

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Close seasons

This section provides for-

An amendment to section 7(1) of the 1928 Act, paragraph (c) of which specifies the close season for any game bird other than grouse. Subsection (2) inserts a new paragraph (bb) which introduces a separate close season for all types of partridges and snipe to run from 1 February to 31 August each year. It is during the close season period that it is an offence to wilfully take, kill or destroy such birds;

- the close season for snipe (which was already extended by an earlier statutory rule (SRO 1954/129)) being restated in the 1928 Act for clarity;
- an insertion in section 7D(4) of the 1928 Act of the requirement that the Department must first ensure, prior to issuing a permit to net hares, that the taking of such hares for coursing would not endanger the hare population in Northern Ireland or any part of Northern Ireland;
- the Minister to make future amendments to the close season for all types of game by order and
- a consequential amendment to section 7F(2) of the 1928 Act removing any time limitation in relation to such orders.

Section 2: Protection of game and rabbits

This section substitutes a new section 7A of the 1928 Act which deals with the protection of game and rabbits at certain times. It also makes consequential amendments to the Forestry Act (Northern Ireland) 1953 (c.2) (right of occupier to kill rabbits damaging trees / prevention of damage caused by rabbits, etc.), to the Ground Game Act 1880 (right of occupier to kill and take hares and rabbits) and to the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (game licences).

New section 7A(1) of the 1928 Act re-enacts the provision making it an offence to kill, take or destroy any game on Sundays or at night.

New section 7A(2) makes it an offence for rabbits to be shot on any land except by an authorised person, that is to say a person who is , or is authorised by , the owner or occupier of the land or the owner of shooting rights over the land ; but new section 7A(3) excepts from this offence persons acting in pursuance of a power under the Diseases of Animals (Northern Ireland) Order 1981 or the Forestry Act (Northern Ireland) 1953.

In Section 2, subsections (2), (3), (4), (5) make the necessary amendments to other legislation consequential on the relaxation of the law on the shooting of rabbits. Section 2(6) and the Schedule, repeal provisions of the existing law which are no longer necessary in view of that relaxation.

Section 3: Orders under the 1928 Act

This section provides for all orders made by the Minister under the 1928 Act to be subject to negative resolution of the Assembly. Prior to this there has been no Assembly control over such orders. The previous provision in section 7F(4) requiring that every order made under the 1928 Act be published in the Belfast Gazette is therefore repealed.

Section 4: Short title and commencement

States the title of the proposed Act and the commencement provisions ‘as the Department of the Environment may by order appoint’.