

# SAORSTÁT EIREANN.

## BILLE CHUN GEIM DO CHOSAINT, 1929. GAME PRESERVATION BILL, 1929.

*Mar do leasúodh i gCoiste.  
As amended in Committee.*

### ARRANGEMENT OF SECTIONS.

Section.

#### PRELIMINARY.

1. Short title.
2. Definitions.

#### PART I.

##### PRESERVATION AND PROTECTION OF GAME.

3. Close season for various classes of game.
4. Prohibition against killing game at night.
5. Protection orders in respect of game birds.
6. Protection orders in respect of hares.
7. Permits for hunting hares.
8. Prohibition of taking game by nets, etc.
9. Exemption for netting of hares for coursing.
10. Exemption for netting of game birds for re-stocking.
11. Protection of eggs of game birds.
12. Recognition of coursing clubs.
13. Trespass in pursuit of game.
14. Penalties.
15. Disposal of forfeited property.
16. Prosecution of offences.

#### PART II.

##### RESTRICTIONS ON THE SALE AND PURCHASE OF GAME.

17. Prohibition of sale of game without licence.
18. Issue of game dealers' licences.
19. Form, effect and duration of game dealers' licences.
20. Revocation of game dealers' licences.
21. Publication of game dealers' licences.
22. Register to be kept by holder of game dealer's licence.
23. Purchase of game from unlicensed persons.
24. Prohibition against exportation of certain game birds.

#### PART III.

##### MISCELLANEOUS AND GENERAL.

25. Prohibition against burning of gorse, etc.
26. Powers of inspection, examination and detention.
27. Powers of holders of certain firearm certificates.
28. Regulations.
29. Expenses.
30. Repeals.

#### FIRST SCHEDULE.

##### ANNUAL CLOSE SEASONS.

#### SECOND SCHEDULE.

##### ENACTMENTS REPEALED.

# SAORSTÁT EIREANN.

BILLE CHUN GEIM DO CHOSAINT, 1929.

GAME PRESERVATION BILL, 1929.

## BILL

*entitled*

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AN ACT TO MAKE BETTER PROVISION FOR THE PRESERVATION OF GAME AND FOR THAT PURPOSE TO MAKE PROVISION FOR THE CONTROL OF GAME DEALERS AND FOR OTHER MATTERS INCIDENTAL OR CONDUCTIVE TO THE PRESERVATION OF GAME.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

### PRELIMINARY.

Short title.

1.—This Act may be cited as the Game Preservation Act, 1929.

Definitions.

2.—In this Act—

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the expression “ game birds ” means and includes pheasant, partridge, grouse, quail, landrail, plover, snipe, and woodcock and also mallard, teal, widgeon, and other species of wild duck; the word “ hares ” includes leverets;

the word “ game ” includes game birds and hares;

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the expression “ the Minister ” means the Minister for Justice;

the word “ prescribed ” means prescribed by regulations made by the Minister under this Act.

### PART I.

#### PRESERVATION AND PROTECTION OF GAME.

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Close season for various classes of game.

3.—(1) It shall not be lawful for any person to kill or take any game belonging to a class of game mentioned in the first column of the First Schedule to this Act during the period specified in respect of such class of game in the second column of the said First Schedule.

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(2) The Minister may, on the application of the master or other person having charge of a pack of harriers, issue to such person a permit to hunt in any district specified in such permit with such pack of harriers during the period beginning on the 19th day and ending on the 31st day of March in the year in which such permit is issued, and whenever any such permit is so issued the taking and killing of hares by hunting with the pack of harriers in the district and during the period to which such permit relates shall not be a contravention of this section.

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(3) Every person who kills or takes any game in contravention of this section shall be guilty of an offence under this Part of this Act and shall be punishable accordingly.

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(4) In this Act and in every Act passed after the passing of this Act the expression “ annual close season ” in relation to game belonging to any of the classes of game mentioned in the first column of the First Schedule to this Act means the annual period of time within which the killing or taking of such game is prohibited by this Act.

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4.—(1) It shall not be lawful for any person at any time of the year to kill or take any game (other than mallard, teal, widgeon and other species of wild duck) during the hours between one hour after sunset and one hour before sunrise.

Prohibition  
against killing  
game at night.

5 (2) Every person who kills or takes any game in contravention of this section shall be guilty of an offence under this Part of this Act and shall be punishable accordingly.

5.—(1) Whenever the Minister is satisfied that any particular species of game bird is in special need of protection in the whole or any particular portion of Saorstát Eireann he may by order (in this Act referred to as a game birds protection order) prohibit for any specified period not exceeding one year from the date of the order the killing or taking of that particular species of game bird in Saorstát Eireann or in any particular portion of Saorstát Eireann specified in the order.

Protection  
orders in respect  
of game birds.

(2) When a game bird protection order has been made under this section, the Minister may from time to time by order (in this section referred to as a continuation order) made before the expiration of such game bird protection order or the last continuation thereof (as the case may be) continue in force such game bird protection order for any period not exceeding one year from the date on which the same would otherwise have expired and may so continue in force such game bird protection order either in respect of the whole area to which such order applied or in respect of any particular portion of such area.

(3) When a game bird protection order has been made under this section, it shall not be lawful for any person while such order continues in force to kill or take any game bird of the species to which such order relates in any part of Saorstát Eireann to which such order applies without or otherwise than in accordance with the permission of the superintendent of the *Gárda Síochána* for the district in which such game bird is killed or taken: Provided always that if the Superintendent of the *Gárda Síochána* unreasonably objects or refuses to grant such permission the person so applying may appeal to the Minister against such neglect or refusal of the Superintendent of the *Gárda Síochána* to grant such permission and the Minister may grant permission to kill or take such game bird.

(4) Every person who kills or takes any game in contravention of this section shall be guilty of an offence under this Part of this Act and shall be punishable accordingly.

(5) Every game bird protection order and every continuation order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House within the next twenty-one days on which it has sat after such order is laid before it passes a resolution annulling such order such order shall be annulled accordingly without prejudice to the validity of anything previously done thereunder.

6.—(1) The Minister may, if and whenever he thinks fit, by order (in this Act referred to as a hares protection order) prohibit either permanently or for any period specified in such order the killing or taking of hares in any particular county or part of a county specified in such order.

Protection  
orders in respect  
of hares.

(2) The Minister may at any time by order vary in any respect or revoke a hares protection order made by him under this section.

(3) The Minister may, if he so thinks fit on the application of the occupier of any land in a county or part of a county to which a hares protection order relates, exempt by writing under his hand for such time and on such conditions as he thinks fit such land or any part thereof from such order, and upon such exemption being so granted such order shall not apply or relate to the land the subject of such exemption so long as such exemption continues in force.

(4) When a hares protection order has been made under this section, it shall not be lawful for any person while such order

continues in force to kill or take hares in the county or part of a county to which such order relates by any means other than—

- (a) by coursing with not more than two dogs let loose from slips in pursuit of the hare, or
- (b) by hunting with a pack of harriers or of beagle hounds in respect of which a hunting permit has been issued under this Act by the Minister. 5

(5) Every person who kills or takes hares in contravention of this section shall be guilty of an offence under this Part of this Act and shall be punishable accordingly. 10

Permits for hunting hares.

7.—(1) When a hares protection order has been made under this Act, the Minister on the application of the master or other person having charge of a pack of harriers or of beagle hounds, may at any time while such order remains in force issue to such person a permit (in this Act referred to as a hunting permit) to hunt hares in the area or any particular part of the area to which such order relates with the said pack of harriers or of beagle hounds and to take and kill hares by means of such hunting. 15

(2) Every hunting permit issued under this section shall be transferable with the pack of harriers or of beagle hounds to which it relates and shall accordingly (unless revoked or surrendered under this section) continue in force notwithstanding any change in the ownership or in the mastership or custody of such pack and in particular notwithstanding that the person to whom such permit was issued ceases to be the master or person having charge of such pack. 20 25

(3) A hunting permit issued under this section may be revoked at any time by the Minister and may be surrendered at any time by the master or other person for the time being having charge of the pack of harriers or of beagle hounds to which the permit relates. 30

Prohibition of taking game by nets, etc.

8.—(1) Save as is otherwise provided by this Part of this Act, and subject to the exception mentioned in this section, it shall not be lawful for any person to do any of the following things, that is to say:— 35

- (a) to kill or take any game by means of any trap, snare, or net, or
- (b) to set in any place any trap, snare, or net for killing or taking game, or
- (c) to set in any place frequented by game any trap, snare, or net whatsoever. 40

(2) This section shall not apply to nor render unlawful the setting by an occupier of land of traps, snares or nets for the taking of rabbits on the land occupied by him.

(3) Every person who kills or takes any game in contravention of this section or sets any trap, snare, or net in contravention of this section shall be guilty of an offence under this Part of this Act and shall be punishable accordingly. 45

Exemption for netting of hares for coursing.

9.—(1) Notwithstanding anything contained in any other section of this Act, it shall be lawful for any member, agent, or servant of a recognised coursing club who is duly authorised in this behalf in writing by a responsible officer of such club to take hares alive by means of nets at any time (other than during the annual close season) solely for the purposes of such club or to take hares alive by means of nets at any time between the 15th day of August in any year and the last day of February in the next following year (both days inclusive) in any year solely for use by such club in coursing matches. 50 55

(2) Notwithstanding anything contained in any other section of this Act, it shall be lawful for any person, with the permission in writing of the superintendent of the Garda Síochána for the district in which he takes or proposes to take hares, to take hares alive by means of nets between the 15th day of August 60

in any year and the last day of February in the next following year (both days inclusive) in any year solely for sale to a recognised coursing club for use by such club in coursing matches and it shall be lawful for a responsible officer of a recognised coursing club to purchase hares so taken for such use by such club.

(3) Any person who, having taken or claiming to have taken hares by virtue of an exemption conferred by this section, uses such hares for any purpose other than the purpose for which such exemption is so conferred shall be guilty of an offence under this Part of this Act and shall be punishable accordingly.

10.—(1) A superintendent of the *Gárda Síochána* may grant to any owner or occupier of land in the district for which he is such superintendent or to any person having the exclusive right of shooting on any such land permission in writing to take alive on such land, pheasants, partridge, or grouse at any time by means of nets solely for the purpose of increasing the number or improving the quality of the pheasants, partridge, or grouse (as the case may be) on such land or on any other land in *Saorstát Éireann*.

Exemption for netting of game birds for re-stocking.

(2) A superintendent of the *Gárda Síochána* giving any such permission as is mentioned in the foregoing sub-section may attach to such permission such conditions (whether as to the duration of such permission, the land to which it relates, the number of birds to be taken thereunder or any other matter) as he shall think fit and shall specify therein.

(3) When any such permission as is mentioned in the foregoing sub-sections of this section has been duly given to any person nothing in this Act shall render unlawful the taking of pheasants, partridge or grouse (as the case may be) by such person under and in accordance with such permit nor shall such taking of pheasants, partridge, or grouse (as the case may be) by such person be an offence under this Part of this Act.

11.—(1) It shall not be lawful for any person to take, destroy, or injure the eggs of any game bird or to destroy, remove or mutilate the nest of any such bird and every person who acts in contravention of this section shall be guilty of an offence under this Part of this Act and shall be punishable accordingly.

Protection of eggs of game birds.

(2) Notwithstanding anything contained in the foregoing sub-section, the taking of the eggs of pheasants or partridges solely for the purpose of having the same properly hatched out shall not be a contravention of this section.

12.—(1) The Minister may by order declare any coursing club which is affiliated to the organisation commonly called and known as the Irish Coursing Club to be a recognised coursing club for the purposes of this Part of this Act.

Recognition of coursing clubs.

(2) The Minister may at any time at his absolute discretion by order revoke any order previously made by him under the foregoing sub-section.

(3) So long as an order made under the first sub-section of this section continues in force, the coursing club to which such order relates shall be a recognised coursing club within the meaning of this Part of this Act.

13.—Section 10 of the Act of the Parliament of Ireland passed in the year 1787 and entitled "An Act for the preservation of the game" (27 Geo. III ch. 35) is hereby amended by the insertion of the words "rabbits, plover" therein immediately before the word "woodcock" now contained therein, and the said section shall have effect as so amended.

Trespass in pursuit of game.

14.—(1) Every person who is guilty of an offence under this Part of this Act shall be liable on summary conviction thereof in the case of a first offence, to a fine not exceeding twenty pounds or, in the case of a second or any subsequent offence whether of the same character as or of a different character from

Penalties.

the previous offence or offences, to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(2) The Justice of the District Court before whom any person is convicted of an offence under this Part of this Act may, in addition to any fine imposed by him under the foregoing subsection in respect of such offence, make an order directing the forfeiture by such person of any firearm, trap, snare, net or other instrument, engine or contrivance used by such person in the commission of such offence.

(3) Where the person convicted of an offence under this Part of this Act is the holder of a firearm certificate granted to him under the Firearms Act, 1925 (No. 17 of 1925), the Justice of the District Court before whom he is so convicted may, in addition to any other punishment imposed under this section, revoke such firearm certificate and may also declare such person to be incapable of holding a firearm certificate for such period (not exceeding five years from the date of such conviction) as the Justice shall specify, and when such declaration is so made such person shall be incapable of holding a firearm certificate during the period so specified.

Disposal of  
forfeited  
property.

15.—Every firearm, trap, snare, net or other instrument engine or contrivance forfeited under this Part of this Act shall unless the Commissioner of the *Gárda Síochána* authorises the same to be destroyed be disposed of by sale by the superintendent of the *Gárda Síochána* for the district in which the offence by which such forfeiture was incurred was committed and the amount realised by such sale shall be paid into or disposed for the benefit of the Exchequer by such superintendent in such manner as the Minister for Finance shall direct.

Prosecution of  
offences.

16.—(1) Proceedings for the prosecution of any offence under this Part of this Act may be instituted at the suit and in the name of any person, whether official or unofficial, as prosecutor.

(2) Where any lands have with the consent of the occupier thereof been reserved by a recognised coursing club for the purpose of killing and taking hares thereon, and notice of such reservation has been published on two separate occasions in a newspaper circulating in the district in which such lands are situate, then and in every such case any prosecution in the District Court in respect of trespass on such lands for the purpose or in the course of the pursuit of hares may be instituted at the suit and in the name of the secretary for the time being of the organization commonly called and known as the Irish Coursing Club, and it shall not be a defence to any such prosecution (whether instituted in the name of the said secretary or in the name of some other person) or to any prosecution for an offence under this Part of this Act in relation to the killing or taking of hares on such lands for the defendant to prove that he was authorised by the occupier of such lands to kill or take hares thereon.

## PART II.

### RESTRICTIONS ON THE SALE AND PURCHASE OF GAME.

Prohibition of  
sale of game  
without licence.

17.—(1) No person shall sell, expose for sale or keep for sale any game without being duly licensed under this Act so to sell the same or at any place where he is not authorised by his licence to sell the same.

(2) Any person who shall, after the expiration of two months from the passing of this Act, sell, expose for sale or keep for sale any game in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty-five pounds or, at the dis-

cretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

5 (3) Any person who shall, after the expiration of two months from the passing of this Act, buy any game from any person whom he knows or has reason to believe to be selling the same in contravention of this section shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

10 (4) This section shall not apply to the holder of a firearm certificate the excise duty on which is two pounds selling game lawfully killed either by himself or on his land or on land over which he has the right of shooting game nor shall it prohibit the disposal by sale or otherwise of hares killed at coursing matches.

15 18.—(1) A Justice of the District Court upon an application being made to him by any person and upon payment by such person of the fee required by law may, subject to the provisions of this section, issue to such person a licence (in this Act referred to as a game dealer's licence) for the sale of game at such place or places within the district of such Justice as shall be specified  
20 by the applicant and may, in like manner and subject as aforesaid, from time to time renew any such licence issued by him unless the same has been terminated under this Act.

Issue of game dealers' licences.

25 (2) Every application for the issue or renewal of a game dealer's licence shall be made in writing and shall be in the prescribed form and contain the prescribed particulars, and, in the case of an application for a renewal of a licence, shall be made within fourteen days before or within one month after the expiration of the licence or the last renewal thereof, as the case may be.

30 (3) Before granting a game dealer's licence under this section the Justice shall be satisfied that:—

- (a) the applicant for such licence is a fit and proper person to receive and hold such licence, and
- (b) the premises in which such applicant proposes to carry on the business of selling game are suitable for the carrying on of such business, and
- 35 (c) having regard to the nature of the business heretofore carried on by such applicant, such applicant reasonably requires such licence.

40 19.—(1) Every game dealer's licence and every renewal of any such licence shall be in the prescribed form and while the same remains in force shall operate to authorise the person named in the licence to sell game and to expose and keep game for sale at the place or places specified in such licence.

Form, effect and duration of game dealers' licences.

45 (2) Every game dealer's licence shall terminate on the death of the holder thereof or on revocation under this Act by a Justice of the District Court and may be terminated by surrender by the holder thereof.

50 (3) Every game dealer's licence shall (unless it is previously terminated) continue in force for one year only from the date on which it was issued, and every renewal of any such licence shall (unless it is previously terminated) continue in force for one year only from the date on which such licence or the next previous renewal thereof (as the case may be) expired.

55 20.—(1) Upon the conviction for an offence under this Act of the holder of a game dealer's licence, the Justice of the District Court before whom such holder is so convicted may revoke such licence and such revocation shall be in addition to any other punishment imposed by such Justice under this Act in respect of such offence.

Revocation of game dealers' licences.

60 (2) Where the holder of a game dealer's licence who has been convicted of an offence under this Act is, within a period of three years from the date of such conviction, again convicted of an offence under this Act (whether of the same or of a

different character) the Justice of the District Court before whom such holder is so again convicted may, if he revokes such licence under this section, also declare such holder to be incapable of holding a game dealer's licence during such period not exceeding five years as the Justice shall specify, and when such declaration is so made such holder shall be incapable of holding a game dealer's licence during the period so specified. 5

Publication of  
game dealers'  
licences.

21.—(1) Every holder of a game dealer's licence shall keep such licence or the last renewal thereof (as the case may require) displayed prominently in the place or one of the places to which such licence relates during business hours and, when such licence relates to more than one place, shall keep a copy of such licence or renewal so displayed in all such places other than the place in which such licence or renewal is so displayed. 15

(2) Every holder of a game dealer's licence who fails to keep such licence or the last renewal thereof or a copy of such licence or renewal (as the case may require) displayed in accordance with this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 20

(3) Lists of persons holding game dealer's licences shall be published at such times and places and in such manner and form as the Minister shall from time to time direct.

Register to be  
kept by holder  
of game dealers'  
licence.

22.—(1) It shall be the duty of every holder of a game dealer's licence to keep or cause to be kept in every of the premises specified in such licence a register in the prescribed form of all purchases and receipts of game at or for sale on such premises and of all sales, disposals, and removals of game made on or from such premises and within six hours after any such purchase or receipt and within three hours after any such sale, disposal, or removal to enter in such register the prescribed particulars of such purchase, receipt, sale, disposal, or removal (as the case may be) and of the person from whom the same was purchased or received or to whom the same was sold or disposed of or the place to which the same was removed (as the case may require). 25 30 35

(2) The prescribed particulars referred to in the foregoing sub-section shall not include the price paid by the holder of the licence or renewal for any game purchased, received or sold by him but shall include, in the case of game purchased or received from a person who is the holder of a firearm certificate the excise duty in respect of which is two pounds and is not the holder of a game dealer's licence, the number of such firearm certificate. 40

(3) Every register kept in pursuance of this section may at any time during which the premises to which the register relates are open for the carrying on of business be inspected by any person authorised in that behalf by the Minister or by any member of the Gardá Síochána, and it shall be the duty of the holder of the game dealer's licence in respect of such premises and of every person keeping such register to produce for the inspection of such authorised person or member as aforesaid on demand such register and also all invoices, consignment notes, receipts, or other documents (including copies thereof where the originals are not available) reasonably demanded by such person or member for the purpose of verifying any entry in or explaining any omission from such register. 45 50 55

(4) If any holder of a game dealer's licence—

(a) fails to keep or cause to be kept such register as is required by this section, or 60

(b) fails to make or cause to be made in such register within the time hereinbefore mentioned any entry required by this section to be made therein, or

(c) fails to produce or cause to be produced on the demand of any person entitled under this section to inspect the 65

same, any register, document, or copy of a document which he is required by this section so to produce, or obstructs any person entitled under this section to inspect any register, document, or copy of a document in the making of such inspection, or

(d) wilfully or negligently makes or causes to be made in such register any entry which is false or misleading in any material particular,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a second or any subsequent offence, to a fine not exceeding twenty-five pounds.

(5) For the purposes of this section—

(a) inspection of a register or document shall include taking copies thereof or extracts therefrom, and

(b) a demand for inspection of a register or other document shall be deemed to have been duly made to the holder of a game dealer's licence if such demand is made verbally on the premises to which such licence relates to a person in the employment of such licence-holder, and

(c) a refusal or failure to produce a register or other document for inspection if made or committed on premises to which a game dealer's licence relates by a person in the employment of the holder of such licence shall be deemed to have been made or committed by such licence holder.

23.—(1) Every person who shall, after the expiration of two months from the passing of this Act, purchase any game from any person who is neither the holder of a game dealer's licence nor the holder of a firearm certificate the excise duty in respect of which is two pounds, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Purchase of game from unlicensed persons.

(2) This section shall not apply to a responsible officer of a recognised coursing club purchasing hares under an authority in that behalf conferred by this Act.

24.—(1) It shall not be lawful for any person, save with the permission in writing of the Superintendent of the Garda Síochána for the district in which such person resides and in accordance with the terms of such permission, to export any partridge, pheasant or grouse during the period of two years from and after the passing of this Act or during any extension of that period made by the Minister under this section.

Prohibition against exportation of certain game birds.

(2) The Minister may if he so thinks fit at any time and from time to time by order extend by such time as he thinks proper the said period of two years mentioned in the foregoing subsection and may at any time by order vary, amend or revoke any such order.

(3) Every order made by the Minister under this section extending the said period of two years shall be laid before such House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either such House within the next subsequent twenty-one days on which such House has sat after the order is laid before it annulling such order such order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(4) Every permission given under this section for the exporting of any partridge, pheasant, or grouse shall be in writing in the prescribed form and shall be given in duplicate and one such duplicate shall be retained by the exporter and the other such duplicate shall be affixed by the exporter to the box, case, or wrapping in which the partridge, pheasant or grouse the subject of such permission is exported.

(5) Every person who exports or attempts to export any partridge, pheasant or grouse in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding ten pounds, and, in the case of a second or any subsequent offence, to a fine not exceeding twenty-five pounds. 5

(6) Any officer of Customs and Excise may detain and seize any partridge, grouse or pheasant being or attempted to be exported in contravention of this section and for that purpose may open any packet, containing or suspected by him of containing any such partridge, grouse or pheasant, and the provisions of the Customs Regulations Act, 1876, in relation to the disposal of goods seized under that Act shall apply to all partridges, grouse and pheasants seized under this Act in like manner as if they had been seized under that Act. 15

(7) Any officer of the Minister for Posts and Telegraphs may detain and examine and if necessary open for that purpose any postal packet addressed to a place outside Saorstát Eireann and containing or suspected by him of containing any partridge, grouse, or pheasant being or attempted to be exported in contravention of this section, and if a postal packet so detained contains any such partridge, grouse or pheasant, the officers of the said Minister shall dispose of such packet and its contents in accordance with the instructions of the Minister for Justice or a Superintendent of the Garda Síochána. 20 25

### PART III.

#### MISCELLANEOUS AND GENERAL.

Prohibition  
against burning  
of gorse, etc.

25.—(1) It shall not be lawful for any person to burn or otherwise destroy between the 1st day of April and the 14th day of July (both days inclusive) in any year any gorse, furze, whin, heath, fern or greg-ling growing on any lands not then cultivated or in course of cultivation. 30

(2) Nothing in this section shall be construed as applying to or rendering unlawful the cutting or grubbing of isolated bushes or clumps of gorse, furze, or whin in the ordinary course of good husbandry or the mowing of any fern in the like course of good husbandry. 35

(3) Any person who burns or otherwise destroys any gorse, furze, whin, heath, fern or greg-ling in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 40

Powers of  
inspection,  
examination and  
detention.

26.—(1) Any member of the Garda Síochána and also any person authorised by the Minister to exercise the powers conferred by this section is hereby authorised and empowered to do all or any of the following things, that is to say:— 45

(a) to stop and search any person conveying or believed to be conveying game of any kind 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 and to enter on any land for the purpose of doing all or any of the things mentioned in this paragraph; 50

(b) at all reasonable times to enter upon and have free access to the interior of— 55

(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 60

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

(iv) any ship, boat, railway waggon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods; 65

- 5 (c) to examine all game found in any place which he is authorised by the next foregoing paragraph of this section to enter and for that purpose to open any package found in such place and containing or believed to contain game;
- 10 (d) to stop, enter and search on any river, lake or estuary, or the shores thereof or any part of the sea or the shores thereof any boat, punt, corach, or other vessel used or believed to be used for the purpose of killing or taking game or containing or suspected of containing any game illegally killed or taken and to examine all game found therein and for that purpose to open any package which contains or is suspected of containing any such game as aforesaid;
- 15 (e) 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 is being or is suspected of being committed or which
- 20 has been or is suspected of having been illegally killed or taken;
- (f) to take, remove, and detain in his custody any trap, snare, net or other instrument used in taking game which is liable or is believed to be liable to forfeiture under this Act;
- 25 (g) to demand and take the name and address of the person having custody of any game or other article which he is authorised under this section to examine and also to demand and take from such person the name and address of the owner of such game or other
- 30 article.

(2) Where any person detains in his custody under the authority of this section any game or other article 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 such game or other article dealt with according to law.

(3) Where any person detains in his custody under the authority of this section any dead game and such game is likely to become unfit for human food before the matter can be conveniently dealt with by any court, such person shall produce such game to a peace commissioner and, if authorised so to do by such peace commissioner, shall destroy such game.

45 (4) A peace commissioner to whom any dead game is produced in pursuance of this section shall, if he is of opinion that the game ought in the circumstances to be destroyed, give to the person producing the game a certificate in writing describing the game and any marks, peculiarities, or other particulars thereof pointed out to him by such person and authorising such

50 person to destroy the game, which certificate shall be conclusive evidence in every court of all such matters of fact as aforesaid stated therein.

(5) No person 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 person wantonly or maliciously.

(6) Every person who shall obstruct or impede any person in the exercise of any of the powers conferred on him by this section or shall refuse to give his own name and address or the name and address of any other person (so far as the same is known to him) when lawfully demanded under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

65 27.—Any holder of a firearm certificate the excise duty on which is two pounds may require any person whom he finds carrying a shotgun on lands other than those owned by such

Powers of holders of certain firearm certificates.

person to produce for the inspection of such holder and to permit such holder to inspect and read the firearm certificate authorising such person to carry such shotgun and if such person fails or refuses to produce such last-mentioned firearm certificate or fails or refuses to permit such holder to inspect and read such firearm certificate such person shall (unless he satisfies the Court that the carrying by him of such shotgun without having a firearm certificate authorising him so to do was in the circumstances not unlawful) be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding 10 five pounds.

**Regulations.**

**28.**—The Minister may by order make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

**Expenses.**

**29.**—All expenses of carrying this Act into effect shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys to be provided by the Oireachtas.

**Repeals.**

**30.**—The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of the said Schedule.

20

FIRST SCHEDULE.

ANNUAL CLOSE SEASONS.

Classes of Game	Annual Close Season
Pheasant and partridge ..	From the 1st day of February to the 30th day of September, both days inclusive.
Plover and mallard, teal, widgeon and other species of wild duck	From the 1st day of March to the 11th day of August, both days inclusive.
Hares .. .. .	From the 1st day of March to the 25th day of September, both days inclusive.
Grouse .. .. .	From the 10th day of December to the 11th day of August, both days inclusive.
Snipe and Woodcock ...	From the 1st day of March to the 30th day of September both days inclusive

SECOND SCHEDULE.

ENACTMENTS REPEALED.

PART I.

ACTS OF THE PARLIAMENT OF IRELAND.

Session and Chapter	Title or Short Title	Extent of Repeal
10 Will. III. c. 8	An Act for the preservation of the game, and the more easy conviction of such as shall destroy the same.	The whole Act (so far as unrepealed) except section 5.
6 Anne, c. 14	An Act to prevent the disorders which may happen by the marching of soldiers.	Section 10.
27 Geo. III. c. 35	An Act for the preservation of the game.	The whole Act. except sections 10, 11, 12 & 13
37 Geo. III. c. 21	An Act to amend the Game Laws.	The whole Act.

## PART II.

## ACTS OF THE UNITED KINGDOM PARLIAMENT.

Session and Chapter	Title or Short Title	Extent of Repeal
1 & 2 Will. IV. c. 32	The Game Act, 1831.	The whole Act so far as unrepealed.
5 & 6 Vic. c. 81	The Game Certificates (Ireland) Act, 1842.	The whole Act so far unrepealed.
23 & 24 Vic. c. 113	The Excise Act, 1860.	Section 43.
27 & 28 Vic. c. 67	Game Trespass Act, 1864.	The whole Act.
28 & 29 Vic. c. 2	Sale of Game (Dublin) Act, 1865	The whole Act.
28 & 29 Vic. c. 54	The Pheasants (Ireland) Act, 1865.	Section 2.
37 & 38 Vic. c. 11	Game Birds (Ireland) Act, 1874	The whole Act.
42 & 43 Vic. c. 23	Hares Preservation (Ireland) Act, 1879.	The whole Act so far as unrepealed.
62 Vic. c. 1	Partridge Shooting (Ireland) Act, 1899.	The whole Act.

The Game Act 1831	THE GAME ACT 1831	The Game Act 1831
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The Game Act 1831	THE GAME ACT 1831	The Game Act 1831

**BILLE CHUN GEIM DO CHOSAINT, 1929.**

**GAME PRESERVATION BILL, 1929.**

**BILLE**

**BILL**

*mar do leasúidh i gCoiste dá ngairmtear*

*as amended in Committee entitled*

Acht chun socrú níos fearr do dhéanamh chun géim do chosaint agus chuige sin socrú do dhéanamh chun deighleálaithe i ngéim do chur fé riail agus chun nithe eile a bhaineann no a chabhruíonn le géim do chosaint.

An Act to make better provision for the preservation of game and for that purpose to make provision for the control of game dealers and for other matters incidental or conducive to the preservation of game.

*An tAire Dlí agus Cirt do thug isteach.*

*Introduced by the Minister for Justice.*

*Do hordúidh, ag Dáil Éireann, do chlóbhuála, 30adh Deire Fomhair, 1929.*

*Ordered, by Dáil Éireann, to be printed, 30th October, 1929.*

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