

1985 No. 285

WILDLIFE

**Dead Wild Birds and Animals (Registration to Sell etc.) Regulations
(Northern Ireland) 1985***Made* 21st October 1985*Coming into operation* 22nd November 1985

The Department of the Environment in exercise of the powers conferred on it by Articles 7(2), (4) and (5) and 13(2) and (3) of the Wildlife (Northern Ireland) Order 1985(a) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Dead Wild Birds and Animals (Registration to Sell etc.) Regulations (Northern Ireland) 1985 and shall come into operation on 22nd November 1985.

Interpretation

2.—(1) In these regulations—

“registered person” means a person registered in accordance with these regulations;

“the Order” means the Wildlife (Northern Ireland) Order 1985.

(2) Any reference in these regulations to a dead wild bird or dead wild animal to which these regulations apply is a reference to any dead wild bird or dead wild animal to which Article 7(2) or Article 13(2) respectively of the Order applies.

Registration

3.—(1) The Department shall maintain a register for the purposes of Article 7(2) and Article 13(2) of the Order.

(2) An application for registration shall be made by the person seeking registration on a form obtained from the Department.

4.—(1) Where any person becomes registered—

(a) within five years of his having been convicted of an offence under Part II of the Order for which a special penalty is provided; or

(b) within three years of his having been convicted of any other offence under the said Part II so far as it relates to the protection of birds or other animals or any offence involving their ill-treatment,

his registration shall be void; provided that no account shall be taken for this purpose of a conviction which has become spent by virtue of the Rehabilitation of Offenders (Northern Ireland) Order 1978(b).

(2) Where any registered person is convicted as mentioned in paragraph (1), his registration shall cease to have effect.

(3) Any person who has been convicted as mentioned in paragraph (1) (and whose

(a) S.I. 1985/171 (N.I. 2)

(b) S.I. 1978/1908 (N.I. 27)

conviction is not required by that paragraph to be left out of account) shall when applying for registration notify the Department of his conviction and supply details thereof.

(4) Any person—

(a) who has applied for registration (and whose application is still under consideration); or

(b) who is a registered person,

and who is convicted as mentioned in paragraph (1), shall immediately notify the Department of his conviction and supply details thereof.

5. Any registration effected under these regulations shall cease to have effect on the triennial anniversary of the date of the registration.

Obligations of registered persons

6. Any registered person who has in his possession any dead wild bird or dead wild animal to which these regulations apply shall maintain a record relating to such bird or animal in the form set out in Schedule 1.

7. Any registered person who has in his possession any dead wild bird or dead wild animal to which these regulations apply shall ensure that there is at all times affixed to the skin of the bird or animal a mark which enables that bird or animal to be identified by reference to the record required by regulation 6.

8. Any registered person who sells any dead wild bird or dead wild animal to which these regulations apply shall ensure that at the time of the sale there is affixed to the skin of the bird or animal a mark obtained from the Department:

Provided that where, for the purpose of display—

(a) the bird or animal is mounted in a sealed case, the mark shall instead of being affixed to the skin of the bird or animal be affixed in a visible position to the case;

(b) the bird or animal is mounted otherwise than as mentioned in paragraph (a), the mark shall instead of being affixed to the skin of the bird or animal be affixed in a visible position to the mount or base upon which the bird or animal is displayed;

and where two or more birds or animals are mounted together, the mark relating to each bird or animal shall be affixed as close as possible to the bird or animal to which it relates.

9. Any registered person who sells a dead wild bird or dead wild animal to which these regulations apply shall supply the Department with information relating to the sale in the form set out in Schedule 2.

10. Any registered person who effects a permanent change of address shall, within twenty-eight days of so doing, inform the Department of his new address.

Offences

11. Any person who, without reasonable excuse, contravenes the provisions of regulations 4(3) or (4), 6, 7, 8, 9 or 10 shall be guilty of an offence under Article 7 or 13 of the Order as the case may be.

Sealed with the Official Seal of the Department of the Environment on 21st October 1985.

(L.S.)

J. J. O. McClenahan

Assistant Secretary

SCHEDULE 1

(Model record of) The Register of Birds or Animals Received

Name of registered person (or company)

1082

Details of Birds or Animals Received								Treatment Please Specify			Termination of Ownership			Additional Notes
Register Number	Supplier's Name and Address	Date Received	Species	Age*	Sex	Cause of Death	Licence Number	Full Mount	Study Skin	Other	Sold	Destroyed	Other give details	
											Date Marker No.	Date Reason		

Wildlife

This register must be completed for all dealings in wild birds other than those listed in Schedule 3 and for all wild animals listed in Schedule 7 of the Wildlife (Northern Ireland) Order 1985.

*If age unknown state whether young, immature or adult

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SCHEDULE 2

Name of registered person (or company)

Address

Telephone Number

Register of Birds or Animals Sold

Please return completed form to

Conservation Branch, Department of the Environment (N.I.), Hut 6, Castle Grounds, Stormont, Belfast BT4 3SS

Log Book	Details of Birds or Animals							Treatment Please Specify			DOE (N.I.) Marker Number	Purchaser's Name and Address
	Register Number	Supplier's Name and Address	Date Received	Species	Age*	Sex	Cause of Death	Licence Number	Full Mount	Study Skin		

This register must be completed for all dealings in wild birds other than those listed in Schedule 3 and for all wild animals listed in Schedule 7 of the Wildlife (Northern Ireland) Order 1985.

*If age unknown state whether young, immature or adult

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations have been made for the purposes of Article 7(2) and Article 13(2) of the Wildlife (Northern Ireland) Order 1985.

They provide for the registration of persons who sell, offer or expose for sale, or have in their possession or transport or cause to be transported for the purposes of sale at any premises any dead wild bird or dead wild animal to which Article 7(2) or Article 13(2) of the 1985 Order respectively apply, or any part of, or anything derived from such a bird or animal. They also provide for the registration of persons who publish or cause to be published any advertisement likely to be understood as conveying that they buy or sell, or intend to buy or sell, any of those things.

Under the regulations where any person becomes registered within five years of his having been convicted of an offence under Part II of the Order for which a special penalty is provided or within three years of his having been convicted of any other offence under the said Part II so far as it relates to the protection of birds or other animals or any offence involving their ill-treatment his registration shall be void and where any registered person is so convicted his registration shall cease to have effect. Any person applying for registration, or who has applied for registration or who is a registered person and has been convicted of such offences shall notify the Department of his conviction and supply details thereof.

A registration shall cease to have effect three years after the date of registration.

The regulations also provide for a registered person to maintain records of dead wild birds and dead wild animals in his possession, to supply the Department with information relating to the sale of such dead wild birds and dead wild animals, for identification marks to be affixed thereto and for a registered person to inform the Department of any change of his address.

Any person who, without reasonable excuse, contravenes the provisions of the regulations shall be guilty of an offence under Article 7 or Article 13, as the case may be, of the Wildlife (Northern Ireland) Order 1985. A person guilty of an offence under Article 7 of the Order shall be liable on summary conviction in a case where it is provided in Article 7(3) of the Order that he shall be liable to a special penalty, to a fine not exceeding level 5 on the standard scale (£2,000), and in any other case, to a fine not exceeding level 3 on the standard scale (£400). A person guilty of an offence under Article 13 of the Order shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale. Where an offence was committed in respect of more than one bird or animal 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 bird or animal.