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*Changes to legislation: There are currently no known outstanding effects  
for the Fisheries Act 2020, SCHEDULE 9. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 9

Section 47

#### CONSERVATION OF SEALS

##### PART 1

###### AMENDMENTS OF THE CONSERVATION OF SEALS ACT 1970

- 1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 2 to 12.
- 2 For section 1 (prohibited methods of killing seals) substitute—

###### **“1 Prohibition of the killing, injuring or taking of seals**

A person commits an offence if the person intentionally or recklessly kills, injures or takes a seal.”

- 3 Omit section 2 (close seasons for seals).
- 4 Omit section 3 (orders prohibiting killing seals).
- 5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “ seal, item or ”.
- 6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute—
  - “(a) any seal or seal skin in respect of which the offence was committed;
  - (b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;
  - (c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person's possession at the time of the offence.”
- 7 In section 8 (attempt to commit offence), in subsection (2)—
  - (a) after “poisonous” insert “ or explosive ”;
  - (b) after “substance” insert “ , any explosive article ”;
  - (c) omit “the use of which is prohibited by section 1(1)(b) of this Act”.
- 8 In section 9 (general exceptions)—
  - (a) in subsection (1)—
    - (i) for “2 or 3” substitute “ 1 ”;
    - (ii) in paragraph (a), omit “otherwise than by his act”;
    - (iii) omit paragraphs (b) and (c);
  - (b) in subsection (2)—
    - (i) omit “, 2 or 3”;

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- (ii) omit “otherwise than by his act”.
- 9 In section 10 (power to grant licences)—
- (a) in subsection (1), in paragraph (c)—
- (i) omit sub-paragraphs (i) and (iii) (but not the “or” after paragraph (iii));
- (ii) after sub-paragraph (ii) insert—
- “(iia) the protection of animal or human health or public safety;”;
- (b) after subsection (1) insert—
- “(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 52 of that Act).”
- 10 In section 11 (entry upon land)—
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (d);
- (c) in subsection (4)—
- (i) omit the words from “, or in the” to “28 days' notice;”;
- (ii) omit the words from “; and in the case” to the end;
- (d) omit subsection (5).
- 11 Omit section 14 (orders).
- 12 In section 15 (interpretation), at the appropriate places insert—
- ““explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;
- ““explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —
- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;
- ““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.

## PART 2

### AMENDMENTS OF THE WILDLIFE (NORTHERN IRELAND) ORDER 1985

- 13 The Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) is amended in accordance with paragraphs 14 to 19.
- 14 In Article 10 (protection of certain wild animals), in paragraph (4A), for paragraphs (a) and (b) substitute—
- “(a) a seal (pinniped), or”.

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- 15 In Article 11 (exceptions to Article 10)—  
(a) after paragraph (1) insert—  
“(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.”;  
(b) after paragraph (3) insert—  
“(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to  
fisheries” were omitted.”
- 16 In Article 18 (power to grant licences), after paragraph (3) insert—  
“(3ZA) But a licence may not be granted under paragraph (3) that permits the killing,  
injuring or taking of seals (pinnipedia) for the purpose of preventing damage  
to fisheries.”
- 17 In Schedule 5 (animals which are protected at all times), in the table, for the entries  
for “Seal, common” and “Seal, grey” substitute—
- |       |           |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|
- 18 In Schedule 6 (animals which may not be killed or taken by certain methods), in  
the table, for the entries for “Seal, common” and “Seal, grey” substitute—
- |       |           |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|
- 19 In Schedule 7 (animals which may not be sold alive or dead at any time), in the  
table, for the entries for “Seal, common” and “Seal, grey” substitute—
- |       |           |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|

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