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STATUTORY INSTRUMENTS

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**1985 No. 171**

**The Wildlife (Northern Ireland) Order 1985**

**PART II**

**Wildlife**

*Other protection*

***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 [<sup>F1</sup>or recklessly]—
- (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;
  - [<sup>F2</sup>(iiiia) obstructs or prevents any wild bird or wild animal from using its nest or any structure or place which such a bird or animal uses for shelter or protection;]
  - (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, [<sup>F3</sup>the offence shall be treated as falling within Article 7(5A)].

*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.

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| <p><b>F1</b> Words in art. 16(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 5(2)(d), 40(1); S.R. 2011/285, art. 2, Sch.</p> <p><b>F2</b> Art. 16(1)(a)(iiia) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), Sch. 2 para. 15(2); S.R. 2011/285, art. 2, Sch.</p> <p><b>F3</b> Words in art. 16(1)(c) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), Sch. 2 para. 15(3); S.R. 2011/285, art. 2, Sch.</p> |
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**Changes to legislation:**

There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 16.