

*These notes refer to the Wildlife and Natural Environment Act (Northern Ireland) 2011 (c.15) which received Royal Assent on 29 March 2011*

# Wildlife and Natural Environment Act (Northern Ireland) 2011

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 21 - Powers of constable in connection with samples***

The police play an important role in enforcing the provisions for the Wildlife Order and it is important that they have sufficient powers to do so. Sections 20 and 21 enhance the powers available to the police in a number of ways.

Section 20 replicates existing controls while enhancing the stop and search powers available to police officers where they believe that they will obtain evidence of an offence. There is provision for entry to premises under the authority of warrant issued by a lay magistrate to investigate any offence under Parts 2 and 3 of the Wildlife Order.

Provision also permits a police officer who enters upon any land to be accompanied by other persons and to take any equipment or other material onto that land, and to take samples of anything found on that land and remove them.

Controls are included i.e. a police officer must produce his authority, if requested, and there is a duty upon any officer entering the land to leave it in the same secure manner as when it was entered.

The ability to obtain evidence of the committing of offences by taking samples from specimens, whether alive or dead or their derivatives, has become increasingly important, for example, to prove the identity or ancestry of a bird or animal. Section 21 gives police officers powers to take samples from specimens found by them in the exercise of their duties where it is suspected that an offence may have been committed. There is provision to require the person who has possession of the specimen to assist the sampling process. Any failure to do so is an offence.

Controls require that only a veterinary surgeon can take a sample from a live bird or animal and that a person taking a sample must be reasonably satisfied that no harm will be caused to the specimen concerned.