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STATUTORY INSTRUMENTS

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**1985 No. 171**

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

**PART II**

**Wildlife**

*Licences*

***Power to grant licences***

**18.**—(1) Articles 4, 6, 8, 9, 10(1), (2) [<sup>F1</sup>, (4) and (4A)], 12(1) and (2), 14(1), and orders under Article 16, do not apply to anything done—

- (a) for scientific [<sup>F2</sup>, 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;
- [<sup>F3</sup>(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 [<sup>F4</sup>, fisheries or inland waters],

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

[<sup>F5</sup>(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) [<sup>F1</sup>, (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 [<sup>F6</sup>, 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.

[<sup>F7</sup>(3ZA) But a licence may not be granted under paragraph (3) that permits the killing, injuring or taking of seals (pinnipedia) for the purpose of preventing damage to fisheries.]

[<sup>F8</sup>(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.]

[<sup>F9</sup>(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 28<sup>th</sup> 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) [<sup>F10</sup>, 15 or 15A] do not apply to anything done under and in accordance with the terms of a licence granted by the Department.

[<sup>F11</sup>(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 [<sup>F12</sup> 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.

[<sup>F12</sup>(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;  
[ the circumstances in which, and the conditions subject to which, such birds may be <sup>F13</sup>(ia) 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.

[<sup>F14</sup>(8) In this Article—

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

[<sup>F15</sup>“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. ]

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| <b>F1</b>  | Words in art. 18(1)(3) substituted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), Sch. 2 para. 16(a)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.                                 |
| <b>F2</b>  | Words in art. 18(1)(a) inserted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(2), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.  |
| <b>F3</b>  | Art. 18(2)(aa)(ab) inserted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(3), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.  |
| <b>F4</b>  | Words in art. 18(2)(g) substituted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(4), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.   |
| <b>F5</b>  | Art. 18(2A) inserted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(5), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.   |
| <b>F6</b>  | Words in art. 18(3)(b) inserted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(6), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.  |
| <b>F7</b>  | <a href="#">Art. 18(3ZA)</a> inserted (1.3.2021) by <a href="#">Fisheries Act 2020 (c. 22), s. 54(5), Sch. 9 para. 16</a> (with Sch. 4 para. 31)   |
| <b>F8</b>  | Art. 18(3A) inserted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(7), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.   |
| <b>F9</b>  | Art. 18(3B)-(3J) inserted (31.5.2019) by <a href="#">The Humane Trapping Standards Regulations (Northern Ireland) 2019 (S.R. 2019/68), regs. 1(1)(b), 5(2)</a>   |
| <b>F10</b> | Words in art. 18(4) substituted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), Sch. 2 para. 16(b)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.                                    |
| <b>F11</b> | Art. 18(4A) inserted (30.1.2012 for specified purposes, 12.3.2012 in so far as not already in operation) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 11(2), 40(1)</a> ; S.R. 2012/21, art. 2(1)(2)(a) |
| <b>F12</b> | 1995 NI 6  |
| <b>F13</b> | Art. 18(6)(ia) inserted (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(8), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.  |
| <b>F14</b> | Art. 18(8) added (17.8.2011) by <a href="#">Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 16(9), 40(1)</a> ; S.R. 2011/285, <b>art. 2</b> , Sch.   |

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

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**F15** 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)**

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There are currently no known outstanding effects for the The Wildlife (Northern Ireland) Order 1985, Cross Heading: Licences.