
STATUTORY INSTRUMENTS

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 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,

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—

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- (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.

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.

(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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