

SCHEDULES

SCHEDULE 9

Section 47

CONSERVATION OF SEALS

PART 1

AMENDMENTS OF THE CONSERVATION OF SEALS ACT 1970

- 1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 2
to 12.
- 2 For section 1 (prohibited methods of killing seals) substitute—

“1 Prohibition of the killing, injuring or taking of seals

A person commits an offence if the person intentionally or recklessly kills, injures or takes a seal.”

- 3 Omit section 2 (close seasons for seals).
- 4 Omit section 3 (orders prohibiting killing seals).
- 5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “seal, item or”.
- 6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute—
- “(a) any seal or seal skin in respect of which the offence was committed;
 - (b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;
 - (c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person’s possession at the time of the offence.”
- 7 In section 8 (attempt to commit offence), in subsection (2)—
- (a) after “poisonous” insert “or explosive”;
 - (b) after “substance” insert “, any explosive article”;
 - (c) omit “the use of which is prohibited by section 1(1)(b) of this Act”.
- 8 In section 9 (general exceptions)—
- (a) in subsection (1)—
 - (i) for “2 or 3” substitute “1”;
 - (ii) in paragraph (a), omit “otherwise than by his act”;
 - (iii) omit paragraphs (b) and (c);
 - (b) in subsection (2)—
 - (i) omit “, 2 or 3”;

Status: This is the original version (as it was originally enacted).

- (ii) omit “otherwise than by his act”.
- 9 In section 10 (power to grant licences)—
- (a) in subsection (1), in paragraph (c)—
- (i) omit sub-paragraphs (i) and (iii) (but not the “or” after paragraph (iii));
- (ii) after sub-paragraph (ii) insert—
- “(ia) the protection of animal or human health or public safety;”;
- (b) after subsection (1) insert—
- “(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 52 of that Act).”
- 10 In section 11 (entry upon land)—
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (d);
- (c) in subsection (4)—
- (i) omit the words from “, or in the” to “28 days’ notice;”;
- (ii) omit the words from “; and in the case” to the end;
- (d) omit subsection (5).
- 11 Omit section 14 (orders).
- 12 In section 15 (interpretation), at the appropriate places insert—
- ““explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;
- ““explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —
- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;
- ““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.

PART 2

AMENDMENTS OF THE WILDLIFE (NORTHERN IRELAND) ORDER 1985

- 13 The [Wildlife \(Northern Ireland\) Order 1985 \(1985/171 \(N.I. 2\)\)](#) is amended in accordance with paragraphs 14 to 19.
- 14 In Article 10 (protection of certain wild animals), in paragraph (4A), for paragraphs (a) and (b) substitute—
- “(a) a seal (pinniped), or”.
- 15 In Article 11 (exceptions to Article 10)—

Status: This is the original version (as it was originally enacted).

- (a) after paragraph (1) insert—
 - “(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if—
 - (a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and
 - (b) sub-paragraph (c) were omitted.”;
- (b) after paragraph (3) insert—

“(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.”

- 16 In Article 18 (power to grant licences), after paragraph (3) insert—

“(3ZA) But a licence may not be granted under paragraph (3) that permits the killing, injuring or taking of seals (pinnipedia) for the purpose of preventing damage to fisheries.”

- 17 In Schedule 5 (animals which are protected at all times), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

“Seal	Pinniped”
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- 18 In Schedule 6 (animals which may not be killed or taken by certain methods), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

“Seal	Pinniped”
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- 19 In Schedule 7 (animals which may not be sold alive or dead at any time), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

“Seal	Pinniped”
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