

*These notes refer to the Game Preservation (Amendment) Act (Northern Ireland) 2002 (c.2) which received Royal Assent on 13 February 2002*

# Game Preservation (Amendment) Act (Northern Ireland) 2002

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## **EXPLANATORY NOTES**

### **BACKGROUND AND POLICY OBJECTIVES**

3. The principal policy objective of the Act is to amend the Game Preservation Act (Northern Ireland) 1928 as amended (“the 1928 Act”) to extend the partridge shooting season to include September each year. The open season for partridge ends on 31 January the following year. This change will bring the open season in NI into line with the remainder of the UK. The rest of the year remains a close season where it is an offence to wilfully take, kill or destroy any partridges.
4. The amendment is in response to a number of representations made by local enterprise to extend the partridge shooting season for commercial purposes. The extension received the full support of those organisations representing shooting interests throughout Northern Ireland.
5. There are no conservation objections to the proposal as the native grey partridge is now extinct in Northern Ireland due to lack of suitable habitat and there are presently no plans to re-introduce the native grey species by means of a specific initiative. All partridges presently shot during the open season are artificially reared and introduced, under controlled conditions to the wild by shoot organisers/game farmers, to be fully acclimatised for the commencement of the open shooting season.
6. The Act consolidates the provisions of an earlier statutory rule extending the open season for snipe to 1 September (SRO 1954/129).
7. The Department has taken the opportunity to make provision in the Act to amend section 7 of the 1928 Act which prescribes the close seasons for game, in order to enable the close seasons specified for hare, grouse and any other game-birds to be varied in future by means of subordinate legislation should the need arise.
8. The Act inserts a requirement in section 7(D)4 of the 1928 which deals with the prohibition of the use of traps, etc., that the Department must be satisfied, prior to issuing a permit to net hares for coursing, that the taking of those hares would not damage the existing hare population in that part of Northern Ireland or damage the population in Northern Ireland as a whole.

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9. The Act dispenses with an unnecessary time-limiting restriction in relation to orders made by the Minister under section 7(3) of the 1928 Act. It also requires all orders (subordinate legislation) made by the Minister under the 1928 Act to be subject to negative resolution of the Assembly.
10. Finally, the Act substitutes a new section 7A of the 1928 Act which deals with the protection of game and rabbits at certain times. The new section 7A relaxes the current controls on where and when rabbits can be shot, to allow for pest rabbits to be shot on any lands at any time, but subject to the requirement that the person must hold a valid gun licence and be an authorised person in relation to the land in question. As a consequence of this relaxation the Act repeals the provisions in the Ground Game Acts which deal with and define rabbits as ground game for the purposes of the those Acts. The Ground Game Acts previously allowed farmers to control rabbits which are damaging their crops without requiring a game licence. It remains an offence under the new section 7A of the 1928 Act to kill, take or destroy any game on Sundays or at night.