
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are being made to ensure compliance with Council Directive of 2nd April 1979 on the Conservation of Wild Birds ([79/409/EEC](#)) (O.J. L 103, 25.04.79, p.1) as amended by Commission Directive [91/244/EEC](#) (O.J. No. L 115, 08.05.91, p.41), Council Directive [94/24/EC](#) (O.J. No. L 164, 30.06.94, p.9) and Commission Directive [97/49/EC](#) (O.J. No. L 223, 13.08.97, p.9).

The Regulations remove the capercaillie (tetrao urogallus) from Part I of Schedule 2 to the Wildlife and Countryside Act 1981 which contains the list of species which may be hunted in Scotland and place it in Part I of Schedule 1 to that Act which provides greater legal protection to the species by making offences involving the bird punishable by special penalties as described in Section 21 of the Wildlife and Countryside Act 1981.

The Regulations also remove the reference to capercaillie in the definition of “close season”, as set out in Section 2(4)(a) of the above Act, and remove the reference to capercaillie as a bird which may be sold from Schedule 3 of that Act.