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**AN BILLE UM FHIADHÚLRA (LEASÚ) 2010
WILDLIFE (AMENDMENT) BILL 2010**

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
 2. Repeal of section 26(1) of Principal Act.
 3. Prohibition on deer hunting with dogs.
 4. Amendment of section 29 of Principal Act.
 5. Amendment of section 44 of Principal Act.
 6. Amendment of section 72 of Principal Act.
 7. Amendment of section 74 (penalties) of Principal Act.
 8. Amendment of section 75 of Principal Act.
 9. Short title and collective citation.
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ACTS REFERRED TO

Firearms (Firearm Certificates for Non-Residents) Act, 2000	2000, No. 20
Wildlife (Amendment) Act 2000	2000, No. 38
Wildlife Act 1976	1976, No. 39



**AN BILLE UM FHIADHÚLRA (LEASÚ) 2010
WILDLIFE (AMENDMENT) BILL 2010**

BILL

entitled

5 AN ACT TO AMEND THE WILDLIFE ACT 1976; AND TO
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Act of 2000” means the Wildlife (Amendment) Act 2000;

10 “Principal Act” means the Wildlife Act 1976.

2.—Subsection (1) of section 26 (amended by section 35 of the Act of 2000) of the Principal Act is repealed. Repeal of section 26(1) of Principal Act.

3.—The Principal Act is amended by the insertion of the following new section after section 23: Prohibition on deer hunting with dogs.

15 “23A.—(1) In this section ‘deer’ includes a deer that is not a wild animal.

(2) Subject to subsection (3), a person who hunts deer with two or more dogs shall be guilty of an offence.

20 (3) It shall not be an offence for a person on foot to hunt deer with 2 or more dogs, under and in accordance with—

(a) a licence granted under section 29 of this Act, or

(b) a permission granted under section 42 of this Act.”.

4.—Section 29 (as substituted by section 4 of the Firearms (Firearm Certificates for Non-Residents) Act 2000) of the Principal Act is amended— Amendment of section 29 of Principal Act.

(a) in subsection (5)(a), by substituting “Subject to subsection (5A), where” for “Where”, and

(b) by inserting the following subsection after subsection (5):

“(5A) (a) A firearm certificate to which this subsection applies shall for the purposes of sections 22(4) and 23(5) of this Act be deemed to be a licence granted by the Minister under this section and, subject to section 75(1) and to the restrictions contained in section 33 of this Act, such certificate shall, for so long as it is in force, operate to authorise the person to whom it is granted, with the firearm to which the certificate relates, to engage in the activities referred to in subparagraphs (i) and (ii) of subsection (5)(a).”

(b) This subsection applies to a firearm certificate that is granted—

(i) in respect of a shot-gun, and

(ii) on or after 1 August 2009 but before 1 August 2012.”.

Amendment of section 44 of Principal Act.

5.—Section 44(2) of the Principal Act is amended—

(a) in paragraph (c), by substituting “subsection (5) or (5A) of section 29” for “section 29(5)”,

(b) by deleting “either”, and

(c) by inserting “, a current firearm certificate to which subsection (5A) of that section applies” after “the said section 29”.

Amendment of section 72 of Principal Act.

6.—Section 72 of the Principal Act is amended in paragraph (b) of subsection (2) (as substituted by section 65 of the Wildlife (Amendment) Act 2000), by substituting “subsection (5) or (5A) of section 29” for “section 29(5)”.

Amendment of section 74 (penalties) of Principal Act.

7.—Section 74 (amended by section 68 of the Act of 2000) of the Principal Act is amended—

(a) in subsection (1)—

(i) by the substitution of “under the *Wildlife Acts 1976 to 2010*” for “under the Wildlife Acts, 1976 and 2000”,

(ii) by the substitution, in paragraph (a), of “€1,000” for “£500”,

(iii) by the substitution, in paragraph (b), of “€2,000” for “£1,000”, and

(iv) by the substitution, in paragraph (c), of “€5,000” for “£1,500”,

(b) in subsection (2)—

(i) by the substitution, in paragraph (a), of “€5,000” for “£1,500”, and

(ii) by the substitution, in paragraph (b), of “€100,000” for “£50,000”,

(c) in subsection (3)—

(i) by the substitution, in paragraph (i), of “€5,000” for “£1,500”, and

5 (ii) by the substitution, in paragraph (ii), of “€100,000” for “£50,000”,

and

(d) in subsection (3A)—

(i) by the substitution, in paragraph (a), of “€5,000” for “£1,500”, and

10 (ii) by the substitution, in paragraph (b), of “€100,000” for “£50,000”.

8.—Section 75 of the Principal Act is amended in paragraph (a) of subsection (1), by substituting “subsection (5) or (5A) of section 29” for “section 29(5)”. Amendment of section 75 of Principal Act.

15 **9.**—(1) This Act may be cited as the Wildlife (Amendment) Act 2010. Short title and collective citation.

(2) The Wildlife Acts 1976 and 2000 and this Act may be cited together as the Wildlife Acts 1976 to 2010.



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EXPLANATORY MEMORANDUM

The purpose of the Bill is to give legislative effect to the commitment in the renewed Programme for Government to ban the practice of stag hunting with a pack of hounds. The Bill also provides for increases in penalties for breaches of various provisions in the Wildlife Acts and addresses an issue that has arisen relating to licences to shoot game during the open seasons.

Section 1 contains the usual provision dealing with definitions.

Section 2 provides for the repeal of section 26(1) of the Wildlife Act 1976 which enables the Minister to grant a licence to the master of a pack of stag hounds to hunt deer with that pack.

Section 3 provides for a new provision making it an offence to hunt deer using two or more dogs. However, the Section provides that it shall not be an offence to hunt deer on foot with two or more dogs provided the person is a holder of an appropriate hunting licence or permission granted under the Wildlife Acts. For the purposes of this section deer includes deer that are not wild animals.

Section 4 provides for a new provision to address an issue that has arisen with regard to licences to shoot game during the open season by amending Section 29 of the Principal Act.

Sections 5, 6 and 8 provide for consequential amendments relating to Section 4.

Section 7 provides for increased penalties for offences under the Wildlife Acts. Maximum fines are being increased such that on summary conviction the maximum fine is increased to €1,000 from £500 for a first offence, to €2,000 from £1,000 for a second offence and to €5,000 from £1,500 for a third or subsequent offence. The maximum fine for conviction on indictment is increased to €100,000 from £50,000. These fines were last increased in 2000. There are no changes in maximum times of imprisonment terms.

Section 9 contains the standard provisions relating to the short title and collective citation.

*An Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil,
Meitheamh, 2010.*