



2011 CHAPTER 15

Amendments to the Wildlife Order

Enforcement

20. For Article 25 of the Wildlife Order (enforcement) substitute—

“Enforcement: constables

25.—(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part 2 or 3, 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 for, search or examine any animal or thing which that person may then be using or may have used, or may have or have had in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found in or on that animal or thing;
- (c) seize and detain for the purposes of proceedings under this Order any thing which may be evidence of the commission of the offence or may be liable to be forfeited under Article 27.

(2) If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part 2 or 3, he may enter any land other than a dwelling house for the purpose—

- (a) of exercising the powers conferred by paragraph (1); or

- (b) of arresting a person under Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for that offence.
- (3) If a lay magistrate is satisfied on a complaint in writing that—
 - (a) there are reasonable grounds for suspecting that an offence under Part 2 or 3 has been committed, and
 - (b) that evidence of the offence may be found on any premises,the lay magistrate may grant a warrant to any constable to enter those premises, if necessary using reasonable force, and search them for the purpose of obtaining that evidence.
- (4) A warrant under paragraph (3) continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.
- (5) A constable authorised under this Article to enter any land must, if required to do so by the occupier or anyone acting on the occupier's behalf, produce evidence of the constable's authority.
- (6) A constable who enters any land in the exercise of a power under this Article—
 - (a) may—
 - (i) be accompanied by any other persons, and
 - (ii) take any machinery, other equipment or materials on to the land,for the purpose of assisting the constable in the exercise of that power,
 - (b) may take samples of any articles or substances found there and remove the samples from the land.
- (7) A power specified in paragraph (6)(a) or (b) which is exercisable under a warrant is subject to the terms of the warrant.
- (8) A constable leaving any land which has been entered in exercise of a power under this Article, being either unoccupied land or land from which the occupier is temporarily absent, must leave it as effectively secured against unauthorised entry as the constable found it.
- (9) Where, under paragraph (1)(c), a constable seizes and detains any animal or any bird, egg or nest, he shall as soon as may be convenient produce that animal or that bird, egg or nest to a magistrates' court and the court may order the animal or bird, to be sold, liberated or destroyed, or the nest or egg to be sold or destroyed.
- (10) Where, in relation to any animal or any bird, egg or nest sold under paragraph (9), the person from whom that animal or that bird, egg or nest was seized—

Status: This is the original version (as it was originally enacted).

- (a) is convicted of an offence under Part 2 or 3, 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.

(11) A constable who, in pursuance of an order under paragraph (9), sells, liberates or destroys any animal or any bird, egg or nest 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.”.