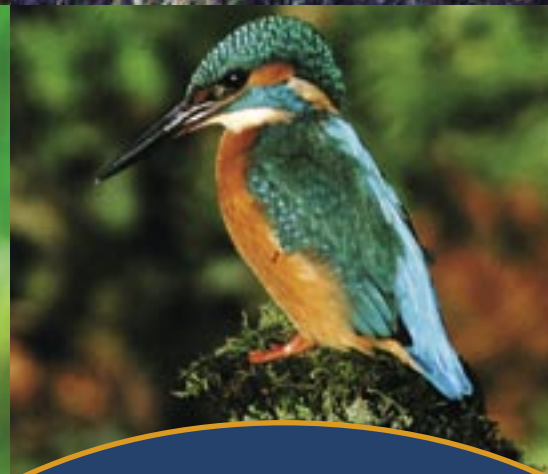


biodiversity series

# The Wildlife Law and You

in Northern Ireland



Environment &  
Heritage Service

[www.ehsni.gov.uk](http://www.ehsni.gov.uk)

## What is EHS?

The Environment and Heritage Service (EHS) is an Agency within the Department of the Environment. EHS implements the Department's responsibilities for controlling pollution, conserving nature and the countryside and protecting species, protecting and conserving historic monuments and buildings and promoting awareness of the environment and heritage.



Puffin

## Can I pick wild flowers?

Wild flowers should not normally be picked. The flowers are an essential part of the reproductive cycle and picking flowers may prevent the plant from setting seed and surviving into the future. It is an offence to uproot any plant without landowners or occupiers consent and it is an offence to pick any part of any of the 50 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.



Oyster Plant



Canada Goose

## 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 EHS.



Woodcock nest

# The wildlife Law and you

<b>Table of Contents</b>	page
Introduction	1
The Law	2
Birds and Eggs	3
Specially protected species	4
Birds which may be hunted	5
Problem species	6
Animals	7
Game Animals	10
Plants	11
Prohibited methods of killing or capturing birds and animals	12
General Rules on Game and Hunting	14
Release of species into the wild	15
Licences	16
Travelling abroad	17
Enforcement	18
Advice	19
Lists of schedules and legislation	20
Further reading	22

## 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 or Areas of Special Scientific Interest<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, that relating to the Wildlife (Northern Ireland) Order 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 Environment and Heritage Service who will be able to give you advice. The address is given at the end of this booklet. Another valuable source of information is the Police Wildlife Liaison Officer who can be contacted at police headquarters. It is the responsibility of the police to investigate cases of suspected wildlife crime, where appropriate 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.



Marsh Fritillary Butterfly

<sup>1</sup>This aspect of the law is not discussed in this booklet; contact EHS for further information.

## 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. These are:

- ◆ The 1979 Convention on the conservation of European wildlife and natural habitats (the 'Bern Convention').
- ◆ The 1979 European Community Directive 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). 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.

### INTERNATIONAL CONVENTION AND DIRECTIVES

The 1979 Convention on the conservation of European wildlife and natural habitats (the 'Bern Convention').

The 1979 European Community Directive 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').

## Birds and Eggs

### General

The law offers different levels of protection to birds.



Robin



Razorbills

If you kill or injure a bird by accident, it is not a crime, but simply having a wild bird or egg is against the law unless you can prove that it came to you by lawful means. For example, if the bird died a natural death or is an heirloom and was collected before the modern law was in place. 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 exceptions apply where action is necessary in the interests of health and safety.

### IN GENERAL IT IS AN OFFENCE:

- ◆ to 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
  - to destroy or take the egg of any wild bird
  - to disturb any wild bird whilst it is building a nest or is in, on or near a nest containing eggs or young
  - to disturb the dependent young of such a bird
- ◆ to sell or advertise for sale any wild bird or its eggs

## Specially protected species

More than 50 species of bird [see List opposite] 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 but the penalties for anyone convicted of offences concerning them are substantially greater.

Also, very few of the exceptions that apply to birds in general apply to these species.



Bittern

### Schedule 1 Specially protected birds

#### BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES

Bittern	Osprey
Bunting, Corn	Ousel, Ring
Buzzard	Owl, Barn
Chough	Owl, Long-eared
Corncrake	Owl, Short-eared
Crossbill	Peregrine
Diver, Red-throated	Petrel, Storm
Dotterel	Phalarope, Red-necked
Dove, Turtle	Pipit, Tree
Dunlin	Quail
Eagle, Golden	Redstart
Eagle, White-tailed	Ruff
Fieldfare	Scoter, Common
Firecrest	Swan, Bewick's
Flycatcher, Pied	Swan, Whooper
Garganey	Tern, Arctic
Godwit, Black-tailed	Tern, Common
Goosander	Tern, Little
Goshawk	Tern, Roseate
Grebe, Black-necked	Tern, Sandwich
Greenshank	Tit, Bearded
Harrier, Hen	Twite
Harrier, Marsh	Wagtail, Yellow
Hawk, Sparrow	(all races)
Heron	Warbler, Garden
Kestrel	Warbler, Reed
Kingfisher	Warbler, Wood
Merlin	Whimbrel
Nightjar	

## 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

Grouse	12 August - 30 November
Partridge	1 September - 31 January
Pheasant	1 October - 31 January
Snipe	1 September - 31 January
Woodcock	1 September - 31 January
Wild Duck and Geese	1 September - 31 January



Mallard

## 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.

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.



Feral Pigeons

### THESE PESTS MAY BE CONTROLLED

Feral Pigeon  
Hooded or Carrion Crow  
Greater Black backed Gull  
Lesser Black backed Gull  
Herring Gull  
Wood Pigeon  
Magpie  
Rook  
Jackdaw  
House Sparrow  
Starling

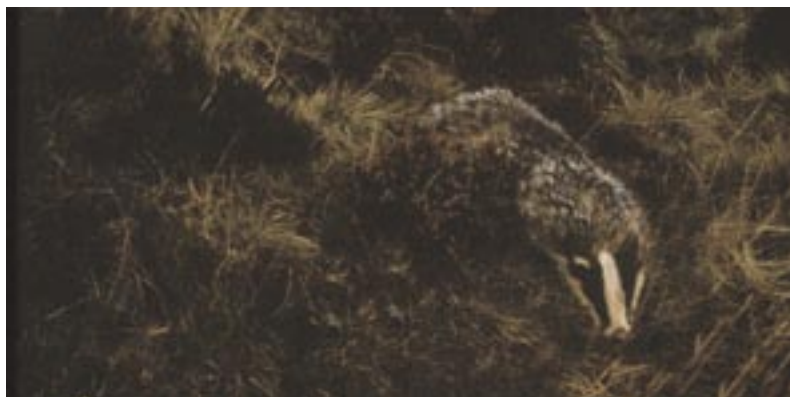
### UNDER A GENERAL LICENCE

## 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 17 species of animals [see section 14] are given special protection by the law. These range from Otters, Bats, Dolphins and Whales through Newts and Lizards to Butterflies. Three groups of species - "European Protected species" - are given additional protection under the EC Habitats and Species Directive, and the Conservation (Natural Habitats etc.) Regulations.



Badger

As with birds there are exceptions for accidental or incidental 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 have been reasonably

### FOR ALL OF THESE SPECIES THE LAW STATES THAT IT IS AN OFFENCE:

- ◆ to kill or injure the animal
- ◆ to capture or keep (alive or dead) the animal
- ◆ to destroy, damage or obstruct access to its place of shelter
- ◆ to disturb the animal while using its place of shelter
- ◆ to sell or advertise for sale the animal or anything derived from it

avoided. The place that an animal is using for shelter or protection can be damaged or obstructed, or the animal disturbed there, if it is within a dwelling house (special rules apply to bats - see below). 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. A limited number of exceptions exist for action necessary for health and safety reasons.

The species listed under European Directive enjoy the same protection, with two main additions. It is a criminal offence to disturb any of these animals deliberately, wherever they are (except in a dwelling house), and even accidental damage to or destruction of their breeding or resting places is an offence.

## Bats

Bats are European protected species. It is therefore a crime to kill, injure, capture or disturb them. The law on disturbance is stricter for bats than for other animals. It is a crime to disturb bats wherever they are unless they are in the living area of a house, for example a bedroom or dining room. Therefore 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, EHS 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.



Leisler's Bats

## Acts of Cruelty

Under the Welfare of Animals Act (Northern Ireland) 1972, it is a crime to cause unnecessary suffering to any animal including a wild animal.

## Sale of certain species

The sale or advertising for sale of Common Frogs, Hedgehogs, Freshwater Mussels, Sea Urchins and Foxes as well as all the specially protected species is a crime, however a general licence is issued to allow the sale of foxes in the winter months.

## 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.

## Insects

Several species of butterfly 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.



Common Dolphins



Common Blue Butterfly



Smooth Newt

## Game Animals

Deer and hares are protected during the “closed season”, however they may be hunted during part of the year. Deer and hares are classified as game and therefore they may not be hunted on Sundays or at night. Deer may only be shot using large-bore rifles and hares may only be hunted using firearms or dogs.

### 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 closed seasons during which deer cannot be shot. Only certain sorts of guns and ammunition may be used. In some situations occupiers of land can take action to prevent serious damage to crops, pasture or woodland.



Irish Hare

### OPEN SEASON FOR GAME ANIMALS

Hares -	12 August to 31 January incl.
Deer - Fallow Deer (Buck)	1 August to 30th April incl.
Red Deer (Stags)	1 August to 30th April incl.
Sika Deer (Stags)	1 August to 30th April incl.
Fallow Deer (Doe)	1 Nov to last day of Feb incl.
Red Deer (Hinds)	1 Nov to last day of Feb incl.
Sika Deer (Hinds)	1 Nov to last day of Feb incl.

## 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 50 specially protected plants [see section 14]. It is a crime not only if you deliberately uproot these plants, but also if you pick or destroy them in any way. 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.



Green-winged Orchids

### IT IS A CRIMINAL OFFENCE:

- ◆ to uproot any wild plant, unless this is accidental or permission has been given by the owner or occupier of the land
- ◆ to possess one of the specially protected plants or any part of them, to advertise them for sale or to pick or destroy them in any way.

## 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.



Pole Trap and dead Kestrel

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) 1996 are illegal. Self-locking snares are illegal but 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. All traps and snares must be checked once every 24 hours during daylight.

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.



Seals

IT IS A CRIME TO USE  
ANY OF THE FOLLOWING  
METHODS TO KILL OR  
CAPTURE WILD BIRDS OR  
SPECIALLY PROTECTED  
ANIMALS

hooks or nets

any form of artificial lighting or  
dazzling device

electrical devices

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

## 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 many forms of hunting

you must also have a game licence and valid certificates are always necessary for any firearms involved. 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.

### YOU MUST

- ◆ obtain permission
- ◆ have a game licence
- ◆ have valid certificates for any firearms involved

### YOU MUST NOT

- ◆ take any animals or birds without the necessary permission and licences
- ◆ trespass in search of game.

Most hunting at night is also a crime



Hen Pheasant

## Release of species into the wild



Grey Squirrel

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 Ducks and Golden Pheasants.

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.

### 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
- ◆ release any of the species of birds and animals (from mammals to invertebrates) listed on Schedule 9 of the Wildlife Order
- ◆ introduce into the wild any of the particular species of plant that are listed on Schedule 9 of the Wildlife Order such as giant hogweed, Japanese knotweed and several species of seaweed

## 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 Environment and Heritage Service 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 Environment and Heritage Service does issue licences to allow the keeping of certain species for aviculture or falconry.

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

### LICENCES MAY BE GRANTED FOR:

scientific or educational purposes  
photography

ringing or marking birds or  
animals conservation purposes

health and public safety air safety  
prevention of serious damage to  
property, crops, livestock, timber  
or fisheries

aviculture

taxidermy

falconry

## Travelling abroad

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 foreign country. 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. Whatever the position where you start 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 sea-shells. Further information on this can be obtained from the DEFRA in Bristol.

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 by contacting the Department of Agriculture and Rural Development.

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. 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 in a few circumstances offenders may be sent to prison.



Dead Buzzard

## 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:

### **Environment and Heritage Service**

Klondyke Building, Cromac Avenue,  
Gasworks Business Park, Lower Ormeau Road  
Belfast BT7 2JA  
Tel. 028 9056 9605  
www.ehsni.gov.uk

### **Department of the Environment Food and Rural Affairs**

Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6EB  
Tel. 0117 1371 8000  
www.defra.gsi.gov.uk

### **Department of Agriculture and Rural Development**

Dundonald House  
Upper Newtownards Road  
Belfast BT4 3SB  
Tel. 02890 520100  
www.dardni.gov.uk

### **Northern Ireland Bat Group**

c/o The Ulster Museum  
Botanic Gardens  
Belfast  
BT9 5AB  
lynne.rendle@magni.org.uk

### **The Wildlife Liaison Officer**

Police Service Northern Ireland  
65 Knock Road  
Belfast  
BT5 6LE  
www.psni.police.uk

### **Countryside Alliance**

Larchfield Estate  
Bailliesmills Road  
Lisburn  
BT27 6XJ  
www.countryside-alliance.org

### **British Association for Shooting and Conservation**

The Courtyard Cottage  
Galgorm Castle  
Ballymena  
BT42 1HL  
www.basc.org.uk

### **Royal Society for the Protection of Birds**

Belvoir Park Forest  
Belfast BT8 7QT  
Tel. 02890 491547  
www.rspb.org.uk

### **Ulster Society for the Prevention of Cruelty to Animals**

PO Box 103  
Belfast  
BT6 8US  
Tel. 02820 742788  
www.planetpets-uspca.co.uk

## Lists Schedules of the Wildlife (Northern Ireland) 1985

### Specially protected birds

#### Schedule 1

#### BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES

#### PART I AT ALL TIMES

Common name	Scientific name
Bittern	<i>Botaurus stellaris</i>
Bunting, Corn	<i>Emberiza cakabdra</i>
Buzzard	<i>Buteo buteo</i>
Chough	<i>Pyrhcorax pyrrhcorax</i>
Corncrake	<i>Crex crex</i>
Crossbill	<i>Loxia curvirostra</i>
Diver, Red-throated	<i>Gavia stellata</i>
Dotterel	<i>Charadrius Morinellus</i>
Dove, Turtle	<i>Streptopelia turtur</i>
Dunlin	<i>Calidris alpina</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Flycatcher, Pied	<i>Ficedula hypoleuca</i>
Garganey	<i>Anas querquedula</i>
Godwit, Black-tailed	<i>Limosa limosa</i>
Goosander	<i>Mergus merganser</i>
Goshawk	<i>Accipiter gentilis</i>
Grebe, Black-necked	<i>Podiceps nigricollis</i>
Greenshank	<i>Tringa nebularia</i>
Harrier, Hen	<i>Circus cyaneus</i>
Harrier, Marsh	<i>Circus aeruginosus</i>
Hawk, Sparrow	<i>Accipiter nisus</i>
Heron	<i>Ardea cinerea</i>
Kestrel	<i>Falco tinnunculus</i>
Kingfisher	<i>Alcedo atthis</i>
Merlin	<i>Falco columbarius</i>
Nightjar	<i>Caprimulgus europaeus</i>
Osprey	<i>Pandion haliaetus</i>
Ousel, Ring	<i>Turdus torquatus</i>
Owl, Barn	<i>Tyto alba</i>
Owl, Long-eared	<i>Asio otus</i>
Owl, Short-eared	<i>Asio flammeus</i>
Peregrine	<i>Falco peregrinus</i>
Petrel, Storm	<i>Hydrobates pelagicus</i>
Phalarope, Red-necked	<i>Phalaropus lobatus</i>
Pipit, Tree	<i>Anthus trivialis</i>
Quail	<i>Coturnix coturnix</i>
Redstart	<i>Phoenicurus phoenicurus</i>
Ruff	<i>Philomachus pugnax</i>

#### Common name

Scoter, Common  
Swan, Bewick's  
Swan, Whooper  
Tern, Arctic  
Tern, Common  
Tern, Little  
Tern, Roseate  
Tern, Sandwich  
Tit, Bearded  
Twite  
Wagtail, Yellow  
(all races)  
Warbler, Garden  
Warbler, Reed  
Warbler, Wood  
Whimbrel

#### Scientific name

*Melanitta nigra*  
*Cygnus columbianus*  
*Cygnus cygnus*  
*Sterna paradisaea*  
*Sterna hirundo*  
*Sterna albifrons*  
*Sterna dougallii*  
*Sterna sandvicensis*  
*Panurus biarmicus*  
*Carduelis flavirostris*  
  
*Motacilla flava*  
*Sylvia borin*  
*Acrocephalus scirpaceus*  
*Phylloscopus sibilatrix*  
*Numenius phaeopus*

#### Common name

Goose, Pink-footed  
Mallard  
Pintail  
Plover, Golden  
Pochard  
Scaup  
Shoveler  
Teal  
Wigeon

#### Scientific name

*Anser brachyrhynchus*  
*Anas platyrhynchos*  
*Anas acuta*  
*Pluvialis apricaria*  
*Aythya ferina*  
*Aythya marila*  
*Anas clypeata*  
*Anas crecca*  
*Anas penelope*

#### PART II DURING THE CLOSE SEASON

#### Common name

Gadwall  
Goldeneye  
Pintail  
Plover, Golden  
Pochard  
Scaup  
Shoveler  
Wigeon

#### Scientific name

*Anas strepera*  
*Bucephala clangula*  
*Anas acuta*  
*Pluvialis apricaria*  
*Aythya ferina*  
*Aythya marila*  
*Anas clypeata*  
*Anas penelope*

#### Schedule 2 BIRDS WHICH MAY BE KILLED OR TAKEN OUTSIDE THE CLOSE SEASON

#### Common name

Curlew  
Duck, Tufted  
Gadwall  
Goldeneye  
Goose, Canada  
Goose, Grey-lag

#### Scientific name

*Numenius arquata*  
*Aythya fuligula*  
*Anas strepera*  
*Bucephala clangula*  
*Anser canadensis*  
*Anser anser*

#### Schedule 5

#### ANIMALS WHICH ARE PROTECTED AT ALL TIMES

#### Common name

Badger  
Bats (all species)  
Butterfly, Brimstone  
Butterfly, Dingy Skipper  
Butterfly, Holly Blue  
Butterfly, Large Heath  
Butterfly, Marsh Fritillary  
Butterfly, Purple Hairstreak  
Butterfly, Small Blue  
Cetaceans (all species)  
Lizard, Common or  
Viviparous  
Marten, Pine  
Newt, Common  
Otter, Common  
Seal, Common  
Seal, Grey  
Squirrel, Red

#### Scientific name

*Meles meles*  
Chiroptera (all species)  
*Gonepteryx rhamni*  
*Erynnis tages*  
*Celastrina argiolus*  
*Coenonympha tullia*  
*Euphydryas aurinia*  
*Quercusia quercus*  
*Cupido minimus*  
Cetacea  
*Lacerta vivipara*  
*Martes martes*  
*Triturus vulgaris*  
*Lutra lutra*  
*Phoca vitulina*  
*Halichoerus grypus*  
*Sciurus vulgaris*

## Schedule 8

\* PLANTS WHICH ARE PROTECTED  
PART I

Common name	Scientific name
Avens, Mountain	<i>Dryas octopetala</i>
Barley, Wood	<i>Hordelymus europaeus</i>
Betony	<i>Stachys officinalis</i>
Broomrape, Ivy	<i>Orobanche hederæ</i>
Buckthorn, Alder	<i>Frangula alnus</i>
Bugle, Pyramidal	<i>Ajuga pyramidalis</i>
Campion, Moss	<i>Silene acaulis</i>
Cat's-ear, Smooth	<i>Hypochoeris glabra</i>
Centauray, Seaside	<i>Centaurium littorale</i>
Cloudberry	<i>Rubus chamaemorus</i>
Clubmoss, Marsh	<i>Lycopodium inundatum</i>
Cowslip	<i>Primula veris</i>
Cow-wheat, Wood	<i>Melampyrum sylvaticum</i>
Cranesbill, Wood	<i>Geranium sylvaticum</i>
Cress, Shepherd's	<i>Teesdalia nudicaulis</i>
Crowfoot, Water	<i>Ranunculus fluitans</i>
Fern, Holly	<i>Polystichum lonchitis</i>
Fern, Killarney	<i>Trichomanes speciosum</i>
Fern, Oak	<i>Gymnocarpium dryopteris</i>
Fleabane, Blue	<i>Erigeron acer</i>
Globe-flower	<i>Trollius europæus</i>
Grass, Blue-eyed	<i>Sisyrinchium bermudiana</i>
Grass, Holy	<i>Hierochloë odorata</i>
Health, Cornish	<i>Erica vagans</i>
Helleborine, Green-flowered	<i>Epipactis phyllanthes</i>
Helleborine, Marsh	<i>Epipactis palustris</i>
Moschatel, or Town Hall Clock	<i>Adoxa moschatellina</i>
Mudwort	<i>Limosella aquatica</i>
Orchid, Bee	<i>Ophrys apifera</i>
Orchid, Bird's Nest	<i>Neottia nidus-avis</i>
Orchid, Bog	<i>Hammarbya paludosa</i>
Orchid, Green-winged	<i>Orchis morio</i>
Orchid, Irish Lady's Tresses	<i>Spiranthes romanzoffiana</i>
Orchid, Narrow-leaved Marsh	<i>Dactylorhiza traunsteineri</i>
Orchid, Small white	<i>Pseudorchis albida</i>
Oyster-plant	<i>Mertensia maritima</i>
Pea, Marsh	<i>Lathyrus palustris</i>
Pennyroyal	<i>Mentha pulegium</i>
Pillwort	<i>Pilularia globulifera</i>
Rosemary, Bog	<i>Andromeda polifolia</i>
Saw-wort, Mountain	<i>Saussurea alpina</i>
Saxifrage, Purple	<i>Saxifraga oppositifolia</i>
Saxifrage, Yellow Marsh	<i>Saxifraga hirculus</i>
Saxifrage, Yellow Mountain	<i>Saxifraga aizoides</i>
Sea-Lavender, Rock	<i>Limonium binervosum</i>
Sedge, Broad-leaved Mud	<i>Carex magellanica</i>
Sedge, Few-flowered	<i>Carex pauciflora</i>
Small-reed, Northern	<i>Calamagrostis stricta</i>

## Common name

Spike-rush  
Thistle, Melancholy  
Violet, Fen  
Violet, Water  
Waterwort, Eight-stamened  
Wintergreen, Serrated  
Yellow Bird's-nest

## Scientific name

*Eleocharis parvula*  
*Cirsium helenioides*  
*Viola persicifolia*  
*Hottonia palustris*  
*Elatine hydropiper*  
*Ramischia secunda*  
*Monotropa hypopitys*

## PART II

## PLANTS WHICH MAY NOT BE SOLD

## Common name

Primrose

## Scientific name

*Primula vulgaris*

## Schedule 9

## PART I

## ANIMALS WHICH ARE ESTABLISHED IN THE WILD BUT MAY NOT BE RELEASED

## Common name

Duck, Carolina Wood  
Duck, Ruddy  
Goose, Barnacle  
Goose, Canada  
Goshawk  
Mink, American  
Pheasant, Golden  
Rat, Black  
Squirrel, Grey

## Scientific name

*Aix sponsa*  
*Oxyura jamaicensis*  
*Branta leucopsis*  
*Branta canadensis*  
*Accipiter gentilis*  
*Mustela vison*  
*Chrysolophus pictus*  
*Rattus rattus*  
*Sciurus carolinensis*

## PART II

## PLANTS WHICH ARE ESTABLISHED IN THE WILD

## Common name

Hogweed, Giant  
Kelp, Giant  
Knotweed  
Knotweed, Japanese  
Pirri-pirri Bur  
Seaweed, Japanese  
Spartina or Cord-grass

## Scientific name

*Heracleum mantegazzianum*  
*Macrocystis pyrifera*  
*Reynoutria sachalinensis*  
*Reynoutria japonica*  
*Acaena* (all species)  
*Sargassum muticum*  
*Spartina* (all species)

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.

## Relevant Legislation

The Wildlife (Northern Ireland) Order 1985  
The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995  
The Welfare of Animals Act (Northern Ireland) 1972  
The Spring Traps Approval Order (Northern Ireland) 1996

## Further reading

Nature Conservation Law : Colin T. Reid  
(1994, W GREEN, EDINBURGH)

A Manual of Nature Conservation Law: Michael Fry (ed.)  
(1995, CLAREDON PRESS, OXFORD)

Fair Game: Charlie Parkes and John Thornley  
(1989, PELHAM BOOKS, LONDON)

Wildlife Crime: A guide to Wildlife Law Enforcement in the UK.  
(1996, DEPARTMENT OF FOOD & RURAL AFFAIRS, BRISTOL)

Wild Birds and the Law  
(RSPB)

This booklet is intended as a guide to the laws regarding wildlife. In cases of doubt, reference should be made to the relevant legislation listed below.

The Wildlife (Northern Ireland) Order 1985

The Welfare of Animals Act (Northern Ireland) 1972

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

The Spring Traps Approval Order (Northern Ireland) 1996

### Credits

Original text provided by Prof. Colin T. Reid, Department of Law,  
University of Dundee.

## Key to cover photographs



1. Holly Blue Butterfly

2. Red Squirrel

3. Golden Plover

4. Common Dolphin

5. Bee Orchid

6. Kingfisher

### 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.



Frogs, Frogspawn

### 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, EHS should be contacted to advise on whether and how you may proceed.



Russula

### Who issues licences?

All wildlife licences are issued by The Environment and Heritage Service.



Brown Long-Eared Bat

### 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.



Otter

### I have been given a dead otter. Can I keep it and have it stuffed?

The law makes it an offence to keep some wild animals, alive or dead. But there is an exception where the owner can prove that the animal was lawfully taken from the wild. However, the onus is on you to prove that you fall within this exception and you should keep a clear record of the history of any specimen that you have. Similar provisions apply to all wild birds.



*Our aim is to protect, conserve and promote the natural and built environment for the benefit of present and future generations.*

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ISBN No 1-905127-20-0

Printed on 100% post consumer waste



An Agency within the Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)



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