Game Preservation Act (Northern Ireland) 1928 [F1]

1928 CHAPTER 25

An Act to make further provision for the preservation of game, and for the regulation of the sale of game, in Northern Ireland. [18th December 1928]

Annotations:
F1 Functions transf., SRO (NI) 1972/252; 1973/504; 1976 NI 6

1 Amendment of s.15 of 1836 c.13

Any officer or constable of the Royal Ulster Constabulary (in this Act referred to as an "officer or constable") may enforce the Acts relating to the laws for the preservation of game,[F2]. . . :

Provided that no officer or constable shall enter upon any lands for the purpose of enforcing the game rights of any owner or occupier of such lands, or of any person in whom the game rights over such lands are vested.

Annotations:
F2 1998 c. 32

2 Powers of Constabulary to demand production of game licences, search for game, and enter upon lands.

(1) [F3]. . . . . .

(2) **[**[F4]If any officer or constable has reasonable grounds to suspect that any person is or has been unlawfully in pursuit of any game,**]**, it shall be lawful for such officer or constable to require such person to declare to him immediately his name and place of residence, and to search such person and any game bag, package, vehicle, or other thing, which is capable of being used by such person for the carrying of game, and to search any premises on which such person shall be found; and if such person refuses to declare his name and place of residence as aforesaid, or gives a false or fictitious

name or place of residence, or if such person refuses to allow such officer or constable to make the aforesaid search, he shall, in addition to any other punishment to which he may be subject, be guilty of an offence under this Act.

Para. rep. by 1989 NI 12

(3) It shall be lawful for any officer or constable to enter (if need be, by force), and remain so long as may be necessary, upon any lands or premises for the purpose of making the [F5]. . . search referred to in this section**[**[F6] or for the purpose of arresting a person under **[**[F7]Article 26**]** of the Police and Criminal Evidence (Northern Ireland) Order 1989, for an offence under this Act**]**.

Annotations:

F3 S. 2(1) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39, 40(1), Sch. 2 para. 1(2), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

F4 Words in s. 2(2) substituted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(1), 40(1), **Sch. 2 para. 1(3)**; S.R. 2011/285, **art. 2**, Sch.

F5 Words in s. 2(3) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39, 40(1), Sch. 2 para. 1(4), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

F6 1989 NI 12

F7 Words in s. 2(3) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 11**

3 Register to be kept by holder of licence to deal in game.

[F8] . . . . . .

Annotations:

F8 S. 3 repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

4 Extension of definition of game.

[F9] . . . . . .

Annotations:

F9 S. 4 repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

5 Marking of packages containing game.

[F10] . . . . . .

Annotations:

F10 S. 5 repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 36(3)(a), 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

6 Powers of police to enforce enactments relating to game.

(1) Every officer or constable who has reasonable ground to suspect that any person is or has been guilty of an offence under this Act, or under any of the enactments enumerated in the Schedule to this Act, shall have power to do all or any of the following things, that is to say:—

(a) To stop and search any person conveying or believed to be conveying game, and to inspect any game which such person is found to be conveying, and for that purpose to open and search any vehicle or package in which such game is or may be or is believed to be conveyed;

(b) At all reasonable times to enter upon and have free access to the interior of—

(i) any premises in which game is or is believed to be sold, or kept, exposed, or stored for sale; or

(ii) the premises of any person engaged in the business of carrying goods for reward; or

(iii) any pier, quay, wharf, jetty, dock or dock premises; or

(iv) any ship, boat, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods;

(c) To examine all game found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or believed to contain game;

(d) To take, remove, and detain in his custody any game (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section, in respect of which an offence under this Act or any of the enactments enumerated in the Schedule to this Act is being or is suspected of being committed, or which has been or is suspected of having been illegally obtained;

[F11](dd) To take, remove and detain in his custody any trap, net, snare or other instrument whatsoever used or capable of being used for the destruction or taking of game, and in the possession of a person suspected of having committed an offence under this Act or any of the enactments enumerated in the Schedule to this Act;]

(e) To demand and take the name and address of the person having custody of any game, and also to demand and take from such person the name and address of the owner or consignor of such game.

[F12](2) Where any officer or constable takes and detains in his custody any game under the authority of paragraph (d) or any instrument under the authority of paragraph (dd) of the preceding sub-section, he shall as soon as conveniently may be take such steps as may be proper to have the person guilty or believed to be guilty of the offence committed, or believed to have been committed, in relation to or by means of the game or instrument so taken and detained, brought before a court of summary jurisdiction; and where that person is convicted of any offence in respect of the game or instrument so taken and detained, the court may, subject, in relation to game, to the provisions of the next succeeding sub-section, order such game or instrument to be sold or destroyed.]

[F13](2A) Where any officer or constable takes and detains in his custody any game under the authority of paragraph (d) of sub-section (1) of this section, he shall as soon as conveniently may be, unless such game has previously been dealt with under the last preceding sub-section, produce it to a justice of the peace[F14], who may authorise it to be sold or destroyed. If no person is convicted of an offence in respect of such game,

that game, or the proceeds of the sale thereof authorised as aforesaid, shall be restored, or paid, to the person from whom such game was seized; and an officer or constable who, by direction of a justice given in writing, sells or destroys any game so seized as aforesaid shall not be liable to any penalty in respect of such sale, or for any loss caused by such sale or destruction.

(2B) Where a person is convicted of an offence in respect of any game or instrument sold under sub-section (2) or sub-section (2A) of this section, the proceeds of such sale shall be added to and dealt with in the same manner as any penalty imposed for such offence.]

(3) No officer or constable shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this section, unless such loss or damage was caused by such officer or constable wantonly or maliciously.

(4) Every person who obstructs or impedes any officer or constable in the exercise of any of the powers conferred on him by this section, or refuses to give his own name and address, or the name and address (so far as known to him) of the owner or consignor of any game, when such name and address are demanded under the powers conferred by paragraph (e) of sub-section (1) of this section, shall be guilty of an offence under this Act.

Annotations:
F11 1951 c.4 (NI)
F12 1951 c.4 (NI)
F13 1951 c.4 (NI)
F14 1981 NI 26

[F15 7 Close seasons.

(1) Subject to the provisions of the next succeeding sub-section, it shall be unlawful for any person wilfully to take, kill or destroy—

(a) any hare during the period commencing on the first day of February in any year and ending with the eleventh day of August next following;

(b) any grouse during the period commencing on the first day of December in any year and ending with the eleventh day of August next following;

[F16(bb) any partridge or snipe during the period commencing on 1st February in any year and ending with 31st August next following;]

(c) any[F16 other game-bird] during the period commencing on the first day of February in any year and ending with the thirtieth day of September next following;

and in this Act the expression "close season" means, in relation to any kind of game, the period respectively provided by the foregoing provisions of this sub-section.

(2) Nothing in the preceding sub-section shall render unlawful the pursuing and killing of hares during the period commencing on the first day of February in any year and ending with the thirty-first day of March next following—

(a) by hunting with beagles or other hounds; F17. . .

(b) . . . . . .

[F16(3) The Minister of the Environment (in this Act referred to as "the Minister") may by order—

(a) amend subsection (1) so as to vary the close season in relation to any kind of game; or

(b) amend subsection (2) so as to vary the period referred to in that subsection.**]**

[F18(3A) If it appears to the Department expedient that any game birds should be protected during any period outside the close season for those birds, the Department may make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(3B) This section shall have effect as if any period of special protection declared under subsection (3A) for any game birds formed part of the close season for those birds.

(3C) Before making an order under subsection (3A) the Department shall consult a person appearing to the Department to be a representative of persons interested in the shooting of game birds of the species proposed to be protected by the order.**]**

(4) F19. . . . . .

Subs. (5) amends s. 4 of 1831 c. 32

(6) Any person who acts in contravention of any of the provisions of sub-section (1) F20. . . of this section shall be guilty of an offence under this Act.]

Annotations:

F15 1951 c.4 (NI)

F16 2002 c.2(NI)

F17 S. 7(2)(b) and preceding word repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), **Sch. 3 Pt. 3**; S.R. 2011/285, **art. 2**, Sch.

F18 S. 7(3A)-(3C) inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 37(2)**, 40(1); S.R. 2011/285, **art. 2**, Sch.

F19 S. 7(4) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 36(3)(b), 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

F20 Words in s. 7(6) repealed (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), ss. 39(2), 40(1), **Sch. 3 Pt. 2**; S.R. 2011/285, **art. 2**, Sch.

[F21**7AA Sale of game taken unlawfully**

(1) A person is guilty of an offence if he sells or offers or exposes for sale or has in his possession or transports for the purposes of sale any game—

(a) which has been taken or killed in circumstances which constitute an offence under this Act, any of the enactments listed in the Schedule or the Wildlife (Northern Ireland) Order 1985; and

(b) which that person knows or has reason to believe has been so taken or killed.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.**]]**

Annotations:

F21 S. 7AA inserted (17.8.2011) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), **ss. 36(1)**, 40(1); S.R. 2011/285, **art. 2**, Sch.