**Changes to Legislation:** as of 13 October 2026, this Act is up to date with all changes known to be in force.



*Number* 25 *of* 2023

# WILDLIFE (AMENDMENT) ACT 2023

**REVISED**

**Updated to 1 June 2024**

This Revised Act is an administrative consolidation of the *Wildlife (Amendment) Act 2023*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Research and Innovation Act 2024* (15/2024), enacted 4 June 2024, and all statutory instruments up to and including the *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Benefit and Carer's Allowance – Earnings Disregard) Regulations 2024* (S.I. No. 275 of 2024), made 31 May 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

*Number* 25 *of* 2023

# WILDLIFE (AMENDMENT) ACT 2023

**REVISED**

**Updated to 1 June 2024**

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ACTS REFERRED TO

Companies Act 2014 (No. 38)
Forestry Act 1988 (No. 26)
Harbours Act 1996 (No. 11)
Local Government Act 2001 (No. 37)
Planning and Development Act 2000 (No. 30)
Wildlife (Amendment) Act 2000 (No. 38)

*Number* 25 *of* 2023

# WILDLIFE (AMENDMENT) ACT 2023

**REVISED**

**Updated to 1 June 2024**

An Act to provide for review of bog habitats; to further provide for making, amendment and revocation of natural heritage area orders; to provide for arrangements concerning biodiversity; for those purposes to amend the Wildlife (Amendment) Act 2000; and to provide for related matters.

[20*th July,* 2023]

**Be it enacted by the Oireachtas as follows:**

## Definition

**1.** In this Act, "Act of 2000" means the Wildlife (Amendment) Act 2000.

## Amendment of section 16 of Wildlife (Amendment) Act 2000

**2.** Section 16 of the Act of 2000 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) Where the Minister is of the opinion, having regard to subsection (6) (a), that any land forms, or is part of, a natural heritage area, or, is satisfied under section 18A(4)(a) that a natural heritage area order should be made, the Minister shall publish or cause to be published in Iris Oifigiúil, in a national newspaper, in at least one newspaper circulating in the locality in which the land is situate, and on the website of his or her Department, a notice in the prescribed form of the Minister's intention to make an order designating the land as a natural heritage area.",

(b) by the insertion of the following subsection after subsection (1):

"(1A) The Minister shall cause a copy of the notice published under subsection (1) to be sent to the Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas to examine matters and make recommendations in relation to natural heritage.",

and

(c) in subsection (6)(b), by the insertion of "its role in carbon sequestration or pollination," after "contained in it,".

## Amendment of section 18 of Wildlife (Amendment) Act 2000

**3.** Section 18(4) of the Act of 2000 is amended by the insertion of ", under this section," after "amend or revoke".

## Review of bog habitats

**4.** The Act of 2000 is amended by the insertion of the following section after section 18:

**"18A.** (1) The Minister—

(a) shall continue to conduct and complete the review of raised bog habitats, known for the time being as the 2014 Review of Raised Bog Natural Heritage Area Network, and

(b) subject to subsection (5), may conduct one or more than one review of a natural heritage area (other than a natural heritage area falling to be reviewed under paragraph (a)).

(2) The purposes of a review under subsection (1) include:

(a) contributing to the achievement of nature conservation objectives of maintaining bog habitats at or restoring bog habitats to a favourable conservation status;

(b) contributing to the carbon sequestration potential of bog habitats;

(c) contributing to actions, relevant to bog habitats, contained in a national plan or a plan for the island of Ireland, concerning the reversal of pollinator decline;

(d) selecting the most suitable bog habitats—

(i) to be designated as natural heritage areas having regard to—

(I) all of the matters to which the Minister is required to have regard under section 16(6),

(II) national, regional and local economic, social and cultural needs,

(III) facilities and projects which can be of significant benefit to a community, and

(IV) projects which relate to strategic infrastructure development, within the meaning of the Planning and Development Act 2000,

or

(ii) to cease to be designated as natural heritage areas having regard to—

(I) environmental criteria,

(II) restoration potential,

(III) national, regional and local economic, social and cultural needs,

(IV) facilities and projects which can be of significant benefit to a community, and

(V) projects which relate to strategic infrastructure development, within the meaning of the Planning and Development Act 2000.

(3) The Minister shall, in relation to the effects on the environment of the proposals arising from a review under subsection (1)—

(a) carry out an assessment, including public consultation, under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), and

(b) if it is required, carry out any other—

(i) screening for an assessment, or

(ii) as the case may be, assessment, including public consultation.

(4) Having, on the completion of a review under subsection (1), considered the proposals arising from the review and had regard to the assessment and observations or submissions received during the public consultation under subsection (3)(a) and any screening for assessment or, as the case may be, assessment and

observations or submissions received during a public consultation under subsection (3)(b), the Minister shall do one or more of the following:

(a) where he or she is satisfied that a natural heritage area order should be made, publish under section 16 a notice of his or her intention to make the natural heritage area order;

(b) notwithstanding section 18(3), where he or she is satisfied that land should cease to be designated as a natural heritage area, make an order to amend or revoke the natural heritage area order which so designated the land.

(5) (a) Subject to subsection (6), before the Minister makes an order under subsection (4)(b) relating to a natural heritage area containing a blanket bog habitat, he or she shall, for the purposes referred to in subsection (2), conduct a review of blanket bog habitats.

(b) The review conducted under paragraph (a) shall include designated blanket bog natural heritage areas and other blanket bog natural heritage areas as the Minister considers necessary.

(6) Subsection (5) shall not apply to a natural heritage area, whether or not a designated natural heritage area, falling to be reviewed under the review referred to in subsection (1)(a).

(7) Where the Minister makes an order under subsection (4)(b), he or she shall—

(a) inform the public of the making of the order by publishing or causing to be published a notice of the making of the order in *Iris* Oifigiúil, in a national newspaper, in at least one newspaper circulating in the locality in which the land to which the order applies is situate and on the website of his or her Department, and

(b) cause a copy of the order to be sent to—

(i) the owner or occupier of land which ceases to be designated as a natural heritage area by virtue of the order,

(ii) the holder of a valid prospecting or exploration licence duly issued under any enactment which relates to such land,

(iii) the Minister for Agriculture, Food and the Marine,

(iv) the Minister for Housing, Planning and Local Government,

(v) any other Minister of the Government that the Minister considers appropriate,

(vi) the Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas to examine matters and make recommendations in relation to natural heritage,

(vii) the Commissioners of Public Works in Ireland,

(viii) any planning authority in whose functional area the land is situate,

(ix) an Bord Pleanála, and

(x) the Environmental Protection Agency.

(8) Section 19(2) shall not apply to any land or part of land, in respect of which a notice has been served under section 16(2)(b), which land or part of land ceases to be designated as a natural heritage area by virtue of the amendment or revocation of the natural heritage area order under subsection (4)(b).

(9) In this section—

'bog habitat' means a habitat within the meaning of section 2 of the Principal Act that contains bog and, other than for the purposes of—

(a) publishing a notice under subsection (4)(a), and

(b) making an order under subsection (4)(b),

includes a candidate special area of conservation or a special area of conservation, within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), that contains bog;

'environmental criteria'—

(a) in so far as it relates to a raised bog, means the conservation value of the raised bog taking into account a comparison made between the area, range, habitat, structure, function and ecological features of that raised bog and those of one or more than one other raised bog that is not or are not situated in a candidate special area of conservation or a special area of conservation, and

(b) in so far as it relates to a blanket bog, means the conservation value of the blanket bog taking into account a comparison made between the area, range, habitat, structure, function and ecological features of that blanket bog and those of one or more than one other blanket bog that is not or are not situated in a candidate special area of conservation or a special area of conservation;

'favourable conservation status' means the conservation status of a bog habitat when—

(a) its natural range and the areas it covers within that range are stable or increasing,

(b) the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and

(c) the conservation status of its typical species is favourable;

'restoration potential' means both the potential for a bog to be restored to a favourable conservation condition, and the likelihood that measures taken to that end will be effective.".

**Part VA of Act of 2000**

**5.** The Act of 2000 is amended by the insertion of the following Part after Part V:

"Part VA

Biodiversity

**Definitions**

**59A.** In this Part—

'Agreement' means the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing Implementation Bodies done at Dublin on 8 March 1999;

'biodiversity' means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystems;

'guidelines' means the guidelines referred to in section 59B(1)(c) and 'guidelines', in relation to a plan, programme or strategy or a National Biodiversity Action Plan, means any guidelines the Minister may prepare and publish concerning that plan, programme or strategy or National Biodiversity Action Plan;

'National Biodiversity Action Plan' means a plan, prepared by the Minister and approved by the Government prior to its publication under section 59C(4), which contains the objectives and targets for the conservation and sustainable use of biodiversity;

'plan, programme or strategy' means a plan, programme or strategy concerning the promotion of the conservation of biodiversity or an amendment of it, or part of a plan, programme or strategy concerning that promotion or an amendment of that part, that may be prepared by the Minister as he or she considers appropriate and approved by the Government prior to its publication under section 59C(1) but does not include a National Biodiversity Action Plan;

'public body' means a public body specified in section 59H(1) or prescribed in accordance with section 59H(2);

'relevant Minister' means, in relation to a public body, the Minister of the Government who performs functions in connection with that body.

**Biodiversity**

**59B.** (1) To the extent that it may affect or relate to the functions of a public body, the public body shall, in the performance of its functions, have regard to—

(a) a plan, programme or strategy,

(b) the objectives and targets in a National Biodiversity Action Plan, and

(c) guidelines that may be prepared by the Minister, where he or she considers it appropriate, providing practical guidance to the public body in relation to a plan, programme or strategy or meeting the objectives and targets of a National Biodiversity Action Plan.

(2) A requirement under subsection (1) shall apply in respect of, as the case may be, a plan, programme or strategy, National Biodiversity Action Plan or guidelines or an amendment of any of them, on and from the date of the publication of a notice under section 59C(5) concerning the plan, programme or strategy, National Biodiversity Action Plan or guidelines or an amendment of any of them.

**Publication of plan, programme or strategy, National Biodiversity Action Plan and guidelines**

**59C.** (1) The Minister may publish a plan, programme or strategy and guidelines on the website of his or her Department and by any other means (if any) as he or she considers appropriate.

(2) Not later than 36 months after the coming into operation of section 59B, the Minister shall prepare and publish a National Biodiversity Action Plan and guidelines.

(3) Not earlier than every third anniversary of the publication of a National Biodiversity Action Plan and guidelines under subsection (2), and not later than every fifth anniversary of that publication, the Minister shall prepare and publish a National Biodiversity Action Plan and guidelines.

(4) For the purposes of subsections (2) and (3), the Minister shall publish a National Biodiversity Action Plan and guidelines on the website of his or her Department and by other means (if any) as he or she considers appropriate.

(5) Not later than 4 weeks after the publication under subsection (1) or subsection (4), the Minister shall publish a notice in Iris Oifigiúil, in a national daily newspaper circulating in the State and on the website of his or her Department, of that publication and the date on which it occurred.

(6) Nothing in subsection (2) or subsection (3) shall prevent the Minister from amending a National Biodiversity Action Plan and guidelines once it or they has or have been published, and subsections (4) and (5) shall apply, with any necessary modifications, to the publication of those amendments.

**Consultation**

**59D.** (1) The Minister may consult as he or she considers appropriate with public bodies and the public during the preparation of a plan, programme or strategy, National Biodiversity Action Plan or guidelines or an amendment of any of them.

(2) The Minister shall consider any observations or submissions received during consultations under subsection (1) before completing the preparation of a plan, programme or strategy, National Biodiversity Action Plan or guidelines or an amendment of any of them.

**Notice**

**59E.** At least 8 weeks before he or she publishes a plan, programme or strategy and guidelines under section 59C(1) or a National Biodiversity Action Plan and guidelines under section 59C(4), the Minister shall give notice in writing to public bodies of his or her intention to so publish.

**Report by public bodies**

**59F.** (1) A public body shall prepare and submit a report to the Minister.

(2) The first report under subsection (1) shall be prepared and submitted to the Minister not later than 18 months after the date the Minister publishes a plan, programme or strategy and guidelines under section 59C(1) or a National Biodiversity Action Plan and guidelines under section 59C(4), and every report thereafter shall be prepared and submitted to the Minister not more frequently than once every 12 months.

(3) A report under subsection (1) shall specify—

(a) measures adopted by the public body for the purpose of compliance with section 59B(1), and

(b) progress made by the public body in the performance of its functions in accordance with that subsection.

(4) The first report under subsection (1) of a public body prescribed under section 59H(2) shall be prepared and submitted to the Minister not later than 18 months after the date, following that prescribing, that the Minister publishes a plan, programme or strategy and guidelines under section 59C(1) or a National Biodiversity Action Plan and guidelines under section 59C(4).

**Direction**

**59G.** (1) The Minister, in relation to the performance by a public body of its functions and having consulted—

(a) the public body, and

(b) where the public body was established by the Agreement, the Minister for Foreign Affairs and Trade,

may give a direction in writing to the public body requiring it to adopt such measures for the purpose of compliance with section 59B(1) as are specified in the direction.

(2) The Minister shall consult, and agree the terms of the direction with, the relevant Minister before giving a direction under subsection (1).

(3) The Minister, having consulted the public body and the Minister for Foreign Affairs and Trade, as the case may be, under subsection (1) and having consulted and agreed with the relevant Minister under subsection (2), may by direction in writing amend or revoke a direction under this section (including a direction under this subsection).

(4) The public body to whom a direction is given under this section shall comply with the direction.

**Public body**

**59H.** (1) For the purposes of this Part each of the following is a public body:

(a) a Minister of the Government;

(b) Bord Iascaigh Mhara;

(c) Bord na Móna;

(d) An Bord Pleanála;

(e) Coillte Teoranta (being a company formed and registered under the Companies Acts as provided for by section 9 of the Forestry Act 1988);

(f) Commission for Aviation Regulation;

(g) Commission for Communications Regulation;

(h) Commission for Railway Regulation;

(i) Commission for Regulation of Utilities;

(j) Commissioners of Public Works in Ireland;

(k) a company formed in respect of a harbour in accordance with section 7 of the Harbours Act 1996;

(l) Eirgrid;

(m) Electricity Supply Board;

(n) Enterprise Ireland;

(o) the Environmental Protection Agency;

(p) Ervia;

(q) Geological Survey Ireland;

(r) Heritage Council;

(s) Iarnród Éireann-Irish Rail;

(t) Industrial Development Agency (Ireland);

(u) Inland Fisheries Ireland;

(v) Irish Lights Commission;

(w) a local authority within the meaning of section 2 of the Local Government Act 2001;

(x) Marine Institute;

(y) National Roads Authority;

(z) Office of the Revenue Commissioners;

(aa) a planning authority within the meaning of the Planning and Development Act 2000;

(bb) Sea-Fisheries Protection Authority;

(cc) Teagasc-The Agriculture and Food Development Authority;

(dd) Údarás na Gaeltachta.

(2) The Minister may, for the purposes of this Part, prescribe a body, other person, company, organisation or group referred to in subsection (3) to be a public body where the Minister is of the opinion that the body, other person, company, organisation or group has functions that have or may have a bearing on matters concerning biodiversity or is in a position to promote the conservation of biodiversity.

(3) The following may be prescribed under subsection (2):

(a) a body or other person established—

(i) by or under an enactment (other than the Companies Act 2014 or a former enactment relating to companies within the meaning of section 5 of that Act) or charter,

(ii) by any scheme administered by a Minister of the Government, or

(iii) under the Companies Act 2014 (or a former enactment relating to companies within the meaning of section 5 of that Act) in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government;

(b) a company (formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act), a majority of the shares in which are held by or on behalf of a Minister of the Government;

(c) a body, other person, organisation or group established by the Agreement.

(4) The Minister shall, before prescribing a body, other person, company, organisation or group to be a public body under subsection (2)—

(a) obtain the consent of the relevant Minister,

(b) consult the body, other person, company, organisation or group, and

(c) where the body, other person, organisation or group was established by the Agreement, consult the Minister for Foreign Affairs and Trade.".

**Annotations**

**Editorial Notes:**

**E1** Ervia is construed as Gas Networks Ireland as provided (1.06.2024) by *Gas (Amendment) and Miscellaneous Provisions Act 2024* (11/2024), ss. 6, 11, S.I. No. 208 of 2024.

**Report on household use of turf**

**6.** (a) Within 12 months of the coming into operation of this section, the Minister for Housing, Local Government and Heritage shall prepare a report on the average amount of turf required by an individual on an annual basis for the purpose of household use.

(b) The Minister for Housing, Local Government and Heritage shall, as soon as practicable but not later than 3 months after the report referred to in *paragraph (a)* is prepared, lay a copy of that report before each House of the Oireachtas.

**Short title and commencement**

**7.** (1) This Act may be cited as the Wildlife (Amendment) Act 2023.

(2) This Act shall come into operation on such day or days as the F1**[**Minister for Housing, Local Government and Heritage**]** may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

**Annotations**

**Amendments:**

**F1** Substituted (17.11.2023) by *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), s. 255, S.I. No. 556 of 2023.

**Editorial Notes:**

**E2** Power pursuant to subs. (2) exercised (17.11.2023) by *Wildlife (Amendment) Act 2023 (Commencement) Order 2023* (S.I. No. 557 of 2023).

2. The 17th day of November 2023 is appointed as the day on which the Wildlife (Amendment) Act 2023 shall come into operation.

*Number* 25 *of* 2023

# WILDLIFE (AMENDMENT) ACT 2023

**REVISED**

**Updated to 1 June 2024**

## About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

## Related legislation

This Act is not collectively cited with any other Act.

## Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

## Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

## Acts which affect or previously affected this revision

- *Gas (Amendment) and Miscellaneous Provisions Act 2024* (11/2024)
- *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023)

All Acts up to and including *Research and Innovation Act 2024* (15/2024), enacted 4 June 2024, were considered in the preparation of this revision.

## Statutory instruments which affect or previously affected this revision

- *Wildlife (Amendment) Act 2023 (Commencement) Order 2023* (S.I. No. 557 of 2023)

All statutory instruments up to and including *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Benefit and Carer's Allowance – Earnings Disregard) Regulations 2024* (S.I. No. 275 of 2024), made 31 May 2024, were considered in the preparation of this revision.