
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 [^{F1}or recklessly] 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 [^{F1}or recklessly]—

- (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.

[^{F2}(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—

- [^{F3}(a) a seal (pinniped), or]
- (c) a basking shark (*cetorhinus maximus*),

he shall be guilty of an offence.]

[^{F4}(4B) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this Article shall be guilty of an offence.]

(5) In any proceedings under paragraph (1) or (2) [^{F5}or for an offence under paragraph (4B) relating to an act which is mentioned in paragraph (1) or (2)], the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Changes to legislation: *There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 10. (See end of Document for details)*

- F1** Words in art. 10(1)(4) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 5(2)(b)**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F2** Art. 10(4A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 9**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F3** Art. 10(4A)(a) substituted for art. 10(4A)(a)(b) (1.3.2021) by Fisheries Act 2020 (c. 22), s. 54(5), **Sch. 9 para. 14** (with Sch. 4 para. 31)
- F4** Art. 10(4B) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 6(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F5** Words in art. 10(5) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 10**; S.R. 2011/285, **art. 2**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 10.