
- (c) for the purpose of protecting any collection of wild birds;
- (d) for the purposes of falconry or aviculture;
- (e) for the purposes of any public exhibition or competition;
- (f) for the purposes of taxidermy; or
- (g) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or fisheries,

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if it is done under and in accordance with the terms of a licence granted by the Department.

(3) Articles 10(1), (2) and (4), 12(1) and (2) and 14(1), and orders under Article 16, do not apply to anything done—

- (a) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
- (b) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;
- (c) for the purpose of protecting any zoological or botanical collection; or
- (d) 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,

if it is done under and in accordance with the terms of a licence granted by the Department.

(4) Articles 7(1) and (2), 13(1) and (2), 14(1)(a) and (2) and 15 do not apply to anything done under and in accordance with the terms of a licence granted by the Department.

(5) Subject to paragraph (6), a licence under the foregoing provisions of this Article—

- (a) may be, to any degree, general or specific;
- (b) may be granted either to persons of a class or to a particular person;
- (c) may be subject to compliance with any specified conditions;
- (d) may be modified or revoked at any time by the Department; and
- (e) subject to sub-paragraph (d) shall be valid for such period as may be stated in the licence;

and the Department may charge therefor such reasonable sum (if any) as it may determine.

(6) A licence under this Article which authorises any person to kill wild birds or wild animals—

- (a) shall specify—
 - (i) the species of wild birds or wild animals which may be killed and the person who is authorised to kill them;
 - (ii) the area within which, and the methods by which such wild birds or wild animals may be killed; and
- (b) subject to paragraph (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(7) For the purposes of a licence granted under the foregoing provisions of this Article, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.

PART III
PROTECTION OF DEER

Protection of deer

19.—(1) If any person intentionally kills, injures or takes any deer of a species and description mentioned in Schedule 10 during the close season prescribed by that Schedule in relation to deer of that species and description, he shall be guilty of an offence.

(2) If any person intentionally kills, injures or takes any deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise, he shall be guilty of an offence.

(3) If any person—

(a) uses any firearm or ammunition mentioned in Schedule 11 to kill or injure any deer; or

(b) discharges any firearm, or discharges or projects any missile, from any mechanically propelled vehicle at any deer;

he shall be guilty of an offence.

(4) If any person—

(a) takes and removes any live deer;

(b) marks, or attaches any tag, ring, collar or other device to, any live deer; or

(c) uses any aircraft for the purpose of transporting any live deer other than in the interior of the aircraft;

he shall be guilty of an offence.

(5) The Department may by order made with respect of the whole or any specified part of Northern Ireland vary the close season for any species or description of deer specified in Schedule 10.

(6) This Article is subject to Articles 20 and 21 and nothing in this Article or those Articles shall affect any requirement under any statutory provision which applies to game.

Exceptions to Articles 12 and 19

20.—(1) Articles 12(2)(d) and 19(3)(b) shall not apply to anything done by, or with the written authority of, the occupier of any enclosed land where deer not in the wild state are usually kept, and done in relation to deer on that land.

(2) Nothing in Article 12 or 19 shall make unlawful—

(a) anything done by a veterinary surgeon or veterinary practitioner for the purposes of, or in the course of, the veterinary treatment of a deer; or

(b) any act to which paragraph (3) applies, done by, or under the direction of, a person who keeps and breeds deer for the purposes of a trade or business, where—

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PART III

- (i) the act is done in the course of that trade or business; and
- (ii) for the purposes of this paragraph, the Department of Agriculture certifies that, in its opinion, that person is carrying on such a trade or business; or

(c) any act done for the purpose of protecting any person immediately endangered by a deer on any enclosed land on which deer not in the wild state are usually kept, where that act is reasonable in the circumstances.

(3) This paragraph applies to any act which would otherwise be an offence under paragraph (2)(c)(iii) or (iv) or (2)(d) of Article 12 or paragraph (1), (3)(b) or (4)(a) or (b) of Article 19.

(4) An authorised person shall not be guilty of an offence under Article 12(2)(a) or (b) by reason of setting in position or using any trap or net for the purpose of preventing suffering by an injured or diseased deer, or of an offence under Article 19(1) or (2) by reason of any act done for that purpose.

(5) Nothing in Article 19(1) shall make unlawful anything done in pursuance of any scheme made by the Department of Agriculture under section 2 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1959.

1959 c. 2 (N.I.)

(6) A person shall not be guilty of an offence under Article 19(1) by reason only of the taking, or the killing or injuring by means of shooting, of any deer on cultivated land, enclosed pasture, enclosed woodland or garden grounds if he satisfies the court before whom he is charged—

- (a) that he was an authorised person, and
- (b) that he had reasonable grounds for believing that deer of the same species were causing, or had caused, serious damage to crops, pasture, vegetables, fruit, growing timber or any other form of property on that land, pasture, woodland or those grounds, and
- (c) that there was a likelihood of further damage and that such damage was likely to be serious, and
- (d) that his action was necessary for the purpose of preventing any further damage.

(7) A person shall not be guilty of an offence under Article 19(3)(a)—

- (a) by reason only of killing or injuring any deer by using—
 - (i) any smooth bore gun of not less gauge than 12 bore loaded with a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes), or
 - (ii) any smooth bore gun of not less gauge than 12 bore loaded with a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter,

- on any land if he satisfies the court before whom he is charged as to the matters set out in sub-paragraphs (a) to (d) of paragraph (6); or
- (b) by reason of the killing of any deer by using any smooth bore gun, if he shows that the deer had been so seriously injured, otherwise than by his unlawful act, or was in such a condition, that to kill it was an act of mercy.
- (8) The Department may by order, either generally or in relation to any area or any species or description of deer specified in the order—
- (a) repeal paragraph (7); or
- (b) amend it by adding—
- (i) any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that paragraph, or
- (ii) further matters as to which the person charged must satisfy the court.
- (9) In this Article “authorised person” means—
- (a) the occupier of the land on which the action is taken;
- (b) any member of the occupier’s household normally resident on the occupier’s land, acting with the written authority of the occupier;
- (c) any person in the ordinary service of the occupier on the occupier’s land, acting with the written authority of the occupier; or
- (d) any person having the right to take or kill deer on the land on which the action is taken, or any person acting with the written authority of a person having that right.

Power to grant licences for purposes of Article 19

- 21.**—(1) Article 19 does not apply to anything done—
- (a) for scientific or educational purposes; or
- (b) for the purpose of removing deer from one area to another, if it is done under and in accordance with the terms of a licence issued by the Department.
- (2) Paragraphs (5) to (7) of Article 18 shall apply in relation to a licence issued under paragraph (1) in the same manner as they apply to a licence issued under Article 18.

Prevention of poaching

- 22.**—(1) Subject to paragraph (3), if any person enters any land without the consent of the owner or occupier or other lawful authority in search or pursuit of any deer with the intention of killing, injuring or taking it, he shall be guilty of an offence.

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(2) Subject to paragraph (3), if any person while on any land—
(a) intentionally kills, injures or takes any deer;
(b) searches for or pursues any deer with the intention of killing, injuring or taking it; or
(c) removes the carcase of any deer or any part thereof,
without the consent of the owner or occupier or other lawful authority, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (1) or (2) by reason of anything done in the reasonable belief that—

(a) he would have the consent of the owner or occupier of the land if the owner or occupier knew of his doing it and the circumstances of it; or

(b) he has other lawful authority to do it.

(4) Where an offence under paragraph (2) was committed in respect of more than one deer the maximum fine which may be imposed shall be determined as if the person convicted had been convicted of a separate offence in respect of each deer.

(5) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under paragraph (1) or (2) on any land, he may require that person—

(a) to give his full name and address; and

(b) to quit that land forthwith;

and any person who fails to comply with a requirement under this paragraph shall be guilty of an offence.

(6) In paragraph (5) “authorised person” in relation to any land, means the owner or occupier or any person authorised by the owner or occupier of the land, and includes any person having the right to take or kill deer on the land.

Sales and purchases, etc., of venison

23.—(1) If any person not being a licensed game dealer—

(a) at any time during the prohibited period 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 venison; or

(b) at any time sells or offers or exposes for sale any venison otherwise than to a licensed dealer,

he shall be guilty of an offence.

(2) If any person 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, or purchases or offers to purchase or receives, any venison which comes from a deer—

(a) which has been killed or taken in circumstances which constitute an offence under Part II or under this Part; and

(b) which he knows or has reason to believe to have been so killed or taken, PART III
he shall be guilty of an offence.

(3) In this Article—

“prohibited period”, in relation to any venison which comes from a species and description of deer in relation to which a close season is prescribed by Schedule 10, means the period beginning with the expiration of the tenth day, and ending with the expiration of the last day, of that season; and

“venison” means the carcase, or any edible part of the carcase, of a deer, and includes imported venison, but not canned or cooked venison.

PART IV
SUPPLEMENTAL

False statements made for obtaining registration or licence

24. A person who, for the purposes of obtaining, whether for himself or another, registration in accordance with regulations made under Article 7(2) or 13(2) or the grant of a licence under Article 18 or 21—

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular,

he shall be guilty of an offence.

Enforcement

25.—(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part II or III, the constable may without warrant—

- (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
- (b) search or examine any animal or thing which that person may then be using or have in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that animal or thing;
- (c) arrest that person if he fails to give his name and address to the constable's satisfaction;
- (d) seize and detain for the purposes of proceedings under this Order any thing which may be evidence of the commission of the offence or may be liable to be forfeited under Article 27.

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(2) If a constable suspects with reasonable cause that any person is committing an offence under Part II or III, he may, for the purpose of exercising the powers conferred by paragraph (1), enter any land other than a dwelling-house.

(3) If a justice of the peace is satisfied on a sworn complaint in writing that there are reasonable grounds for suspecting that—

- (a) an offence under Article 4, 6, 9 or 16 in respect of which Part II or any order made under it provides for a special penalty;
- (b) an offence under Article 7, 8, 10, 12(1) or (2), 13, 14, 15, 19, or 23;

has been committed and that evidence of the offence may be found on any premises, he may grant a warrant to any constable (with or without other persons) to enter upon and search those premises for the purpose of obtaining that evidence.

(4) Where, under paragraph (1)(d), a constable seizes and detains any animal or any bird, egg or nest, he shall as soon as conveniently may be produce that animal or that bird, egg or nest to a magistrates' court and the court may order the animal or bird, to be sold, liberated or destroyed, or the nest or egg to be sold or destroyed.

(5) Where, in relation to any animal or any bird, egg or nest sold under paragraph (4), the person from whom that animal or that bird, egg or nest was seized—

- (a) is convicted of an offence under Part II or III, the proceeds of the sale shall be added to and dealt with in the same manner as any fine imposed in respect of the offence;
- (b) is not so convicted, the proceeds of the sale shall be handed over to him.

(6) A constable who, in pursuance of an order under paragraph (4), sells, liberates or destroys any animal or any bird, egg or nest seized under paragraph (1)(d), shall not be liable to legal proceedings for any such sale, liberation or destruction or for any loss caused by such sale, liberation or destruction.

Summary prosecutions

26.—(1) This Article applies to—

- (a) any offence under Article 4(1) or 16(1), involving the killing, injuring or taking of any wild bird or the taking of an egg of such a bird;
- (b) any offence under Article 10(1) or 16(1) involving the killing, injuring or taking of any wild animal;
- (c) any offence under Article 14(1) or 16(1) involving the picking, removal, uprooting or destruction of any wild plant;
- (d) any offence under Article 19(1) involving the killing, injuring or taking of any deer.

(2) Summary proceedings for an offence to which this Article applies may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this Article more than two years after the commission of the offence.

(3) For the purposes of this Article a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Penalties and forfeitures

27.—(1) Subject to paragraph (7), a person guilty of an offence under Article 4, 6, 7, 9, 12(6) or (7) or 16 shall be liable on summary conviction—

(a) in a case where it is provided that he shall be liable to a special penalty, to a fine not exceeding level 5 on the standard scale,

(b) in any other case, to a fine not exceeding level 3 on the standard scale.

(2) Subject to paragraph (7), a person guilty of an offence under Article 10, 12(1) or (2), or 13(1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Subject to paragraph (7), a person guilty of an offence under Article 8(1), 14 or 24 shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) Subject to paragraph (7), a person guilty of an offence under Article 19, 22(1), (2) or (5) or 23(2) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months, or to both.

(5) Subject to paragraph (7), a person guilty of an offence under Article 8(3) or 23(1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) A person guilty of an offence under Article 15 shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(7) Where an offence to which paragraph (1), (2), (3), (4) or (5) applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that paragraph shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

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(8) The court by which any person is convicted of an offence under this Order—

(a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and

(b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under Article 15, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.

(9) Any offence under this Order shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

Power to vary Schedules

28.—(1) The Department may by order, either generally or with respect to particular provisions of Part II, particular areas of Northern Ireland or particular times of the year, add any bird to, or remove any bird from, any of or any Part of Schedules 1 to 4.

(2) An order under paragraph (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of Articles 4 and 5; and any close season so prescribed shall commence on a date not later than 1st February and end on a date not earlier than 31st August.

(3) The Department may, on a representation made to it by the Committee for Nature Conservation, by order either generally or with respect to particular provisions of Part II, particular areas of Northern Ireland or particular times of the year—

(a) add to Schedule 5 or 7 any animal or add to Schedule 8 any plant which, in the opinion of the Department, is in danger of extinction in Northern Ireland or is likely to become so endangered unless conservation measures are taken; and

(b) remove from Schedule 5 or 7 any animal, or remove from Schedule 8 any plant which, in the opinion of the Department, is no longer so endangered or likely to become so endangered.

(4) The Department may by order, either generally or with respect to particular provisions of this Part or particular times of the year—

(a) add any animals to, or remove any animals from, Schedule 5 or Schedule 6; and

(b) add any plants to, or remove any plants from, Schedule 8.

(5) The Department may by order, either generally or with respect to particular areas of Northern Ireland—

(a) add any animals to, or remove any animals from, Part I of Schedule 9; and

(b) add any plants to, or remove any plants from, Part II of that Schedule.

(6) The Department may by order amend Schedule 10 by the addition of deer of any species not mentioned in that Schedule and of a close season for any description of deer of that species.

(7) The Department may by order amend Schedule 11 by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that Schedule.

Regulations, orders and notices

29.—(1) Regulations and orders made by the Department under this Order (other than orders made under Articles 4(10), 6, 12 and 16), shall be subject to negative resolution.

(2) An order made under Article 6 or 12 shall be subject to affirmative resolution.

(3) Before making any order the Department—

(a) shall consult the Committee for Nature Conservation;

(b) shall, by such means as the Department may think appropriate, give to any district council or other person affected an opportunity to submit objections or representations with respect to the subject-matter of the order; and

(c) may, if the Department thinks fit, cause a public inquiry to be held.

(4) The Department shall give consideration to any proposals for the making by it of an order with respect to any area which may be submitted to it by a district council whose district includes that area.

(5) Notice of the making of an order shall be published by the Department in the Belfast Gazette.

Amendments and repeals

30.—(1) The minor and consequential amendments set out in Schedule 12 shall have effect.

(2) The provisions mentioned in Schedule 13 are repealed to the extent specified in the third column of that Schedule.

G. I. de Deney,
Clerk of the Privy Council.

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SCHEDULES

Articles 4, 5(6),
7(3) and 28.

SCHEDULE 1

BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES

PART I

AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Bittern	<i>Botaurus stellaris</i>
Bunting, Corn	<i>Emberiza calandra</i>
Buzzard	<i>Buteo buteo</i>
Chough	<i>Pyrhocorax pyrrhocorax</i>
Corncrake	<i>Crex crex</i>
Crossbill	<i>Loxia curvirostra</i>
Diver, Red-throated	<i>Gavia stellata</i>
Dotterel	<i>Charadrius morinellus</i>
Dove, Turtle	<i>Streptopelia turtur</i>
Dunlin	<i>Calidris alpina</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Flycatcher, Pied	<i>Ficedula hypoleuca</i>
Garganey	<i>Anas querquedula</i>
Godwit, Black-tailed	<i>Limosa limosa</i>
Goosander	<i>Mergus merganser</i>
Goshawk	<i>Accipiter gentilis</i>
Grebe, Black-necked	<i>Podiceps nigricollis</i>
Greenshank	<i>Tringa nebularia</i>
Harrier, Hen	<i>Circus cyaneus</i>
Harrier, Marsh	<i>Circus aeruginosus</i>
Hawk, Sparrow	<i>Accipiter nisus</i>
Heron	<i>Ardea cinerea</i>
Kestrel	<i>Falco tinnunculus</i>
Kingfisher	<i>Alcedo atthis</i>
Merlin	<i>Falco columbarius</i>
Nightjar	<i>Caprimulgus europaeus</i>
Osprey	<i>Pandion haliaetus</i>
Ousel, Ring	<i>Turdus torquatus</i>
Owl, Barn	<i>Tyto alba</i>
Owl, Long-eared	<i>Asio otus</i>
Owl, Short-eared	<i>Asio flammeus</i>
Peregrine	<i>Falco peregrinus</i>
Petrel, Storm	<i>Hydrobates pelagicus</i>
Phalarope, Red-necked	<i>Phalaropus lobatus</i>
Pipit, Tree	<i>Anthus trivialis</i>
Quail	<i>Coturnix coturnix</i>
Redstart	<i>Phoenicurus phoenicurus</i>
Ruff	<i>Philomachus pugnax</i>
Scoter, Common	<i>Melanitta nigra</i>
Swan, Bewick's	<i>Cygnus columbianus</i>
Swan, Whooper	<i>Cygnus cygnus</i>

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<i>Common name</i>	<i>Scientific name</i>	SCH. 1
Tern, Arctic	<i>Sterna paradisaea</i>	
Tern, Common	<i>Sterna hirundo</i>	
Tern, Little	<i>Sterna albifrons</i>	
Tern, Roseate	<i>Sterna dougallii</i>	
Tern, Sandwich	<i>Sterna sandvicensis</i>	
Tit, Bearded	<i>Panurus biarmicus</i>	
Twite	<i>Carduelis flavirostris</i>	
Wagtail, Yellow (all races)	<i>Motacilla flava</i>	
Warbler, Garden	<i>Sylvia borin</i>	
Warbler, Reed	<i>Acrocephalus scirpaceus</i>	
Warbler, Wood	<i>Phylloscopus sibilatrix</i>	
Whimbrel	<i>Numenius phaeopus</i>	

PART II

DURING THE CLOSE SEASON

Gadwall	<i>Anas strepera</i>
Goldeneye	<i>Bucephala clangula</i>
Pintail	<i>Anas acuta</i>
Plover, Golden	<i>Pluvialis apricaria</i>
Pochard	<i>Aythya ferina</i>
Scaup	<i>Aythya marila</i>
Shoveler	<i>Anas clypeata</i>
Wigeon	<i>Anas penelope</i>

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

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Articles 4, 5,
6(4), 16(2) and 28.

SCHEDULE 2

BIRDS WHICH MAY BE KILLED OR TAKEN

PART I

OUTSIDE THE CLOSE SEASON

<i>Common name</i>	<i>Scientific name</i>
Curllew	Numenius arquata
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Goose, Grey-lag	Anser anser
Goose, Pink-footed	Anser brachyrhynchus
Mallard	Anas platyrhynchos
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Scaup	Aythya marila
Shoveler	Anas clypeata
Teal	Anas crecca
Wigeon	Anas penelope

PART II

BY AUTHORISED PERSONS AT ALL TIMES

Crow, Hooded/Carrion	Corvus corone
Gull, Great black-backed	Larus marinus
Gull, Herring	Larus argentatus
Gull, Lesser black-backed	Larus fuscus
Jackdaw	Corvus monedula
Magpie	Pica pica
Pigeon, Feral	Columba livia
Pigeon, Wood	Columba palumbus
Rook	Corvus frugilegus
Sparrow, House	Passer domesticus
Starling	Sturnus vulgaris

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Articles 7(2)
and 28.

SCHEDULE 3

BIRDS WHICH MAY BE SOLD DEAD AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Wood pigeon	Columba palumbus

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SCHEDULE 4

Articles 8 and 28.

BIRDS WHICH MAY BE SHOWN FOR COMPETITIVE PURPOSES

<i>Common name</i>	<i>Scientific name</i>
Brambling	<i>Fringilla montifringilla</i>
Bullfinch	<i>Pyrrhula pyrrhula</i>
Bunting, Reed	<i>Emberiza schoeniclus</i>
Chaffinch	<i>Fringilla coelebs</i>
Goldfinch	<i>Carduelis carduelis</i>
Greenfinch	<i>Carduelis chloris</i>
Jackdaw	<i>Corvus monedula</i>
Jay	<i>Garrulus glandarius</i>
Linnet	<i>Carduelis cannabina</i>
Magpie	<i>Pica pica</i>
Redpoll	<i>Carduelis flammea</i>
Siskin	<i>Carduelis spinus</i>
Starling	<i>Sturnus vulgaris</i>
Twite	<i>Carduelis flavirostris</i>
Yellowhammer	<i>Emberiza citrinella</i>

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SCHEDULE 5

Articles 10, 11
and 28.

ANIMALS WHICH ARE PROTECTED AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Badger	<i>Meles meles</i>
Bats (all species)	Chiroptera (all species)
Butterfly, Brimstone	<i>Gonepteryx rhamni</i>
Butterfly, Dingy Skipper	<i>Erynnis tages</i>
Butterfly, Holly Blue	<i>Celastrina argiolus</i>
Butterfly, Large Heath	<i>Coenonympha tullia</i>
Butterfly, Marsh Fritillary	<i>Euphydryas aurinia</i>
Butterfly, Purple Hairstreak	<i>Quercusia quercus</i>
Butterfly, Small Blue	<i>Cupido minimus</i>
Cetaceans (all species)	Cetacea
Lizard, Common or Viviparous	<i>Lacerta vivipara</i>
Marten, Pine	<i>Martes martes</i>
Newt, Common	<i>Triturus vulgaris</i>
Otter, Common	<i>Lutra lutra</i>
Seal, Common	<i>Phoca vitulina</i>
Seal, Grey	<i>Halichoerus grypus</i>
Squirrel, Red	<i>Sciurus vulgaris</i>

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Articles 12 and 28.

SCHEDULE 6

ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS

<i>Common name</i>	<i>Scientific name</i>
Badger	Meles meles
Bats (all species)	Chiroptera (all species)
Deer, Fallow	Dama dama
Deer, Red	Cervus elaphus
Deer, Sika	Cervus nippon
Hare, Brown	Lepus europaeus
Hare, Irish	Lepus timidus
Hedgehog	Erinaceus europaeus
Lizard, Common or Viviparous	Lacerta vivipara
Marten, Pine	Martes martes
Newt, Common	Triturus vulgaris
Otter, Common	Lutra lutra
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Squirrel, Red	Sciurus vulgaris

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Articles 13 and 28.

SCHEDULE 7

ANIMALS WHICH MAY NOT BE SOLD ALIVE OR DEAD AT ANY TIME

<i>Common name</i>	<i>Scientific name</i>
Badger	Meles meles
Bats (all species)	Chiroptera (all species)
Butterfly, Brimstone	Gonepteryx rhamni
Butterfly, Dingy Skipper	Erynnis tages
Butterfly, Holly Blue	Celastrina argiolus
Butterfly, Large Heath	Coenonympha tullia
Butterfly, Marsh Fritillary	Euphydryas aurinia
Butterfly, Purple Hairstreak	Quercusia quercus
Butterfly, Small Blue	Cupido minimus
Fox	Vulpes vulpes
Frog, Common	Rana temporaria
Hedgehog	Erinaceus europaeus
Lizard, Common or Viviparous	Lacerta vivipara
Marten, Pine	Martes martes
Mussel, Freshwater	Margaretifera margaretifera
Newt, Common	Triturus vulgaris
Otter, Common	Lutra lutra
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Sea-urchin, Common	Echinus esculentus
Squirrel, Red	Sciurus vulgaris

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SCHEDULE 8

Articles 14 and 28.

PLANTS WHICH ARE PROTECTED

PART I

PLANTS WHICH ARE PROTECTED UNDER ARTICLE 14(1)(a) AND (2)

<i>Common name</i>	<i>Scientific name</i>
Avens, Mountain	<i>Dryas octopetala</i>
Barley, Wood	<i>Hordelymus europaeus</i>
Betony	<i>Stachys officinalis</i>
Broomrape, Ivy	<i>Orobanche hederæ</i>
Buckthorn, Alder	<i>Frangula alnus</i>
Bugle, Pyramidal	<i>Ajuga pyramidalis</i>
Campion, Moss	<i>Silene acaulis</i>
Cat's-ear, Smooth	<i>Hypochoeris glabra</i>
Centaury, Seaside	<i>Centaurium littorale</i>
Cloudberry	<i>Rubus chamaemorus</i>
Clubmoss, Marsh	<i>Lycopodium inundatum</i>
Cowslip	<i>Primula veris</i>
Cow-wheat, Wood	<i>Melampyrum sylvaticum</i>
Cranesbill, Wood	<i>Geranium sylvaticum</i>
Cress, Shepherd's	<i>Teesdalia nudicaulis</i>
Crowfoot, Water	<i>Ranunculus fluitans</i>
Fern, Holly	<i>Polystichum lonchitis</i>
Fern, Killarney	<i>Trichomanes speciosum</i>
Fern, Oak	<i>Gymnocarpium dryopteris</i>
Fleabane, Blue	<i>Erigeron acer</i>
Globe-flower	<i>Trollius europaeus</i>
Grass, Blue-eyed	<i>Sisyrinchium bermudiana</i>
Grass, Holy	<i>Hierochloë odorata</i>
Heath, Cornish	<i>Erica vagans</i>
Helleborine, Green-flowered	<i>Epipactis phyllanthes</i>
Helleborine, Marsh	<i>Epipactis palustris</i>
Moschatel, or Town Hall Clock	<i>Adoxa moschatellina</i>
Mudwort	<i>Limosella aquatica</i>
Orchid, Bee	<i>Ophrys apifera</i>
Orchid, Bird's Nest	<i>Neottia nidus-avis</i>
Orchid, Bog	<i>Hammarbya paludosa</i>
Orchid, Green-winged	<i>Orchis morio</i>
Orchid, Irish Lady's Tresses	<i>Spiranthes romanzoffiana</i>
Orchid, Narrow-leaved Marsh	<i>Dactylorchis traunsteineri</i>
Orchid, Small white	<i>Pseudorchis albida</i>
Oyster-plant	<i>Mertensia maritima</i>
Pea, Marsh	<i>Lathyrus palustris</i>
Pennyroyal	<i>Mentha pulegium</i>
Pillwort	<i>Pilularia globulifera</i>
Rosemary, Bog	<i>Andromeda polifolia</i>
Saw-wort, Mountain	<i>Saussurea alpina</i>
Saxifrage, Purple	<i>Saxifraga oppositifolia</i>
Saxifrage, Yellow Marsh	<i>Saxifraga hirculus</i>
Saxifrage, Yellow Mountain	<i>Saxifraga aizoides</i>
Sea-lavender, Rock	<i>Limonium binervosum</i>
Sedge, Broad-leaved Mud	<i>Carex magellanica</i>
Sedge, Few-flowered	<i>Carex pauciflora</i>

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Small-reed, Northern	Calamagrostis stricta
Spike-rush	Eleocharis parvula
Thistle, Melancholy	Cirsium helenioides
Violet, Fen	Viola persicifolia
Violet, Water	Hottonia palustris
Waterwort, Eight-stamened	Elatine hydropiper
Wintergreen, Serrated	Ramischia secunda
Yellow Bird's-nest	Monotropa hypopitys

PART II

PLANTS WHICH ARE PROTECTED UNDER ARTICLE 14(1)(b) AND (2)

Primrose	Primula vulgaris
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Articles 15 and 28.

SCHEDULE 9

ANIMALS AND PLANTS TO WHICH ARTICLE 15 APPLIES

PART I

ANIMALS WHICH ARE ESTABLISHED IN THE WILD

<i>Common name</i>	<i>Scientific name</i>
Duck, Carolina Wood	Aix sponsa
Duck, Ruddy	Oxyura jamaicensis
Goose, Barnacle	Branta leucopsis
Goose, Canada	Branta canadensis
Goshawk	Accipiter gentilis
Mink, American	Mustela vison
Pheasant, Golden	Chrysolophus pictus
Rat, Black	Rattus rattus
Squirrel, Grey	Sciurus carolinensis

PART II

PLANTS

Hogweed, Giant	Heracleum mantegazzianum
Kelp, Giant	Macrocystis pyrifera
Knotweed	Reynoutria sachalinensis
Knotweed, Japanese	Reynoutria japonica
Pirri-pirri Bur	Acaena (all species)
Seaweed, Japanese	Sargassum muticum
Spartina or Cord-grass	Spartina (all species)

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SCHEDULE 10

Articles 19(1) and
(5),
23(3) and 28.

CLOSE SEASONS FOR DEER

FALLOW DEER (*Dama dama*)

Buck: 1st May to 31st July inclusive.
Doe: 1st March to 31st October inclusive.

RED DEER (*Cervus elaphus*)

Stags: 1st May to 31st July inclusive.
Hinds: 1st March to 31st October inclusive.

SIKA DEER (*Cervus nippon*)

Stags: 1st May to 31st July inclusive.
Hinds: 1st March to 31st October inclusive.

[In this Schedule any reference to a species of deer includes a hybrid of that species.]

SCHEDULE 11

Articles 19(3)
and 28.

PROHIBITED FIREARMS AND AMMUNITION

Firearms

1. Any smooth bore gun.
2. Any rifle having a calibre of less than .236 inches (6 millimetres).
3. Any pistol, revolver or other type of handgun other than a slaughtering instrument (within the meaning of Article 2(2) of the Firearms (Northern Ireland) Order 1981). 1981 NI 2
4. Any air gun, air rifle or air pistol.
5. Any weapon which discharges a missile by means of a gas propellant.

Ammunition

6. Any cartridge for use in a smooth bore gun.
7. Any cartridge or load for use in a rifle other than a cartridge or load so designed that, when fired in a rifle, the bullet discharged has a muzzle energy of not less than 1,700 foot pounds (2,305 joules).
8. Any bullet for use in a rifle other than—
 - (a) a bullet weighing not less than 100 grains (6.48 grammes);
 - (b) an expanding bullet designed to deform in a predictable manner and thereby increase its effective diameter upon entering tissue.

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Article 30(1).

**SCHEDULE 12
AMENDMENTS**

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

1. In section 3 of the Game Preservation Act (Northern Ireland) 1928, after subsection (3) insert the following subsection—

“(3A) A register shall be kept until the end of the period of three years beginning with the day on which the last entry was made in it, and any such documents as are mentioned in subsection (1) shall be kept until the end of the period of three years beginning with the date of the entry to which they relate.”.

2. In section 7B(2) of that Act, for the words from “the district inspector” to “such district inspector” substitute the words “the Department of the Environment and that Department”, and omit the words “under his hand”.

3. In section 7D of that Act—

(a) omit subsections (1) to (3);

(b) in subsection (4)—

(i) for the words from “a district inspector” to “such district inspector” substitute the words “the Department of the Environment and that Department”,

(ii) omit the words “under his hand” and the words from “within such district” to “has authority”, and

(iii) for the words “sub-section (1) of this section” substitute the words “Article 12(2)(b) of the Wildlife (Northern Ireland) Order 1985”;

(c) omit subsection (5).

4. In section 7E of that Act, for the word “March” substitute the word “April” and for the words “the fifteenth day of July” substitute the words “the thirty-first day of August”.

The Welfare of Animals Act (Northern Ireland) 1972 (c.7)

5. After section 22(2) add the following subsection—

“(2A) It shall be a defence in proceedings under subsection (2) to show that—

(a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under paragraph (1), (2) or (3) of Article 18 of the Wildlife (Northern Ireland) Order 1985; and

(b) any conditions specified in the licence were complied with.”.

*The Pollution Control and Local Government (Northern Ireland) Order 1978
(NI 19)*

6. In Article 71(2) for the words “Wild Birds Protection Acts (Northern Ireland) 1931 to 1968” substitute the words “Wildlife (Northern Ireland) Order 1985”.

**SCHEDULE 13
REPEALS**

Article 30(2).

Chapter or Number	Short Title	Extent of Repeal
1928 c. 25 (N.I.).	The Game Preservation Act (Northern Ireland) 1928.	In section 7B(2), the words "under his hand". In section 7D— (a) subsections (1) to (3); (b) in subsection (4) the words "under his hand" and the words from "within such district" to "has authority"; (c) subsection (5).
1931 c. 14 (N.I.).	The Wild Birds Protection Act (Northern Ireland) 1931.	The whole Act.
1933 c. 11 (N.I.).	The Grey Seals Protection Act (Northern Ireland) 1933.	The whole Act.
1950 c. 26 (N.I.).	The Wild Birds Protection Act (Northern Ireland) 1950.	The whole Act.
1968 c. 5 (N.I.).	The Wild Birds Protection Act (Northern Ireland) 1968.	The whole Act.
1969 c. 16 (N.I.).	The Theft Act (Northern Ireland) 1969.	In section 30(1), the words "the offence under the Larceny Act 1861 of taking or killing deer". In Schedule 1, paragraph 1.
1981 NI 26.	The Magistrates' Courts (Northern Ireland) Order 1981.	In Part I of Schedule 1, paragraph 5.

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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision with respect to wildlife in Northern Ireland. Part II affords protection to certain wild birds and wild animals, prohibits the killing or taking of them by certain methods, and regulates their sale. Article 14 provides for the protection of certain wild plants and Article 15 restricts the introduction into Northern Ireland of certain animals and plants.

Part III deals with the protection of deer. The sale and purchase of venison is regulated under Article 23. Part IV is concerned with the enforcement and administration of the Order and with other matters of a supplemental nature.