
STATUTORY INSTRUMENTS

1985 No. 171

The Wildlife (Northern Ireland) Order 1985

PART II

Wildlife

Protection of birds

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.

[^{F1}(2A) 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 (1)(a) or (2)(a) shall be guilty of an offence.]

(3) ^{F2}

(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 ^{F3}to which paragraph (5A) applies]; or
- ^{F4}(aa) within 5 years of his having been convicted of an offence under the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (other than an offence under Regulation 9 of those Regulations); or
- (ab) within 5 years of his having been convicted of an offence under Regulation 34 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995; 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.

^{F5}(5A) The offences falling within this paragraph are —

- (a) any offence under Article 4(1), (2) or (6) in respect of—
 - (i) a bird included in Schedule A1 or 1 or any part of, or anything derived from, such a bird,
 - (ii) the nest of such a bird, or
 - (iii) an egg of such a bird or any part of such an egg;
- (b) any offence under Article 6(1);
- (c) any offence under Article 7 in respect of—
 - (i) a bird included in Schedule A1 or 1 or any part of, or anything derived from, such a bird, or
 - (ii) an egg of such a bird or any part of such an egg;
- (d) any offence under Article 9.]

(6) ^{F6}

(7) ^{F7}

F1	Art. 7(2A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 6(3) , 40(1); S.R. 2011/285, art. 2 , Sch.
F2	Art. 7(3) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), Sch. 3 Pt. 1 ; S.R. 2011/285, art. 2 , Sch.
F3	Words in art. 7(5)(a) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), Sch. 2 para. 8(2) ; S.R. 2011/285, art. 2 , Sch.
F4	Art. 7(5)(aa)(ab) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 8 , 40(1); S.R. 2011/285, art. 2 , Sch.
F5	Art. 7(5A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), Sch. 2 para. 8(3) ; S.R. 2011/285, art. 2 , Sch.
F6	Art. 7(6) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), Sch. 3 Pt. 1 ; S.R. 2011/285, art. 2 , Sch.
F7	Art. 7(7) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), Sch. 3 Pt. 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 7.