
STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART II

Wildlife

Protection of birds

Protection of wild birds, their nests and eggs

- 4.—(1) Subject to the provisions of this Part, if any person intentionally—
- (a) kills, injures or takes any wild bird; or
 - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
 - (c) takes or destroys an egg of any wild bird,
- he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control—
- (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
 - (b) an egg of a wild bird or any part of such an egg,
- 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 bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions; or
 - (b) the bird, egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.
- (4) In paragraph (3) “the relevant provisions” means the provisions of this Part and of orders made under it and the provisions of the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts.
- (5) Any person convicted of an offence under paragraph (1) or (2) in respect of—
- (a) a bird included in Schedule 1 or any part of, or anything derived from, such a bird;
 - (b) the nest of such a bird; or
 - (c) an egg of such a bird or any part of such an egg,
- shall be liable to a special penalty.
- (6) Subject to the provisions of this Part, if any person intentionally—
- (a) disturbs any wild bird^{F1} . . . while it is building a nest or is in, on or near a nest containing eggs or young; or
 - (b) disturbs dependent young of such a bird,

he shall be guilty of an offence and, where that offence is in respect of a bird included in Schedule 1, liable to a special penalty.

(7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I of that Schedule and, during the close season for the bird in question, any bird included in Part II of that Schedule.

(8) In this Article and in Article 5 "close season" means, subject to the provisions of this Part, the period in any year commencing with 1st February and ending with 31st August.

(9) The Department may by order made with respect to the whole or any specified part of Northern Ireland vary the close season for any wild bird specified in the order.

(10) If it appears to the Department expedient that any wild birds included in Part II of Schedule 1 or Part I of Schedule 2 should be protected during any period outside the close season for those birds, the Department may, subject to paragraph (12), make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(11) This Article and Article 5 shall have effect as if any period of special protection declared under paragraph (10) for any birds formed part of the close season for those birds.

(12) Without prejudice to Article 29(3), the Department shall, before making an order under paragraph (10), consult a person appearing to the Department to be a representative of persons interested in the shooting of birds of the species proposed to be protected by the order.

F1 1995 NI 6

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 4.