Northern Ireland Environment Agency Wildlife Law and You





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## INTRODUCTION

Northern Ireland supports a rich diversity of plants and animals due in large measure to our rich variety of landscapes and habitats, whether terrestrial or marine. Many habitats and the species that they support are under threat, often from the direct or indirect effects of man's activities. Some examples of these habitats enjoy a degree of protection, such as National Nature Reserves (NNR) or Areas of Special Scientific Interest (ASSI)<sup>1</sup>. However, much of our wildlife exists outside such protected areas. If these species are to be conserved then they often require some form of direct protection from activities that can damage their conservation status or lead to their mistreatment.

Accordingly, much of our wildlife is protected to some degree by the law. The most obvious way of giving wildlife such protection is to make it an offence for people to kill, injure, or take birds and other animals, or to destroy or uproot plants, but this is not enough by itself. The law, therefore, sometimes goes further and prohibits the disturbance of some wild creatures, and their nests or resting places, and the collecting of some plants. The purpose of this booklet is to outline those areas addressed by the law, particularly, but not exclusively, those relating to the Wildlife (Northern Ireland) Order (As amended) 1985. However, this booklet can only give a broad outline of the law and should not be taken as interpreting statute. If in doubt on any matter, contact Northern Ireland Environment Agency's Wildlife Team<sup>2</sup> who will be able to give you advice.

It is the responsibility of the Police Service of Northern Ireland (PSNI) to investigate cases of suspected wildlife crime, and where appropriate they do this in conjunction with governmental or non-governmental experts who can provide specialist advice. We can all help Northern Ireland's wildlife, not only by managing sympathetically the land we may own or occupy, but also by behaving thoughtfully in the countryside. Our wildlife is there for everyone to enjoy, and there is no danger of falling foul of the law so long as you are sensible: simply observe without causing any disturbance and do not take anything from the wild unless you are sure it is lawful to do so.

The Northern Ireland Environment Agency (NIEA) is an Agency within the Department of the Environment. NIEA has a wide remit that includes the responsibilities for: controlling pollution; regulating waste; conserving nature, biodiversity and protecting species; conserving historic monuments and buildings; and promoting awareness of our environment and heritage.

### Can I pick wild flowers?

Wild flowers should not normally be picked. Flowers are an essential part of plant reproduction, and picking flowers may prevent a plant from setting seed and surviving into the future. It is an offence to uproot any plant without landowner or occupier consent and it is an offence to pick any part of any of the 70 or so specially protected species on Schedule 8 of the Wildlife (Northern Ireland) Order 1985. Technically wild flowers belong to the owner of the land, and taking them will also be theft.



#### Can I release species into the wild?

Unless you obtain a licence, it is an offence to release into the wild a bird or animal that is of a kind not normally resident in Northern Ireland. It is also an offence to release any species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985. The ban extends to many foreign species that have become established here, such as the grey squirrel and Canada goose. It is also a crime to plant or sow foreign plants in the wild.

#### Do I need a licence to photograph wild birds?

In most cases no licence is needed so long as you do not harm the birds in any way. However, if you intend to photograph any birds or their young near their nests during the breeding season, a licence will be necessary. Applications for licences should be made to NIEA.

### Can I collect common frog spawn?

It is not illegal to collect frog spawn, but you should seek landowner's permission first. However, it is an offence to sell or advertise for sale, common frogs or frog spawn. It is not an offence to put frogs back into the wild.

#### Are bats protected?

Yes. You must not kill, injure or disturb bats wherever they are found. If you find bats in the loft or shed of your house, they should be left in peace, although some steps can be taken if they are in the parts of the house that you actually live in. If you are planning to do anything that might affect bats, NIEA should be contacted to advise on whether and how you may proceed

### Who issues licences?

All wildlife licences are issued by the Department of Environment through NIEA and the Marine Division.

## Can I pick wild fungi?

Fungi (including mushrooms and toadstools) are not strictly plants but are classified as such under law. Mushrooms and toadstools are, in fact, only the fruiting body, and most of the plant (known as the mycelium) is actually buried. Picking mushrooms and toadstools does not constitute uprooting and is not an offence. However, you do need landowner's permission, and it may be an offence to sell on the fungi collected.



# **THE LAW - WHERE DOES IT COME FROM?**

The law has dealt with wildlife for centuries. At first the objectives were simply to regulate hunting and to rid the country of creatures then seen as pests (such as wolves), but since the last century the law has given protection to a range of wild creatures and plants. Nowadays, much of the law exists to give effect to international agreements on the conservation of nature. We cannot expect India to protect the tiger or Brazil its rainforest if we do not secure proper protection for the wildlife in our own country.

The current legal provisions come from three main international sources.

- The 1979 Convention on the conservation of European wildlife and natural habitats (the 'Bern Convention').
- The 1979 Convention on the conservation of wild birds (the Birds Directive)
- The 1992 European Community Directive on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive').

The terms of the Birds Directive and Bern Convention were largely incorporated in the 1985 Wildlife Order, but the Habitats Directive has added further requirements, as well as amending parts of the Birds Directive. These more recent rules have been given effect by the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (As amended)<sup>3</sup>. In 2011 significant amendments were made to the Wildlife Order under the Wildlife and Natural Environment (NI) Act 2011 (known as the WANE Act), which added further animals and plants to protected species lists and improved enforcement powers. Unfortunately, combined with the various Game Laws that are still in force, this means that there is not a single, integrated set of rules, but different ones that overlap. More than one piece of legislation must be checked to understand the full legal position.

# **BIRDS**

The law offers different levels of protection to birds but all birds have protection when nesting<sup>4</sup>. If you kill or injure a bird by accident, such as when you hit one when driving, it is not a crime, but if you are cutting a hedge or tree during 'the bird nesting season'<sup>5</sup> and you kill or injure a bird or disrupt its nesting you may have committed an offence.



Simply having a wild bird or egg is against the law unless you can prove that it came to you by lawful means. There is little scope to hold bird's eggs in a private capacity. Dead birds prepared as taxidermy specimens from a registered taxidermist or held as an heirloom that was collected before the modern law was in place are permissible. You may keep injured birds in order to nurse them, provided that they are released again, and mercy killing is permitted where a seriously injured bird has no reasonable chance of recovery. In general it is not a crime if such actions listed above are the incidental result of a lawful operation and could not have been reasonably avoided. Other exemptions apply where action is necessary in the interests of health and safety.

- to intentionally or recklessly kill or injure any wild bird
- to capture or keep (alive or dead) any wild bird
- to destroy, damage or take the nest of any wild bird while it is in use or being built<sup>6</sup>
  - to destroy or take the egg of any wild bird
  - to disturb any wild bird wilst it is building a nest or is in, or near a nest containing eggs or young
- to sell or advertise for sale any wild bird<sup>7</sup> or its eggs

<sup>6</sup>Nests of certain bird species are protected at all times; the nests of golden eagle, white-tailed sea eagle, osprey, barn owl, peregrine

<sup>&</sup>lt;sup>4</sup>With the exception of those listed under the terms of the 'General Licence' <sup>5</sup>There is no legally defined 'bird breeding season' in the Wildlife order but it is normally taken as 01 March to 31 August as the months when most birds nest.

falcon and red kite are protected and should never be disturbed. <sup>7</sup>Wood pigeons that are legally hunted may be sold.

<sup>&</sup>lt;sup>3</sup>(National Habitats Regs have been updated several times since its enactment http://www.legislation.gov.uknisr?title=conservation

#### **Specially protected species**

Certain species return to their nest sites year after year. In order to help their long-term breeding success, statutory protection is now provided against damage and destruction to their nests all year round.

More than 60 species of bird (see List below) are given additional protection either because they have a history of persecution or because they are particularly rare. These birds are protected in exactly the same way as other species.



Schedule 1 Part 1 Birds which are protected by special penalties at all times			
Bittern	Stock Dove	Goosander	
Corn bunting	Turtle Dove	Goshawk	
Buzzard	Dunlin	Black-necked Grebe	
Chough	Golden Eagle	Greenshank	
Cornccrake	White-tailed Eagle	Mediterranean Gull	
Crossbill	Little Egret	Gyrfalcon	
Cuckoo	Pied Flycatcher	Hen Harrier	
Curlew	Spotted Flycatcher	Marsh Harrier	
Red - throated Diver	Garganey	Sparrowhawk	
Dotterel	Black - tailed Godwit	Heron	
Hobby	Peregrine	Common Tern	
Kestrel	Storm Petrel	Little Tern	
Kingfisher	Pipit, Tree	Roseate Tern	
Kite Red	Puffin	Sandwich Tern	
Lapwing	Quail	Twite	
Sand Martin	Redshank	Yellow Wagtail (all races)	
Merlin	Redstart	Garden Warbler	
Nightjar	Ruff	Reed Warbler	
Osprey	Common Scoter	Wood Warbler	
Ring Ousel	Manx Shearwater	Whimbrel	
Barn owl	Tree Sparrow	Whinchat	
Long-eared Owl	Bewick's Swan	Lesser Whitethroat	
Short-eared Owl	Whopper Swan	Yellowhammer	

#### Birds which may be hunted

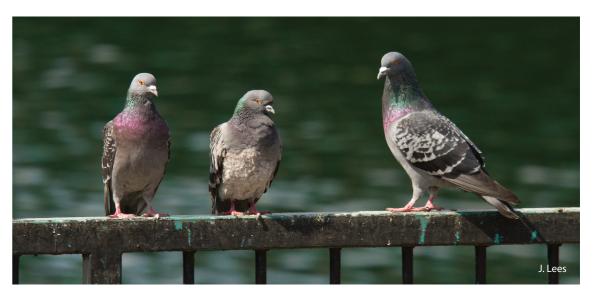
Although they are protected during what is called "the close season", a number of birds may be hunted during part of the year. This applies to game birds and to a number of other species, mainly of wildfowl [see below]. There are controls on the types of weapon and other methods that can be used to kill or take these birds (see page 13). There are significant differences in the law in this area between Northern Ireland and the rest of Great Britain, for example birds may not be killed on Sundays or at night in Northern Ireland.

The main shooting seasons in Northern Ireland			
12 August - 30 November	1 September - 31 January	1 October - 31 January	
Grouse	Partridge	Pheasant	
	Snipe	Woodcock	
	Schedule 2 Wild Duck and Geese		

## **Problem species**

The law regarding wild birds applies to all species, including those which are regarded as causing problems. However, General Licences have been issued which allow owners or occupiers of land, or people with permission from them, to take action against specified species when they are causing a serious threat to commercial activities such as agriculture or fisheries, as well as public health or public safety. This does not mean that these birds can be shot at all times, nor is it a charter for recreational shooting.

Provided that the conditions in the general licences are met, these licences authorise the killing or taking of the certain species and the destruction of their eggs. More specific licences may be sought where other species are creating a problem. As the list of species included on each General Licence is reviewed annually and may be subject to change. Details of the three General Licences can be consulted on the NIEA website – www.doeni.gov.uk/niea/wildlife/



#### ANIMALS

The law relating to other animals is more fragmented than that in relation to birds. Many species, including Otters, Badgers, Seals, Red Squirrels and some Butterflies are given legal protection. The more general law controlling when, where and how one can hunt, shoot or fish is also relevant.



#### **Specially protected species**

In Northern Ireland 25 species of animals (see schedule 5 page 24) are given special protection by the law which makes it an offence to kill, injure or capture them. These range from Badgers, and Pine Martens, through to Newts, Lizards and Butterflies. Four groups of these species are protected under the Conservation (Natural Habitats etc.) Regulations (NI) 1995 (As Amended) and are known as European Protected Species e.g. Bats, Otters, Cetaceans and Marine Turtles.

As with birds, there are exceptions for accidental harm and to permit the tending of injured animals and the mercy killing of those with no reasonable chance of recovery. It is not a crime if any action is the incidental result of a lawful operation and could not reasonably have been avoided. The place that a protected animal is using for shelter or protection can be disturbed subject to NIEA licence if it is within a dwelling house. The possession of a specially protected animal or its skin or anything else derived from it is an offence unless the owner can prove that it came into his or her possession by lawful means. These protections extend to the eggs, larvae and any other immature stages of the protected species.

The species listed under European Directive enjoy the same protection; however it is a criminal offence to disturb any of these animals deliberately, wherever they are in such a way as to affect their local distribution or abundance, ability to survive, breed, reproduce or care for young or to hibernate or migrate.

#### Bats

Bats are European protected species. It is therefore a crime to kill, injure, capture or disturb them. If bats are found in a loft, roof space or within cavity walls, or a shed, you must not disturb them and must not destroy or damage their roosting place. If you plan to do any work that might affect bats, NIEA must be told in advance and given time to advise on whether and how it should be carried out. A licence to carry out such work may sometimes be necessary.

#### Whales and Dolphins

All species of whales and dolphins are European protected species and therefore it is an offence to kill, injure, capture or disturb them.

#### Seals and Basking Sharks

In addition to having level of protection afforded to all Schedule 5 animals, seals and basking sharks are also protected from intentional or reckless disturbance at any time.



#### Invertebrates

Several species of butterfly, the Irish damselfly, white-clawed crayfish, spiny lobster and fan mussels are specially protected species and covered by the general rules that apply to these.

#### **Reptiles and Amphibians**

The Common Lizard and Common or Smooth Newt are specially protected species. Accordingly these must not be killed, injured, captured or disturbed as described above. It is a crime to sell any native reptile or amphibian (including the Common Frog), or to advertise it for sale, except where authorised by a licence.



#### **Game animals**

Deer and hares are protected during the "closed season", however they may be hunted during part of the year. Hares are classified as game and therefore they may not be hunted on Sundays or at night. Deer (apart from Munjac and Chinese Water Deer) may only be shot using large-bore rifles and hares may only be hunted using firearms or dogs, although competitive coursing of hares is now illegal in Northern Ireland.



Open season for Game Animals			
1 August - 30 April inclusive	12 August - 31 January inclusive	1 November - 31 March inclusive	Can be taken all year
Fallow Deer (Buck)	Hares	Fallow Deer (Doe)	Muntjac (both sexes)
Red Deer (stags)		Red Deer (Hinds)	
Sika Deer (Stags)		Sika Deer (Hinds)	

#### Deer

All species of deer in Northern Ireland are protected under the terms of the Wildlife Order.

It is illegal to kill deer by means other than shooting and there are defined closed seasons during which deer cannot be shot. Only certain weapons and ammunition may be used. In some situations occupiers of land can take action to prevent serious damage to crops, pasture or woodland.

# Prohibited methods of killing or capturing Birds and animals

Even where the law permits you to kill or capture birds and other animals, certain methods are prohibited because they are cruel or indiscriminate.

The details of the law must be checked to deal with any particular circumstance, but in essence it is a crime to use any of the methods in the list to kill or capture wild birds or specially protected animals. Anyone who knowingly permits the use of one of the prohibited methods is guilty of an offence as well as the person actually using it.

All spring traps except those specified in the Spring Traps Approval Order (Northern Ireland) 2012 are illegal. Self-locking snares are illegal so only free-running snares may be used. Cage traps may be used by authorised persons to take pest species of birds or to take game birds for the purpose of breeding. Snares must be checked once every 24 hours. During inspections any live (or dead) animals must be removed.

# It is a crime to use any of the following methods to kill or capture wild birds or specially protected animals:

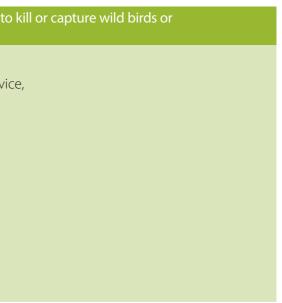
- hocks or nets
- any form of artificial lighting or dazzling device,
- electrical device
- gas or smoke,
- poison,
- bows or cross-bows,
- explosives,
- any sound recording used as a decoy,
- mechanically propelled vehicles
- automatic weapons,
- any missile not discharged from a firearm,

All placing of poison or poisonous baits in the open is illegal even if the intended victim is a pest species. The very few exceptions to this must only be carried out under licence.

#### **General Rules on Game and Hunting**

The law imposes many restrictions on when and where you can hunt. You must obtain permission from the person holding the right to hunt on the land in question, whether your quarry is game, deer or rabbits. In some cases it will be the owner or occupier of the land who has the right to authorise hunting. For any forms of hunting were firearms are involved you must have a valid firearms certificate. Taking any animals or birds without the necessary permission and licences is a crime. Trespassing in search of game is also a crime, as is most hunting at night, and severe penalties can be imposed on offenders, especially those carrying firearms.

It is an offense to discharge any lead based shot on or over wetlands or areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres. (The Environmental Protection (Restriction on Use of Lead Shot) Regulations (NI) 2009)



# **PLANTS**

It is a crime to uproot any wild plant, unless this is accidental or permission has been given by the owner or occupier of the land. There is also a list of over 70 specially protected plants (see shedule 8). It is a crime not only if you intentionally or recklessly uproot these plants, but also if you pick, destroy, or attempt to harvest their seeds or spores.

There is an exception if the plants are the victims of incidental and unavoidable damage resulting from other lawful activities. It is also a crime to possess one of these specially protected plants or any part of them or to advertise them for sale. A few plants are also European protected species that means that they are fully protected against any form of picking, cutting, collection or damage.



# **RELEASE OF SPECIES INTO THE WILD**

Our wildlife can also be harmed by the introduction of foreign species that prey on or compete with the local plants and animals, introduce diseases or inter-breed to destroy distinct local varieties. Releases of some species can damage existing (native) populations. It is a crime to release into the wild any animal or bird unless it is ordinarily resident in Northern Ireland or visits here regularly on a natural basis, for example migratory birds. It is also a crime to release any of the listed species of birds and animals which are not native to Britain but have become established here to some extent as a result of earlier releases and escapes.



This list includes fairly widespread species such as the grey squirrel, Canada goose and mink, as well as more exotic species that have established small colonies in parts of the country, such as Ruddy Duck and Muntjac deer.

For plants, you commit a criminal offence if you introduce into the wild any of the particular species that are listed such as Giant Hogweed, Japanese Knotweed and several species of seaweed. Foreign plants and garden varieties should never be planted outside a garden without advice, and great care should be taken even when introducing native plants to a place where they do not naturally grow. For example you should never transfer the contents of garden ponds into other waterways.

# LICENCES

If you want to do something that may go against any of the restrictions described above, it may be possible to get a licence authorising your action. Some licences are personal and are granted only in response to an individual application, and some more general ones are also issued, for example allowing action to be taken against bird pests.

You can seek a licence from the Northern Ireland Environment Agency Wildlife Team for scientific or educational purposes, for photography, for any marking of birds or animals or where action is being taken for conservation purposes. Licences can also be granted authorising action to protect health and public or air safety and to prevent serious damage to property, crops, livestock, timber or fisheries.

It is an offence in Northern Ireland to keep any indigenous bird in captivity; however, the Northern Ireland Environment Agency does issue licences to allow the keeping of certain captive bred species for aviculture or falconry.

If in doubt, apply to the Northern Ireland Environment Agency and we will advise on whether a licence may be granted.

Licences relating to the marine environment will be processed by the DOE Marine Division.

# TRAVELLING

There are three main points to remember about the law when travelling abroad.

Firstly, each country has its own laws on protecting wildlife and you may discover that activities that are lawful here, such as observing some species at close quarters, are against the law in a in another country or jurisdiction. Always check the local law before you do anything that might in any way disturb or harm wildlife.

Secondly, there are very strict laws on the import and export of endangered species and of products made from them. Many of these are based on internationally agreed rules set out in CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Irrespective of the law in the country in which you begin your journey, it is an offence to try to bring into this country any plant, animal or bird that is on the list of endangered species, or anything made from these.

This will cover not only obvious items, such as tiger skin rugs or rhinoceros horns, but many other things that may be on offer as tourist souvenirs. Items that commonly cause problems are those made from ivory, tortoiseshell, leather from some lizards, snakes and crocodiles, corals and seashells. Additionally it is an offence to attempt to import seal products into the EU except from very specific sources and only for personal use.

### Further information on this can be obtained from the DEFRA in Bristol

www.gov.uk/cities-controls-import-and-export-of-protected-species www.cities.org/eng

#### Plant and animal health

Thirdly, there are strict laws on plant and animal health. These lay down detailed rules on when you are permitted to take into the country any live bird or animal or any plant, whether the plant itself or its seeds or bulbs. Again, check the position before you travel into or out of Northern Ireland by contacting the Department of Agriculture and Rural Development

## www.dardni.gov.uk/index/animal-health-and-welfare/ trade-in-animal-and-animal-products.htm

The same rules apply to taking wildlife or specimens out of the country. Even though birds have been lawfully shot here or specimens lawfully owned or bought here, there may be rules controlling their entry to other countries. The relevant rules should be checked before you try to take anything into another country.

## **ENFORCEMENT**

Since the law makes it an offence to harm or disturb wildlife in the ways described here, enforcement of the law is in the hands of the police. Where there are reasonable grounds for suspecting that an offence has taken place, the police have wide powers to stop and search people, to arrest people, to enter land, to seize evidence, and to gain entry to premises. If you see anything suspicious, for example a protected bird that appears to have been poisoned or shot, you should inform the police as soon as possible. Do not interfere with the carcass unless the animal is injured and needs urgent veterinary care. The police now have a Wildlife Liaison Officer with special responsibility for such matters. Very substantial fines can be imposed on anyone found guilty of these offences, and offenders may also be sent to prison.



Report the suspected crime to the local PSNI station or telephone 101. State that you believe it is a 'wildlife crime' and explain what you have witnessed. Always ask for a reference number so that you can trace the progress of the case.

Alternatively crimes can be reported anonymously to Crimestoppers NI on 0800 555 111.

#### Land Managers

Any person who knowingly causes or permits crimes against protected wildlife on land owned or managed by them may be guilty of an offence.

### Acts of Cruelty

Under the Welfare of Animals Act (Northern Ireland) 2011, it is a crime to cause unnecessary suffering to any animal including a wild animal. Crimes against wildlife should be reported to the local police, potential acts of cruelty against domestic pets should be reported to the local government animal welfare officers see page 20. Concerns about agricultural stock should be reported to the Department of Agriculture and Rural Development (DARD NI).

### Sale of certain species

The sale or advertising for sale of Common Frogs, Hedgehogs, Freshwater Mussels, Sea Urchins and other species listed under Schedule 7 as well as all the specially protected species is a crime.

# ADVICE

The law relating to wildlife is complicated and it is impossible to cover every detail in this leaflet. Further advice can be obtained from the following:

Contact:	The Wildlife Team Northern Ireland Environment Agency
	Klondyke Building, Cromac Avenue, Gasworks Business Park, Malone Lower Belfast BT7 2JA
Telephone: Web:	028905 69602 028905 69551 www.doeni.gov.uk/niea/ wildlife/

#### Other Useful Contacts

other osen	urcontacts
Contact:	Department of Agriculture and Rural Development (Northern Ireland) Dundonald House Upper Newtownards Road Belfast BT2 7EG
Telephone: Email: Web:	0300 2007852 dardhelpline@dardni.gov.uk www.dardni.gov.uk
Contact:	Department of Environment Food and Rural Affairs (England, Wales & International) Temple Quay House 2 The Square Temple Quay Bristol BS1 6EB
Telephone: Web:	0117 1371 8000 www.defra.gov.uk
Contact:	Police Service Northern Ireland (PSNI) 65 Knock Road Belfast BS5 61 F
Telephone: Web:	101 www.psni.police.uk
Contact: Telephone:	Crime Stoppers 0800 555 111
Contact:	<b>Countryside Alliance Ireland</b> 64a Dows Road, Belfast BT8 8LB
Telephone: Fax: Web:	+44 (0) 28 9263 9911 +44 (0) 28 9263 9922 www.countrysidealliance ireland.org/

Contact:	DOE Marine Division	
	Causeway Exchange (Level 6) 1-7 Bedford Street Belfast County Antrim Northern IrelandBT2 7EG	
Telephone:	028 9082 3549	
Web:	www.doeni.gov.uk/index/ protect_the_environment /water/marine-home.htm	

Contact:	British Association for Shooting and Conservation BASC Northern Ireland Centre, 33 Castle Street, Lisburn, Co Down, BT27 4SP
Telephone: Web:	028 9260 5050 www.basc.org.uk
Contact:	Scottish Association for Countryside Sports (SACS) Netherholm Netherburn Larkhall ML9 3DG
Telephone: Email: Web:	+44(0)1698885206 info@sacs.org.uk www.sacs.org.uk/
Contact:	Northern Ireland Bat Group The Ulster Museum Bangor Road, Cultra, Holywood, Belfast BT18 OEU
Telephone: Web:	028 9039 5264 www.nmni.com/cedar/bats
Contact: Telephone:	Royal Society for the protection of birds Belvoir Park Forest Belfast BT8 7QT Tel. 028 9049 1547
Web:	www.rspb.org.uk



# 2

Common name	Scientific name
Bittern	Botaurus stellaris
Bunting, Corn	Emberiza calandra
Buzzard	Buteo buteo
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crossbill	Loxia curvirostra
Cuckoo	Cuculus canorus
Curlew	Numenius arquata
Diver, Red-throated	Gavia stellata
Dotterel	Charadrius morinellus
Dove, Stock	Columba oenus
Dove, Turtle	Streptopelia turtur
Dunlin	Calidris alpina
Eagle, Golden	Aquila chrysaetos
Eagle, White-tailed	Haliaeetus albicilla
Egret, Little	Egretta garzetta
Flycatcher, Pied	Ficedula hypoleuca
Flycatcher, Spotted	Musciapa striata
Garganey	Anas querquedula
Godwit, Black-tailed	Limosa limosa

Reporting Animal Welfare issues relating to domestic animals including horses contact your local Animal Welfare Officer

# SCHEDULES OF THE WILDLIFE (NI) ORDER 1985 (AS AMENDED)

## Shedule A1

Birds which re-use their nests

Common name	Scientific name	Common name	Scientific name
Eagle, Golden	Aquila chrysaetos	Owl, Barn	Tyto alba
Eagle, White-tailed	Haliaetus albicilla	Peregrine	Falco peregrinus
Osprey	Pandion haliaetus	Kite, Red	Milvus milvus

## Shedule 1

Part 1: At all times

Birds which are protected by special penalties

Common name	Scientific name
Goosander	Mergus merganser
Goshawk	Accipiter gentilis
Grebe, Black-necked	Podiceps nigricollis
Greenshank	Tringa nebularia
Gull, Mediterranean	Larus melanocephalus
Gyrfalcon	Falco rusticolus
Harrier, Hen	Circus cyaneus
Harrier, Marsh	Circus aeruginosus
Heron	Ardea cinerea
Hobby	Falco subbuteo
Kestrel	Falco tinnunculus
Kingfisher	Alcedo atthis
Kite, Red	Milvus milvus
Lapwing	Vanellus vanellus
Martin, Sand	Riparia riparia
Merlin	Falco columbarius
Nightjar	Caprimulgus europaeus
Osprey	Pandion haliaetus
Ousel, Ring	Turdus torquatus
Owl, Barn	Tyto alba
Sparrowhawk	Accipiter nisus

Common name	Scientific name	Common name	Scientific name
Owl, Long–eared	Asio otus	Tern, Arctic	Sterna paradisaea
Owl, Short–eared	Asio flammeus	Tern, Common	Sterna hirundo
Owl, Snowy	Bubo scandiacuss	Tern, Little	Sterna albifrons
Perigrine	Falco peregrinus	iem, Little	
Petrel, Storm	Hydrobates pelagicus	Tern, Roseate	Sterna dougallii
Pipit, Tree	Anthus trivialis	Tern, Sandwich	Sterna sandvicensis
Puffin	Fratercula arctica	Twite	Carduelis flavirostris
Quail	Coturnix coturnix		
Redshank	Tringa totanus	Wagtail, Yellow (all races)	Motacilla flava
Redstart	Phoenicurus phoenicurus	Warbler, Garden	Sylvia borin
Ruff	Philomachus pugnax	Warbler, Reed	Acrocephalus scirpaceus
Scoter, Common	<i>Melanitta</i> nigra		
		Warbler, Wood	Phylloscopus sibilatrix
Shearwater, Manx	Puffinus puffinus	Whimbrel	Numenius phaeopus
Sparrow, Tree	Passer montanus	Whinchat	Saxicola rubetra
Swan, Bewick's	Cygnus columbianus	Whitethroat, Lesser	Sylvia curruca
Swan, Whooper	Cygnus cygnus	Yellowhammer	Emberiza citrinella

Birds which may be killed or taken

# Part 1 Outside the Close Season

Common name	Scientific name	Common name	Scientific name
Duck, Tufted	Aythya fuligula	Mallard	Anas platyrhynchos
Duck, Ruddy	Oxyura jamaicensis	Pintail	Anas acuta
Gadwall	Anas strepera	Plover, Golden	Pluvialis apricaria
Goldeneye	Bucephala clangula	Pochard	Aythya ferina
Goose, Canada	Branta canadensis	Scaup	Aythya marila
Goose, Grey–lag	Anser anser	Shoveler	Anas clypeata
Goose, Pink- Anser brach	Anser brachyrhynchus	Teal	Anas crecca
		Wigeon	Anas penelope

Common name	Scientific name
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria

# Shedule 3

Birds which may be sold dead at all times		
Common name Scientific name		
Wood Pigeon	Columba palumbus	

# Shedule 4

Birds which may be shown for competitive purposes

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

Common name	Scientific name
Pochard	Aythya ferina
Scaup	Aythya marila
Shoveler	Anas clypeata
Wigeon	Anas penelope

Common name	Scientific name	
Redpoll	Carduelis flammea	
Redstart	Phoenicurus phoenicurus	
Siskin	Carduelis spinus	
Starling	Sturnus vulgaris	
Stonechat	Saxicola torquata	
Thrush, Mistle	Turdus viscivorus	
Thrush, Song	Turdus philomelos	
Tit, Blue	Cyanistes caeruleus	
Tit, Coal	Periparus ater	
Tit, Great	Parus major	
Tit, Long tailed	Aegithalos caudatus	
Tit, Marsh	Poecile palustris	
Twite	Carduelis flavirostris	
Waxwing	Bombycilla garrulus	
Yellowhammer	Emberiza citrinella	
Wagtail Pied	Motacilla Alba	
Wagtail Yellow	Motacilla Flava	

# Animals which are protected at all times

Common name	Scientific name	Common name	Scientific name
Badger	Meles meles	Marten, Pine	Martes martes
Butterfly, Brimstone	Gonepteryx rhamni	Mussel, Freshwater	Margaritifera margaritifera
Butterfly, Dingy Skipper	Erynnis tages	Mussel Fan	Atrina fragilis
Butterfly, Holly Blue	Celastrina argiolus	Newt, Common	Triturus vulgaris
Butterfly, Large Heath	Coenonympha tullia	Seahorse, Short Snouted	Hippocampus hippocampus
Butterfly, Marsh	Euphydryas aurinia	Seahorse, Spiny	Hippocampus guttulatus
Fritillary		Seal, Common	Phoca vitulina
Butterfly, Purple Hairstreak	Quercusia quercus	Sea Grey	Halichoerus grypus
Hallstiedk		Skate Common (in Dipturus batis respect of Article 10(1) only and	Dipturus batis
Butterfly, Real's Wood White	Leptidea reali		
Butterfly, Small	Cupido minimus	with respect to coastal waters	
Blue		Shark Angel (in	Squatina squatina
Crayfish, White- Clawed	Austropotamobius pallipes	respect of Article 10 (1) only and with respect to coastal waters	
Damselfly, Irish	Coenagrion lunulatum		
Lizard, Common or Viviparous	Lacerta vivipara	Shark Basking	Cetorhinus maximus
Lobster, Spiny	Palinurus elaphus	Squirrel Red	Sciurus vulgaris

# Shedule 6

Animals which may not be killed or taken by certain methods

Common name	Scientific name	Common name	Scientific name
Badger	Meles meles	Marten, Pine	Martes martes
Bats (all species)	Chiroptera (all species)	Mussel, Fan	Atrina fragilis
Crayfish White-	Austropotamobius	Newt, Common	Triturus vulgaris
Clawed	pallipes	Otter, Common	Lutra lutra
Deer, Fallow	Dama dama		
Deer Red	Cervus elaphus	Seahorse, Short Snouted	Hippocampus hippocampus
Deer Sika	Cervus nippon	Seahorse, Spiny	Hippocampus guttulatus
Hare Brown	Lepus europaeus	Seal, Common	Phoca vitulina
Hare, Irish	Lepus timidus	Seal, Grey	Halichoerus grypus
Hedgehog	Erinaceus europaeus		Cetorhinus maximus
Lizard, Common or	Lacerta vivipara	Shark Basking	
Viviparous	·	Shrew, Pygmy	Sorex minutus
Lobster, Spiny	Palinurus elaphus	Squirrel Red	Sciurus vulgaris

# Shedule 7

Animals which may not be sold alive or dead at any time

Common name	Scientific name
Badger	Meles meles
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
Butterfly, Real's Wood White	Leptidea reali
Butterfly, Small Blue	Cupido minimus
Crayfish, White- Clawed	Austropotamobius pallipes
Damselfly, Irish	Coenagrion lunulatum
Frog, Common	Rana temporaria

Common name	Scientific name
Hedgehog	Erinaceus europaeus
Lobster, Spiny	Palinurus elaphus
Lizard, Common or Viviparous	Lacerta vivipara
Marten, Pine	Martes martes
Mussel, Freshwater	Margaretifera margaretifera
Mussel, Fan	Atrina fragilis
Newt, Common	Triturus vulgaris
Seahorse, Short Snouted	Hippocampus hippocampus
Seahorse, Spiny	Hippocampus guttulatus
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Sea–urchin, Common	Echinus esculentus
Shark, Basking	Cetorhinus maximus
Squirrel, Red	Sciurus vulgaris

Plants which are protected

# Part 1 Plants which are protected under Article 14(1)(a) and (2)

Common name	Scientific name	Common name	Scientific name
Avens, Mountain	Dryas octopetala	Fern, Parsley	Cryptogramma crispa
Beak-sedge, Brown	Rhynchospora fusca	Fern Killarney	Trichomanes speciosum
Birds-foot	Ornithopus perpusillus	Figwort, Green	Scrophularia umbrosa
Bristle-moss,	Orthotrichum sprucei	Fleabane, Blue	Erigeron acer
Spruce's		Gentian, Autumn	Gentianella amarella
Broomrape, Ivy	Orobanche hederae	Globe-flower	Trollius europaeus
Buckthorn, Alder	Frangula alnus	Grass, Blue-eyed	Sisyrinchium
Bugle, Pyramidal	Ajuga pyramidalis		bermudiana
Burnet, Great	Sanguisorba officinalis	Grass, Holy	Hierochloe odorata
Campion, Moss	Silene acaulis	Heath, Cornish	Erica vagans
Cat's–ear, Smooth	Hypochoeris glabra	Helleborine, Green–flowered	Epipactis phyllanthes
Centaury, Seaside	Centaurium littorale	Helleborine, Marsh	Epipactis palustris
centuary, seaside	centuanamintorale	Henbane	Hyoscyamus niger
Cloudberry	Rubus chamaemorus	Hornwort, Soft	Ceratophyllum submersum
Clubmoss, Alpine	Diphasiastrum alpinum	Jelly-lichen, River	Collema dichotomum
		Juniper	Juniperus communis
Clubmoss, Stag's Horn	Lycopodium clavatum	Lichen	Enterographa elaborata
Cowslip	Primula veris	Lichen	Lobaria virens
Cow–wheat, Wood	Melampyrum sylvaticum	Meadow-rue, Alpine	Thalictrum alpinum
Cranesbill, Meadow	Geranium pratense	Moschatel, or Town Hall Clock	Adoxa moschatellina
Cranesbill, Wood	Geranium sylvaticum	Mudwort	Limosella aquatica
Cress, Shepherd's	Teesdalia nudicaulis	Notchwort,	Leiocolea heterocolpos
Crowfoot, Water	Ranunculus fluitans	Ragged	
Dodder	Cuscuta epithymum	Orchid, Bee	Ophrys apifera
Feather-moss, Elegant	Eurhynchiastrum pulchellum	Orchid, Bog	Hammarbya paludosa
Fern, Holly	Polystichum lonchitis	Orchid, Dense- flowered	Neotinea maculata
Fern, Oak	Gymnocarpium dryopteris	Orchid, Green– winged	Orchis morio

Common name	Scientific name
Orchid, Irish Lady's Tresses	Spiranthes romanzoffiana
Orchid, Lapland Marsh	Dactylorhiza lapponica
Orchid, Small white	Pseudorchis albida
Oyster-plant	Mertensia maritima
Pennyroyal	Mentha pulegium
Petalwort	Petalophyllum ralfsii
Rosemary, Bog	Andromeda polifolia
Saw–wort, Mountain	Saussurea alpina
Saxifrage, Purple	Saxifraga oppositifolia
Saxifrage, Yellow Mountain	Saxifraga aizoides
Sea-kale	Crambe maritima
Sea-lavender, Rock	Limonium binervosum
Sedge, Broad– leaved Mud	Carex magellanica

# Part 2 Plants which are protected under Article 14(1)(b) and (2)

Common name	Scientific name
Primrose	Primula vulgaris
Bluebell	Hyacinthoides non-scripta

Common name	Scientific name
Sedge, Few– flowered	Carex pauciflora
Sedge, Stiff	Carex bigelowii
Small–reed, Northern	Calamagrostis stricta
Small-reed, Wood	Calamagrostis epigejos
Spike-rush	Eleocharis parvula
St John's Wort, Hairy	Hypericum hirsutum
Thread-moss, Slender	Orthodontium gracile
Vetch, Wood Bitter	Vicia orobus
Violet, Fen	Viola persicifolia
Violet, Water	Hottonia palustris
Wintergreen, Serrated	Ramischia secunda
Wormwood, Sea	Seriphidium maritimum
Yellow Bird's-nest	Monotropa hypopitys

Animals and plants to which Article 15 applies

# Part 1 Animals which are established in the wild

Common name	Scientific name	Common name	Scientific name
Amphipod, Freshwater	Crangonyx pseudogracilis	Hedgehog (with respect to islands	Erinaceus europaeus
Crayfish, Signal	Pacifastacus leniusculus	in territorial waters only)	
Crayfish, Narrow- clawed	Astacus leptodactylus	Limpet, Slipper	Crepidula fornicate
Crayfish, Noble	Astacus astacus	Mink, American	Mustela vison
		Mussel, Zebra	Dreissena polymorpha
Crayfish, Spiny- cheek	Orconectes limosus	Rat, Common Brown (with	Rattus norvegicus
Crayfish, Marbled	Procambarus sp.	in territorial waters only)	
Deer, Chinese water	Hydropotes inermis		
Deer, Muntjac	Muntiacus reevesi	Rat, Black	Rattus rattus
Deer, Roe	Capreolus capreolus	Sea squirt	Didemnum vexillum
Duck, Mandarin	Aix galericulata	Sea squirt, Club	Styela clava
Duck, Ruddy	Oxyura jamaicensis	Shrimp, Freshwater	Gammarus pulex
Fox (with respect Vulpes vulpes to islands in	Shrimp, Freshwater	Gammarus tigrinus	
territorial waters only)		Shrimp, Japanese skeleton	Caprella mutica
Goose, Barnacle	Branta leucopsis	Squirrel, Grey	Sciurus carolinensis
Goose, Canada	Branta canadensis	Stoat, Irish (with respect to islands in territorial waters only)	
Hare, Brown	Lepus europaeus		nivernicus

# Part 2 Plants

Common name	Scientific name
Balsam, Himalayan	Impatiens glandulifera.
Bluebell, Spanish	Hyacinthoides hispanica
Cabbage, Skunk	Lysichiton americanum
Eelgrass, Dwarf	Zostera japonica
Fanwort	Cabomba caroliniana
Fig, Hottentot	Carpobrotus edulis
Hogweed, Giant	Heracleum mantegazzianum
Honeysuckle, Japanese	Lonicera japonica
Kelp, Giant	Macrocystis pyrifera
Kelp, Japanese	Undaria pinnatifida
Knotweed, Giant	Fallopia sachalinensis
Knotweed, Himalayan	Polygonum wallichii
Knotweed, Japanese	Fallopia japonica
Leek, Few- flowered	Allium paradoxum
Mile-A-Minute Weed	Polygonum perfoliatum
Parrot's Feather	Myriophyllum aquaticum
Pennywort, Floating	Hydrocotyle ranunculoides

Common name	Scientific name
Pirri–pirri Bur	Acaena (all species)
Reed, Giant	Arundo donax
Rhubarb, Giant	Gunnera tinctoria
Salmonberry	Rubus spectabilis
Salvinia, Giant	Salvinia molesta
Seaweed, Japanese	Sargassum muticum
Sea-buckthorn	Hippophae rhamnoides
Spartina or Cord– grass	Spartina (all species)
Stonecrop, Australian swamp	Crassula helmsii
Water Chestnut	Trapa natans
Water Fern	Azolla filiculoides
Water Lettuce	Pistia stratiotes
Water Primrose	Ludwigia
Water Soldier	Stratiotes aloides
Waterlily, Fringed	Nymphoides peltata
Waterweeds (all species)	Elodea (all species)
Waterweed, Curly	Lagarosiphon major
Waterweed, Large flowered	Egeria densa

Schedules of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

#### Shedule 2

European Protected Species of Animals

Common name	Scientific name	Common name	Scientific name
Bats, Typical (all species)	Vespertilionidae	Marine Turtles	Caretta caretta
Dolphins, porpoises	es Cetacea		Chelonia mydas
and whales (all species)cetaceaOtter, CommonLutra lutra		Lepidochelys kempii	
		Eretmochelys imbricata	
		Dermochelys coriacea	

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.

#### Shedule 3

Animals which may not be taken or killed in certain ways

Common name	Scientific name	Common name	Scientific name
Hare, Mountain	Lepus timidus	Seal, Common	Phoca vitulina
Lamprey, River	Lampetra fluviatilis	Seal, Grey	Halichoerus grypus
Marten, Pine	Marten, Pine Martes martes	Shad, Allis	Alosa alosa
	Shad, Twaite	Alosa fallax	

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.

#### Shedule 4

**European Protected Species of Plants** 

Common name	Scientific name
Fern, Killarney	Trichomanes speciosum
Saxifrage, Yellow Marsh	Saxifraga hirculus

# **RELEVANT LEGISLATION**

The Wildlife (Northern Ireland) Order 1985 (As amended) The Wildlife and Natural Environment (NI) Act 2011 The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (As amended) The Welfare of Animals Act (Northern Ireland) 2011 The Spring Traps Approval Order (Northern Ireland) 2012 The Environmental Protection (Restriction on Use of Lead Shot) Regulations (NI) 2009 The Snares (NI) Order 2014

This booklet is intended as a guide to the laws regarding wildlife in case of doubt, reference should be made to the relevant legislation listed above

## **FURTHER READING**

Nature Conservation Law : Colin T. Reid 1994, W Green, Edinburgh A Manual of Nature Conservation Law: Michael Fry (ed.) 1995, Clarendon Press, Oxford Fair Game: Charlie Parkes and John Thornley 1989, Pelham Books, London

Wildlife Crime: A guide to wildlife Law Enforcement in the UK www.english-heritage.org.uk

Wild Birds and the law 1989, Pelham Books, London



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