



# Game Preservation Act (Northern Ireland) 1928<sup>F1</sup>

1928 CHAPTER 25

**N.I.**

An Act to make further provision for the preservation of game, and for the regulation of the sale of game, in Northern Ireland. [18th December 1928]

**F1** Functions transf., SRO (NI) 1972/252; 1973/504; [1976 NI 6](#)

## **1 Amendment of s.15 of 1836 c.13** **N.I.**

Any officer or constable of the Royal Ulster Constabulary (in this Act referred to as an “officer or constable”) may enforce the Acts relating to the laws for the preservation of game,<sup>F2</sup> . . . :

Provided that no officer or constable shall enter upon any lands for the purpose of enforcing the game rights of any owner or occupier of such lands, or of any person in whom the game rights over such lands are vested.

**F2** [1998 c. 32](#)

## **2 Powers of Constabulary to demand production of game licences, search for game, and enter upon lands.** **N.I.**

(1) <sup>F3</sup> . . . . .

(2) [<sup>F4</sup>If any officer or constable has reasonable grounds to suspect that any person is or has been unlawfully in pursuit of any game,], it shall be lawful for such officer or constable to require such person to declare to him immediately his name and place of residence, and to search such person and any game bag, package, vehicle, or other thing, which is capable of being used by such person for the carrying of game, and to search any premises on which such person shall be found; and if such person refuses to declare his name and place of residence as aforesaid, or gives a false or fictitious

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name or place of residence, or if such person refuses to allow such officer or constable to make the aforesaid search, he shall, in addition to any other punishment to which he may be subject, be guilty of an offence under this Act.

*Para. rep. by 1989 NI 12*

- (3) It shall be lawful for any officer or constable to enter (if need be, by force), and remain so long as may be necessary, upon any lands or premises for the purpose of making the <sup>F5</sup> . . . search referred to in this section<sup>F6</sup> or for the purpose of arresting a person under <sup>F7</sup> [Article 26] of the Police and Criminal Evidence (Northern Ireland) Order 1989, for an offence under this Act].

- F3** S. 2(1) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39, 40(1), Sch. 2 para. 1(2), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.
- F4** Words in s. 2(2) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 1(3)**; S.R. 2011/285, **art. 2**, Sch.
- F5** Words in s. 2(3) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39, 40(1), Sch. 2 para. 1(4), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.
- F6** 1989 NI 12
- F7** Words in s. 2(3) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 11**

### 3 Register to be kept by holder of licence to deal in game. **N.I.**

<sup>F8</sup> . . . . .

- F8** S. 3 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.

### 4 Extension of definition of game. **N.I.**

<sup>F9</sup> . . . . .

- F9** S. 4 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.

### 5 Marking of packages containing game. **N.I.**

<sup>F10</sup> . . . . .

- F10** S. 5 repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 36(3)(a), 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

### 6 Powers of police to enforce enactments relating to game. **N.I.**

- (1) Every officer or constable who has reasonable ground to suspect that any person is or has been guilty of an offence under this Act, or under any of the enactments enumerated in the Schedule to this Act, shall have power to do all or any of the following things, that is to say:—

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- (a) To stop and search any person conveying or believed to be conveying game, and to inspect any game which such person is found to be conveying, and for that purpose to open and search any vehicle or package in which such game is or may be or is believed to be conveyed;
  - (b) At all reasonable times to enter upon and have free access to the interior of—
    - (i) any premises in which game is or is believed to be sold, or kept, exposed, or stored for sale; or
    - (ii) the premises of any person engaged in the business of carrying goods for reward; or
    - (iii) any pier, quay, wharf, jetty, dock or dock premises; or
    - (iv) any ship, boat, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods;
  - (c) To examine all game found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or believed to contain game;
  - (d) To take, remove, and detain in his custody any game (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section, in respect of which an offence under this Act or any of the enactments enumerated in the Schedule to this Act is being or is suspected of being committed, or which has been or is suspected of having been illegally obtained;
  - <sup>F11</sup>(dd) To take, remove and detain in his custody any trap, net, snare or other instrument whatsoever used or capable of being used for the destruction or taking of game, and in the possession of a person suspected of having committed an offence under this Act or any of the enactments enumerated in the Schedule to this Act;]
  - (e) To demand and take the name and address of the person having custody of any game, and also to demand and take from such person the name and address of the owner or consignor of such game.
- <sup>F12</sup>(2) Where any officer or constable takes and detains in his custody any game under the authority of paragraph (d) or any instrument under the authority of paragraph (dd) of the preceding sub-section, he shall as soon as conveniently may be take such steps as may be proper to have the person guilty or believed to be guilty of the offence committed, or believed to have been committed, in relation to or by means of the game or instrument so taken and detained, brought before a court of summary jurisdiction; and where that person is convicted of any offence in respect of the game or instrument so taken and detained, the court may, subject, in relation to game, to the provisions of the next succeeding sub-section, order such game or instrument to be sold or destroyed.]
- <sup>F13</sup>(2A) Where any officer or constable takes and detains in his custody any game under the authority of paragraph (d) of sub-section (1) of this section, he shall as soon as conveniently may be, unless such game has previously been dealt with under the last preceding sub-section, produce it to a justice of the peace<sup>F14</sup>, who may authorise it to be sold or destroyed. If no person is convicted of an offence in respect of such game, that game, or the proceeds of the sale thereof authorised as aforesaid, shall be restored, or paid, to the person from whom such game was seized; and an officer or constable who, by direction of a justice given in writing, sells or destroys any game so seized as aforesaid shall not be liable to any penalty in respect of such sale, or for any loss caused by such sale or destruction.

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- (2B) Where a person is convicted of an offence in respect of any game or instrument sold under sub-section (2) or sub-section (2A) of this section, the proceeds of such sale shall be added to and dealt with in the same manner as any penalty imposed for such offence.]
- (3) No officer or constable shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this section, unless such loss or damage was caused by such officer or constable wantonly or maliciously.
- (4) Every person who obstructs or impedes any officer or constable in the exercise of any of the powers conferred on him by this section, or refuses to give his own name and address, or the name and address (so far as known to him) of the owner or consignor of any game, when such name and address are demanded under the powers conferred by paragraph (e) of sub-section (1) of this section, shall be guilty of an offence under this Act.

**F11** 1951 c.4 (NI)

**F12** 1951 c.4 (NI)

**F13** 1951 c.4 (NI)

**F14** 1981 NI 26

**[<sup>F15</sup>7 Close seasons. N.I.]**

- (1) Subject to the provisions of the next succeeding sub-section, it shall be unlawful for any person wilfully to take, kill or destroy—
- (a) any hare during the period commencing on the first day of February in any year and ending with the eleventh day of August next following;
  - (b) any grouse during the period commencing on the first day of December in any year and ending with the eleventh day of August next following;
  - [<sup>F16</sup>(bb) any partridge or snipe during the period commencing on 1st February in any year and ending with 31st August next following;]
  - (c) any[<sup>F16</sup> other game-bird] during the period commencing on the first day of February in any year and ending with the thirtieth day of September next following;

and in this Act the expression “close season” means, in relation to any kind of game, the period respectively provided by the foregoing provisions of this sub-section.

- (2) Nothing in the preceding sub-section shall render unlawful the pursuing and killing of hares during the period commencing on the first day of February in any year and ending with the thirty-first day of March next following—
- (a) by hunting with beagles or other hounds; <sup>F17</sup> . . .
  - (b) <sup>F17</sup> . . . . .

[<sup>F16</sup>(3) The Minister of the Environment (in this Act referred to as “the Minister”) may by order—

- (a) amend subsection (1) so as to vary the close season in relation to any kind of game; or
- (b) amend subsection (2) so as to vary the period referred to in that subsection.]

[<sup>F18</sup>(3A) If it appears to the Department expedient that any game birds should be protected during any period outside the close season for those birds, the Department may make

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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.

(3B) This section shall have effect as if any period of special protection declared under subsection (3A) for any game birds formed part of the close season for those birds.

(3C) Before making an order under subsection (3A) the Department shall consult a person appearing to the Department to be a representative of persons interested in the shooting of game birds of the species proposed to be protected by the order.]

(4) <sup>F19</sup> . . . . .

*Subs. (5) amends s. 4 of 1831 c. 32*

(6) Any person who acts in contravention of any of the provisions of sub-section (1) <sup>F20</sup> . . . of this section shall be guilty of an offence under this Act.]

**F15** 1951 c.4 (NI)

**F16** 2002 c.2(NI)

**F17** S. 7(2)(b) and preceding word repealed (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 39(2), 40(1), [Sch. 3 Pt. 3](#); S.R. 2011/285, [art. 2](#), Sch.

**F18** S. 7(3A)-(3C) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), [ss. 37\(2\)](#), 40(1); S.R. 2011/285, [art. 2](#), Sch.

**F19** S. 7(4) repealed (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 36(3)(b), 39(2), 40(1), [Sch. 3 Pt. 2](#); S.R. 2011/285, [art. 2](#), Sch.

**F20** Words in s. 7(6) 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.

<sup>F21</sup>[ **Sale of game taken unlawfully** **N.I.**  
<sup>F21</sup>**7AA**

(1) A person is guilty of an offence if he sells or offers or exposes for sale or has in his possession or transports for the purposes of sale any game—

(a) which has been taken or killed in circumstances which constitute an offence under this Act, any of the enactments listed in the Schedule or the Wildlife (Northern Ireland) Order 1985; and

(b) which that person knows or has reason to believe has been so taken or killed.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.]]

**F21** S. 7AA inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), [ss. 36\(1\)](#), 40(1); S.R. 2011/285, [art. 2](#), Sch.

<sup>F22</sup>**7A** **Protection of game and rabbits** **N.I.**

(1) Any person who kills, takes or destroys any game—

(a) on a Sunday; or

(b) during the period commencing one hour after sunset on any day and ending one hour before sunrise on the next day,

shall be guilty of an offence under this Act.

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- (2) Any person who—
- (a) at any time kills, takes or destroys any rabbit by means of a firearm on any land; and
  - (b) is not an authorised person in relation to that land,
- shall be guilty of an offence under this Act.
- (3) Subsection (2) does not apply in relation to the killing, taking or destroying of any rabbit in pursuance of any power conferred by or under—
- (a) <sup>F23</sup> .....
  - (b) the Diseases of Animals (Northern Ireland) Order 1981 (NI 22).
- (4) For the purposes of subsection (2) a person is an authorised person in relation to any land if he is, or is authorised by—
- (a) the owner or occupier of the land; or
  - (b) a person who has a right of shooting on the land.]

**F22** 2002 c.2(NI)

**F23** S. 7A(3)(a) repealed (13.9.2010) by [Forestry Act \(Northern Ireland\) 2010 \(c. 10\)](#), ss. 38(3), 39(1), [Sch. 2](#) (with s. 37); [S.R. 2010/309](#), [art. 2](#), [Sch.](#)

#### **[<sup>F24</sup>7B Protection of nests and eggs. N.I.]**

- (1) Subject to the provisions of the succeeding sub-section, it shall be unlawful for any person at any time to take, destroy or molest the nest or eggs of any game-bird.
- (2) The owner or occupier of any land desirous of taking on land occupied by him the eggs of pheasants or partridges for the purpose of having them hatched out may apply in writing to [<sup>F25</sup> the Department of the Environment and that Department], if satisfied that the eggs are to be used for that purpose only, may in writing <sup>F25</sup> . . . authorise that person to take such eggs, subject to such conditions as may be specified in the authority; and the taking of any eggs under and in accordance with the conditions of such an authority shall not be a contravention of the preceding sub-section.
- (3) Any person who acts in contravention of any of the provisions of this section shall be guilty of an offence under this Act.]

**F24** 1951 c.4 (NI)

**F25** 1985 NI 2

#### **[<sup>F26</sup>7C Special protection of game. N.I.]**

- (1) Where the Minister is satisfied that it is necessary or expedient to provide special protection for any kind of game, he may by order prohibit the killing or taking, or the sale or purchase [<sup>F27</sup> or possession], of game of any kind prescribed by the order, during such period not exceeding one year as shall be so prescribed.
- (2) Where the Minister is satisfied that it is necessary or expedient for the purpose of preventing disease, he may by order prohibit the importation into Northern Ireland of game-birds of any kind, during such period not exceeding one year as shall be prescribed by the order.]

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**F26** 1951 c.4 (NI)

**F27** Words in s. 7C(1) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), [ss. 37\(3\)](#), 40(1); S.R. 2011/285, [art. 2](#), Sch.

**[<sup>F28</sup>7D Prohibition of the use of traps, etc. N.I.**

*Subs. (1)-(3) rep. by 1985 NI 2*

(4) <sup>F29</sup> .....

*Subs. (5) rep. by 1985 NI 2*

**F28** 1951 c.4 (NI)

**F29** S. 7D(4) repealed (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), [ss. 39\(2\)](#), 40(1), [Sch. 3 Pt. 3](#); S.R. 2011/285, [art. 2](#), Sch.

**[<sup>F30</sup>7E Prohibition of destruction of cover for game. N.I.**

It shall be unlawful for any person to burn or otherwise destroy, during the period commencing on the fifteenth day of [<sup>F31</sup> April] in any year and ending with [<sup>F31</sup> the thirty-first day of August] next following, any gorse, furze, whin, heath, ling or fern growing on any mountain, moor, heath, bog or other uncultivated land; and any person who acts in contravention of this section shall be guilty of an offence under this Act:

Provided that it shall be good defence for a person charged with an offence by virtue of this section to prove that the burning or destruction in respect of which he is so charged was carried out in the ordinary course of farming in accordance with the rules of good husbandry.]

**F30** 1951 c.4 (NI)

**F31** 1985 NI 2

**[<sup>F32</sup>7F Orders of the Minister. N.I.**

(1) The Minister may make orders for the purposes of this Act; and an order so made may contain such consequential and incidental provisions as appear to the Minister to be necessary or expedient.

(2) An order made under this Act [<sup>F33</sup> (except one made under section 7(3))] shall remain in force during the period specified in the order, but may be renewed by a further order made before the expiration of such period.

(3) An order made under this Act may be made as respects the whole of Northern Ireland or any part or parts thereof which may be specified in the order.

[<sup>F33</sup>(4) Orders made by the Minister under this Act shall be subject to negative resolution.]

(5) The Minister, where he proposes to make an order under this Act, shall cause to be published in the Belfast Gazette, and in such other manner as he may think desirable, notice of the proposal and of the purport of the proposed order. Such notice shall specify a time within which objections to the proposal may be lodged with the

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Minister; and where any such objections are duly lodged the Minister shall take them into consideration.

- (6) Any person who acts in contravention of or fails to comply with any provision of an order made under this Act shall be guilty of an offence under this Act.]

**F32** 1951 c.4 (NI)

**F33** 2002 c.2(NI)

[<sup>F34</sup>  
<sup>F34</sup>7G

### Relationship of this Act with Wildlife Order **N.I.**

Sections 7(1) and (2) and 7A(1) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order 1985.]]

**F34** S. 7G inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 2**; S.R. 2011/285, **art. 2**, Sch.

## 8 Penalties and legal proceedings. **N.I.**

- (1) Any person guilty of an offence under this Act [<sup>F35</sup>(except section 7AA)] shall be liable, on summary conviction thereof,<sup>F36</sup> . . . to a fine not exceeding [<sup>F36</sup> level 2 on the standard scale], or at the discretion of the court to imprisonment for any term not exceeding three months, or to both such fine and imprisonment.

*Subs. (2) rep. by 1981 NI 26*

*Subs. (3)(4) rep. by 1951 c. 4 (NI)*

*Subs. (5) rep. by 1981 NI 26*

*Subs. (6) rep. by 1951 c. 4 (NI)*

**F35** Words in s. 8(1) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 3**; S.R. 2011/285, **art. 2**, Sch.

**F36** 1984 NI 3

## 9 **N.I.**

*Commencement.*

## 10 Short title and construction. **N.I.**

- (1) This Act may be cited as the Game Preservation Act (Northern Ireland), 1928.

[<sup>F37</sup> (2) In this Act, unless the context otherwise requires, the expression—

“contravention”, in relation to any provision, includes failure to comply with that provision;

“coursing club” means an association or body of persons, whether corporate or unincorporate, having for its object the promotion of the coursing of hares with greyhounds at organised meetings, and recognised as such by the Minister of Home Affairs;

[<sup>F38</sup> “game” means any hare or game-bird;

“game-bird” has the same meaning as in the Wildlife (Northern Ireland) Order 1985;]



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“prescribed” means prescribed by an order made under this Act.]  
*Subs. (3)(4) subst. by 1951 c. 4 (NI) which was rep. by 1954 c. 33 (NI)*

**F37** 1951 c.4 (NI)

**F38** S. 10(2): definition of "game" substituted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 4**; S.R. 2011/285, **art. 2**, Sch.

SCHEDULE<sup>F39</sup>

N.I.

Sections 6, 8.

F391953 c.24 (NI);1972 c.11 (NI)

Session and Chapter	Title or Short Title
...	...
F40	
F41	F41
.....	.....
F41	F41
.....	.....
...	...
F42	
...	...
F42	
25 & 26 Vict., c.114.	The Poaching Prevention Act, 1862.
27 & 28 Vict., c.67.	The Game Trespass Act, 1864.
...	...
F42	
...	...
F43	
43 & 44 Vict., c.47.	The Ground Game Act, 1880.

F401968 c.28 (NI)  
F41Words in Sch. 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.  
F421953 c.24 (NI)  
F431951 c.4 (NI)

and any enactments amending the above-mentioned Acts or enactments.

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