
STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART II

Wildlife

Other protection

Introduction of new species, etc.

15.—(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—

(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state [^{F1}or is a hybrid of any animal of that kind]; or

(b) is included in Part I of Schedule 9 [^{F2}or is a hybrid of any animal included in that Part], he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9 [^{F3}or is a hybrid of any plant included in that Part], he shall be guilty of an offence.

[^{F4}(2A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by paragraph (1) or (2) shall be guilty of an offence.]

(3) Subject to paragraph (4), it shall be a defence to a charge of committing an offence under paragraph (1) or (2) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by paragraph (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending 7 days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(5) ^{F5}.....

(6) ^{F5}.....

[^{F6}(7) The Department may issue guidance (or approve guidance issued by others) for the purpose of providing persons with recommendations, advice and information regarding—

(a) any animal mentioned in paragraph (1),

(b) any plant mentioned in paragraph (2),

and may issue revisions of any guidance issued by it (or approve revisions of guidance issued by others).

(8) A person who fails to comply with any guidance issued or approved under paragraph (7) is not by reason of that failure liable in any criminal or civil proceedings.

(9) But any such guidance is admissible in evidence in such proceedings and a court may take account of any failure to comply with it in determining any questions in the proceedings.]

[^{F7}(10) Paragraph (1)(a) does not apply to species included on the list of invasive alien species of European Union concern adopted by the European Commission in accordance with Articles 4(1) and 10(4) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread in invasive alien species as amended from time to time.]

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| F1 | Words in art. 15(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 13(2)(a), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F2 | Words in art. 15(1)(b) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 13(2)(b), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F3 | Words in art. 15(2) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 13(3), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F4 | Art. 15(2A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 6(7), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F5 | Art. 15(5)(6) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), Sch. 3 Pt. 1 ; S.R. 2011/285, art. 2 , Sch. |
| F6 | Art. 15(7)-(9) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 13(4), 40(1) ; S.R. 2011/285, art. 2 , Sch. |
| F7 | Art. 15(10) inserted (1.12.2019) by The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019/159), arts. 1(1), 32(2) (with art. 1(2)) |

Changes to legislation:

There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 15.