

STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART II

Wildlife

Protection of other animals

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.

[^{F1}(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if—

- (a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and
- (b) sub-paragraph (c) were omitted.]

(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 [^{F2}or inland waters]; and
- (b) he notifies the Department immediately after taking such action.

[^{F3}(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.]

(4) ^{F4}.....

(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.

F1 [Art. 11\(1A\)](#) inserted (1.3.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(5), [Sch. 9 para. 15\(a\)](#) (with [Sch. 4 para. 31](#))

Changes to legislation: *There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 11. (See end of Document for details)*

- F2** Words in art. 11(3)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 11(2)**; S.R. 2011/285, **art. 2**, Sch.
- F3** Art. 11(3A) inserted (1.3.2021) by Fisheries Act 2020 (c. 22), s. 54(5), **Sch. 9 para. 15(b)** (with Sch. 4 para. 31)
- F4** Art. 11(4) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39, 40(1), Sch. 2 para. 11(3), **Sch. 3 Pt. 1**; S.R. 2011/285, **art. 2**, Sch.

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