



# Game Preservation (Amendment) Act (Northern Ireland) 2002

## 2002 CHAPTER 2

An Act to amend the Game Preservation Act (Northern Ireland) 1928; and to amend the law relating to the killing, taking or destroying of rabbits and hares. [13th February 2002]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

### **Close seasons**

**1.**—(1) The Game Preservation Act (Northern Ireland) 1928 (c. 25) (referred to in this Act as “the 1928 Act”) shall be amended as follows.

(2) In section 7(1) (periods during which it is unlawful to take, kill or destroy game)—

(a) after paragraph (b) there shall be inserted—

“(bb) any partridge or snipe during the period commencing on 1st February in any year and ending with 31st August next following;”;

(b) in paragraph (c) for “game-bird other than a grouse” there shall be substituted “other game-bird”.

(3) In section 7 for subsection (3) (power to vary certain periods) there shall be substituted—

“(3) The Minister of the Environment (in this Act referred to as “the Minister”) may by order—

- (a) amend subsection (1) so as to vary the close season in relation to any kind of game; or
- (b) amend subsection (2) so as to vary the period referred to in that subsection.”.

(4) In section 7D(4), after “purposes only” there shall be inserted “and that the taking of such hares would not endanger the hare population in Northern Ireland or any part thereof”.

(5) In section 7F(2) (temporary nature of orders of the Minister) after “under this Act” there shall be inserted “(except one made under section 7(3))”.

### **Protection of game and rabbits**

2.—(1) For section 7A of the 1928 Act there shall be substituted—

#### **“7A Protection of game and rabbits**

(1) Any person who kills, takes or destroys any game—

- (a) on a Sunday; or
- (b) during the period commencing one hour after sunset on any day and ending one hour before sunrise on the next day,

shall be guilty of an offence under this Act.

(2) Any person who—

- (a) at any time kills, takes or destroys any rabbit by means of a firearm on any land; and
- (b) is not an authorised person in relation to that land,

shall be guilty of an offence under this Act.

(3) Subsection (2) does not apply in relation to the killing, taking or destroying of any rabbit in pursuance of any power conferred by or under—

- (a) the Forestry Act (Northern Ireland) 1953 (c. 2); or
- (b) the [Diseases of Animals \(Northern Ireland\) Order 1981 \(NI 22\)](#).

(4) For the purposes of subsection (2) a person is an authorised person in relation to any land if he is, or is authorised by—

- (a) the owner or occupier of the land; or
- (b) a person who has a right of shooting on the land.”.

(2) In section 9 of the Forestry Act (Northern Ireland) 1953 (c. 2) (right of occupier to kill rabbits, hares or deer damaging trees) in subsections (1) and (2) the word “rabbits,” wherever it occurs, shall be omitted.

(3) In section 10 of that Act (prevention of damage caused by rabbits, etc.) subsection (3) shall be omitted.

(4) In the Ground Game Act 1880 (c. 47) (right of occupier to kill and take hares and rabbits)—

(a) in section 1, in subsection (1)—

(i) for the words “duly authorised by him in writing” there shall be substituted “authorised by him”; and

(ii) paragraphs (a), (b) and (c) shall be omitted;

(b) in section 1, subsection (3) shall be omitted; and

(c) section 10 shall be omitted.

(5) In the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 11) —

(a) in section 29(3) (persons not required to have game licence) for paragraph (c) there shall be substituted—

“(c) any occupier of any land, or any person authorised by him, engaged in the killing or taking of ground game on that land;”;

(b) in section 35(4) (sale by occupier of ground game killed or taken on his land) for the words from “duly authorised” to the end there shall be substituted “authorised by him to kill and take ground game”;

(c) in section 37(1) (restriction on sales to licensed game dealers) the words “in accordance with the Ground Game Acts” shall be omitted;

(d) in section 41(b) (saving for rights of occupier under Ground Game Acts) for “Acts” there shall be substituted “Act 1880”;

(e) in section 42 (interpretation) the definition of “the Ground Game Acts” shall be omitted.

(6) The statutory provisions set out in the Schedule are repealed to the extent specified in the second column of the Schedule.

### **Orders under the 1928 Act**

3. In section 7F of the 1928 Act for subsection (4) (orders under that Act to be published) there shall be substituted—

“(4) Orders made by the Minister under this Act shall be subject to negative resolution.”.

### **Short title and commencement**

4.—(1) This Act may be cited as the Game Preservation (Amendment) Act (Northern Ireland) 2002.

(2) Sections 1 and 2 shall come into operation on such day or days as the Department of the Environment may by order appoint.

SCHEDULE

Section 2(6).

REPEALS

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Short Title	Extent of repeal
The Ground Game Act 1880 (c. 47).	In section 1(1), paragraphs (a), (b) and (c). Section 1(3). Section 10.
The Ground Game (Amendment) Act 1906 (c. 21).	The whole Act.
The Forestry Act (Northern Ireland) 1953 (c. 2).	In section 9(1) and (2), the word “rabbits” wherever it occurs. Section 10(3).
The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 22).	In section 37(1), the words “in accordance with the Ground Game Acts”. In section 42, the definition of “the Ground Game Acts”.

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