Changes to legislation: *The Wildlife (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 20 February 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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;

[[F3]"inland waters" has the meaning given in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006;**]**

"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**[**[F4] species**]** which is ordinarily resident in or is a visitor to**[**[F4] the European territory of any Member State**]** in a wild state but does not include poultry **[**[F5]or any game bird**]**;

"wild plant" means any plant **[**[F6](including fungi)**]** 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) [F7]. . . . . .

(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 Art. 2(2): definition of "inland waters" inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 5(2)**; S.R. 2011/285, **art. 2**, Sch.

F4 SR 2004/435

F5 Art. 2(2): words in definition of "wild bird" added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 5(3)**; S.R. 2011/285, **art. 2**, Sch.

F6 Art. 2(2): words in definition of "wild plant" inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 12(3)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F7 Art. 2(3) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39, 40(1), Sch. 2 para. 5(4), **Sch. 3 Pt. 1**; S.R. 2011/285, **art. 2**, Sch.

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) **[**[F8]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.

[[F9](3) Any reference in this Part to a plant which is growing—

(a) includes a reference to a bulb, corm or rhizome;

(b) does not include a reference to a seed or spore.**]**

F8 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)

F9 Art. 3(3) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 12(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

Protection of birds

Protection of wild birds, their nests and eggs

4.—(1) Subject to the provisions of this Part, if any person intentionally **[**[F10]or recklessly**]**—

(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

[[F11](ba) at any other time takes, damages or destroys the nest of any wild bird included in Schedule A1; or

(bb) obstructs or prevents any wild bird from using its nest; 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.

[[F12](4) In paragraph (3) "the relevant provisions" means the provisions of—

(a) this Part and of orders made under it,

(b) the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 and of orders made under those Acts,

(c) any other legislation which implements either of the Wild Birds Directives and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and

(d) the law of any member State (other than the United Kingdom) implementing either of the Wild Birds Directives.

(4A) For the purposes of paragraph (4) "the Wild Birds Directives" are—

(a) Council Directive 79/409/EEC on the conservation of wild birds; and

(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.**]**

(5) [F13]. . . . . .

(6) Subject to the provisions of this Part, if any person intentionally **[**[F10]or recklessly**]**—

(a) disturbs any wild bird[F14]. . . 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 [F15]. . . .

[[F16](6A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this Article shall be guilty of an offence.**]**

(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) [F17]. . . 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.

F10 Words in art. 4(1)(6) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 5(2)(a)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F11 Art. 4(1)(ba)(bb) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 4(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F12 Art. 4(4)-(4A) substituted (17.8.2011) for art. 4(4) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 7(1)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F13 Art. 4(5) 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.

F14 1995 NI 6

F15 Words in art. 4(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.

F16 Art. 4(6A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 6(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F17 Words in art. 4(12) 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.

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) **[**[F18]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 **[**[F19], fisheries or inland waters**]**; and

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

[[F20](7) An authorised person shall not be regarded as showing that any action of his was necessary for a purpose mentioned in paragraph (6) unless he shows that, as regards that purpose, there was no other satisfactory solution.

(8) An authorised person shall not be entitled to rely on the defence provided by paragraph (6) 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 by him for such a licence had been determined.**]**

F18 1995 NI 6

F19 Words in art. 5(6)(a)(iii) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 6**; S.R. 2011/285, **art. 2**, Sch.

F20 Art. 5(7)(8) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 7(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

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 [F21]. . . .

(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, **[**[F22]knowingly causes or permits**]** 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.

F21 Words in art. 6(1) 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.

F22 Words in art. 6(5) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 7**; S.R. 2011/285, **art. 2**, Sch.

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.

[[F23](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) [F24]. . . . . .

(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 **[**[F25]to which paragraph (5A) applies**]**; or

[[F26](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.

[[F27](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) [F28]. . . . . .

(7) [F29]. . . . . .

F23 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.

F24 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.

F25 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.

F26 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.

F27 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.

F28 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.

F29 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.

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 [F30]. . . .

(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; **[**[F31]or**]**

(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 [F32]. . . .

F30 Words in art. 9(1) 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.
F31 Word in art. 9(2)(b) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 9**; S.R. 2011/285, **art. 2**, Sch.
F32 Words in art. 9(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.

Protection of other animals

Protection of certain wild animals

10.—(1) Subject to the provisions of this Part, if any person intentionally **[**[F33]or recklessly**]** 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 **[**[F33]or recklessly**]**—

(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.

[[F34](4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—

(a) a common seal (phoca vitulina),

(b) a grey seal (halichoerus grypus), or

(c) a basking shark (cetorhinus maximus),

he shall be guilty of an offence.**]**

[[F35](4B) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this Article shall be guilty of an offence.**]**

(5) In any proceedings under paragraph (1) or (2) **[**[F36]or for an offence under paragraph (4B) relating to an act which is mentioned in paragraph (1) or (2)**]**, the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

F33 Words in art. 10(1)(4) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 5(2)(b)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F34 Art. 10(4A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 9**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F35 Art. 10(4B) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 6(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F36 Words in art. 10(5) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 10**; S.R. 2011/285, **art. 2**, Sch.

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 **[**[F37]or inland waters**]**; and

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

(4) [F38]. . . . . .

(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.

F37 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.

F38 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.

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 **[**[F39]or otherwise uses**]** 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;

[[F40](aa) sets in position or otherwise uses any other type of snare which is either of such a nature or so placed (or both) as to be calculated to cause unnecessary suffering to any wild animal coming into contact with it;**]**

(b) uses for the purpose of killing or taking any wild animal [F41]. . . 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.

[[F42](2) Subject to the provisions of this Part and to those of Article 20, if any person—

(a) uses any trap or snare for the purpose of killing, taking or restraining any wild animal included in Schedule 6 or 6A;

(b) sets in position any trap or snare of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedules 6 or 6A;

(c) sets in position any—

(i) hook and line;

(ii) electrical device for killing or stunning; or

(iii) poisonous, poisoned or stupefying substance or muscle-relaxing agent,

of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6;

(d) uses for the purpose of killing or taking any wild animal included in Schedule 6 any—

(i) hook and line;

(ii) poisonous, poisoned or stupefying substance or muscle-relaxing agent;

(iii) net;

(iv) automatic or semi-automatic weapon;

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

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

(vii) gas or smoke not falling within head (iii);

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

(e) uses any electrical device for killing or taking any wild animal included in Schedule 6;

(f) uses any mechanically propelled vehicle in immediate pursuit of any wild animal included in Schedule 6 for the purpose of driving, killing or taking that animal; or

(g) knowingly causes or permits to be done an act mentioned in any of sub-paragraphs (a) to (f),

that person shall be guilty of an offence.**]**

[[F43](2A) Any person who sets a snare in position or who knowingly causes or permits a snare to be so set must, while it remains in position, inspect it or cause it to be inspected at least once every day at intervals of no more than 24 hours.

(2B) Any person who, while carrying out such an inspection, finds an animal caught by the snare being inspected must, during the course of the inspection, release or remove the animal (whether live or dead).

(2C) Any person who—

(a) without reasonable excuse, contravenes paragraph (2A), or

(b) contravenes paragraph (2B),

shall be guilty of an offence.

(2D) Any person who, without reasonable excuse, is in possession of a snare which is capable of operating as a self-locking snare shall be guilty of an offence.

(2E) Any person who, without reasonable excuse—

(a) while on any land, has in his possession any snare without the authorisation of the owner or occupier of the land, or

(b) sets any snare in position on any land without the authorisation of the owner or occupier of the land,

shall be guilty of an offence.

(2F) Any person who—

(a) uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Department, or

(b) knowingly causes or permits any other person to do so,

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 **[**[F44](2)(a), (d), (e) or (f)**]** , the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

(5) In any proceedings under paragraph **[**[F45](2)(b) or (c)**]** 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 **[**[F46]the relevant Schedule**]** .

[[F47](5A) In paragraph (5), "the relevant Schedule" means—

(a) where proceedings relate to an offence under paragraph (2)(b), Schedule 6 or 6A;

(b) where proceedings relate to an offence under paragraph (2)(c), Schedule 6.**]**

(6) Any person who, being the occupier or concerned in the management of any land, **[**[F48]knowingly causes or permits**]** 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 [F49]. . . shall be guilty of an offence.

F39 Words in art. 12(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 10(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F40 Art. 12(1)(aa) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 10(3)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F41 Words in art. 12(1)(b) 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.

F42 Art. 12(2) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **3(2)**

F43 Art. 12(2A)-(2F) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 10(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F44 Words in art. 12(4) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **3(3)**

F45 Words in art. 12(5) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **3(4)(a)**

F46 Words in art. 12(5) substituted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **3(4)(b)**

F47 Art. 12(5A) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **3(5)**

F48 Words in art. 12(6) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 12**; S.R. 2011/285, **art. 2**, Sch.

F49 Words in art. 12(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.

[[F50]Spring traps

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

(a) for the purpose of killing or taking any wild animal other than one included in Schedule 6 **[**[F51]or 6A**]** , uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for wild animals for which it is not approved, or

(b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under sub-paragraph (a), or

(c) has in his possession any spring trap for a purpose which is unlawful under this paragraph,

shall be guilty of an offence.

(2) Paragraph (1) does not apply to traps of any description specified by order of the Department as being adapted solely for the destruction of rats, mice or other small ground vermin.

(3) In paragraph (1) any reference to an approved trap is a reference to a trap of a type and make for the time being specified by an order of the Department, either generally or subject to conditions as to the circumstances in which or the wild animals for which it may be used, and any reference to the circumstances or wild animals for which a trap is approved shall be construed accordingly.**]**

[[F52](4) In paragraph (1) any reference to an approved trap shall not include a reference to any trap if that trap is a leghold trap.

(5) In paragraph (4), "leghold trap" means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal's limbs, thereby preventing withdrawal of the limb or limbs from the trap.**]**

F50 Art. 12A inserted (30.1.2012 for specified purposes, 12.3.2012 in so far as not already in operation) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 11(1)**, 40(1); S.R. 2012/21, art. 2(1)(2)(a)

F51 Words in art. 12A(1)(a) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **4(2)**

F52 Art. 12A(4)(5) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **4(3)**

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.

[[F53](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) Paragraphs (4) **[**[F54]to (5A)**]** 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) **[**[F55]or for an offence under paragraph (2A) relating to an act which is mentioned in paragraph (1)(a) or (2)(a)**]**, the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

F53 Art. 13(2A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 6(5)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F54 Words in art. 13(3) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 13(2)**; S.R. 2011/285, **art. 2**, Sch.

F55 Words in art. 13(4) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 13(3)**; S.R. 2011/285, **art. 2**, Sch.

Other protection

Protection of wild plants

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

(a) intentionally **[**[F56]or recklessly**]** picks, removes, uproots or destroys any wild plant included in Part I of Schedule 8 **[**[F57]or any seed or spore attached to any such wild plant**]**; or

(b) not being an authorised person, intentionally **[**[F56]or recklessly**]** 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.

[[F58](3A) 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) or (2)(a) shall be guilty of an offence.**]**

(4) In any proceedings for an offence under paragraph (2)(a) **[**[F59]or for an offence under paragraph (3A) relating to an act which is mentioned in paragraph (2)(a)**]**, the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

F56 Words in art. 14(1)(a)(b) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 5(2)(c)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F57 Words in art. 14(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 12(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F58 Art. 14(3A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 6(6)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F59 Words in art. 14(4) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 14**; S.R. 2011/285, **art. 2**, Sch.

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 **[**[F60]or is a hybrid of any animal of that kind**]**; or

(b) is included in Part I of Schedule 9 **[**[F61]or is a hybrid of any animal included in that Part**]**,

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 **[**[F62]or is a hybrid of any plant included in that Part**]**, he shall be guilty of an offence.

[[F63](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) or (2) 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) [F64] . . . . . .

(6) [F64] . . . . . .

[[F65](7) The Department may issue guidance (or approve guidance issued by others) for the purpose of providing persons with recommendations, advice and information regarding—

(a) any animal mentioned in paragraph (1),

(b) any plant mentioned in paragraph (2),

and may issue revisions of any guidance issued by it (or approve revisions of guidance issued by others).

(8) A person who fails to comply with any guidance issued or approved under paragraph (7) is not by reason of that failure liable in any criminal or civil proceedings.

(9) But any such guidance is admissible in evidence in such proceedings and a court may take account of any failure to comply with it in determining any questions in the proceedings.**]**

[[F66](10) Paragraph (1)(a) does not apply to species included on the list of invasive alien species of European Union concern adopted by the European Commission in accordance with Articles 4(1) and 10(4) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread in invasive alien species as amended from time to time.**]**

F60 Words in art. 15(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 13(2)(a)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F61 Words in art. 15(1)(b) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 13(2)(b)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F62 Words in art. 15(2) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 13(3)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F63 Art. 15(2A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 6(7)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F64 Art. 15(5)(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.

F65 Art. 15(7)-(9) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 13(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F66 Art. 15(10) inserted (1.12.2019) by The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019/159), arts. 1(1), **32(2)** (with art. 1(2))

[[F67]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.**]**

F67 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.

[F68Possession 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;

[F69(c) Regulation (EU) No 528/2012 of the European Parliament and of the Council; 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.]

F68 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.

F69 Art. 15B(3)(c) substituted (1.9.2013) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), reg. 2(1), **Sch. 4 para. 1** (with regs. 3, 19)

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 [F70or 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;

[F71(iiia) 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, **[**[F72]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.

F70 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.

F71 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.

F72 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.

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) **[**[F73], (4) and (4A)**]**, 12(1) and (2), 14(1), and orders under Article 16, do not apply to anything done—

(a) for scientific **[**[F74], research**]** 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;

[[F75](aa) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;

(ab) for the purpose of conserving flora or fauna;**]**

(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 **[**[F76], fisheries or inland waters**]**,

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

[[F77](2A) The Department—

(a) shall not grant a licence for any purpose mentioned in paragraph (1) or (2) in relation to a wild bird unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and

(b) shall not grant a licence for any purpose mentioned in paragraphs (1)(b) or (2)(d) to (f) otherwise than on a selective basis and in respect of a small number of birds.”.**]**

(3) Articles 10(1), (2) **[**[F73], (4) and (4A)**]**, 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 **[**[F78], wild birds**]** 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.

[[F79](3A) Article 10(4) does not apply to anything done for the purpose of any development if it is done under and in accordance with the terms of a licence granted by the Department.**]**

[[F80](3B) A licence granted under paragraph (1) or (3) may not permit the use of a leghold trap for the purpose of killing, taking or restraining a wild animal included in Schedule 6 or 6A.

(3C) Subject to paragraph (3J) a licence granted under paragraph (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6A only if the trap or snare—

(a) meets the conditions relating to certification (see paragraphs (3D) to (3G)); or

(b) meets the approved design conditions (see paragraphs (3H and (3I)).

(3D) Subject to paragraph (3J), a licence granted under paragraph (1) or (3) may permit the use of a trap (other than a leghold trap) or a snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6A only if the trap or snare—

(a) is of a certified type and make;

(b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and

(c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3E) For the purposes of paragraph (3D)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3F) For the purposes of this Article, a type and make of trap or snare is "certified" in relation to a wild animal included in Schedule 6A if it is certified by the Department or by or on behalf of any of the following authorities as conforming (where the trap or snare is set, operated safely and maintained in accordance with instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—

(a) the Secretary of State;

(b) the Welsh Ministers;

(c) the Scottish Ministers;

(d) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3G) The Department shall—

(a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and

(b) make the list available to anyone who asks for it in writing.

(3H) For the purposes of paragraph (3C)(b), a trap or snare meets the approved design conditions if it—

(a) has been constructed by the person using it; and

(b) complies with a design approved for this purpose by the Department.

(3I) The Department shall—

(a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with paragraph (3H)(b); and

(b) make the details available to anyone who asks for them in writing.

(3J) Paragraph (3C) does not apply in respect of a licence granted under paragraph (1) for a purpose mentioned in sub-paragraphs (a), (c), or (d) of that paragraph, or granted under paragraph (3), where the licence—

(a) is subject to such conditions as the Department considers appropriate when granting the licence;

(b) does not, in the opinion of the Department, undermine the objectives of the international trapping standards agreement; and

(c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.**]**

(4) Articles 7(1) and (2), 13(1) and (2), 14(1)(a) and (2) **[**[F81], 15 or 15A**]** do not apply to anything done under and in accordance with the terms of a licence granted by the Department.

[[F82](4A) Article 12A(1)(a) does not apply to anything done for the purpose of enabling a spring trap to be developed or tested with a view to its being approved under Article 12A(3) if it is done under and in accordance with a licence granted by the Department.**]**

(5) Subject to**[**[F83] 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.

[[F83](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;

[F84](ia) **[** the circumstances in which, and the conditions subject to which, such birds 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.

[[F85](8) In this Article—

" development " has the meaning given in Article 11 of the Planning (Northern Ireland) Order 1991;

[[F86]"the international trapping standards agreement" means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation;

"leghold trap" means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal's limbs, thereby preventing withdrawal of the limb or limbs from the trap.**]**

"re-population" and " re-introduction ", in relation to wild birds, have the same meanings as in the Directive of the Council of the European Communities dated 2nd April 1979 (No.79/409/EEC) on the conservation of wild birds. **]**

F73 Words in art. 18(1)(3) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 16(a)**; S.R. 2011/285, **art. 2**, Sch.

F74 Words in art. 18(1)(a) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F75 Art. 18(2)(aa)(ab) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(3)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F76 Words in art. 18(2)(g) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(4)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F77 Art. 18(2A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(5)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F78 Words in art. 18(3)(b) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(6)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F79 Art. 18(3A) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(7)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F80 Art. 18(3B)-(3J) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **5(2)**

F81 Words in art. 18(4) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 16(b)**; S.R. 2011/285, **art. 2**, Sch.

F82 Art. 18(4A) inserted (30.1.2012 for specified purposes, 12.3.2012 in so far as not already in operation) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 11(2)**, 40(1); S.R. 2012/21, art. 2(1)(2)(a)

F83 1995 NI 6

F84 Art. 18(6)(ia) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(8)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F85 Art. 18(8) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 16(9)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F86 Words in art. 18(8) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **5(3)**

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 **[**[F87]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 **[**[F88]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 **[**[F89]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.

[[F90](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.

F87 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)**

F88 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)**

F89 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)**

F90 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.

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.

[[F91](2) Article 19(1) does not apply to anything done for the purpose of—

(a) preserving public health or public safety,

(b) conserving the natural heritage, or

(c) preventing serious damage to property,

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

(3) Before granting a licence under paragraph (2) in relation to any land the Department must be satisfied that—

(a) in the case of a licence required for the purpose of preserving public health or public safety, there is a serious risk of deer of the species and description to which the application relates putting public health or public safety at risk;

(b) in the case of a licence required for the purpose of conserving the natural heritage, there is a serious risk of deer of the species and description to which the application relates causing deterioration of the natural heritage;

(c) in the case of a licence required for the purpose of preventing serious damage to property, property on the land has been seriously damaged in the year preceding the licence application;

(d) to achieve the purpose in question there is no satisfactory alternative to taking and killing the deer of the species and description to which the application relates during the close season prescribed by Schedule 10; and

(e) the applicant has a right of entry to the land for the purpose of taking or killing deer under the licence.

(4) A licence under this Article must state—

(a) the purpose for which it is granted;

(b) the land to which it relates;

(c) the species and descriptions of deer to which it relates;

(d) the period, not exceeding two years, for which it is valid; and

(e) in the case of a licence under paragraph (2), the method by which the licensee may take or kill deer.

(5) A licence under this Article—

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

(b) may be modified or revoked at any time by the Department.

(6) The Department may charge fees for the consideration of applications for licences under this Article.

(7) In this Article "the natural heritage" means flora and fauna, geological or physiographical features or the natural beauty and amenity of the countryside.**]**

F91 Art. 21(2)-(7) substituted (17.8.2011) for art. 21(2) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 18**, 40(1); S.R. 2011/285, **art. 2**, Sch.

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) [F92]. . . . . .

(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

[F93]. . . . . .

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

F92 Art. 23(1) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 36(4), 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

F93 Art. 23(3): definition of "prohibited period" repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

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,

[F94]. . . shall be guilty of an offence.

F94 Word in art. 24 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.

[[F95]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.**]**

F95 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.

[F96 Enforcement: constables

25.—(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under Part 2 or 3, 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 for, search or examine any animal or thing which that person may then be using or may have used, or may have or have had in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found in or on that animal or thing;

(c) 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 or has committed an offence under Part 2 or 3, he may enter any land other than a dwelling house for the purpose—

(a) of exercising the powers conferred by paragraph (1); or

(b) of arresting a person under Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 for that offence.

(3) If a lay magistrate is satisfied on a complaint in writing that—

(a) there are reasonable grounds for suspecting that an offence under Part 2 or 3 has been committed, and

(b) that evidence of the offence may be found on any premises,

the lay magistrate may grant a warrant to any constable to enter those premises, if necessary using reasonable force, and search them for the purpose of obtaining that evidence.

(4) A warrant under paragraph (3) continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.

(5) A constable authorised under this Article to enter any land must, if required to do so by the occupier or anyone acting on the occupier's behalf, produce evidence of the constable's authority.

(6) A constable who enters any land in the exercise of a power under this Article—

(a) may—

(i) be accompanied by any other persons, and

(ii) take any machinery, other equipment or materials on to the land,

for the purpose of assisting the constable in the exercise of that power,

(b) may take samples of any articles or substances found there and remove the samples from the land.

(7) A power specified in paragraph (6)(a) or (b) which is exercisable under a warrant is subject to the terms of the warrant.

(8) A constable leaving any land which has been entered in exercise of a power under this Article, being either unoccupied land or land from which the occupier is temporarily absent, must leave it as effectively secured against unauthorised entry as the constable found it.

(9) Where, under paragraph (1)(c), a constable seizes and detains any animal or any bird, egg or nest, he shall as soon as may be convenient 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.

(10) Where, in relation to any animal or any bird, egg or nest sold under paragraph (9), the person from whom that animal or that bird, egg or nest was seized—

(a) is convicted of an offence under Part 2 or 3, 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.

(11) A constable who, in pursuance of an order under paragraph (9), sells, liberates or destroys any animal or any bird, egg or nest seized under paragraph (1)(c), 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.**]**

F96 Art. 25 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 20**, 40(1); S.R. 2011/285, **art. 2**, Sch.

[F97Powers 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.**]**

F97 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.

[F98Power 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).

F98 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.

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.**]**

F98 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) [F99]. . . . . .

(2) **[**[F100]Proceedings for a summary offence under this Order**]** 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.

F99 Art. 26(1) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 23(2), 39(2), 40(1), **Sch. 3 Pt. 1** (with s. 23(4)); S.R. 2011/285, **art. 2**, Sch.

F100 Words in art. 26(2) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 23(3)**, 40(1) (with s. 23(4)); S.R. 2011/285, **art. 2**, Sch.

Penalties and forfeitures

27.—**[**[F101](1) Subject to paragraph (7), a person guilty of an offence under—

(a) any of Articles 4 to 14,

(b) Article 15B,

(c) Article 16,

(d) Part 3,

(e) Article 24, or

(f) Article 25B(7),

shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

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

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(3) Except in a case falling within paragraph (4), a person guilty of an offence under Article 25A(4), 25B(8) or 25C(7) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under Article 25B(8) or 25C(7)(a) in relation to a wildlife inspector entering premises to ascertain whether an offence under Article 15 or 15A is being or has been committed 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), **[**[F102]or (2)**]** 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 **[**[F103]or 15A**]**, 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.

F101 Art. 27(1)-(4) substituted (17.8.2011) for art. 27(1)-(6) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 24(1)**, 40(1) (with s. 24(2)); S.R. 2011/285, **art. 2**, Sch.

F102 Words in art. 27(7) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 17(a)**; S.R. 2011/285, **art. 2**, Sch.

F103 Words in art. 27(8)(b) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 17(b)**; S.R. 2011/285, **art. 2**, Sch.

[F104Application 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.**]**

F104 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 **[**F105Schedules A1**]** 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 **[**F106Part 2**]** or particular times of the year—

(a) add any animals to, or remove any animals from, Schedule 5 **[**F107, Schedule 6 or Schedule 7**]**; 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.

[F108(8) The Department shall—

(a) not later than 5 years after the coming into operation of section 26 of the Wildlife and Natural Environment (Northern Ireland) Act 2011, and

(b) at least once in every period of five years thereafter,

review Schedules A1, 1, 2, 5 and 8 and determine whether it should exercise any power under this Article in relation to any of those Schedules.**]**

[[F109](9) The Department may by order, for the purpose of complying with the international trapping standards agreement, add any animal to, or remove any animal from, Schedule 6A.

(10) In paragraph (9), "the international trapping standards agreement" has the meaning given to it in Article 18(8).**]**

F105 Words in art. 28(1) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 18(2)**; S.R. 2011/285, **art. 2**, Sch.
F106 Words in art. 28(4) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 18(3)(a)**; S.R. 2011/285, **art. 2**, Sch.
F107 Words in art. 28(4)(a) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 18(3)(b)**; S.R. 2011/285, **art. 2**, Sch.
F108 Art. 28(8) added (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 26**, 40(1); S.R. 2011/285, **art. 2**, Sch.
F109 Art. 28(9)-(10) inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), **7(2)**

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 **[**[F110](other than an order under Article 4(10))**]** 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.

F110 Words in art. 29(3) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 19**; S.R. 2011/285, **art. 2**, Sch.

Article 30—Amendments and repeals

SCHEDULES

[F111SCHEDULE A1

Article 4

BIRDS WHICH RE-USE THEIR NESTS

F111 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
[F112Cuckoo**]**	**[**F112Cuculus canorus**]**

[[F112]Curlew**]**	**[**[F112]Numenius arquata**]**
Diver, Red-throated	Gavia stellata
Dotterel	Charadrius morinellus
[[F112]Dove, Stock**]**	**[**[F112]Columba oenas**]**
Dove, Turtle	Streptopelia turtur
Dunlin	Calidris alpina
Eagle, Golden	Aquila chrysaëUtos
Eagle, White-tailed	Haliaeetus albicilla
[[F112]Egret, Little**]**	**[**[F112]Egretta garzetta**]**
F113	**F113**
. . .	. . .
F114	**F114**
. . .	. . .
Flycatcher, Pied	Ficedula hypoleuca
[[F112]Flycatcher, Spotted**]**	**[**[F112]Musciapa striata**]**
Garganey	Anas querquedula
Godwit, Black-tailed	Limosa limosa
Goosander	Mergus merganser
Goshawk	Accipiter gentilis
Grebe, Black-necked	Podiceps nigricollis
Greenshank	Tringa nebularia
[[F112]Gull, Mediterranean**]**	**[**[F112]Larus melanocephalus**]**
[[F112]Gyrfalcon**]**	**[**[F112]Falco rusticolus**]**
Harrier, Hen	Circus cyaneus
Harrier, Marsh	Circus aeruginosus
Hawk, Sparrow	Accipiter nisus
Heron	Ardea cinerea
[[F112]Hobby**]**	**[**[F112]Falco subbuteo**]**
Kestrel	Falco tinnunculus
Kingfisher	Alcedo atthis
[[F112]Kite, Red**]**	**[**[F112]Milvus milvus**]**
[[F112]Lapwing**]**	**[**[F112]Vanellus vanellus**]**
[[F112]Martin, Sand**]**	**[**[F112]Riparia riparia**]**
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
[[F112]Owl, Snowy**]**	**[**[F112]Bubo scandiacus**]**
Peregrine	Falco peregrinus
Petrel, Storm	Hydrobates pelagicus
F115	**F115**
. . .	. . .
Pipit, Tree	Anthus trivialis
[[F112]Puffin**]**	**[**[F112]Fratercula arctica**]**
Quail	Coturnix coturnix
[[F112]Redshank**]**	**[**[F112]Tringa totanus**]**
Redstart	Phoenicurus phoenicurus
Ruff	Philomachus pugnax
Scoter, Common	Melanitta nigra
[[F112]Shearwater, Manx**]**	**[**[F112]Puffinus puffinus**]**
[[F112]Sparrow, Tree**]**	**[**[F112]Passer montanus**]**
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
F116	**F116**
. . .	. . .
Twite	Carduelis flavirostris
Wagtail, Yellow (all races)	Motacilla flava
Warbler, Garden	Sylvia borin
Warbler, Reed	Acrocephalus scirpaceus
Warbler, Wood	Phylloscopus sibilatrix
Whimbrel	Numenius phaeopus
[[F112]Whinchat**]**	**[**[F112]Saxicola rubetra**]**

[F112Whitethroat, Lesser]	[F112Sylvia curruca]
[F112Yellowhammer]	[F112Emberiza citrinella]

F112 Sch. 1 Pt. I: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(2)**; S.R. 2011/285, **art. 2**, Sch.

F113 Sch. 1 Pt. I: entry relating to "Fieldfare" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F114 Sch. 1 Pt. I: entry relating to "Firecrest" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F115 Sch. 1 Pt. I: entry relating to "Phalarope, Red-necked" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F116 Sch. 1 Pt. I: entry relating to "Tit, Bearded" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F112 Sch. 1 Pt. I: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(2)**; S.R. 2011/285, **art. 2**, Sch.

F113 Sch. 1 Pt. I: entry relating to "Fieldfare" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F114 Sch. 1 Pt. I: entry relating to "Firecrest" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F115 Sch. 1 Pt. I: entry relating to "Phalarope, Red-necked" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

F116 Sch. 1 Pt. I: entry relating to "Tit, Bearded" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 2(3)**; S.R. 2011/285, **art. 2**, Sch.

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***
F117	F117
. . .	. . .
[[F118]Duck, Ruddy**]**	**[**[F118]Oxyura jamaicensis**]**
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
[[F119]Goose, Canada**]**	**[**[F119]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

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***
[[F120]Blackbird**]**	**[**[F120]Turdus merula**]**
Brambling	Fringilla montifringilla
Bullfinch	Pyrrhula pyrrhula
Bunting, Reed	Emberiza schoeniclus
Chaffinch	Fringilla coelebs
[[F120]Crossbill (all species)**]**	**[**[F120]Loxia (all species)**]**
[[F120]Dunnock**]**	**[**[F120]Prunella modularis**]**
Goldfinch	Carduelis carduelis
Greenfinch	Carduelis chloris
[[F120]Hawfinch**]**	**[**[F120]Coccothraustes coccothraustes**]**
Jackdaw	Corvus monedula
Jay	Garrulus glandarius
Linnet	Carduelis cannabina
Magpie	Pica pica
Redpoll	Carduelis flammea

[F120Redstart]	[F120Phoenicurus phoenicurus]
Siskin	Carduelis spinus
Starling	Sturnus vulgaris
[F120Stonechat]	[F120Saxicola torquata]
[F120Thrush, Mistle]	[F120Turdus viscivorus]
[F120Thrush, Song]	[F120Turdus philomelos]
[F120Tit, Blue]	[F120Cyanistes caeruleus]
[F120Tit, Coal]	[F120Periparus ater]
[F120Tit, Great]	[F120Parus major]
[F120Tit, Long tailed]	[F120Aegithalos caudatus]
[F120Tit, Marsh]	[F120Poecile palustris]
Twite	Carduelis flavirostris
[F120Wagtail, Pied]	[F120Motacilla alba yarrelli]
[F120Wagtail, Yellow]	[F120Motacilla flava]
[F120Waxwing]	[F120Bombycilla garrulus]
Yellowhammer	Emberiza citrinella

F120 Sch. 4: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 4(2)**; S.R. 2011/285, **art. 2**, Sch.

F120 Sch. 4: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 4(2)**; S.R. 2011/285, **art. 2**, Sch.

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
F121	F121

. . .	. . .
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
[[F122]Butterfly, Real's Wood White**]**	**[**[F122] Leptidea reali**]**
Butterfly, Small Blue	Cupido minimus
F123	**F123**
. . .	. . .
[[F122] Crayfish, White-Clawed**]**	**[**[F122] Austropotamobius pallipes**]**
[[F122] Damselfly, Irish**]**	**[**[F122] Coenagrion lunulatum**]**
Lizard, Common or Viviparous	Lacerta vivipara
[[F122] Lobster, Spiny**]**	**[**[F122] Palinurus elaphus**]**
Marten, Pine	Martes martes
[[F122] Mussel, Fan**]**	**[**[F122] Atrina fragilis**]**
[[F124]Mussel, Freshwater**]**	**[**[F125]Margaritifera margaritifera**]**
Newt, Common	Triturus vulgaris
F126	**F126**
. . .	. . .
[[F122]Seahorse, Short Snouted**]**	**[**[F122] Hippocampus hippocampus**]**
[[F122] Seahorse, Spiny**]**	**[**[F122] Hippocampus guttulatus**]**
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
[[F122]Shark, Angel (in respect of Article 10(1) only and with respect to coastal waters only)**]**	**[**[F122] Squatina squatina**]**
[[F122] Shark, Basking**]**	**[**[F122] Cetorhinus maximus**]**
[[F122] Skate, Common (in respect of Article 10(1) only and with respect to coastal waters only)**]**	**[**[F122]Dipturus batis**]**
Squirrel, Red	Sciurus vulgaris

F121 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)**

F122 Sch. 5: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 5(2)**; S.R. 2011/285, **art. 2**, Sch.
F123 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)**
F124 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)**
F125 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)**
F126 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)**

F121 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)**
F122 Sch. 5: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 5(2)**; S.R. 2011/285, **art. 2**, Sch.
F123 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)**
F124 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)**
F125 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)**
F126 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.**[**[F127] Note 2. In this Schedule “coastal waters” means the part of the territorial waters adjacent to Northern Ireland which is not more than 6 nautical miles from the baselines from which the breadth of those waters is measured; and “nautical mile” means an international nautical mile of 1,872 metres.**]**

F127 Sch. 5: Note 2 inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 5(3)**; S.R. 2011/285, **art. 2**, Sch.

F127 Sch. 5: Note 2 inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 5(3)**; S.R. 2011/285, **art. 2**, Sch.

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)
[[F128]Crayfish, White-Clawed**]**	**[**[F128]Austropotamobius pallipes**]**
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
[[F128] Lobster, Spiny**]**	**[**[F128]Palinurus elaphus**]**
Marten, Pine	Martes martes
[[F128]Mussel, Fan**]**	**[**[F128]Atrina fragilis**]**
Newt, Common	Triturus vulgaris
Otter, Common	Lutra lutra
[[F128] Seahorse, Short Snouted**]**	**[**[F128]Hippocampus hippocampus**]**
[[F128] Seahorse, Spiny**]**	**[**[F128]Hippocampus guttulatus**]**
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
[[F128]Shark, Basking **]**	**[**[F128]Cetorhinus maximus **]**
[[F128]Shrew, Pygmy**]**	**[**[F128] Sorexminutus**]**
Squirrel, Red	Sciurus vulgaris

F128 Sch. 6: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 6(2)**; S.R. 2011/285, **art. 2**, Sch.

F128 Sch. 6: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 6(2)**; S.R. 2011/285, **art. 2**, Sch.

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.

[F129SCHEDULE 6A

Article 12(2), 28

ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY TRAPPING OR SNARING

F129 Sch. 6A inserted (31.5.2019) by The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), 8, **Sch.** (with reg. 9)

Common name>	*Scientific name*
Badger	Meles meles
Marten, Pine	Martes martes
Otter, Common	Lutra lutra
Stoat (otherwise known as Ermine)	Mustela erminea

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not 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
F130	**F130**
. . .	. . .
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
[F131Butterfly, Real's Wood White**]**	**[**F131Leptidea reali**]**
Butterfly, Small Blue	Cupido minimus
[F131Crayfish, White-Clawed **]**	**[**F131Austropotamobius pallipes**]**
[F131Damselfly, Irish **]**	**[**F131Coenagrion lunulatum **]**
F132	**F132**
. . .	. . .

Frog, Common	Rana temporaria
Hedgehog	Erinaceus europaeus
Lizard, Common or Viviparous	Lacerta vivipara
[F131 Lobster, Spiny]	[F131Palinurus elaphus]
Marten, Pine	Martes martes
[F131Mussel, Fan]	[F131Atrina fragilis]
Mussel, Freshwater	Margaretifera margaretifera
Newt, Common	Triturus vulgaris
F133	F133
. . .	. . .
[F131Seahorse, Short Snouted]	[F131Hippocampus hippocampus]
[F131Seahorse, Spiny]	[F131Hippocampus guttulatus]
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Sea-urchin, Common	Echinus esculentus
[F131 Shark, Basking]	[F131 Cetorhinus maximus]
Squirrel, Red	Sciurus vulgaris

F130 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**

F131 Sch. 7: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 7(2)**; S.R. 2011/285, **art. 2**, Sch.

F132 Sch. 7: entry relating to "Fox" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 7(3)**; S.R. 2011/285, **art. 2**, Sch.

F133 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**

F130 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**

F131 Sch. 7: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 7(2)**; S.R. 2011/285, **art. 2**, Sch.

F132 Sch. 7: entry relating to "Fox" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 7(3)**; S.R. 2011/285, **art. 2**, Sch.

F133 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
F134	**F134**
. . .	. . .
[[F135]Beak-sedge, Brown**]**	**[**[F135]Rhynchospora fusca**]**
F136	**F136**
. . .	. . .
[[F135]Birds-foot**]**	**[**[F135]Ornithopus perpusillus**]**
[[F135]Bristle-moss, Spruce's**]**	**[**[F135]Orthotrichum sprucei**]**
Broomrape, Ivy	Orobanche hederae
Buckthorn, Alder	Frangula alnus
Bugle, Pyramidal	Ajuga pyramidalis
[[F135]Burnet, Great**]**	**[**[F135]Sanguisorba officinalis**]**
Campion, Moss	Silene acaulis
Cat's#ear, Smooth	Hypochoeris glabra
Centaury, Seaside	Centaurium littorale
Cloudberry	Rubus chamaemorus
[[F135]Clubmoss, Alpine**]**	**[**[F135]Diphasiastrum alpinum**]**
[[F135]Clubmoss, Marsh**]**	**[**[F135]Lycopodiella inundata**]**
F137	**F137**
. . .	. . .
[[F135]Clubmoss, Stag's Horn**]**	**[**[F135]Lycopodium clavatum**]**
Cowslip	Primula veris
Cow#wheat, Wood	Melampyrum sylvaticum
[[F135]Cranesbill, Meadow**]**	**[**[F135]Geranium pratense**]**
Cranesbill, Wood	Geranium sylvaticum
Cress, Shepherd's	Teesdalia nudicaulis
Crowfoot, Water	Ranunculus fluitans
[[F135]Dodder**]**	**[**[F135]Cuscuta epithymum**]**

[[F135]Feather-moss, Elegant**]**	**[**[F135]Eurhynchiastrum pulchellum**]**
Fern, Holly	Polystichum lonchitis
F138	**F138**
. . .	. . .
Fern, Oak	Gymnocarpium dryopteris
[[F135]Fern, Parsley**]**	**[**[F135]Cryptogramma crispa**]**
[[F135]Figwort, Green**]**	**[**[F135]Scrophularia umbrosa**]**
Fleabane, Blue	Erigeron acer
[[F135]Gentian, Autumn**]**	**[**[F135]Gentianella amarella**]**
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
[[F135]Henbane**]**	**[**[F135]Hyoscyamus niger**]**
[[F135]Hornwort, Soft**]**	**[**[F135]Ceratophyllum submersum**]**
[[F135]Jelly-lichen, River**]**	**[**[F135]Collema dichotomum**]**
[[F135]Juniper**]**	**[**[F135]Juniperus communis**]**
[[F135]Lichen**]**	**[**[F135]Enterographa elaborata**]**
[[F135]Lichen**]**	**[**[F135]Lobaria virens**]**
[[F135]Meadow-rue, Alpine**]**	**[**[F135]Thalictrum alpinum**]**
Moschatel, or Town Hall Clock	Adoxa moschatellina
Mudwort	Limosella aquatica
[[F135]Notchwort, Ragged**]**	**[**[F135]Leiocolea heterocolpos**]**
Orchid, Bee	Ophrys apifera
F139	**F139**
. . .	. . .
Orchid, Bog	Hammarbya paludosa
[[F135]Orchid, Dense-flowered**]**	**[**[F135]Neotinea maculata**]**
Orchid, Green#winged	Orchis morio
Orchid, Irish Lady's Tresses	Spiranthes romanzoffiana
[[F135]Orchid, Lapland Marsh**]**	**[**[F135]Dactylorhiza lapponica**]**
F140	**F140**

. . .	. . .
[[F135]Orchid, Narrow-leaved Marsh**]**	**[**[F135]Dactylorhiza traunsteineri**]**
Orchid, Small white	Pseudorchis albida
Oyster#plant	Mertensia maritima
F141	**F141**
. . .	. . .
Pennyroyal	Mentha pulegium
[[F135]Petalwort**]**	**[**[F135]Petalophyllum ralfsii**]**
F142	**F142**
. . .	. . .
Rosemary, Bog	Andromeda polifolia
Saw#wort, Mountain	Saussurea alpina
Saxifrage, Purple	Saxifraga oppositifolia
F143	**F143**
. . .	. . .
Saxifrage, Yellow Mountain	Saxifraga aizoides
[[F135]Sea-kale**]**	**[**[F135]Crambe maritima**]**
Sea#lavender, Rock	Limonium binervosum
Sedge, Broad#leaved Mud	Carex magellanica
Sedge, Few#flowered	Carex pauciflora
[[F135]Sedge, Stiff**]**	**[**[F135]Carex bigelowii**]**
Small#reed, Northern	Calamagrostis stricta
[[F135]Small-reed, Wood**]**	**[**[F135]Calamagrostis epigejos**]**
Spike#rush	Eleocharis parvula
[[F135]St John's Wort, Hairy**]**	**[**[F135]Hypericum hirsutum**]**
F144	**F144**
. . .	. . .
[[F135]Thistle, Melancholy**]**	**[**[F135]Cirsium heterophyllum**]**
[[F135]Thread-moss, Slender**]**	**[**[F135]Orthodontium gracile**]**
[[F135]Vetch, Wood Bitter**]**	**[**[F135]Vicia orobus**]**
Violet, Fen	Viola persicifolia
Violet, Water	Hottonia palustris
F145	**F145**
. . .	. . .
Wintergreen, Serrated	Ramischia secunda

[[F135]Wormwood, Sea**]**	**[**[F135]Seriphidium maritimum**]**
Yellow Bird's#nest	Monotropa hypopitys

PART II

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

[[F146]Bluebell**]**	**[**[F146]Hyacinthoides non-scripta**]**
Primrose	Primula vulgaris

F146 Sch. 8 Pt. II: entry inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 8(4)**; S.R. 2011/285, **art. 2**, Sch.

F146 Sch. 8 Pt. II: entry inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 8(4)**; S.R. 2011/285, **art. 2**, Sch.

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***
[[F147]Amphipod, Freshwater**]**	**[**[F147]Crangonyx pseudogracilis**]**
F148	**F148**
. . .	. . .
[[F147]Crayfish, Narrow-clawed**]**	**[**[F147] Astacus leptodactylus**]**
[[F147]Crayfish, Noble **]**	**[**[F147] Astacus astacus**]**
F148	**F148**
. . .	. . .
F148	**F148**
. . .	. . .

[F147 Deer, Chinese water]	[F147 Hydropotes inermis]
F148	F148
. . .	. . .
[F147 Deer, Roe]	[F147Capreolus capreolus]
F149	F149
. . .	. . .
[F147Duck, Mandarin]	[F147Aix galericulata]
F148	F148
. . .	. . .
Goose, Barnacle	Branta leucopsis
Goose, Canada	Branta canadensis
F150	F150
. . .	. . .
[F147Hare, Brown]	[F147Lepus europaeus]
[F147Hedgehog (with respect to islands in territorial waters only)]	[F147Erinaceus europaeus]
[F147Fox (with respect to islands in territorial waters only)]	[F147 Vulpes vulpes]
[F147Limpet, Slipper]	[F147Crepidula fornicata]
Mink, American	Mustela vison
[F147Mussel, Zebra]	[F147Dreissena polymorpha]
F151	F151
. . .	. . .
[F147Rat, Common Brown (with respect to islands in territorial waters only)]	[F147 Rattus norvegicus]
Rat, Black	Rattus rattus
[F147Sea squirt]	[F147Didemnum vexillum]
[F147Sea squirt, Club]	[F147Styela clava]
[F147Shrimp, Freshwater]	[F147Gammarus pulex]
[F147Shrimp, Freshwater]	[F147Gammarus tigrinus]
[F147Shrimp, Japanese skeleton]	[F147Caprella mutica]
F148	F148
. . .	. . .
[F147 Stoat, Irish (with respect to islands in territorial waters only)]	[F147Mustela erminea hibernicus]

PART II

PLANTS

F152	**F152**
. . .	. . .
[[F153]Bluebell, Spanish**]**	**[**[F153]Hyacinthoides hispanica **]**
F152	**F152**
. . .	. . .
[[F153]Eelgrass, Dwarf**]**	**[**[F153]Zostera japonica**]**
F152	**F152**
. . .	. . .
[[F153] Fig, Hottentot**]**	**[**[F153] Carpobrotus edulis**]**
F152	**F152**
. . .	. . .
[[F153]Honeysuckle, Japanese**]**	**[**[F153]Lonicera japonica**]**
Kelp, Giant	Macrocystis pyrifera
[[F153]Kelp, Japanese**]**	**[**[F153]Undaria pinnatifida**]**
F154	**F154**
. . .	. . .
[[F153] Knotweed, Giant**]**	**[**[F153]Fallopia sachalinensis**]**
[[F153]Knotweed, Himalayan**]**	**[**[F153]Polygonum wallichii**]**
[[F153]Knotweed, Japanese**]**	**[**[F153]Fallopia japonica**]**
F155	**F155**
. . .	. . .
[[F153]Leek, Few-flowered **]**	**[**[F153] Allium paradoxum**]**
F152	**F152**
. . .	. . .
F152	**F152**
. . .	. . .
F152	**F152**
. . .	. . .
Pirri#pirri Bur	Acaena (all species)
[[F153]Reed, Giant**]**	**[**[F153]Arundo donax **]**
F152	**F152**
. . .	. . .
[[F153] Salmonberry**]**	**[**[F153]Rubus spectabilis**]**

F152	**F152**
. . .	. . .
[[F153]Sea-buckthorn**]**	**[**[F153]Hippophae rhamnoides**]**
Seaweed, Japanese	Sargassum muticum
Spartina or Cord#grass	Spartina (all species)
[[F153]Stonecrop, Australian swamp**]**	**[**[F153] Crassula helmsii**]**
[[F153]Water Chestnut**]**	**[**[F153]Trapa natans**]**
[[F153] Water Fern**]**	**[**[F153]Azolla filiculoides**]**
[[F153]Water Lettuce**]**	**[**[F153]Pistia stratiotes**]**
F152	**F152**
. . .	. . .
[[F153]Water Soldier**]**	**[**[F153]Stratiotes aloides**]**
[[F153]Waterlily, Fringed**]**	**[**[F153]Nymphoides peltata**]**
[[F156]Waterweeds (except Nuttall's Waterweed)**]**	**[**[F156]All species of the genus Elodea, except Elodea nuttalli**]**
F152	**F152**
. . .	. . .
[[F153]Waterweed, Large flowered**]**	**[**[F153]Egeria densa**]**

F152 Words in Sch. 9 Pt. II omitted (1.12.2019) by virtue of The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019/159), arts. 1(1), **32(3)(b)** (with art. 1(2))

F153 Sch. 9 Pt. II: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(4)**; S.R. 2011/285, **art. 2**, Sch.

F154 Sch. 9 Pt. II: entry relating to "Knotweed" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(5)**; S.R. 2011/285, **art. 2**, Sch.

F155 Sch. 9 Pt. II: entry relating to "Knotweed, Japanese" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(5)**; S.R. 2011/285, **art. 2**, Sch.

F156 Words in Sch. 9 Pt. II substituted (1.12.2019) by The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019/159), arts. 1(1), **32(3)(c)** (with art. 1(2))

F152 Words in Sch. 9 Pt. II omitted (1.12.2019) by virtue of The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019/159), arts. 1(1), **32(3)(b)** (with art. 1(2))

F153 Sch. 9 Pt. II: entries at the appropriate places in alphabetical order inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(4)**; S.R. 2011/285, **art. 2**, Sch.

F154 Sch. 9 Pt. II: entry relating to "Knotweed" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(5)**; S.R. 2011/285, **art. 2**, Sch.

F155 Sch. 9 Pt. II: entry relating to "Knotweed, Japanese" omitted (17.8.2011) by virtue of Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(5)**; S.R. 2011/285, **art. 2**, Sch.

F156 Words in Sch. 9 Pt. II substituted (1.12.2019) by The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019/159), arts. 1(1), **32(3)(c)** (with art. 1(2))

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.**[**[F157] Note 2. In this Schedule "territorial waters" means the territorial waters adjacent to Northern Ireland.**]**

F157 Sch. 9: Note 2 inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(6)**; S.R. 2011/285, **art. 2**, Sch.

F157 Sch. 9: Note 2 inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 27, 40(1), **Sch. 1 para. 9(6)**; S.R. 2011/285, **art. 2**, Sch.

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:	**[**[F158]1st April**]** to 31st October inclusive.

F158 Words in Sch. 10 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 28**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F158 Words in Sch. 10 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 28**, 40(1); S.R. 2011/285, **art. 2**, Sch.

RED DEER *(Cervus elaphus)*

Stags:	1st May to 31st July inclusive.
Hinds:	**[**[F159]1st April**]** to 31st October inclusive.

F159 Words in Sch. 10 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 28**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F159 Words in Sch. 10 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 28**, 40(1); S.R. 2011/285, **art. 2**, Sch.

SIKA DEER *(Cervus nippon)*

Stags:	1st May to 31st July inclusive.
Hinds:	**[**[F160]1st April**]** to 31st October inclusive.

F160 Words in Sch. 10 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 28**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F160 Words in Sch. 10 substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 28**, 40(1); S.R. 2011/285, **art. 2**, Sch.

[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**[**[F161] 2004**]**).

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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

Changes to legislation:
The Wildlife (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 20 February 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– art. 2(2) words inserted by S.I. 2019/582 reg. 2

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

– Sch. 12 para. 1 repealed by 2011 c. 15 (N.I.) Sch. 3 Pt. 2 (Amendment could not be applied - relevant text not available on legislation.gov.uk)
– Sch. 12 para. 3 repealed by 2011 c. 15 (N.I.) Sch. 3 Pt. 3 (Amendment could not be applied - relevant text not available on legislation.gov.uk)
– Sch. 12 para. 5 repealed by 2011 c. 16 (N.I.) Sch. 5