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**An Bille um Fhiadhúlra (Leasú), 2021**  
**Wildlife (Amendment) Bill 2021**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM FHIADHÚLRA (LEASÚ), 2021  
WILDLIFE (AMENDMENT) BILL 2021**

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*Mar a tionscnaíodh*

*As initiated*

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ACT REFERRED TO

Wildlife Act, 1976 (No. 39)



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AN BILLE UM FHIADHÚLRA (LEASÚ), 2021  
WILDLIFE (AMENDMENT) BILL 2021

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# Bill

*entitled*

An Act to amend the Wildlife Act, 1976 to include the Basking Shark (*Cetorhinus maximus*) in the Fifth Schedule to that Act; to amend section 23 of that Act to make illegal the intentional or reckless injuring, disturbance or harassment of any protected wild animal other than for the purposes of hunting; and to provide for the drafting of a code of conduct by Ministerial regulation for the purposes of wildlife tourism or recreational activities. 5  
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**Be it enacted by the Oireachtas as follows:**

## Definitions

1. In this Act—

“basking shark” means the fish known by the scientific name *cetorhinus maximus*;

“Principal Act” means the Wildlife Act, 1976. 15

## Amendment of section 23 of Principal Act

2. Section 23 of the Principal Act is amended—

(a) in subsection (5) by the substitution of the following for paragraph (c):

“(c) intentionally or recklessly injures, disturbs or harasses any protected wild animal other than while hunting it, 20

(i) in case the protected wild animal is not an exempted wild mammal, under and in accordance with such a permission or a licence granted by the Minister under this Act,

(ii) in case the protected wild animal is an exempted wild mammal, either, 25

(A) under and in accordance with such a permission or a licence granted by the Minister under this Act other than section 29, or

(B) in the manner and on a day, or during a period of days, mentioned in subparagraph (ii) of paragraph (b) of this subsection,” 30

and

(b) in subsection (11) by the insertion of the following paragraph after paragraph (b):

“(c) a code of conduct to ensure the welfare of listed wild animals is produced outlining best practice for the guidance of persons engaging in wildlife tourism or recreational activities. When producing a code of conduct, the Minister shall— 5

(i) consult with relevant environmental organisations,

(ii) be cognisant of international best practice, ethics and scientific evidence, and

(iii) consider, in the context of animals referenced in section 23, references made in EU and international legislation or treaties,”. 10

#### **Amendment of Fifth Schedule to Principal Act**

3. The Fifth Schedule to the Principal Act is amended by the inclusion of the basking shark as a species of fauna which is deemed to be a protected wild animal under section 23(4) of that Act. 15

#### **Short title and commencement**

4. (1) This Act may be cited as the Wildlife (Amendment) Act 2021.

(2) This Act shall come into operation on the day of its passing.



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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú an Achta um Fhiadhúlra, 1976 chun an Liamhán Gréine (*Cetorhinus maximus*) a áireamh sa Chúigiú Sceideal a ghabhann leis an Acht sin; do leasú alt 23 den Acht sin chun go mbeidh sé neamhdhleathach díobháil a dhéanamh d'aon ainmhí fiáin cosanta nó aon ainmhí fiáin cosanta a chorraí nó a chiapadh, go hintinneach nó go meargánta, seachas chun críoch fiaigh; agus do dhéanamh socrú maidir le cód iompair a dhréachtú le rialachán ón Aire chun críoch gníomhaíochtaí turasóireachta nó áineasa fiadhúlra.

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*An Teachta Jennifer Whitmore a thug isteach,*  
*13 Bealtaine, 2021*

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# BILL

*(as initiated)*

*entitled*

An Act to amend the Wildlife Act, 1976 to include the Basking Shark (*Cetorhinus maximus*) in the Fifth Schedule to that Act; to amend section 23 of that Act to make illegal the intentional or reckless injuring, disturbance or harassment of any protected wild animal other than for the purposes of hunting; and to provide for the drafting of a code of conduct by Ministerial regulation for the purposes of wildlife tourism or recreational activities.

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*Introduced by Deputy Jennifer Whitmore,*  
*13th May, 2021*

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