



Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (repealed)

1972 CHAPTER 11

^{F1}PART IV

GAME AND GAME DEALERS' LICENCES

GAME DEALERS' LICENCES

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| F1 | 1957 c.19 (NI) |
| F1 | Functions transferred SR 1999/481 |

33 Game dealer's licence duty.

There shall be charged and paid on every game dealer's licence an excise duty of £4.

34 Duration of game dealer's licence.

A game dealer's licence shall expire on the 1st July next following the date on which it is issued.

35 Penalty for certain dealings in game without a game dealer's licence.

- (1) Save as provided by subsections (2) to (5), a person who is not a licensed game dealer shall not—
- (a) carry on the business of a game dealer; or
 - (b) expose for sale or agree or offer to sell, or sell, any game;
 - (c) agree or offer to buy, or buy, any game, otherwise than from a licensed game dealer.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (repealed). (See end of Document for details)

- (2) An innkeeper, or the proprietor of any hotel or restaurant, may sell for immediate consumption on his premises any game which he has lawfully procured.
- (3) Any person having in force a game licence for a whole year may, at any place, agree or offer to sell, or sell, to any licenced game dealer game which he has lawfully killed or taken, or of which he is otherwise lawfully in possession.
- (4) Any occupier of land may, at any place, agree or offer to sell, or sell, to any licensed game dealer any ground game killed or taken on that land by him, or by any person^{F1} authorised by him to kill and take ground game].
- (5) The buying or selling of game by any employee or partner of a licensed game dealer acting in the usual course of the business of, and on behalf of or in association with, that licensed game dealer shall be deemed not to be a contravention of this section if it would have been lawful had it been transacted by the licensed game dealer himself.
- (6) If any person acts in contravention of any of the provisions of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50, but it shall be a defence for a person charged under subsection (1)(c) to prove that the charge relates to a transaction entered into by him in good faith at premises at which a board, purporting to be the board of a licensed game dealer, was displayed.

F1 2002 c. 2 (NI)

36 Certificate required for issue of game dealer's licence.

- (1) A game dealer's licence shall not be issued except to a person who holds a certificate, granted in accordance with the provisions of this section by a court of summary jurisdiction acting for the petty sessions district in which the premises in respect of which the licence is to be issued are situate, authorising the issue of a licence to that person, and a separate certificate shall be required in respect of each separate licence.
- (2) Any game dealer's licence issued in contravention of this section shall be void.
- (3) Every certificate granted to a game dealer shall show his true name and address and the address of the premises at which he is authorised by the certificate to obtain a licence to carry on business as such.
- (4) A certificate shall come into force on the date on which it is granted and shall expire on the next following 1st July.
- (5) Magistrates' courts rules may make provision with respect to the procedure to be followed in making application for certificates and with respect to—
 - (a) the giving of notices of intention to make an application;
 - (b) the persons entitled to be represented at the hearing of the application;
 - (c) the form of certificate to be granted.
- (6) A court of summary jurisdiction shall not refuse to grant a certificate under this section except on some one or more of the following grounds—
 - (a) that satisfactory evidence has not been produced of the good character of the applicant;
 - (b) that satisfactory evidence has been produced that the applicant is not a fit and proper person to hold a certificate;

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- (c) that the applicant has not complied with the provisions contained in magistrates' courts rules with respect to applications for certificates.
- (7) Any person aggrieved by the refusal of a court of summary jurisdiction to grant a certificate under this section may appeal to a county court in the manner provided by^{F2} Part XII of the Magistrates' Courts (Northern Ireland) Order 1981].

F2 1981 NI 26

37 Restrictions to be observed by licensed game dealers.

- (1) A licensed game dealer shall not agree or offer to buy, or buy, any game otherwise than from another licensed game dealer, or from a person having in force a game licence for a whole year, or, in the case of ground game, from the occupier of the land on which the ground game was killed or taken^{F3}
- (2) The restrictions imposed by subsection (1) shall not apply to the buying by a licensed game dealer of game lawfully imported, or to be imported, into Northern Ireland from a place outside Northern Ireland.
- (3) A licensed game dealer shall not expose for sale, or sell, any game otherwise than at the premises specified in his licence and at which a board is displayed by him in accordance with the provisions of section 38.
- (4) If any licensed game dealer or other person acts in contravention of any of the provisions of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

F3 2002 c. 2 (NI)

38 Game dealer to display sign, etc.

- (1) A licensed game dealer shall, so long as his licence is in force, display on the outside of the premises specified in the licence a board showing (in clear and legible characters) his full name together with the words "Licensed to deal in game".
- (2) A licensed game dealer shall not display such board otherwise than at the premises specified in his licence.
- (3) A person who is not a licensed game dealer shall not assume or pretend by—
- (a) displaying any such board; or
 - (b) exhibiting any certificate; or
 - (c) any other device or pretence;
- to be a licensed game dealer, or act in any manner calculated to induce other persons to believe that he is a licensed game dealer.
- (4) Any licensed game dealer or other person who acts in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

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39 Revocation of game dealer's licence on conviction for certain offences.

- (1) If any licensed game dealer is convicted of an offence under section 3 of the Game Preservation Act (Northern Ireland)^{M1} 1928 or under this Part, the court by which he is convicted may, in addition to any other penalty, order his licence, and any other game dealer's licence held by him, to be revoked; and, where such an order is made, any licence to which it relates shall be void as from the date of the order.
- (2) If, within five years after a conviction for any such offence, a licensed game dealer is again convicted of any such offence, his licence shall thereupon become void, and he shall be incapable of holding a game dealer's licence for a period of five years from the date of such later conviction.

Marginal Citations

M1 [1928 c. 25](#)

40 Application of sections 33 to 39 to wild birds.

Sections 33 to 39 shall apply to dealings in wild birds as they apply to dealings in game, and, accordingly, references therein to game shall be construed as including references to such birds.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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