Status: *Point in time view as at 21/08/2007. This version of this Order contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985. (See end of Document for details)*

STATUTORY INSTRUMENTS

1985 No. 171 (N.I. 2)

The Wildlife (Northern Ireland) Order 1985

- - - - - - *13th February 1985*

PART I

Introductory

Title and commencement

1. This Order may be cited as the Wildlife (Northern Ireland) Order 1985 and shall come into operation on such day as the Head of the Department may by order appoint[F1].

F1 fully exercised by SR 1985/82

General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"ammunition" has the same meaning as in the Firearms (Northern Ireland) Order**[**[F2] 2004**]**;

"Committee for Nature Conservation" means the Committee established under Article 5 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

"deer", except where otherwise provided, means deer of any species and their hybrids, and includes those on enclosed land where deer not in the wild state are usually kept;

"the Department" means the Department of the Environment;

"destroy", in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching;

"firearm" has the same meaning as in the Firearms (Northern Ireland) Order**[**[F2] 2004**]**;

"game" means any hare or game-bird and includes deer;

"game-bird" means any pheasant, partridge (including chukar partridge and red-legged partridge), woodcock, snipe or red grouse;

"pick", in relation to a plant, means gather or pluck any part of the plant without uprooting it;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons and quails;

"sale" includes barter and exchange, and any other transaction by which anything is disposed of for value;

"uproot", in relation to a plant, means dig up or otherwise remove the plant with its roots from the land on which it is growing;

"vehicle" includes any aircraft, hovercraft and boat;

"veterinary practitioner" means a person who is for the time being registered in the supplementary veterinary register;

"veterinary surgeon" means a person who is for the time being registered in the register of veterinary surgeons;

"wild animal" means, subject to paragraph (3), any animal (other than a bird) which is or (before it was killed or taken) was living wild;

"wild bird" means, subject to paragraph (4), any bird of a**[**[F3] species**]** which is ordinarily resident in or is a visitor to**[**[F3] the European territory of any Member State**]** in a wild state but does not include poultry;

"wild plant" means any plant which is or (before it was picked, removed, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Northern Ireland in a wild state.

(3) In Articles 12 and 16 and in so far as they have effect in relation to those Articles, in Articles 17 and 18 and Part IV, any reference to a wild animal includes a reference to game.

(4) In Articles 6 and 16 and, in so far as they have effect in relation to those Articles, in Articles 17 and 18 and Part IV, any reference to a wild bird includes a reference to a game-bird.

(5) In this Order any reference to any part of Northern Ireland includes, unless the context otherwise requires, a reference to the territorial waters adjacent to that part.

(6) Any reference in this Order to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of the kind.

(7) Nothing in this Order shall make unlawful anything done under the Diseases of Animals (Northern Ireland) Order 1981.

F2 2004 NI 3
F3 SR 2004/435

PART II

Wildlife

Interpretation of Part II

3.—(1) In this Part—

"advertisement" includes a catalogue, a circular and a price list;

"authorised person" means—

(a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken,

(b) any person authorised by the Department;

(c) **[**[F4]any person authorised in writing by a water undertaker;**]**

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

"automatic weapon" and "semi-automatic weapon" do not include any weapon the magazine of which is incapable of holding more than two rounds;

"aviculture" means the breeding and rearing of birds in captivity;

"livestock" includes any animal which is kept—

(a) for the provision of food, wool, skins or fur;

(b) for the purpose of its use in the carrying on of any agricultural activity; or

(c) for rearing and release into the wild for the provision or improvement of shooting or fishing, or for the purposes of nature conservation;

"occupier" includes any person having any right of hunting, shooting, fishing or taking game or fish.

(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.

F4 Art. 3(1): in definition of "authorised person" sub - para. (c) inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1, 308, **Sch. 12 para. 22** (with art. 8(8), 121(3) and 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Protection of birds

Protection of wild birds, their nests and eggs

4.—(1) Subject to the provisions of this Part, if any person intentionally—

(a) kills, injures or takes any wild bird; or

(b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or

(c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—

(a) any live or dead wild bird or any part of, or anything derived from, such a bird; or

(b) an egg of a wild bird or any part of such an egg,

he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (2) if he shows that—

(a) the bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions; or

(b) the bird, egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.

(4) In paragraph (3) "the relevant provisions" means the provisions of this Part and of orders made under it and the provisions of the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts.

(5) Any person convicted of an offence under paragraph (1) or (2) in respect of—

(a) a bird included in Schedule 1 or any part of, or anything derived from, such a bird;

(b) the nest of such a bird; or

(c) an egg of such a bird or any part of such an egg,

shall be liable to a special penalty.

(6) Subject to the provisions of this Part, if any person intentionally—

(a) disturbs any wild bird[F5]. . . while it is building a nest or is in, on or near a nest containing eggs or young; or

(b) disturbs dependent young of such a bird,

he shall be guilty of an offence and, where that offence is in respect of a bird included in Schedule 1, liable to a special penalty.

(7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I of that Schedule and, during the close season for the bird in question, any bird included in Part II of that Schedule.

(8) In this Article and in Article 5 "close season" means, subject to the provisions of this Part, the period in any year commencing with 1st February and ending with 31st August.

(9) The Department may by order made with respect to the whole or any specified part of Northern Ireland vary the close season for any wild bird specified in the order.

(10) If it appears to the Department expedient that any wild birds included in Part II of Schedule 1 or Part I of Schedule 2 should be protected during any period outside the close season for those birds, the Department may, subject to paragraph (12), make 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.

(11) This Article and Article 5 shall have effect as if any period of special protection declared under paragraph (10) for any birds formed part of the close season for those birds.

(12) Without prejudice to Article 29(3), the Department shall, before making an order under paragraph (10), consult a person appearing to the Department to be a representative of persons interested in the shooting of birds of the species proposed to be protected by the order.

F5 1995 NI 6

Exceptions to Article 4

5.—(1) Subject to the provisions of this Article, a person shall not be guilty of an offence under Article 4 by reason of the killing or taking of a bird included in Part I of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

Para. (2) rep. by 1995 NI 6

(3) **[**[F6]Paragraph (1)**]** shall not apply on Sundays or during the period commencing one hour after sunset on any day and ending one hour before sunrise on the next day.

(4) Nothing in Article 4 shall make unlawful anything done—

(a) in pursuance of a requirement by the Department of Agriculture under any scheme made under section 6 of the Agriculture Act (Northern Ireland) 1949 or under section 2 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1959; or

(b) under the Drainage (Northern Ireland) Order 1973.

(5) Notwithstanding anything in Article 4, a person shall not be guilty of an offence by reason of—

(a) the taking of any wild bird if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;

(b) the killing of any wild bird if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(c) any act made unlawful by those provisions if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(6) Notwithstanding anything in the provisions of Article 4, an authorised person shall not be guilty of an offence by reason of the killing or injuring of any wild bird, other than a bird included in Schedule 1—

(a) if he shows that his action was necessary for the purpose of—

(i) preserving public health or public or air safety,

(ii) preventing the spread of disease, or

(iii) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or fisheries; and

(b) he notifies the Department immediately after taking such action.

F6 1995 NI 6

Prohibition of certain methods of killing or taking wild birds

6.—(1) Subject to the provisions of this Part, if any person—

(a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming into contact therewith, that is to say, any springe, trap, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance or muscle-relaxing agent;

(b) uses for the purpose of killing or taking any wild bird any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net, baited board, bird-lime or substance of a like nature to bird-lime;

(c) uses for the purpose of killing or taking any wild bird—

(i) any missile which is not discharged from a firearm, including in particular any arrow or spear;

(ii) any explosive other than ammunition for a firearm;

(iii) any automatic or semi-automatic weapon;

(iv) any shotgun of which the barrel has an internal diameter at the muzzle of more than one and three-quarter inches;

(v) any metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;

(vi) any device for illuminating a target or any sighting device for night shooting;

(vii) any form of artificial light or any mirror or other dazzling device;

(viii) any gas or smoke not falling within sub-paragraphs (a) and (b) or

(ix) any chemical wetting agent;

(d) uses as a decoy, for the purpose of killing or taking any wild bird, any sound recording or any live bird or other animal whatsoever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured; or

(e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or taking that bird,

he shall be guilty of an offence and be liable to a special penalty.

(2) The Department may by order amend paragraph (1) by adding any method of killing or taking wild birds or by omitting any such method which is mentioned in that paragraph.

(3) In any proceedings under paragraph (1)(a) it shall be a defence to show that the article was set in position by the accused for the purpose of killing or taking, in the interests of public health, agriculture, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to wild birds.

(4) Nothing in paragraph (1) shall make unlawful—
Sub#para. (a) rep. by 1995 NI 6

(b) the use of a cage-trap or net for the purpose of taking any game-bird, if it is shown that the taking of the bird is solely for the purpose of breeding;

but nothing in this paragraph shall make lawful the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.

(5) Any person who, being the occupier or concerned in the management of any land, permits or suffers another person to commit an offence under paragraph (1) on that land, shall be guilty of an offence.

(6) Any person who sells, offers or exposes for sale, any self-locking snare with a view to its being used for a purpose which is unlawful under paragraph (1)(a) or (b), shall be guilty of an offence.

Sale, etc., of live or dead wild birds, eggs, etc.

7.—(1) Subject to the provisions of this Part, if any person—

(a) sells, offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises—

(i) any live wild bird or an egg of a wild bird or any part of such an egg, or

(ii) any live bird one of whose parents was such a wild bird, or an egg of such a bird or any part of such an egg; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person who is not for the time being registered in accordance with regulations made by the Department—

(a) sells, offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises any dead wild bird other than a bird included in Schedule 3, or any part of, or anything derived from, such a wild bird; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(3) Any person convicted of an offence under this Article in respect of—

(a) a bird included in Schedule 1 or any part of, or anything derived from, such a bird; or

(b) an egg of such a bird or any part of such an egg,

shall be liable to a special penalty.

(4) The power of the Department to make regulations under paragraph (2) shall include power—

(a) to impose requirements as to the carrying out by a person registered in accordance with the regulations of any act which, apart from the registration, would constitute an offence under this Article; and

(b) to provide that any contravention of the regulations shall constitute such an offence.

(5) Regulations under paragraph (2) shall secure that no person shall become or remain registered—

(a) within 5 years of his having been convicted of an offence under this Part for which a special penalty is provided; or

(b) within 3 years of his having been convicted of any other offence under this Part so far as it relates to the protection of birds or other animals or any offence involving their ill-treatment,

no account being taken for this purpose of a conviction which has become spent by virtue of the Rehabilitation of Offenders (Northern Ireland) Order 1978.

(6) Any person authorised in writing by the Department may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter and inspect any premises where a registered person keeps any wild birds for the purpose of ascertaining whether an offence under this Article is being, or has been, committed on those premises.

(7) Any person who intentionally obstructs a person acting in the exercise of the power conferred by paragraph (6) shall be guilty of an offence.

Competitions, etc.

8.—(1) Subject to the provisions of this Part, if any person shows or causes or permits to be shown for the purposes of any competition or in any premises in which a competition is being held—

(a) any live wild bird other than a bird included in Schedule 4 which was bred in captivity and has been ringed under a licence granted by the Department in accordance with Article 18(2)(d); or

(b) any live bird one of whose parents was such a wild bird,

he shall be guilty of an offence.

(2) Any person who promotes any event at which any bird mentioned in Schedule 4 is to be shown for the purposes of any public exhibition or competition shall notify the Department in writing at least 7 days before the date upon which the event is to take place.

(3) Any person failing to comply with paragraph (2) shall be guilty of an offence.

Protection of captive birds

9.—(1) If any person keeps or confines any bird whatsoever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence and be liable to a special penalty.

(2) Paragraph (1) does not apply to poultry, or to the keeping or confining of any bird—

(a) while that bird is in the course of conveyance by whatever means; or

(b) while that bird is being shown for the purposes of any public exhibition or competition if the time during which the bird is kept or confined for those purposes does not in the aggregate exceed 72 hours;

(c) while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner; or

(d) while that bird is being kept temporarily in a birdbag or keeping cage as part of a ringing exercise carried out under and in accordance with the terms of a licence granted under Article 18(2)(a).

(3) Every person who—

(a) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatsoever at or in the course of which captive birds are liberated by hand or by any other means whatsoever—

(i) for the purpose of being shot, or

(ii) for the purpose of being hunted by trained birds of prey, immediately after their liberation; or

(b) being the owner or occupier of any land, permits that land to be used for the purposes of such an event,

shall be guilty of an offence and be liable to a special penalty.

Protection of other animals

Protection of certain wild animals

10.—(1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal included in Schedule 5 he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (2) if he shows that—

(a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or

(b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of the provisions of this Part.

(4) Subject to the provisions of this Part, if any person intentionally—

(a) damages or destroys, or obstructs access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection;

(b) damages or destroys anything which conceals or protects any such structure; or

(c) disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection,

he shall be guilty of an offence.

(5) In any proceedings under paragraph (1) or (2), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Exceptions to Article 10

11.—(1) Paragraphs (4) and (5) of Article 5 shall apply in relation to Article 10 as if in those paragraphs—

(a) for any reference to Article 4 there were substituted a reference to Article 10; and

(b) for any reference to a wild bird there were substituted a reference to a wild animal.

(2) Subject to paragraph (4), nothing in Article 10(4) shall make unlawful anything done within a dwelling house.

(3) Notwithstanding anything in Article 10, an authorised person shall not be guilty of an offence by reason of the killing or injuring of a wild animal included in Schedule 5—

(a) if he shows that his action was necessary for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or any other form of property or to fisheries; and

(b) he notifies the Department immediately after taking such action.

(4) A person shall not be entitled to rely on the defence provided by—

(a) Article 5(5)(c) as applied under paragraph (1), or

(b) paragraph (2),

as respects anything done in relation to a bat otherwise than in the living area of a dwelling house unless he had notified the Department of the proposed action or operation and allowed them a reasonable time to advise him as to whether it should be carried out and, if so, the method to be used.

(5) An authorised person shall not be entitled to rely on the defence provided by paragraph (3) as respects any action taken at any time if it had become apparent, before that time, that that action would prove necessary for the purpose mentioned in that paragraph and either—

(a) a licence under Article 18 authorising that action had not been applied for as soon as reasonably practicable after that fact had become apparent; or

(b) an application for such a licence had been determined.

Prohibition of certain methods of killing or taking wild animals

12.—(1) Subject to the provisions of this Part, if any person—

(a) sets in position any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;

(b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, any missile which is not discharged from a firearm, including in particular any arrow or spear, or any explosive other than ammunition for a firearm; or

(c) uses as a decoy, for the purpose of killing or taking any wild animal, any sound recording or any live mammal or bird whatever,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part and to those of Article 20, if any person—

(a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6 which comes into contact therewith, that is to say, any springe, trap, gin, snare, hook and line, any electrical device for killing or stunning or any poisonous, poisoned or stupefying substance or muscle-relaxing agent;

(b) uses for the purpose of killing or taking any such wild animal any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net;

(c) uses for the purpose of killing or taking any such wild animal—

(i) any automatic or semi-automatic weapon;

(ii) any metal bar, axe, hatchet, cudgel, club, hammer or similar instrument;

(iii) any device for illuminating a target or any sighting device for night shooting;

(iv) any form of artificial light or any mirror or other dazzling device; or

(v) any gas or smoke not falling within sub-paragraphs (a) and (b); or

(d) uses any mechanically propelled vehicle in immediate pursuit of any such wild animal for the purpose of driving, killing or taking that animal,

he shall be guilty of an offence.

(3) The Department may by order, either generally or in relation to any species of wild animal specified in the order, amend paragraph (1) or (2) by adding any method of killing or taking wild animals or by omitting any such method as is mentioned in that paragraph.

(4) In any proceedings for an offence under paragraph (1)(b) or (c) or (2)(b) to (d), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

(5) In any proceedings under paragraph (2)(a) it shall be a defence to show that the article was set in position by the accused for the purpose of killing or taking, in the interests of public health, agriculture or nature conservation, any wild animals which could be lawfully killed or taken by that method and that he took all reasonable precautions to prevent injury thereby to any wild animals included in Schedule 6.

(6) Any person who, being the occupier or concerned in the management of any land, permits or suffers another person to commit an offence under paragraph (1) or (2) on that land, shall be guilty of an offence.

(7) Any person who sells, offers or exposes for sale, any self-locking snare with a view to its being used for a purpose which is unlawful under paragraph (1)(a) or (b), shall be guilty of an offence.

Sale, etc., of live or dead wild animals

13.—(1) Subject to the provisions of this Part, if any person—

(a) sells, or offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises any live wild animal included in Schedule 7;

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any such animal,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person who is not for the time being registered in accordance with regulations made by the Department—

(a) sells, offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises any dead wild animal included in Schedule 7 or any part, or anything derived from, such a wild animal; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(3) Paragraphs (4) to (7) of Article 7 shall apply for the purposes of this Article in the same manner as they apply for the purposes of that Article.

(4) In any proceedings under paragraph (1) or (2), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Other protection

Protection of wild plants

14.—(1) Subject to the provisions of this Part, if any person—

(a) intentionally picks, removes, uproots or destroys any wild plant included in Part I of Schedule 8; or

(b) not being an authorised person, intentionally uproots or destroys any wild plant not included in that Part of that Schedule,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person—

(a) sells, offers or exposes for sale, or has in his possession or transports or causes to be transported for the purpose of sale at any premises, any live or dead wild plant included in Part I or Part II of Schedule 8, or any part of, or anything derived from, such a plant; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(3) Notwithstanding anything in paragraph (1), a person shall not be guilty of an offence by reason of any act made unlawful by that paragraph if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.

(4) In any proceedings for an offence under paragraph (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Introduction of new species, etc.

15.—(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—

(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state; or

(b) is included in Part I of Schedule 9,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.

(3) Subject to paragraph (4), it shall be a defence to a charge of committing an offence under paragraph (1) or (2) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by paragraph (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending 7 days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(5) Any person authorised in writing by the Department may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter any land for the purpose of ascertaining whether an offence under paragraph (1) or (2) is being, or has been, committed on that land; but nothing in this paragraph shall authorise any person to enter a dwelling.

(6) Any person who intentionally obstructs a person acting in the exercise of the power conferred by paragraph (5) shall be guilty of an offence.

VALID FROM 17/08/2011

[F7 Prohibition on sale, etc. of invasive, non-native species

15A.—(1) This Article applies to—

(a) any animal mentioned in Article 15(1)(a) or (b) which is specified in an order made by the Department for the purposes of this Article;

(b) any plant included in Part 2 of Schedule 9 which is specified in such an order;

(c) any hybrid of an animal or plant specified as mentioned in sub-paragraph (a) or (b).

(2) Subject to the provisions of this Part, any person who—

(a) sells, offers or exposes for sale or has in his possession or transports for the purpose of sale any animal or plant to which this Article applies, or

(b) publishes, or causes to be published, any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any such animal or plant,

is guilty of an offence.

(3) Paragraphs (3) and (4) of Article 15 (defence of due diligence, etc.) apply to an offence under paragraph (2) as they apply to an offence under paragraph (1) or (2) of that Article.

(4) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by paragraph (2)(a) shall be guilty of an offence.

(5) An order under paragraph (1) may be made in relation to a particular area or a particular time of year.**]**

F7 Art. 15A inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 14**, 40(1); S.R. 2011/285, **art. 2**, Sch.

VALID FROM 17/08/2011

[F8 Possession of pesticides harmful to wildlife

15B.—(1) A person who is in possession of a pesticide containing a prescribed ingredient shall be guilty of an offence.

(2) A prescribed ingredient is one which is prescribed for the purposes of this Article by an order made by the Department; but the Department may not make an order under this Article unless it is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.

(3) A person shall not be guilty of an offence under this Article if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) regulations made under section 16(2) of the Food and Environment Protection Act 1985;

(b) provision made by or under the Poisons (Northern Ireland) Order 1976;

(c) the Biocidal Products Regulations (Northern Ireland) 2001 or any regulations amending or replacing those regulations; or

(d) the Plant Protection Products Regulations (Northern Ireland) 2005 or any regulations amending or replacing those regulations.

(4) In this Article "pesticide" means—

(a) a pesticide as defined by section 16(15) of the Food and Environment Protection Act 1985; and

(b) anything to which Part 3 of that Act applies, by virtue of section 16(16) of that Act, as if it were a pesticide.**]**

F8 Art. 15B inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 15**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Wildlife refuges

16.—(1) The Department may by order make provision with respect to any area specified in the order providing for all or any of the following matters, that is to say—

(a) that any person who, within that area or any part of it specified in the order, at any time or during any period so specified intentionally—

(i) kills, injures or takes any wild bird or wild animal or any wild bird or wild animal so specified,

(ii) takes, damages or destroys any nest or any structure or place which such a bird or animal uses for shelter or protection while that nest or structure is in use or being built or while that place is in use,

(iii) takes, damages or destroys anything which conceals or protects any such nest, structure or place;

(iv) takes or destroys an egg of such a bird or the egg, larva, pupa or any such immature stage of such an animal,

(v) disturbs such a bird or animal while it is building a nest or structure for shelter or protection or while it is in, on or near such a nest or structure containing the egg of such a bird or the egg, larva, pupa or any such immature stage of such an animal,

(vi) disturbs the dependent young of such a bird or animal, or

(vii) picks, removes, uproots or destroys any wild plant or wild plant so specified,

shall be guilty of an offence under this Article;

(b) that any person who, except as may be provided in the order, enters into that area or any part of it specified in the order at any time or during any period so specified shall be guilty of an offence under this Article;

(c) that where any offence under this Part, or any such offence under this Part as may be specified in the order, is committed within that area, the offender shall be liable to a special penalty.

Para. (2) rep. by 1995 NI 6

(3) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under an order made under this Article in relation to any area, he may require that person—

(a) to give his full name and address; and

(b) to quit that area forthwith;

and any person who fails to comply with a requirement under this paragraph shall be guilty of an offence.

(4) The making of any order under this Article with respect to any area shall not affect the exercise by any person of any right vested in him, whether as owner, lessee or occupier of any land in that area or by virtue of a licence or agreement.

(5) Before making any order under this Article the Department—

(a) shall consult with any district council within whose district the area with respect to which the order is to be made or any part thereof is situated; and

(b) shall give particulars of the intended order either by notice in writing to every owner and every occupier of any land included in the area with respect to which the order is to be made or, where the giving of such a notice is in the Department's opinion impracticable, by advertisement in a newspaper circulating in the locality in which that area is situated.

(6) The Department shall not make an order under this Article unless—

(a) all the owners and occupiers aforesaid have consented thereto; or

(b) no objections thereto have been made by any of those owners or occupiers before the expiration of a period of 3 months from the date of the giving of the notice or the publication of the advertisement; or

(c) any such objections so made have been withdrawn.

Exceptions to Article 16

17.—(1) Paragraphs (4) and (5) of Article 5 shall apply in relation to any order made under Article 16 as if in those paragraphs—

(a) for any reference to Article 4 there were substituted a reference to an order under Article 16; and

(b) any reference to a wild bird included a reference to a wild animal.

(2) Paragraph (6) of Article 5 shall apply in relation to the protection by any order made under Article 16 of any wild bird, or the nest or egg of such a bird, in the same manner as that paragraph applies for the purposes of Article 4.

(3) Paragraph (3) of Article 11 shall apply in relation to the protection by an order made under Article 16 of any wild animal or its shelter in the same manner as that paragraph applies for the purposes of Article 10.

(4) Paragraph (3) of Article 14 shall apply in relation to the protection by an order under Article 16 of any wild plant in the same manner as that paragraph applies for the purposes of paragraph (1) of Article 14.

Licences

Power to grant licences

18.—(1) Articles 4, 6, 8, 9, 10(1), (2) and (4), 12(1) and (2), 14(1), and orders under Article 16, do not apply to anything done—

(a) for scientific or educational purposes;

(b) for the purpose of photography;

(c) for the purpose of preventing the spread of disease; or

(d) for the purpose of preserving public health or public or air safety,

if it is done under and in accordance with a licence granted by the Department.

(2) Articles 4, 6, 8 and 9 and orders under Article 16 do not apply to anything done—

(a) for the purpose of ringing or marking, or examining any ring or mark on, wild birds or their eggs;

(b) for the purpose of conserving wild birds;

(c) for the purpose of protecting any collection of wild birds;

(d) for the purposes of falconry or aviculture;

(e) for the purposes of any public exhibition or competition;

(f) for the purposes of taxidermy; or

(g) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or fisheries,

if it is done under and in accordance with the terms of a licence granted by the Department.

(3) Articles 10(1), (2) and (4), 12(1) and (2) and 14(1), and orders under Article 16, do not apply to anything done—

(a) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;

(b) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;

(c) for the purpose of protecting any zoological or botanical collection; or

(d) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, pasture or any other form of property or to fisheries,

if it is done under and in accordance with the terms of a licence granted by the Department.

(4) Articles 7(1) and (2), 13(1) and (2), 14(1)(a) and (2) and 15 do not apply to anything done under and in accordance with the terms of a licence granted by the Department.

(5) Subject to**[**[F9] paragraphs (6) and (6A)**]**, a licence under the foregoing provisions of this Article—

(a) may be, to any degree, general or specific;

(b) may be granted either to persons of a class or to a particular person;

(c) may be subject to compliance with any specified conditions;

(d) may be modified or revoked at any time by the Department; and

(e) subject to sub-paragraph (d) shall be valid for such period as may be stated in the licence;

and the Department may charge therefor such reasonable sum (if any) as it may determine.

[[F9](6) A licence under this Article which authorises any person to kill wild birds—

(a) shall specify—

(i) the species of wild birds which may be killed;

(ii) the area within which, and the methods by which such wild birds may be killed; and

(b) subject to paragraph (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(6A) A licence under this Article which authorises any person to kill wild animals—

(a) shall specify—

(i) the species of wild animals which may be killed and the person who is authorised to kill them;

(ii) the area within which, and the methods by which such wild animals may be killed; and

(b) subject to paragraph (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.**]**

(7) For the purposes of a licence granted under the foregoing provisions of this Article, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.

F9 1995 NI 6

PART III

Protection of deer

Protection of deer

19.—(1) If any person intentionally kills, injures or takes any deer of a species and description mentioned in Schedule 10 during the close season prescribed by that Schedule in relation to deer of that species and description, he shall be guilty of an offence.

(2) If any person intentionally kills, injures or takes any deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise, he shall be guilty of an offence.

(3) If any person—

(a) uses any firearm or ammunition mentioned in Schedule 11 to kill or injure any deer; or

(b) discharges any firearm, or discharges or projects any missile, from any mechanically propelled vehicle at any deer;

he shall be guilty of an offence.

(4) If any person—

(a) takes and removes any live deer;

(b) marks, or attaches any tag, ring, collar or other device to, any live deer; or

(c) uses any aircraft for the purpose of transporting any live deer other than in the interior of the aircraft;

he shall be guilty of an offence.

(5) The Department may by order made with respect of the whole or any specified part of Northern Ireland vary the close season for any species or descriptions of deer specified in Schedule 10.

(6) This Article is subject to Articles 20 and 21 and nothing in this Article or those Articles shall affect any requirement under any statutory provision which applies to game.

Exceptions to Articles 12 and 19

20.—(1) Articles 12(2)(d) and 19(3)(b) shall not apply to anything done by, or with the written authority of, the occupier of any enclosed land where deer not in the wild state are usually kept, and done in relation to deer on that land.

(2) Nothing in Article 12 or 19 shall make unlawful—

(a) anything done by a veterinary surgeon or veterinary practitioner for the purposes of, or in the course of, the veterinary treatment of a deer; or

(b) any act to which paragraph (3) applies, done by, or under the direction of, a person who keeps and breeds deer for the purposes of a trade or business, where—

(i) the act is done in the course of that trade or business; and

(ii) for the purposes of this paragraph, the Department of Agriculture certifies that, in its opinion, that person is carrying on such a trade or business; or

(c) any act done for the purpose of protecting any person immediately endangered by a deer on any enclosed land on which deer not in the wild state are usually kept, where that act is reasonable in the circumstances.

(3) This paragraph applies to any act which would otherwise be an offence under paragraph (2)(c)(iii) or (iv) or (2)(d) or Article 12 of paragraph (1), (3)(b) or (4)(a) or (b) of Article 19.

(4) An authorised person shall not be guilty of an offence under Article 12(2)(a) or (b) by reason of setting in position or using any trap or net for the purpose of preventing suffering by an injured or diseased deer, or of an offence under Article 19(1) or (2) by reason of any act done for that purpose.

(5) Nothing in Article 19(1) shall make unlawful anything done in pursuance of any scheme made by the Department of Agriculture under section 2 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1959.

(6) A person shall not be guilty of an offence under Article 19(1) by reason only of the taking, or the killing or injuring by means of shooting of any deer on cultivated land, enclosed pasture, enclosed woodland or garden grounds if he satisfies the court before whom he is charged—

(a) that he was an authorised person, and

(b) that he had reasonable grounds for believing that deer of the same species were causing, or had caused, serious damage to crops, pasture, vegetables, fruit, growing timber or any other form of property on that land, pasture, woodland or those grounds, and

(c) that there was a likelihood of further damage and that such damage was likely to be serious, and

(d) that his action was necessary for the purpose of preventing any further damage.

(7) A person shall not be guilty of an offence under Article 19(3)(a)—

(a) by reason only of killing or injuring any deer by using—

(i) any smooth bore gun of not less gauge than 12 bore loaded with a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes), or

(ii) any smooth bore gun of not less gauge than 12 bore loaded with a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter,

on any land if he satisfies the court before whom he is charged as to the matters set out in sub-paragraphs (a) to (d) of paragraph (6); or

(b) by reason of the killing of any deer by using any smooth bore gun, if he shows that the deer had been so seriously injured, otherwise than by his unlawful act, or was in such a condition, that to kill it was an act of mercy.

(8) The Department may by order, either generally or in relation to any area or any species or description of deer specified in the order—

(a) repeal paragraph (7); or

(b) amend it by adding—

(i) any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that paragraph, or

(ii) further matters as to which the person charged must satisfy the court.

(9) In this Article “authorised person” means—

(a) the occupier of the land on which the action is taken;

(b) any member of the occupier's household normally resident on the occupier's land, acting with the written authority of the occupier;

(c) any person in the ordinary service of the occupier on the occupier's land, acting with the written authority of the occupier; or

(d) any person having the right to take or kill deer on the land on which the action is taken, or any person acting with the written authority of a person having that right.

Power to grant licences for purposes of Article 19

21.—(1) Article 19 does not apply to anything done—

(a) for scientific or educational purposes; or

(b) for the purpose of removing deer from one area to another,

if it is done under and in accordance with the terms of a licence issued by the Department.

(2) Paragraphs (5) to (7) of Article 18 shall apply in relation to a licence issued under paragraph (1) in the same manner as they apply to a licence issued under Article 18.

Prevention of poaching

22.—(1) Subject to paragraph (3), if any person enters any land without the consent of the owner or occupier or other lawful authority in search or pursuit of any deer with the intention of killing, injuring or taking it, he shall be guilty of an offence.

(2) Subject to paragraph (3), if any person while on any land—

(a) intentionally kills, injures or takes any deer;

(b) searches for or pursues any deer with the intention of killing, injuring or taking it; or

(c) removes the carcase of any deer or any part thereof,

without the consent of the owner or occupier or other lawful authority, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (1) or (2) by reason of anything done in the reasonable belief that—

(a) he would have the consent of the owner or occupier of the land if the owner or occupier knew of his doing it and the circumstances of it; or

(b) he has other lawful authority to do it.

(4) Where an offence under paragraph (2) was committed in respect of more than one deer the maximum fine which may be imposed shall be determined as if the person convicted had been convicted of a separate offence in respect of each deer.

(5) If any authorised person suspects with reasonable cause that any person is committing or has committed an offence under paragraph (1) or (2) on any land, he may require that person—

(a) to give his full name and address; and

(b) to quit that land forthwith;

and any person who fails to comply with a requirement under this paragraph shall be guilty of an offence.

(6) In paragraph (5) "authorised person" in relation to any land, means the owner or occupier or any person authorised by the owner or occupier of the land, and includes any person having the right to take or kill deer on the land.

Sales and purchases, etc., of venison

23.—(1) If any person not being a licensed game dealer—

(a) at any time during the prohibited period sells or offers or exposes for sale or has in his possession or transports or causes to be transported for the purpose of sale at any premises any venison; or

(b) at any time sells or offers or exposes for sale any venison otherwise than to a licensed dealer,

he shall be guilty of an offence.

(2) If any person sells or offers or exposes for sale or has in his possession or transports or causes to be transported for the purpose of sale at any premises, or purchases or offers to purchase or receives, any venison which comes from a deer—

(a) which has been killed or taken in circumstances which constitute an offence under Part II or under this Part; and

(b) which he knows or has reason to believe to have been so killed or taken,

he shall be guilty of an offence.

(3) In this Article

"prohibited period", in relation to any venison which comes from a species and description of deer in relation to which a close season is prescribed by Schedule 10, means the period beginning with the expiration of the tenth day, and ending with the expiration of the last day, of that season; and

"venison" means the carcase, or any edible part of the carcase, of a deer, and includes imported venison, but not canned or cooked venison.

PART IV

Supplemental

False statements made for obtaining registration or licence

24. A person who, for the purposes of obtaining, whether for himself or another, registration in accordance with regulations made under Article 7(2) or 13(2) or the grant of a licence under Article 18 or 21—

(a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or

(b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular,

he shall be guilty of an offence.

VALID FROM 17/08/2011

[F10 Possession of articles for purposes of committing certain offences

24A.—(1) Any person who, for the purposes of committing an offence under Part 2 or 3 (the relevant offence), has in his possession anything capable of being used for committing the relevant offence shall be guilty of an offence and punishable in the same manner as for the relevant offence.

(2) References in Articles 25 to 27 to an offence under Part 2 or 3 include references to an offence under this Article committed by reference to such an offence.**]**

F10 Art. 24A inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 19**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Enforcement

25.—(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part II or III, the constable may without warrant—

(a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;

(b) search or examine any animal or thing which that person may then be using or have in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that animal or thing;

Sub#para. (c) rep. by 1989 NI 12

(d) seize and detain for the purposes of proceedings under this Order any thing which may be evidence of the commission of the offence or may be liable to be forfeited under Article 27.

(2) If a constable suspects with reasonable cause that any person is committing an offence under Part II or III, he may, for the purpose of exercising the powers conferred by paragraph (1)**[**[F11] or for the purpose of arresting a person under **[**[F12]Article 26**]** of the Police and Criminal Evidence (Northern Ireland) Order 1989, for an offence under Part II or Part III**]**, enter any land other than a dwelling-house.

(3) If a justice of the peace is satisfied on a sworn complaint in writing that there are reasonable grounds for suspecting that—

(a) an offence under Article 4, 6, 9 or 16 in respect of which Part II or any order made under it provides for a special penalty;

(b) an offence under Article 7, 8, 10, 12(1) or (2), 13, 14, 15, 19, or 23;

has been committed and that evidence of the offence may be found on any premises, he may grant a warrant to any constable (with or without other persons) to enter upon and search those premises for the purpose of obtaining that evidence.

(4) Where, under paragraph (1)(d), a constable seizes and detains any animal or any bird, egg or nest, he shall as soon as conveniently may be produce that animal or that bird, egg or nest to a magistrates' court and the court may order the animal or bird, to be sold, liberated or destroyed, or the nest or egg to be sold or destroyed.

(5) Where, in relation to any animal or any bird, egg or nest sold under paragraph (4), the person from whom that animal or that bird, egg or nest was seized—

(a) is convicted of an offence under Part II or III, the proceeds of the sale shall be added to and dealt with in the same manner as any fine imposed in respect of the offence;

(b) is not so convicted, the proceeds of the sale shall be handed over to him.

(6) A constable who, in pursuance of an order under paragraph (4), sells, liberates or destroys any animal or any bird, egg or nest seized under paragraph (1)(d), shall not be liable to legal proceedings for any such sale, liberation or destruction or for any loss caused by such sale, liberation or destruction.

F11 1989 NI 12

F12 Words in art. 25(2) 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. 22**

VALID FROM 17/08/2011

[F13Powers of constables in connection with samples

25A.—(1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred by Article 25 is one in respect of which an offence under Part 2 is being or has been committed may require the taking from it of a sample.

(2) A constable who suspects with reasonable cause that an offence under Part 2 is being or has been committed in respect of any specimen ("the relevant specimen") may require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—

(a) is alleged to be, or

(b) the constable suspects with reasonable cause to be,

a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(3) Where a sample from a live bird or other animal is to be taken pursuant to a requirement under this Article, any person who has possession or control of the specimen must give the person taking the sample such assistance as he may reasonably require for that purpose.

(4) A person is guilty of an offence if he—

(a) fails without reasonable excuse to make available any specimen in accordance with a requirement under paragraph (2); or

(b) fails without reasonable excuse to give any assistance reasonably required under paragraph (3).

(5) No sample may be taken by virtue of this Article from a live bird or other animal except by a veterinary surgeon.

(6) No sample may be taken by virtue of this Article from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

(7) In this Article—

"sample" means a sample of blood, tissue or other biological material;

"specimen" means—

(a) any bird, other animal or plant, or

(b) any part of, or anything derived from, a bird, other animal or plant.**]**

F13 Art. 25A inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 21**, 40(1); S.R. 2011/285, **art. 2**, Sch.

VALID FROM 17/08/2011

[F14 Power of wildlife inspector to enter premises

25B.—(1) In this Article and Article 25C—

"wildlife inspector" means a person authorised in writing under this Article by the Department;

"relevant offence" means an offence under Article 7, 8, 9, 13, 14(2), 15 or 15A.

(2) An authorisation under paragraph (1) is subject to any conditions or limitations specified in it.

(3) A wildlife inspector may, at any reasonable time, enter and inspect any premises—

(a) for the purpose of ascertaining whether a relevant offence is being or has been committed on the premises;

(b) for the purpose of—

(i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a licence or registration under this Order, or

(ii) ascertaining whether any condition to which a licence under this Order was subject has been complied with.

(4) Nothing in paragraph (3)(a) confers power to enter a dwelling house.

(5) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under this Article.

(6) A wildlife inspector entering premises under this Article may take with him a veterinary surgeon if the inspector has reasonable grounds for believing that such a person will be needed for the exercise of powers under Article 25C.

(7) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is guilty of an offence.

(8) A person is guilty of an offence if he intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by paragraph (3).

F14 Arts. 25B, 25C inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 22**, 40(1); S.R. 2011/285, **art. 2**, Sch.

VALID FROM 17/08/2011

Power of wildlife inspector to examine specimens and take samples

25C.—(1) A wildlife inspector may, for the purpose of ascertaining whether a relevant offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.

(2) A wildlife inspector may, for the purpose of ascertaining whether a relevant offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by Article 25B in order to determine its identity or ancestry.

(3) A wildlife inspector may, for the purpose of ascertaining whether such an offence is being or has been committed in respect of any specimen ("the relevant specimen"), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—

(a) is alleged to be, or

(b) which the inspector suspects with reasonable cause to be,

a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(4) Where, pursuant to a requirement under this Article—

(a) a live bird or other animal is to be examined, or

(b) a sample is to be taken from a live bird or other animal,

a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.

(5) No sample may be taken by virtue of this Article from a live bird or other animal except by a veterinary surgeon.

(6) No sample may be taken by virtue of this Article from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

(7) A person is guilty of an offence if he—

(a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by paragraph (2), or

(b) fails without reasonable excuse to make available any specimen in accordance with a requirement under paragraph (1) or (3), or

(c) fails without reasonable excuse to give any assistance reasonably required under paragraph (4).

(8) In this Article—

"sample" means a sample of blood, tissue or other biological material;

"specimen" means—

(a) any bird, other animal or plant, or

(b) any part of, or anything derived from, a bird, other animal or plant.**]**

F14 Arts. 25B, 25C inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 22**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Summary prosecutions

26.—(1) This Article applies to—

(a) any offence under Article 4(1) or 16(1), involving the killing, injuring or taking of any wild bird or the taking of an egg of such a bird;

(b) any offence under Article 10(1) or 16(1) involving the killing, injuring or taking of any wild animal;

(c) any offence under Article 14(1) or 16(1) involving the picking, removal, uprooting or destruction of any wild plant;

(d) any offence under Article 19(1) involving the killing, injuring or taking of any deer.

(2) Summary proceedings for an offence to which this Article applies may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this Article more than two years after the commission of the offence.

(3) For the purposes of this Article a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Penalties and forfeitures

27.—(1) Subject to paragraph (7), a person guilty of an offence under Article 4, 6, 7, 9, 12(6) or (7) or 16 shall be liable on summary conviction—

(a) in a case where it is provided that he shall be liable to a special penalty, to a fine not exceeding level 5 on the standard scale,

(b) in any other case, to a fine not exceeding level 3 on the standard scale.

(2) Subject to paragraph (7), a person guilty of an offence under Article 10, 12(1) or (2), or 13(1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Subject to paragraph (7), a person guilty of an offence under Article 8(1), 14 or 24 shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) Subject to paragraph (7), a person guilty of an offence under Article 19, 22(1), (2) or (5) or 23(2) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months, or to both.

(5) Subject to paragraph (7), a person guilty of an offence under Article 8(3) or 23(1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) A person guilty of an offence under Article 15 shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(7) Where an offence to which paragraph (1), (2), (3), (4) or (5) applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that paragraph shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(8) The court by which any person is convicted of an offence under this Order—

(a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and

(b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under Article 15, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.

(9) Any offence under this Order shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

VALID FROM 17/08/2011

[F15 Application to the Crown

27A.—(1) Subject as follows, Parts 2 and 3 and regulations and orders made under those Parts bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) No contravention by the Crown of any provision of this Order makes the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful an act or omission of the Crown which constitutes such a contravention.

(3) Despite paragraph (2), this Order applies to persons in the public service of the Crown as it applies to other persons.**]**

F15 Art. 27A inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 25**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Power to vary Schedules

28.—(1) The Department may by order, either generally or with respect to particular provisions of Part II, particular areas of Northern Ireland or particular times of the year, add any bird to, or remove any bird from, any of or any Part of Schedules 1 to 4.

(2) An order under paragraph (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of Articles 4 and 5; and any close season so prescribed shall commence on a date not later than 1st February and end on a date not earlier than 31st August.

(3) The Department may, on a representation made to it by the Committee for Nature Conservation, by order either generally or with respect to particular provisions of Part II, particular areas of Northern Ireland or particular times of the year—

(a) add to Schedule 5 or 7 any animal or add to Schedule 8 any plant which, in the opinion of the Department, is in danger of extinction in Northern Ireland or is likely to become so endangered unless conservation measures are taken; and

(b) remove from Schedule 5 or 7 any animal, or remove from Schedule 8 any plant which, in the opinion of the Department, is no longer so endangered or likely to become so endangered.

(4) The Department may by order, either generally or with respect to particular provisions of this Part or particular times of the year—

(a) add any animals to, or remove any animals from, Schedule 5 or Schedule 6; and

(b) add any plants to, or remove any plants from, Schedule 8.

(5) The Department may by order, either generally or with respect to particular areas of Northern Ireland—

(a) add any animals to, or remove any animals from, Part I of Schedule 9; and

(b) add any plants to, or remove any plants from, Part II of that Schedule.

(6) The Department may by order amend Schedule 10 by the addition of deer of any species not mentioned in that Schedule and of a close season for any description of deer of that species.

(7) The Department may by order amend Schedule 11 by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in that Schedule.

Regulations, orders and notices

29.—(1) Regulations and orders made by the Department under this Order (other than orders made under Articles 4(10), 6, 12 and 16), shall be subject to negative resolution.

(2) An order made under Article 6 or 12 shall be subject to affirmative resolution.

(3) Before making any order the Department—

(a) shall consult the Committee for Nature Conservation;

(b) shall, by such means as the Department may think appropriate, give to any district council or other person affected an opportunity to submit objections or representations with respect to the subject-matter of the order; and

(c) may, if the Department thinks fit, cause a public inquiry to be held.

(4) The Department shall give consideration to any proposals for the making by it of an order with respect to any area which may be submitted to it by a district council whose district includes that area.

(5) Notice of the making of an order shall be published by the Department in the Belfast Gazette.

Article 30—Amendments and repeals

SCHEDULES

VALID FROM 17/08/2011

[F16SCHEDULE A1

Article 4

BIRDS WHICH RE-USE THEIR NESTS

F16 Sch. A1 inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 4(3)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Common name	***Scientific name***
Eagle, Golden	Aquila chrysaetos
Eagle, White-tailed	Haliaetus albicilla
Osprey	Pandion haliaetus
Owl, Barn	Tyto alba
Peregrine	Falco peregrinus
Kite, Red	Milvus milvus

NOTE: The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.]

SCHEDULE 1

Articles 4, 5(6), 7(3) and 28.

BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES

PART I

AT ALL TIMES

Common name	***Scientific name***
Bittern	Botaurus stellaris
Bunting, Corn	Emberiza calandra
Buzzard	Buteo buteo
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex

Crossbill	Loxia curvirostra
Diver, Red-throated	Gavia stellata
Dotterel	Charadrius morinellus
Dove, Turtle	Streptopelia turtur
Dunlin	Calidris alpina
Eagle, Golden	Aquila chrysaëUtos
Eagle, White-tailed	Haliaeetus albicilla
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus
Flycatcher, Pied	Ficedula hypoleuca
Garganey	Anas querquedula
Godwit, Black-tailed	Limosa limosa
Goosander	Mergus merganser
Goshawk	Accipiter gentilis
Grebe, Black-necked	Podiceps nigricollis
Greenshank	Tringa nebularia
Harrier, Hen	Circus cyaneus
Harrier, Marsh	Circus aeruginosus
Hawk, Sparrow	Accipiter nisus
Heron	Ardea cinerea
Kestrel	Falco tinnunculus
Kingfisher	Alcedo atthis
Merlin	Falco columbarius
Nightjar	Caprimulgus europaeus
Osprey	Pandion haliaetus
Ousel, Ring	Turdus torquatus
Owl, Barn	Tyto alba
Owl, Long#eared	Asio otus
Owl, Short#eared	Asio flammeus
Peregrine	Falco peregrinus
Petrel, Storm	Hydrobates pelagicus
Phalarope, Red#necked	Phalaropus lobatus
Pipit, Tree	Anthus trivialis
Quail	Coturnix coturnix
Redstart	Phoenicurus phoenicurus

Ruff	Philomachus pugnax
Scoter, Common	Melanitta nigra
Swan, Bewick's	Cygnus columbianus
Swan, Whooper	Cygnus cygnus
Tern, Arctic	Sterna paradisaea
Tern, Common	Sterna hirundo
Tern, Little	Sterna albifrons
Tern, Roseate	Sterna dougallii
Tern, Sandwich	Sterna sandvicensis
Tit, Bearded	Panurus biarmicus
Twite	Carduelis flavirostris
Wagtail, Yellow (all races)	Motacilla flava
Warbler, Garden	Sylvia borin
Warbler, Reed	Acrocephalus scirpaceus
Warbler, Wood	Phylloscopus sibilatrix
Whimbrel	Numenius phaeopus

PART II

DURING THE CLOSE SEASON

Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Scaup	Aythya marila
Shoveler	Anas clypeata
Wigeon	Anas penelope

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 2 Articles 4, 5, 6(4), 16(2) and 28.

BIRDS WHICH MAY BE KILLED OR TAKEN

PART I

OUTSIDE THE CLOSE SEASON

Common name	***Scientific name***
Curlew	Numenius arquata
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
[[F17]Goose, Canada**]**	**[**[F17]Branta Canadensis**]**
Goose, Grey#lag	Anser anser
Goose, Pink-footed	Anser brachyrhynchus
Mallard	Anas platyrhynchos
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Scaup	Aythya marila
Shoveler	Anas clypeata
Teal	Anas crecca
Wigeon	Anas penelope

F17 SR 1987/403

Part II rep. by 1995 NI 6

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 3 Articles 7(2) and 28.

BIRDS WHICH MAY BE SOLD DEAD AT ALL TIMES

Common name	***Scientific name***

Wood pigeon	Columba palumbus

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 4

Articles 8 and 28.

BIRDS WHICH MAY BE SHOWN FOR COMPETITIVE PURPOSES

Common name	***Scientific name***
Brambling	Fringilla montifringilla
Bullfinch	Pyrrhula pyrrhula
Bunting, Reed	Emberiza schoeniclus
Chaffinch	Fringilla coelebs
Goldfinch	Carduelis carduelis
Greenfinch	Carduelis chloris
Jackdaw	Corvus monedula
Jay	Garrulus glandarius
Linnet	Carduelis cannabina
Magpie	Pica pica
Redpoll	Carduelis flammea
Siskin	Carduelis spinus
Starling	Sturnus vulgaris
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citrinella

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 5

Articles 10, 11 and 28.

ANIMALS WHICH ARE PROTECTED AT ALL TIMES

Common name	***Scientific name***
Badger	Meles meles
F18	**F18**

. . .	. . .
Butterfly, Brimstone	Gonepteryx rhamni
Butterfly, Dingy Skipper	Erynnis tages
Butterfly, Holly Blue	Celastrina argiolus
Butterfly, Large Heath	Coenonympha tullia
Butterfly, Marsh Fritillary	Euphydryas aurinia
Butterfly, Purple Hairstreak	Quercusia quercus
Butterfly, Small Blue	Cupido minimus
F19	**F19**
. . .	. . .
Lizard, Common or Viviparous	Lacerta vivipara
Marten, Pine	Martes martes
[[F20]Mussel, Freshwater**]**	**[**[F21]Margaritifera margaritifera**]**
Newt, Common	Triturus vulgaris
F22	**F22**
. . .	. . .
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Squirrel, Red	Sciurus vulgaris

F18 Sch. 5: entry relating to "Bats (all species)" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 38(a)**

F19 Sch. 5: entry relating to "Cetaceans (all species)" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 38(a)**

F20 Words in Sch. 5 inserted (21.8.2007) by Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 38(b)**

F21 Words in Sch. 5 inserted (21.8.2007) by Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 38(c)**

F22 Sch. 5: entry relating to "Otter, Common" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 38(a)**

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 6

Articles 12 and 28.

ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS

Common name	***Scientific name***
Badger	Meles meles

Bats (all species)	Chiroptera (all species)
Deer, Fallow	Dama dama
Deer, Red	Cervus elaphus
Deer, Sika	Cervus nippon
Hare, Brown	Lepus europaeus
Hare, Irish	Lepus timidus
Hedgehog	Erinaceus europaeus
Lizard, Common or Viviparous	Lacerta vivipara
Marten, Pine	Martes martes
Newt, Common	Triturus vulgaris
Otter, Common	Lutra lutra
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Squirrel, Red	Sciurus vulgaris

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 7

Articles 13 and 28.

ANIMALS WHICH MAY NOT BE SOLD ALIVE OR DEAD AT ANY TIME

Common name	***Scientific name***
Badger	Meles meles
F23	**F23**
. . .	. . .
Butterfly, Brimstone	Gonepteryx rhamni
Butterfly, Dingy Skipper	Erynnis tages
Butterfly, Holly Blue	Celastrina argiolus
Butterfly, Large Heath	Coenonympha tullia
Butterfly, Marsh Fritillary	Euphydryas aurinia
Butterfly, Purple Hairstreak	Quercusia quercus
Butterfly, Small Blue	Cupido minimus
Fox	Vulpes vulpes
Frog, Common	Rana temporaria
Hedgehog	Erinaceus europaeus

Lizard, Common or Viviparous	Lacerta vivipara
Marten, Pine	Martes martes
Mussel, Freshwater	Margaretifera margaretifera
Newt, Common	Triturus vulgaris
F24	**F24**
. . .	. . .
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Sea-urchin, Common	Echinus esculentus
Squirrel, Red	Sciurus vulgaris

F23 Sch. 7: entry relating to "Bats (all species)" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 39**

F24 Sch. 7: entry relating to "Otter, Common" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 39**

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 8

Articles 14 and 28.

PLANTS WHICH ARE PROTECTED

PART I

PLANTS WHICH ARE PROTECTED UNDER ARTICLE 14(1)(a) AND (2)

Common name	***Scientific name***
Avens, Mountain	Dryas octopetala
Barley, Wood	Hordelymus europaeus
Betony	Stachys officinalis
Broomrape, Ivy	Orobanche hederae
Buckthorn, Alder	Frangula alnus
Bugle, Pyramidal	Ajuga pyramidalis
Campion, Moss	Silene acaulis
Cat's#ear, Smooth	Hypochoeris glabra
Centaury, Seaside	Centaurium littorale

Cloudberry	Rubus chamaemorus
Clubmoss, Marsh	Lycopodium inundatum
Cowslip	Primula veris
Cow#wheat, Wood	Melampyrum sylvaticum
Cranesbill, Wood	Geranium sylvaticum
Cress, Shepherd's	Teesdalia nudicaulis
Crowfoot, Water	Ranunculus fluitans
Fern, Holly	Polystichum lonchitis
F25	**F25**
. . .	. . .
Fern, Oak	Gymnocarpium dryopteris
Fleabane, Blue	Erigeron acer
Globe#flower	Trollius europaeus
Grass, Blue#eyed	Sisyrinchium bermudiana
Grass, Holy	Hierochloe odorata
Heath, Cornish	Erica vagans
Helleborine, Green#flowered	Epipactis phyllanthes
Helleborine, Marsh	Epipactis palustris
Moschatel, or Town Hall Clock	Adoxa moschatellina
Mudwort	Limosella aquatica
Orchid, Bee	Ophrys apifera
Orchid, Bird's Nest	Neottia nidus#avis
Orchid, Bog	Hammarbya paludosa
Orchid, Green#winged	Orchis morio
Orchid, Irish Lady's Tresses	Spiranthes romanzoffiana
Orchid, Narrow#leaved Marsh	Dactylorchis traunsteineri
Orchid, Small white	Pseudorchis albida
Oyster#plant	Mertensia maritima
Pea, Marsh	Lathyrus palustris
Pennyroyal	Mentha pulegium
Pillwort	Pilularia globulifera
Rosemary, Bog	Andromeda polifolia
Saw#wort, Mountain	Saussurea alpina
Saxifrage, Purple	Saxifraga oppositifolia
F26	**F26**
. . .	. . .

Saxifrage, Yellow Mountain	Saxifraga aizoides
Sea#lavender, Rock	Limonium binervosum
Sedge, Broad#leaved Mud	Carex magellanica
Sedge, Few#flowered	Carex pauciflora
Small#reed, Northern	Calamagrostis stricta
Spike#rush	Eleocharis parvula
Thistle, Melancholy	Cirsium helenioides
Violet, Fen	Viola persicifolia
Violet, Water	Hottonia palustris
Waterwort, Eight#stamened	Elatine hydropiper
Wintergreen, Serrated	Ramischia secunda
Yellow Bird's#nest	Monotropa hypopitys

F25 Sch. 8: entry relating to "Fern, Killarney" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 40**

F26 Sch. 8: entry relating to "Saxifrage, Yellow Marsh" deleted (21.8.2007) by virtue of Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/345), **reg. 40**

PART II

PLANTS WHICH ARE PROTECTED UNDER ARTICLE 14(1)(b) AND (2)

Primrose	Primula vulgaris

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column is to be taken into account.

SCHEDULE 9

Articles 15 and 28.

ANIMALS AND PLANTS TO WHICH ARTICLE 15 APPLIES

PART I

ANIMALS WHICH ARE ESTABLISHED IN THE WILD

Common name	***Scientific name***
Duck, Carolina Wood	Aix sponsa
Duck, Ruddy	Oxyura jamaicensis

Goose, Barnacle	Branta leucopsis
Goose, Canada	Branta canadensis
Goshawk	Accipiter gentilis
Mink, American	Mustela vison
Pheasant, Golden	Chrysolophus pictus
Rat, Black	Rattus rattus
Squirrel, Grey	Sciurus carolinensis

PART II

PLANTS

Hogweed, Giant	Heracleum mantegazzianum
Kelp, Giant	Macrocystis pyrifera
Knotweed	Reynoutria sachalinensis
Knotweed, Japanese	Reynoutria japonica
Pirri#pirri Bur	Acaena (all species)
Seaweed, Japanese	Sargassum muticum
Spartina or Cord#grass	Spartina (all species)

NOTE. The first column of this Schedule, which gives the common name or names, is included by way of guidance only; in the event of any dispute or proceedings, only the second column shall be taken into account.

SCHEDULE 10

Articles 19(1) and (5), 23(3) and 28.

CLOSE SEASONS FOR DEER

FALLOW DEER *(Dama dama)*

Buck:	1st May to 31st July inclusive.
Doe:	1st March to 31st October inclusive.

RED DEER *(Cervus elaphus)*

Stags:	1st May to 31st July inclusive.
Hinds:	1st March to 31st October inclusive.

SIKA DEER *(Cervus nippon)*

Stags:	1st May to 31st July inclusive.
Hinds:	1st March to 31st October inclusive.

[In this Schedule any reference to a species of deer includes a hybrid of that species.]

SCHEDULE 11 Articles 19(3) and 28.

PROHIBITED FIREARMS AND AMMUNITION

Firearms

1. Any smooth bore gun.

2. Any rifle having a calibre of less than .236 inches (6 millimetres).

3. Any pistol, revolver or other type of handgun other than a slaughtering instrument (within the meaning of Article 2(2) of the Firearms (Northern Ireland) Order**[**[F27] 2004**]**).

F27 2004 NI 3

4. Any air gun, air rifle or air pistol.

5. Any weapon which discharges a missile by means of a gas propellant.

Ammunition

6. Any cartridge for use in a smooth bore gun.

7. Any cartridge or load for use in a rifle other than a cartridge or load so designed that, when fired in a rifle, the bullet discharged has a muzzle energy of not less than 1,700 foot pounds (2,305 joules).

8. Any bullet for use in a rifle other than—

(a) a bullet weighing not less than 100 grains (6.48 grammes);

(b) an expanding bullet designed to deform in a predictable manner and thereby increase its effective diameter upon entering tissue.

Schedule 12—Amendments

Schedule 13—Repeals

Status:
Point in time view as at 21/08/2007. This version of this Order contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985.