

Legislative protection for herpetofauna

Northern Ireland

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Legislation

Legislative protection for the UK's herpetofauna - Northern Ireland

Wildlife legislation in the UK is complicated, both through its steady evolution and amendment creating numerous different acts, regulations and statutory orders, etc, but also because the Environment is a devolved function for the different country administrations in the UK. Therefore different legislation (and policy) has developed in the different countries of the UK. It is also further complicated by the interaction between national, European and international legislation and jurisprudence. Different levels of protection apply to different species. The summary below identifies the protection afforded to reptile and amphibian species in Northern Ireland through nature conservation legislation; we have not addressed site/habitat protection mechanisms. Some additional protection can be afforded through animal welfare legislation and through other measures, such as land use planning regimes.

Protection for herpetofauna in Northern Ireland

A. European Protected Species (i.e. marine turtles) are protected against:

- (a) deliberate capture, injuring or killing
- (b) deliberate disturbing
 - (i) while it is occupying a structure or place which it uses for shelter or protection;
 - (ii) in such a way as to be likely to—
 - (a) affect the local distribution or abundance of

- the species to which it belongs, or
 - (b) impair its ability to breed or reproduce, or rear or care for its young;
 - (c) deliberate taking or destroying its eggs;
 - (d) deliberate obstructing access to a breeding site or resting; or
 - (e) damaging or destroying a breeding site or resting place

- (c)* any person—
 - (i) having in his possession or control,
 - (ii) transporting,
 - (iii) selling or exchanging, or
 - (iv) offering for sale or exchange,any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal -

unless the animal from which the part or the thing in question is derived, was lawfully taken from the wild (i.e. taken from the wild in the European Union without contravention of appropriate domestic legislation and before the implementation date of the Habitats Directive (in that Country e.g. 1994 in UK) or if it was taken from elsewhere).

* This section also covers all other species listed on Annex IV of the Habitats Directive.

This protection is afforded solely through the Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995 *as amended*.

The legislation & section numbers, and amendments:

Via rule 34 of Statutory Rule 1995 No. 380 The Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995
http://www.opsi.gov.uk/Sr/sr1995/Nisr_19950380_en_1.htm as amended by:

(i) Statutory Rule 2004 No. 435 The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2004

<http://www.opsi.gov.uk/Sr/sr2004/20040435.htm>
[added marine turtles](#)

(ii) Statutory Rule 2007 No. 345 The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007

<http://www.opsi.gov.uk/Sr/sr2007/20070345.htm>
revised Reg 34 entirely – with effect 21 August 2007

B. Widespread reptiles and amphibians

(i.e. reptiles (common lizard) and amphibians (common frog, smooth newt)):

Common lizard and smooth newt only are protected against:

(a) intentional killing, injuring or taking

(b) any person having in his possession or control any live or dead animal or any part of, or anything derived from, such an animal, unless he shows that -

(i) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of

the provisions of the Order; or

(ii) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of the provisions of Order.

(c) intentional -

(i) damaging or destroying, or obstructing access to, any structure or place used for shelter or protection;

(ii) damaging or destroying of anything which conceals or protects any such structure; or

(iii) disturbing any such animal while it is occupying a structure or place which it uses for shelter or

protection,

In any proceedings under paragraph (1) or (2), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

The inclusion of both common lizard and smooth newt on Schedule 6, means that in addition to protection for killing and capture using certain methods that is applicable to all wildlife (e.g. self locking snares, use of arrows/ spears), additional means of capture are prohibited for these animals (e.g. snares, traps, hooks & line, stunning devices, poisons, nets, any form of artificial light or any mirror

or other dazzling device).

Common frog, smooth newt and common lizard are protected against:

(a) any person

(i) selling, or offering or exposing for sale, or having in his possession or transporting or causing to be

transported for the purpose of sale at any premises;

(ii) publishing or causing to be published any advertisement likely to be understood as conveying that he

buys or sells, or intends to buy or sell, any such animal,

(b) any person who is not registered in accordance with regulations made by the Department—

(i) selling, offering or exposing for sale, or having in his possession or transporting or causing to be transported for the purpose of sale at any premises any dead wild animal or any part, or anything

derived from, such a wild animal; or

(ii) publishing or causing to be published any advertisement likely to be understood as conveying that he

buys or sells, or intends to buy or sell, any of those things

These are protected only via The Wildlife (Northern Ireland) Order 1985 *as amended*:

C. The legislation & section numbers, and amendments:

Common lizard and smooth newt are protected by Sections 10 and 12 (listed on Schedules 5 & 6) and common lizard, smooth newt & common frog are protected through Section 13 (listed on Sch 7) of 1985 No. 171 (N.I. 2) The Wildlife (Northern Ireland) Order 1985

<http://www.hms.gov.uk/legislation/northernireland/nisr/yeargroups/1980->

[1989/1985/1985oic/no171_000.htm](http://www.hms.gov.uk/legislation/northernireland/nisr/yeargroups/1980-1989/1985/1985oic/no171_000.htm)