
STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART III

Protection of deer

Exceptions to Articles 12 and 19

20.—(1) Articles [^{F1}12(2)(f)] 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 [^{F2}paragraph (2)(d)(v) or (vi) or (2)(f) of Article 12 or] 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 [^{F3}12(2)(b) or (c) or (d)(iii)] 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.
- [^{F4}(8A) An authorised person shall not be guilty of an offence under Article 19(3)(a) if he uses for the purpose of taking or killing or injuring any Chinese water deer (*hydropotes inermis*) or muntjac deer (*muntiacus reevesi*)—
- (a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds (1,356 joules); and
- (b) a soft-nosed or hollow-nosed bullet weighing not less than 50 grains (3.24 grammes).]
- (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.

F1 Word in art. 20(1) substituted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **6(2)**

F2 Words in art. 20(3) substituted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **6(3)**

F3 Words in art. 20(4) substituted (31.5.2019) by [The Humane Trapping Standards Regulations \(Northern Ireland\) 2019 \(S.R. 2019/68\)](#), regs. 1(1)(b), **6(4)**

F4 Art. 20(8A) inserted (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 17, 40(1); S.R. 2011/285, art. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Section 20.