



# Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (repealed)

## 1972 CHAPTER 11

### <sup>F1</sup>PART IV

#### GAME AND GAME DEALERS' LICENCES

**F1** Pt. IV (ss. 27-42) ceased to have effect (13.6.2011) by virtue of [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), [ss. 35, 40\(1\)](#); S.R. 2011/215, [art. 2](#)

**F1** [1957 c.19 \(NI\)](#)

**F1** Functions transferred SR 1999/481

#### LICENCES TO KILL OR TAKE GAME

### 27 Game licence duty.

There shall be charged and paid on every licence issued under this Part to kill or take game (in this Part referred to as a “game licence”) an excise duty calculated as follows—

- (a) for a whole-year licence ..... £6
- (b) for a part-year licence taken out on or after the 1st November ..... £4
- (c) for a part-year licence taken out on or after the 1st August—
  - (i) to expire on the 31st October in the same year ..... £4
  - (ii) to cover a continuous period of not more than fourteen days as specified in the licence ..... £2

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (repealed), PART IV. (See end of Document for details)*

## 28 Duration of game licence.

- (1) A game licence issued under section 27( c)(ii) shall come into force and shall expire on the dates specified in the licence.
- (2) Save as provided in relation to licences issued under section 27( c), a game licence shall expire on 31st July next following the date on which it was issued.
- (3) If the holder of a game licence is convicted of an offence under section 30 of the Game Act 1831, that licence shall, as from the date of such conviction, be void.

## 29 Penalty for killing or taking game without a game licence.

- (1) Save as provided by this section, any person who—
  - (a) kills or takes any game; or
  - (b) uses any dog, gun, net or engine for the killing or taking of game;
 without having in force a game licence shall, in addition to any other offence he may thereby commit, be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding £50.
- (2) This section shall not operate so as to require any member of the Royal Family to take out a game licence.
- (3) The following persons or any of them shall not, by reason only of being so engaged, be guilty of an offence under this section—
  - (a) any person engaged in aiding or assisting in the killing or taking of game by the order and under the immediate direction of, and for the use only of, a person who has in force a game licence, where any dog, gun, net or other engine, then being lawfully used, belongs to the licence-holder;
  - (b) any person engaged in the killing or taking of snipe or wild duck;
  - [<sup>F2</sup>(c) any occupier of any land, or any person authorised by him, engaged in the killing or taking of ground game on that land;]
  - (d) any person engaged in the killing or pursuing of hares by coursing with greyhounds or by hunting with beagles or other hounds;
  - (e) any person engaged in the killing or pursuing of deer by hunting with hounds;
  - (f) any owner or occupier of any inclosed land, or any person acting by his direction or permission, engaged in the killing or taking of deer on such land.

F2 2002 c. 2 (NI)

## 30 Power of inspection of game licences.

- (1) Any authorised officer may require any person appearing to him to act in contravention of any of the provisions of this Part to produce his game licence for inspection.
- (2) If any such person fails or refuses to produce a proper licence and to permit the authorised officer to inspect it, the authorised officer shall require that person to give his name and address, and that person shall thereupon give his name and address to the authorised officer.

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- (3) If any person contravenes any of the provisions of this section, he shall, in addition to any other offence he may thereby commit, be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding £50.
- (4) An authorised officer may arrest any person who acts in contravention of any of the provisions of this section, and, if the authorised officer making the arrest is not a member of the Royal Ulster Constabulary, may deliver such person forthwith into the custody of a member of the Royal Ulster Constabulary to be dealt with according to law.
- (5) Where any person is found using on any land any dog, gun, net or other engine for the killing or taking of game, the owner or occupier of that land, or any person producing a game licence in force under this Part, may exercise, in relation to the person so found, the powers conferred by this section on an authorised officer.

### **31 Authorised officers may enter on land.**

An authorised officer may enter, and remain so long as may be necessary, on any land for the purpose of requiring the production of any game licence or of making any other demand referred to in section 30.

### **32 Game licences taken out in Great Britain available in Northern Ireland.**

- (1) Subject to the provisions of this section, a game licence in force under the provisions of any of the enactments for the time being in force in Great Britain which correspond to the foregoing provisions of this Part shall, without further payment of duty, be available in Northern Ireland.
- (2) If the rates of duty chargeable respectively on game licences taken out in Northern Ireland are higher than the rates of duty chargeable respectively for game licences taken out in Great Britain, any such licence taken out in Great Britain shall not be available in Northern Ireland until the difference between the rate of duty payable in Great Britain and the rate of duty payable in Northern Ireland has been paid to the Ministry.
- (3) This section shall continue in operation so long only as the corresponding concession with respect to the availability in Great Britain of game licences taken out in Northern Ireland continues to have effect, and a declaration made by the Governor in Council that the corresponding concession has ceased or will cease to have effect as from a date specified in the declaration shall, for the purposes of this section, be conclusive evidence of the facts stated therein.
- (4) For the purposes of this Act, a game licence taken out in Great Britain and available in Northern Ireland shall be deemed to be a game licence issued under this Part.

## GAME DEALERS' LICENCES

### **33 Game dealer's licence duty.**

There shall be charged and paid on every game dealer's licence an excise duty of £4.

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### **34 Duration of game dealer's licence.**

A game dealer's licence shall expire on the 1st July next following the date on which it is issued.

### **35 Penalty for certain dealings in game without a game dealer's licence.**

- (1) Save as provided by subsections (2) to (5), a person who is not a licensed game dealer shall not—
  - (a) carry on the business of a game dealer; or
  - (b) expose for sale or agree or offer to sell, or sell, any game;
  - (c) agree or offer to buy, or buy, any game, otherwise than from a licensed game dealer.
- (2) An innkeeper, or the proprietor of any hotel or restaurant, may sell for immediate consumption on his premises any game which he has lawfully procured.
- (3) Any person having in force a game licence for a whole year may, at any place, agree or offer to sell, or sell, to any licensed game dealer any game which he has lawfully killed or taken, or of which he is otherwise lawfully in possession.
- (4) Any occupier of land may, at any place, agree or offer to sell, or sell, to any licensed game dealer any ground game killed or taken on that land by him, or by any person<sup>F3</sup> authorised by him to kill and take ground game].
- (5) The buying or selling of game by any employee or partner of a licensed game dealer acting in the usual course of the business of, and on behalf of or in association with, that licensed game dealer shall be deemed not to be a contravention of this section if it would have been lawful had it been transacted by the licensed game dealer himself.
- (6) If any person acts in contravention of any of the provisions of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50, but it shall be a defence for a person charged under subsection (1)(c) to prove that the charge relates to a transaction entered into by him in good faith at premises at which a board, purporting to be the board of a licensed game dealer, was displayed.

**F3** 2002 c. 2 (NI)

### **36 Certificate required for issue of game dealer's licence.**

- (1) A game dealer's licence shall not be issued except to a person who holds a certificate, granted in accordance with the provisions of this section by a court of summary jurisdiction acting for the petty sessions district in which the premises in respect of which the licence is to be issued are situate, authorising the issue of a licence to that person, and a separate certificate shall be required in respect of each separate licence.
- (2) Any game dealer's licence issued in contravention of this section shall be void.
- (3) Every certificate granted to a game dealer shall show his true name and address and the address of the premises at which he is authorised by the certificate to obtain a licence to carry on business as such.
- (4) A certificate shall come into force on the date on which it is granted and shall expire on the next following 1st July.

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- (5) Magistrates' courts rules may make provision with respect to the procedure to be followed in making application for certificates and with respect to—
  - (a) the giving of notices of intention to make an application;
  - (b) the persons entitled to be represented at the hearing of the application;
  - (c) the form of certificate to be granted.
- (6) A court of summary jurisdiction shall not refuse to grant a certificate under this section except on some one or more of the following grounds—
  - (a) that satisfactory evidence has not been produced of the good character of the applicant;
  - (b) that satisfactory evidence has been produced that the applicant is not a fit and proper person to hold a certificate;
  - (c) that the applicant has not complied with the provisions contained in magistrates' courts rules with respect to applications for certificates.
- (7) Any person aggrieved by the refusal of a court of summary jurisdiction to grant a certificate under this section may appeal to a county court in the manner provided by<sup>F4</sup> Part XII of the Magistrates' Courts (Northern Ireland) Order 1981].

**F4** 1981 NI 26

### **37 Restrictions to be observed by licensed game dealers.**

- (1) A licensed game dealer shall not agree or offer to buy, or buy, any game otherwise than from another licensed game dealer, or from a person having in force a game licence for a whole year, or, in the case of ground game, from the occupier of the land on which the ground game was killed or taken<sup>F5</sup> . . . .
- (2) The restrictions imposed by subsection (1) shall not apply to the buying by a licensed game dealer of game lawfully imported, or to be imported, into Northern Ireland from a place outside Northern Ireland.
- (3) A licensed game dealer shall not expose for sale, or sell, any game otherwise than at the premises specified in his licence and at which a board is displayed by him in accordance with the provisions of section 38.
- (4) If any licensed game dealer or other person acts in contravention of any of the provisions of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

**F5** 2002 c. 2 (NI)

### **38 Game dealer to display sign, etc.**

- (1) A licensed game dealer shall, so long as his licence is in force, display on the outside of the premises specified in the licence a board showing (in clear and legible characters) his full name together with the words “Licensed to deal in game”.
- (2) A licensed game dealer shall not display such board otherwise than at the premises specified in his licence.
- (3) A person who is not a licensed game dealer shall not assume or pretend by—

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- (a) displaying any such board; or
- (b) exhibiting any certificate; or
- (c) any other device or pretence;

to be a licensed game dealer, or act in any manner calculated to induce other persons to believe that he is a licensed game dealer.

- (4) Any licensed game dealer or other person who acts in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

### 39 Revocation of game dealer's licence on conviction for certain offences.

- (1) If any licensed game dealer is convicted of an offence under section 3 of the Game Preservation Act (Northern Ireland)<sup>M1</sup> 1928 or under this Part, the court by which he is convicted may, in addition to any other penalty, order his licence, and any other game dealer's licence held by him, to be revoked; and, where such an order is made, any licence to which it relates shall be void as from the date of the order.
- (2) If, within five years after a conviction for any such offence, a licensed game dealer is again convicted of any such offence, his licence shall thereupon become void, and he shall be incapable of holding a game dealer's licence for a period of five years from the date of such later conviction.

#### Marginal Citations

M1 1928 c. 25

### 40 Application of sections 33 to 39 to wild birds.

Sections 33 to 39 shall apply to dealings in wild birds as they apply to dealings in game, and, accordingly, references therein to game shall be construed as including references to such birds.

#### GENERAL

### 41 Savings for Part IV.

Nothing in this Part shall—

- (a) entitle any person to use, carry or have in his possession, custody or control any gun, or to use any net, snare or other engine for the killing or taking of game, contrary to any provision contained in, or having effect under, any other enactment; or
- (b) affect the rights of occupiers of land under the Ground Game<sup>F6</sup> Act 1880]; or
- (c) operate to impose any penalty on the killing, taking, buying or selling, or exposing for sale, of any rabbits; or
- (d) affect the sale, pursuant to a direction of a resident magistrate under the Poaching Prevention Act 1862, of any game which has been forfeited, or penalise a purchaser at such a sale.

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**F6** 2002 c. 2 (NI)

## 42 Interpretation of Part IV.

In this Part—

“game” means any game whatsoever and includes any hare, pheasant, partridge, woodcock, snipe, quail, landrail, grouse or deer;

*Definition rep. by 2002 c. 2 (NI)*

“gun” means a gun or firearm of any description and includes an air gun or any other kind of gun from which any shot, bullet or other missile can be discharged.

**Status:**

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