
STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART III

Protection of deer

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19.—(1) If any person intentionally kills, injures or takes any deer of a species and description mentioned in Schedule 10 during the close season prescribed by that Schedule in relation to deer of that species and description, he shall be guilty of an offence.

(2) If any person intentionally kills, injures or takes any deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise, he shall be guilty of an offence.

(3) If any person—

- (a) uses any firearm or ammunition mentioned in Schedule 11 to kill or injure any deer; or
- (b) discharges any firearm, or discharges or projects any missile, from any mechanically propelled vehicle at any deer;

he shall be guilty of an offence.

(4) If any person—

- (a) takes and removes any live deer;
- (b) marks, or attaches any tag, ring, collar or other device to, any live deer; or
- (c) uses any aircraft for the purpose of transporting any live deer other than in the interior of the aircraft;

he shall be guilty of an offence.

(5) The Department may by order made with respect of the whole or any specified part of Northern Ireland vary the close season for any species or descriptions of deer specified in Schedule 10.

(6) This Article is subject to Articles 20 and 21 and nothing in this Article or those Articles shall affect any requirement under any statutory provision which applies to game.

Exceptions to Articles 12 and 19

20.—(1) Articles [F112(2)(f)] and 19(3)(b) shall not apply to anything done by, or with the written authority of, the occupier of any enclosed land where deer not in the wild state are usually kept, and done in relation to deer on that land.

(2) Nothing in Article 12 or 19 shall make unlawful—

- (a) anything done by a veterinary surgeon or veterinary practitioner for the purposes of, or in the course of, the veterinary treatment of a deer; or
- (b) any act to which paragraph (3) applies, done by, or under the direction of, a person who keeps and breeds deer for the purposes of a trade or business, where—

- (i) the act is done in the course of that trade or business; and
 - (ii) for the purposes of this paragraph, the Department of Agriculture certifies that, in its opinion, that person is carrying on such a trade or business; or
 - (c) any act done for the purpose of protecting any person immediately endangered by a deer on any enclosed land on which deer not in the wild state are usually kept, where that act is reasonable in the circumstances.
- (3) This paragraph applies to any act which would otherwise be an offence under [F²paragraph (2)(d)(v) or (vi) or (2)(f) of Article 12 or] paragraph (1), (3)(b) or (4)(a) or (b) of Article 19.
- (4) An authorised person shall not be guilty of an offence under Article [F³12(2)(b) or (c) or (d)(iii)] by reason of setting in position or using any trap or net for the purpose of preventing suffering by an injured or diseased deer, or of an offence under Article 19(1) or (2) by reason of any act done for that purpose.
- (5) Nothing in Article 19(1) shall make unlawful anything done in pursuance of any scheme made by the Department of Agriculture under section 2 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1959.
- (6) A person shall not be guilty of an offence under Article 19(1) by reason only of the taking, or the killing or injuring by means of shooting of any deer on cultivated land, enclosed pasture, enclosed woodland or garden grounds if he satisfies the court before whom he is charged—
- (a) that he was an authorised person, and
 - (b) that he had reasonable grounds for believing that deer of the same species were causing, or had caused, serious damage to crops, pasture, vegetables, fruit, growing timber or any other form of property on that land, pasture, woodland or those grounds, and
 - (c) that there was a likelihood of further damage and that such damage was likely to be serious, and
 - (d) that his action was necessary for the purpose of preventing any further damage.
- (7) A person shall not be guilty of an offence under Article 19(3)(a)—
- (a) by reason only of killing or injuring any deer by using—
 - (i) any smooth bore gun of not less gauge than 12 bore loaded with a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes), or
 - (ii) any smooth bore gun of not less gauge than 12 bore loaded with a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter,on any land if he satisfies the court before whom he is charged as to the matters set out in sub-paragraphs (a) to (d) of paragraph (6); or
 - (b) by reason of the killing of any deer by using any smooth bore gun, if he shows that the deer had been so seriously injured, otherwise than by his unlawful act, or was in such a condition, that to kill it was an act of mercy.
- (8) The Department may by order, either generally or in relation to any area or any species or description of deer specified in the order—
- (a) repeal paragraph (7); or
 - (b) amend it by adding—
 - (i) any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that paragraph, or
 - (ii) further matters as to which the person charged must satisfy the court.

[^{F4}(8A) An authorised person shall not be guilty of an offence under Article 19(3)(a) if he uses for the purpose of taking or killing or injuring any Chinese water deer (*hydropotes inermis*) or muntjac deer (*muntiacus reevesi*)—

- (a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds (1,356 joules); and
- (b) a soft-nosed or hollow-nosed bullet weighing not less than 50 grains (3.24 grammes).]

(9) In this Article “authorised person” means—

- (a) the occupier of the land on which the action is taken;
- (b) any member of the occupier's household normally resident on the occupier's land, acting with the written authority of the occupier;
- (c) any person in the ordinary service of the occupier on the occupier's land, acting with the written authority of the occupier; or
- (d) any person having the right to take or kill deer on the land on which the action is taken, or any person acting with the written authority of a person having that right.

- F1** Word in art. 20(1) substituted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **6(2)**
- F2** Words in art. 20(3) substituted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **6(3)**
- F3** Words in art. 20(4) substituted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **6(4)**
- F4** Art. 20(8A) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 17, 40(1); S.R. 2011/285, art. 2, Sch.

Power to grant licences for purposes of Article 19

21.—(1) Article 19 does not apply to anything done—

- (a) for scientific or educational purposes; or
- (b) for the purpose of removing deer from one area to another,

if it is done under and in accordance with the terms of a licence issued by the Department.

[^{F5}(2) Article 19(1) does not apply to anything done for the purpose of—

- (a) preserving public health or public safety,
- (b) conserving the natural heritage, or
- (c) preventing serious damage to property,

if it is done under and in accordance with the terms of a licence issued by the Department.

(3) Before granting a licence under paragraph (2) in relation to any land the Department must be satisfied that—

- (a) in the case of a licence required for the purpose of preserving public health or public safety, there is a serious risk of deer of the species and description to which the application relates putting public health or public safety at risk;
- (b) in the case of a licence required for the purpose of conserving the natural heritage, there is a serious risk of deer of the species and description to which the application relates causing deterioration of the natural heritage;
- (c) in the case of a licence required for the purpose of preventing serious damage to property, property on the land has been seriously damaged in the year preceding the licence application;

- (d) to achieve the purpose in question there is no satisfactory alternative to taking and killing the deer of the species and description to which the application relates during the close season prescribed by Schedule 10; and
 - (e) the applicant has a right of entry to the land for the purpose of taking or killing deer under the licence.
- (4) A licence under this Article must state—
- (a) the purpose for which it is granted;
 - (b) the land to which it relates;
 - (c) the species and descriptions of deer to which it relates;
 - (d) the period, not exceeding two years, for which it is valid; and
 - (e) in the case of a licence under paragraph (2), the method by which the licensee may take or kill deer.
- (5) A licence under this Article—
- (a) may be subject to compliance with any specified conditions; and
 - (b) may be modified or revoked at any time by the Department.
- (6) The Department may charge fees for the consideration of applications for licences under this Article.
- (7) In this Article “the natural heritage” means flora and fauna, geological or physiographical features or the natural beauty and amenity of the countryside.]

F5 Art. 21(2)-(7) substituted (17.8.2011) for art. 21(2) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), **ss. 18**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Prevention of poaching

22.—(1) Subject to paragraph (3), if any person enters any land without the consent of the owner or occupier or other lawful authority in search or pursuit of any deer with the intention of killing, injuring or taking it, he shall be guilty of an offence.

- (2) Subject to paragraph (3), if any person while on any land—
- (a) intentionally kills, injures or takes any deer;
 - (b) searches for or pursues any deer with the intention of killing, injuring or taking it; or
 - (c) removes the carcass of any deer or any part thereof,

without the consent of the owner or occupier or other lawful authority, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (1) or (2) by reason of anything done in the reasonable belief that—

- (a) he would have the consent of the owner or occupier of the land if the owner or occupier knew of his doing it and the circumstances of it; or
- (b) he has other lawful authority to do it.

(4) Where an offence under paragraph (2) was committed in respect of more than one deer the maximum fine which may be imposed shall be determined as if the person convicted had been convicted of a separate offence in respect of each deer.

(5) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under paragraph (1) or (2) on any land, he may require that person—

- (a) to give his full name and address; and

(b) to quit that land forthwith;
and any person who fails to comply with a requirement under this paragraph shall be guilty of an offence.

(6) In paragraph (5) “authorised person” in relation to any land, means the owner or occupier or any person authorised by the owner or occupier of the land, and includes any person having the right to take or kill deer on the land.

Sales and purchases, etc., of venison

23.—(1) ^{F6}

(2) If any person sells or offers or exposes for sale or has in his possession or transports or causes to be transported for the purpose of sale at any premises, or purchases or offers to purchase or receives, any venison which comes from a deer—

- (a) which has been killed or taken in circumstances which constitute an offence under Part II or under this Part; and
- (b) which he knows or has reason to believe to have been so killed or taken,

he shall be guilty of an offence.

(3) In this Article
^{F7}

“venison” means the carcase, or any edible part of the carcase, of a deer, and includes imported venison, but not canned or cooked venison.

<p>F6 Art. 23(1) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 36(4), 39(2), 40(1), Sch. 3 Pt. 2; S.R. 2011/285, art. 2, Sch.</p> <p>F7 Art. 23(3): definition of "prohibited period" repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), Sch. 3 Pt. 2; S.R. 2011/285, art. 2, Sch.</p>

Changes to legislation:

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