
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 380

The Conservation (Natural Habitats, etc.)
Regulations (Northern Ireland) 1995

PART V

SUPPLEMENTARY PROVISIONS

Supplementary provisions as to protection of species

Enforcement

67.—(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part 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 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) seize and detain for the purposes of proceedings under that Part anything which may be evidence of the offence or may be liable to be forfeited under regulation 69.

(2) If a constable suspects with reasonable cause that any person is committing an offence under Part III, he may, for the purpose of exercising the powers conferred by paragraph (1) or arresting a person in accordance with Article 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989⁽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 an offence under regulations 34, 36 or 38 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)(c), a constable seizes and detains any animal, he shall as soon as conveniently may be produce that animal to a magistrates' court and the court may order the animal to be sold, liberated or destroyed.

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

- (a) is convicted of an offence under Part 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 seized under paragraph (1)(c), 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.

Proceedings for offences: venue, time limits

68.—(1) An offence under Part III shall, for the purposes 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.

(2) Summary proceedings for—

- (a) any offence under regulation 34(1) involving the taking or killing of any wild animal, and
- (b) any offence under regulation 38(1),

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 paragraph more than two years after the commission of this offence.

(3) For the purpose of paragraph (2) 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.

Power of court to order forfeiture

69.—(1) The court by which a person is convicted of an offence under Part III—

- (a) shall order the forfeiture of any 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.

(2) In paragraph (1)(b) “vehicle” includes aircraft, hovercraft and boat.

Saving for other protective provisions

70. Nothing in these Regulations shall be construed as excluding the application of the provisions of the Wildlife (Northern Ireland) Order 1985(2) in relation to animals or plants also protected under Part III.