

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 31 - Offences in connection with ASSI

This Section introduces two new offences in relation to measures for protecting ASSIs. Public bodies, when authorising or permitting anyone to undertake an operation which may damage any of the features of an ASSI, are under an obligation to inform the Department of the Environment beforehand and, where appropriate, how it has taken into account any advice received from the Department before permitting an operation. Any public body which fails to do so will be committing an offence. Provision is made for defences, for example, where the operation was required in an emergency.

A new third party offence is committed by anyone who intentionally or recklessly damages any feature of an ASSI. Unlike an existing offence, it is not a defence to claim that the person committing the damage did not know it was occurring within an ASSI. Hence, a lesser penalty applies.