

Wildlife Act 1976 (Wildlife Dealing) Regulations 1977

Unofficial Consolidated Version

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S.I. No. 253 of 1977

WILDLIFE ACT, 1976 (WILDLIFE DEALING) REGULATIONS, 1977.

I, BRIAN LENIHAN, Minister for Fisheries, in exercise of the powers conferred on me by [section 46](#) of the [Wildlife Act, 1976](#) (No. 39 of 1976), as adapted by the Lands (Alteration of Name of Department and Title of Minister) Order, 1977 ([S.I. No. 29 of 1977](#)), hereby make the following regulations:

1. These Regulations may be cited as the [Wildlife Act, 1976](#) (Wildlife Dealing) Regulations, 1977.

2. These Regulations shall come into operation forthwith.

3. (1) In these Regulations—

"the Act" means the [Wildlife Act, 1976](#) (No. 39 of 1976);

"game" has the meaning assigned to it by section 44 (8) of the Act;

"protected fauna" means protected wild birds and protected wild animals;

"public place" means any place in the open air to which the public have access whether as of right or by permission and whether subject to or free of charge;

"purchase" has the meaning assigned to it by section 2 (2) of the Act;

"sale" has the meaning assigned to it by section 2 (2) of the Act;

"wild animal" includes both aquatic and terrestrial wild animals and their young.

4. (1) A wildlife dealer's license shall be in the form set out in the First Schedule to these Regulations.

(2) The period of validity of a wildlife dealer's license shall be one year beginning on the day on which the license is issued.

5. (1) Every licensed wildlife dealer shall keep his wildlife dealer's license displayed prominently in the premises specified in the license, or in case there is more than one premises so specified, in one of such premises.

(2) Where a wildlife dealer's license specifies more than one premises, the licensed wildlife dealer concerned shall keep a copy of such license displayed prominently in each such premises, other than the premises in which such license is displayed in pursuance of paragraph (1) of this Regulation.

6. (1) (a) Subject to paragraph (3) of this Regulation, the species of protected fauna which may be sold or purchased for resale by a licensed wildlife dealer to whom this paragraph applies shall be, and shall only be, game species lawfully taken or killed pursuant to the Act.

(b) This paragraph applies to—

(i) a licensed wildlife dealer whose business as such is concerned solely with game species,

(ii) a licensed wildlife dealer who is the owner or person otherwise in charge of any hotel, guest house, inn, restaurant, public eating house, registered club within the meaning of the Club Acts, 1904 to 1962, or any other premises in which meals are provided for reward.

(c) For the purposes of this paragraph a reference to protected fauna shall be construed as including a reference to the flesh of such fauna.

~~(2) Subject to paragraph (3) of this Regulation, the species of protected fauna which may be dealt in by a licensed wildlife dealer, other than a licensed wildlife dealer to whom paragraph (1) of this Regulation applies, shall be any species of such fauna other than the following species of bird, namely, Gadwall (*Anas strepera*) and Goldeneye (*Bucephala clangula*), whether alive or dead, which is lawfully killed or taken pursuant to the Act.~~

Commented [Note1]: Inserted by S.I. 241 of 1982 to give effect to the Birds Directive in respect of those two birds.

~~(2) Subject to paragraph (3) of this Regulation, the species of protected fauna which may be dealt in by a licensed wildlife dealer, other than a licensed wildlife dealer to whom paragraph (1) of this Regulation applies, shall be any species of such fauna (other than the following species of bird, namely, Gadwall (*Anas strepera*), Goldeneye (*Bucephala clangula*), Greenland White-fronted Goose (*Anser albifrons flavirostris*), Shoveler (*Anas clypeata*), and Curlew (*Numenius arquata*)) whether alive or dead, which is lawfully killed or taken pursuant to the Act.~~

Commented [Note2]: A new regulation 6(2) was inserted by S.I. 228 of 1992 and the previous regulation 6(2) was removed (crossed out above).

(2) Subject to *paragraph (3)*, the species of protected fauna which may be dealt in by a licensed wildlife dealer, other than a licensed wildlife dealer to whom *paragraph (1)* applies, shall be any species of such fauna (other than the following species of bird, namely, Gadwall (*Anas strepera*), Goldeneye (*Bucephala clangula*), Greenland White-fronted Goose (*Anser albifrons flavirostris*), Shoveler (*Anas clypeata*), Curlew (*Numenius arquata*) and Woodcock (*Scolopax rusticola*) whether alive or dead, which is lawfully killed or taken pursuant to the Act.

Commented [Note3]: A new regulation 6(2) was inserted by S.I. 472 of 2015 and the previous regulation 6(2) was removed (crossed out above).

(3) (a) Where—

(i) a licensed wildlife dealer in the course of his business provides a taxidermy service, and

(ii) either such dealer or another person is in lawful possession of protected fauna, and

(iii) such service is provided by the dealer as regards such fauna,

nothing in Regulation 7 (1) or 9 of these Regulations shall be construed as applying to the dealer's business of wildlife dealing in so far, but only in so far, as it is concerned with such fauna.

(b) For the purpose of this paragraph references to protected fauna shall be construed as including references to specimens, whether alive or dead, of such fauna and to the skin, plumage or other part of such fauna.

7. (1) A licensed wildlife dealer shall not sell protected fauna in a public place.

(2) A licensed wildlife dealer shall not sell protected fauna to, or purchase such fauna from, a person who he knows, or as regards whom it would be reasonable to expect him to know, to be under the age of twelve years.

8. A licensed wildlife dealer who keeps any live specimen of protected fauna for sale shall comply with the following provisions in its regard:

(a) it shall be kept at all times in accommodation suitable as regards size, temperature, lighting, ventilation and cleanliness and in case the said specimen is a wild bird, the bird shall, when caged, only be kept in a cage which is of sufficient dimensions to enable the bird to move and exercise freely.

(b) it shall be supplied with a sufficient quantity of suitable food and drink,

(c) it shall not be sold at such an age that its sale causes or is likely to cause cruelty to it,

(d) all reasonable precautions shall be taken to prevent it contracting or spreading any infectious disease,

(e) it shall be adequately safeguarded against fire hazards.

9. The premises used by a licensed wildlife dealer described in Regulation 6 (1) *(a)* and *(b)* of these Regulations shall conform in all respects to Regulation 25 of the Food Hygiene Regulations, 1950 (S.I. No. 205 of 1950), as amended by Regulation 4 of the Food Hygiene (Amendment) Regulations, 1971 (S.I. No. 322 of 1971).

10. (1) A licensed wildlife dealer shall keep at each premises specified in his wildlife dealer's license a register containing particulars of every receipt by purchase or otherwise and sale or other disposal involving a species of protected fauna as regards which as such dealer he is permitted by Regulation 6 of these Regulations to sell and purchase for resale.

(2) The particulars to be entered in the register referred to in paragraph (1) of this Regulation shall be:

(a) where the licensed wildlife dealer is a licensed wildlife dealer to whom Regulation 6 (1) of these Regulations applies, the particulars specified in Part I of the Second Schedule to these Regulations,

(b) where the licensed dealer is not a licensed wildlife dealer to whom Regulation 6 (1) of these Regulations applies, the particulars specified in Part II of the said Second Schedule,

(c) where a licensed wildlife dealer provides a taxidermy service, the particulars specified in Part III of the said Second Schedule,

and in case the business of wildlife dealing conducted by a licensed wildlife dealer consists partly of the provision of a taxidermy service he shall, in addition to entering in the register the particulars specified in the said Part III, so enter the particulars specified in the said Part I or the said Part II, as may be appropriate.

11. Every register kept in pursuance of these Regulations may at any reasonable time be inspected by an authorized person and it shall be the duty of the licensed wildlife dealer concerned to produce for the inspection of such person when so required such register and also any book, invoice, consignment note, receipt or other document in such dealer's possession or under his control (including copies thereof, where the originals are not available) required by such person for the purpose of clarifying any entry in, or any omission from, such register.

FIRST SCHEDULE

License No. W.D

WILDLIFE ACT, 1976 (SECTION 48).

WILDLIFE DEALER'S LICENSE

The Minister for Fisheries by this license authorises

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to carry on business as a licensed wildlife dealer within the meaning of the above Act at the premises specified below during the period beginning on the date of this license and ending on the day of, 19..... ,

subject to compliance with the Wildlife Act, 1976 (Wildlife Dealing) Regulations, 1977.

Trade name (if any) of premises	Address(es)

Dated this day of, 19..... .

For the Minister for Fisheries,

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An Officer authorised in that behalf by the Minister.

SECOND SCHEDULE

Section 46, Wildlife Act, 1976 — Register to be kept by a Licensed Wildlife Dealer.

PART I.

Particulars to be entered by a licensed wildlife dealer to whom Regulation 6 (1) of these Regulations applies.

Record of Receipt by Purchaser or otherwise of Protected Fauna						
1 Date of purchase or receipt	2 Description of Fauna			3 Name and address of person from whom purchased or received.	4 No. of hunting licence/ firearm certificate held by person named in Col. 3.	5 Other grounds on which person named in Col. 3 claims to be in lawful possession of fauna described in Col. 2.
	Species	Number of specimens	Weight in lbs. (deer only)			
Record of Sale or Other Disposal of Protected Fauna						
1 Date	2 Description of Fauna			3 Method of disposal e.g. retail sale, consumed on premises, etc.		
	Species	Number of specimens	Weight in lbs. (deer only)			

PART II.

Particulars to be entered by a licensed wildlife dealer, other than a licensed wildlife dealer to whom Regulation 6(1) of these Regulations applies

Record of Receipt by Purchase or otherwise of Protected Fauna.					
1 Date	2 Description of Fauna		3 Name and Address of person from whom fauna in Col. 2 was purchased or received.		4 Grounds on which person in Col. 3 claims to be in lawful possession of fauna in Col. 2.
	Species	Number of Specimens			
			Live	Dead	
Record of Sales or Other Disposal of Protected Fauna					
1 Date	2 Description of Fauna		3 Method of disposal e.g. sale, gift, export, etc.		4 Name and Address of person or place involved in Col. 3.
	Species	Number of Specimens			
			Live	Dead	

PART III.

Particulars to be entered by a licensed wildlife dealer providing a taxidermy service.*

1 Date	2 Description of Protected Fauna			3 How fauna in Col. 2 came into dealer's possession: enter "Self" where fauna was taken or killed by dealer himself, enter "customer" where fauna was taken or killed by a customer	4 Where fauna in Col. 2 was purchased or otherwise received from a customer.			5 Brief description of finished product(s) produced from the fauna specified in Col. 2	6 Date on which finished product was (a) passed to customer (b) otherwise disposed of
	Species	Whole specimens No.	Part-Specimens e.g. skin, plumage, or other part		Name and address of customer	Grounds on which customer claims to be in lawful possession of the fauna	Nature of service sought by customer		
			No.						

*Particulars specified in Part I or II may also be required to be entered in the Register—see Regulation 10(2).

GIVEN under my Official Seal, this 29th day of July, 1977.

BRIAN LENIHAN,
Minister for Fisheries.

EXPLANATORY NOTE.

These Regulations are concerned with the business of purchase and resale of wild fauna protected under the Wildlife Act, 1976 . The Regulations prescribe, *inter alia*, the form and period of validity of a wildlife dealer's licence, the species of fauna which may be purchased and resold by licensed wildlife dealers, the records to be kept by such dealers and such other matters ancillary to the foregoing.