

STATUTORY INSTRUMENTS

**1985 No. 171**

**The Wildlife (Northern Ireland) Order 1985**

**PART IV N.I.**

**Supplemental**

***False statements made for obtaining registration or licence* N.I.**

**24.** A person who, for the purposes of obtaining, whether for himself or another, registration in accordance with regulations made under Article 7(2) or 13(2) or the grant of a licence under Article 18 or 21—

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular,

<sup>F1</sup> . . . shall be guilty of an offence.

**F1** Word in [art. 24](#) repealed (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (c. 15), ss. 39(2), 40(1), [Sch. 3 Pt. 1](#); S.R. 2011/285, [art. 2](#),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.

**[<sup>F2</sup>Possession of articles for purposes of committing certain offences N.I.]**

**24A.**—(1) Any person who, for the purposes of committing an offence under Part 2 or 3 (the relevant offence), has in his possession anything capable of being used for committing the relevant offence shall be guilty of an offence and punishable in the same manner as for the relevant offence.

(2) References in Articles 25 to 27 to an offence under Part 2 or 3 include references to an offence under this Article committed by reference to such an offence.]

**F2** [Art. 24A](#) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (c. 15), [ss. 19](#), 40(1); S.R. 2011/285, [art. 2](#), Sch.

**[<sup>F3</sup>Enforcement: constables N.I.]**

**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—
- (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.]

<p><b>F3</b> Art. 25 substituted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011</a> (c. 15), <a href="#">ss. 20, 40(1)</a>; S.R. 2011/285, <a href="#">art. 2</a>, Sch.</p>
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**[<sup>F4</sup>Powers of constables in connection with samples N.I.]**

**25A.**—(1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred by Article 25 is one in respect of which an offence under Part 2 is being or has been committed may require the taking from it of a sample.

(2) A constable who suspects with reasonable cause that an offence under Part 2 is being or has been committed in respect of any specimen (“the relevant specimen”) may require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—

- (a) is alleged to be, or
- (b) the constable suspects with reasonable cause to be,

a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(3) Where a sample from a live bird or other animal is to be taken pursuant to a requirement under this Article, any person who has possession or control of the specimen must give the person taking the sample such assistance as he may reasonably require for that purpose.

(4) A person is guilty of an offence if he—

- (a) fails without reasonable excuse to make available any specimen in accordance with a requirement under paragraph (2); or
- (b) fails without reasonable excuse to give any assistance reasonably required under paragraph (3).

(5) No sample may be taken by virtue of this Article from a live bird or other animal except by a veterinary surgeon.

(6) No sample may be taken by virtue of this Article from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

(7) In this Article—

“sample” means a sample of blood, tissue or other biological material;

“specimen” means—

- (a) any bird, other animal or plant, or
- (b) any part of, or anything derived from, a bird, other animal or plant.]

**F4** Art. 25A inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (c. 15), [ss. 21, 40\(1\)](#); [S.R. 2011/285](#), [art. 2](#), Sch.

**[<sup>F5</sup>Power of wildlife inspector to enter premises N.I.]**

**25B.**—(1) In this Article and Article 25C—

“wildlife inspector” means a person authorised in writing under this Article by the Department;

“relevant offence” means an offence under Article 7, 8, 9, 13, 14(2), 15 or 15A.

(2) An authorisation under paragraph (1) is subject to any conditions or limitations specified in it.

(3) A wildlife inspector may, at any reasonable time, enter and inspect any premises—

- (a) for the purpose of ascertaining whether a relevant offence is being or has been committed on the premises;
- (b) for the purpose of—

- (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a licence or registration under this Order, or
  - (ii) ascertaining whether any condition to which a licence under this Order was subject has been complied with.
- (4) Nothing in paragraph (3)(a) confers power to enter a dwelling house.
- (5) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under this Article.
- (6) A wildlife inspector entering premises under this Article may take with him a veterinary surgeon if the inspector has reasonable grounds for believing that such a person will be needed for the exercise of powers under Article 25C.
- (7) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is guilty of an offence.
- (8) A person is guilty of an offence if he intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by paragraph (3).

**F5** Arts. 25B, 25C inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (c. 15), [ss. 22, 40\(1\)](#); S.R. 2011/285, [art. 2](#), Sch.

### **Power of wildlife inspector to examine specimens and take samples** N.I.

**25C.**—(1) A wildlife inspector may, for the purpose of ascertaining whether a relevant offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.

(2) A wildlife inspector may, for the purpose of ascertaining whether a relevant offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by Article 25B in order to determine its identity or ancestry.

(3) A wildlife inspector may, for the purpose of ascertaining whether such an offence is being or has been committed in respect of any specimen (“the relevant specimen”), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—

- (a) is alleged to be, or
- (b) which the inspector suspects with reasonable cause to be,

a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(4) Where, pursuant to a requirement under this Article—

- (a) a live bird or other animal is to be examined, or
- (b) a sample is to be taken from a live bird or other animal,

a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.

(5) No sample may be taken by virtue of this Article from a live bird or other animal except by a veterinary surgeon.

(6) No sample may be taken by virtue of this Article from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

- (7) A person is guilty of an offence if he—
- (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by paragraph (2), or
  - (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under paragraph (1) or (3), or
  - (c) fails without reasonable excuse to give any assistance reasonably required under paragraph (4).
- (8) In this Article—
- “sample” means a sample of blood, tissue or other biological material;
- “specimen” means—
- (a) any bird, other animal or plant, or
  - (b) any part of, or anything derived from, a bird, other animal or plant.]

**F5** Arts. 25B, 25C inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 22, 40(1); S.R. 2011/285, art. 2, Sch.

### Summary prosecutions **N.I.**

26.—(1) <sup>F6</sup>.....

(2) [<sup>F7</sup>Proceedings for a summary offence under this Order] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this Article more than two years after the commission of the offence.

(3) For the purposes of this Article a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

**F6** Art. 26(1) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 23(2), 39(2), 40(1), Sch. 3 Pt. 1 (with s. 23(4)); S.R. 2011/285, art. 2, Sch.

**F7** Words in art. 26(2) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 23(3), 40(1) (with s. 23(4)); S.R. 2011/285, art. 2, Sch.

### Penalties and forfeitures **N.I.**

27.—<sup>F8</sup>(1) Subject to paragraph (7), a person guilty of an offence under—

- (a) any of Articles 4 to 14,
- (b) Article 15B,
- (c) Article 16,
- (d) Part 3,
- (e) Article 24, or
- (f) Article 25B(7),

shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) A person guilty of an offence under Article 15 or 15A shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.
- (3) Except in a case falling within paragraph (4), a person guilty of an offence under Article 25A(4), 25B(8) or 25C(7) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person guilty of an offence under Article 25B(8) or 25C(7)(a) in relation to a wildlife inspector entering premises to ascertain whether an offence under Article 15 or 15A is being or has been committed shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.]
- (7) Where an offence to which paragraph (1), [F<sup>9</sup> or (2)] applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that paragraph shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.
- (8) The court by which any person is convicted of an offence under this Order—
- (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
- (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under Article 15 [F<sup>10</sup> or 15A], any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.
- (9) Any offence under this Order shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

- F8** Art. 27(1)-(4) substituted (17.8.2011) for art. 27(1)-(6) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\), ss. 24\(1\), 40\(1\) \(with s. 24\(2\)\)](#); S.R. 2011/285, [art. 2](#), Sch.
- F9** Words in art. 27(7) substituted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\), ss. 39\(1\), 40\(1\), Sch. 2 para. 17\(a\)](#); S.R. 2011/285, [art. 2](#), Sch.
- F10** Words in art. 27(8)(b) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\), ss. 39\(1\), 40\(1\), Sch. 2 para. 17\(b\)](#); S.R. 2011/285, [art. 2](#), Sch.

### [F<sup>11</sup> Application to the Crown **N.I.**

- 27A.**—(1) Subject as follows, Parts 2 and 3 and regulations and orders made under those Parts bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.
- (2) No contravention by the Crown of any provision of this Order makes the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful an act or omission of the Crown which constitutes such a contravention.
- (3) Despite paragraph (2), this Order applies to persons in the public service of the Crown as it applies to other persons.]

- F11** Art. 27A inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\), ss. 25, 40\(1\)](#); S.R. 2011/285, [art. 2](#), Sch.

### **Power to vary Schedules** **N.I.**

**28.**—(1) The Department may by order, either generally or with respect to particular provisions of Part II, particular areas of Northern Ireland or particular times of the year, add any bird to, or remove any bird from, any of or any Part of <sup>[F12]</sup>Schedules A1] to 4.

(2) An order under paragraph (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of Articles 4 and 5; and any close season so prescribed shall commence on a date not later than 1st February and end on a date not earlier than 31st August.

(3) The Department may, on a representation made to it by the Committee for Nature Conservation, by order either generally or with respect to particular provisions of Part II, particular areas of Northern Ireland or particular times of the year—

- (a) add to Schedule 5 or 7 any animal or add to Schedule 8 any plant which, in the opinion of the Department, is in danger of extinction in Northern Ireland or is likely to become so endangered unless conservation measures are taken; and
- (b) remove from Schedule 5 or 7 any animal, or remove from Schedule 8 any plant which, in the opinion of the Department, is no longer so endangered or likely to become so endangered.

(4) The Department may by order, either generally or with respect to particular provisions of <sup>[F13]</sup>Part 2] or particular times of the year—

- (a) add any animals to, or remove any animals from, Schedule 5 <sup>[F14]</sup>, Schedule 6 or Schedule 7]; and
- (b) add any plants to, or remove any plants from, Schedule 8.

(5) The Department may by order, either generally or with respect to particular areas of Northern Ireland—

- (a) add any animals to, or remove any animals from, Part I of Schedule 9; and
- (b) add any plants to, or remove any plants from, Part II of that Schedule.

(6) The Department may by order amend Schedule 10 by the addition of deer of any species not mentioned in that Schedule and of a close season for any description of deer of that species.

(7) The Department may by order amend Schedule 11 by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that Schedule.

<sup>[F15]</sup>(8) The Department shall—

- (a) not later than 5 years after the coming into operation of section 26 of the Wildlife and Natural Environment (Northern Ireland) Act 2011, and
- (b) at least once in every period of five years thereafter,

review Schedules A1, 1, 2, 5 and 8 and determine whether it should exercise any power under this Article in relation to any of those Schedules.]

<sup>[F16]</sup>(9) The Department may by order, for the purpose of complying with the international trapping standards agreement, add any animal to, or remove any animal from, Schedule 6A.

(10) In paragraph (9), “the international trapping standards agreement” has the meaning given to it in Article 18(8).]

**F12** Words in art. 28(1) substituted (17.8.2011) by *Wildlife and Natural Environment Act (Northern Ireland) 2011* (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 18(2)**; S.R. 2011/285, **art. 2**, Sch.

**F13** Words in art. 28(4) substituted (17.8.2011) by *Wildlife and Natural Environment Act (Northern Ireland) 2011* (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 18(3)(a)**; S.R. 2011/285, **art. 2**, Sch.

- F14** Words in art. 28(4)(a) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 18(3)(b)**; S.R. 2011/285, **art. 2**, Sch.
- F15** Art. 28(8) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 26**, 40(1); S.R. 2011/285, **art. 2**, Sch.
- F16** Art. 28(9)-(10) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **7(2)**

**Regulations, orders and notices** **N.I.**

**29.**—(1) Regulations and orders made by the Department under this Order (other than orders made under Articles 4(10), 6, 12 and 16), shall be subject to negative resolution.

(2) An order made under Article 6 or 12 shall be subject to affirmative resolution.

(3) Before making any order [<sup>F17</sup>(other than an order under Article 4(10))] the Department—

- (a) shall consult the Committee for Nature Conservation;
- (b) shall, by such means as the Department may think appropriate, give to any district council or other person affected an opportunity to submit objections or representations with respect to the subject-matter of the order; and
- (c) may, if the Department thinks fit, cause a public inquiry to be held.

(4) The Department shall give consideration to any proposals for the making by it of an order with respect to any area which may be submitted to it by a district council whose district includes that area.

(5) Notice of the making of an order shall be published by the Department in the Belfast Gazette.

- F17** Words in art. 29(3) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 19**; S.R. 2011/285, **art. 2**, Sch.

*Article 30—Amendments and repeals*



**Changes to legislation:**

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