



# Protection of Birds Act 1954

## 1954 CHAPTER 30

An Act to amend the law relating to the protection of birds. [4th June, 1954]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Protection of wild birds, their nests and eggs**

If, save as permitted by or under this Act, any person wilfully—

- (a) kills, injures or takes, or attempts to kill, injure or take, any wild bird; or
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use; or
- (c) takes or destroys an egg of any wild bird,

or if any person has in his possession or control any wild bird recently killed or taken which is not shown to have been killed or taken otherwise than in contravention of this Act or any order made thereunder, he shall be guilty of an offence against this Act and, if that offence is committed in respect of a bird included in the First Schedule to this Act or in respect of the nest or egg of such a bird, shall be liable to a special penalty.

### **2 Exceptions to s.1 with respect to certain wild birds, nests and eggs**

- (1) Except in Scotland on Sundays and on Christmas Day or in a prescribed area on Sundays, an authorised person shall not be guilty of an offence under section one of this Act by reason of the killing or taking of, or an attempt to kill or take, a wild bird included in the Second Schedule to this Act, or by reason of the injuring of such a bird in the course of an attempt to kill it.
- (2) Except in Scotland on Sundays and on Christmas Day or in a prescribed area on Sundays, a person shall not be guilty of an offence under section one of this Act by reason of the killing or taking of, or an attempt to kill or take, a wild bird included in the Third Schedule to this Act outside the close season for that bird, or by reason of the injuring of such a bird outside that season in the course of an attempt to kill it.

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- (3) Except in Scotland on Sundays and on Christmas Day, an authorised person shall not be guilty of an offence under section one of this Act by reason of the taking, damaging or destruction of a nest if that nest is in use by a wild bird included in the Second Schedule to this Act, or by reason of the taking of an egg of a wild duck, wild goose or swan if it is shown that the egg was taken for the purpose of causing it to be hatched.
- (4) Except in Scotland on Sundays and on Christmas Day, a person shall not be guilty of an offence under section one of this Act—
- (a) by reason of the taking or destruction of an egg of a wild bird included in the Second Schedule to this Act or of any other common wild bird which the Secretary of State may by order made with respect to the whole or any specified part of Great Britain prescribe for the purposes of this paragraph; or
  - (b) by reason of the taking for the purpose of human consumption or of use as food for poultry, ornamental ducks, ornamental geese or swans, otherwise than from any area which the Secretary of State may by order specify for the purposes of this paragraph, of an egg of a black-headed gull or common gull; or
  - (c) by reason of the taking or destruction of an egg of a lapwing before the fifteenth day of April in any year.
- (5) In subsections (1) and (2) of this section, the expression "prescribed area" means any administrative area in England or Wales which the Secretary of State may by order prescribe for the purposes of those subsections respectively.
- (6) In subsection (2) of this section, the expression "close season" means—
- (a) in the case of capercaillie and (except in Scotland) woodcock, the period in any year commencing with the first day of February and ending with the thirtieth day of September;
  - (b) in the case of snipe, the period in any year commencing with the first day of February and ending with the eleventh day of August;
  - (c) in the case of wild duck and wild geese in or over any area below high water mark of ordinary spring tides, the period in any year commencing with the twenty-first day of February and ending with the thirty-first day of August;
  - (d) in any other case, subject to the provisions of section nine of this Act, the period in any year commencing with the first day of February and ending with the thirty-first day of August:

Provided that the Secretary of State may by order made with respect to the whole or any specified part of Great Britain vary the close season for any wild bird specified in the order, so, however, that no such order shall prescribe a close season for any bird in any area commencing on a date later or ending on a date earlier than that which would have been applicable in the case of that bird in that area if this proviso had not been passed.

### **3 Power to establish bird sanctuaries**

- (1) With a view to the creation of bird sanctuaries, the Secretary of State may by order make provision with respect to any area specified in the order providing for all or any of the following matters, that is to say—
- (a) that any person who, within that area, at any time wilfully kills, injures or takes, or attempts to kill, injure or take, any wild bird shall be guilty of an offence against this Act;

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- (b) that any person who, within that area, wilfully takes or destroys an egg of any wild bird shall be guilty of an offence against this Act;
- (c) that any person who, save as may be provided in the order, enters into that area during any period specified in the order shall be guilty of an offence against this Act;
- (d) that where any offence against this Act, or any such offence against this Act as may be specified in the order, is committed within that area, the offender shall be liable to a special penalty:

Provided that an authorised person shall not by virtue of any such order be guilty of an offence—

- (i) by reason of the killing or taking of, or an attempt to kill or take, a wild bird included in the Second Schedule to this Act, or by reason of the injuring of such a bird in the course of an attempt to kill it; or
- (ii) by reason of the taking or destruction of an egg of such a bird; or
- (iii) by reason of the taking of an egg of a wild duck, wild goose or swan if it is shown that the egg was taken for the purpose of causing it to be hatched ; or
- (iv) by reason of the taking or destruction of an egg of a lapwing before the fifteenth day of April in any year;

and the making of an order under this section with respect to any area shall not affect the exercise by any person of any right vested in him, whether as owner, lessee or occupier of any land in that area or by virtue of a licence or agreement.

- (2) Before making any order under this section the Secretary of State shall consult with any local authority within whose area the area with respect to which the order is to be made or any part thereof is situated and shall give particulars of the intended order either by notice in writing to every owner and every occupier of any land included in the area with respect to which the order is to be made or, where the giving of such notice is in his opinion impracticable, by advertisement in a newspaper circulating in the district in which that area is situated, and he shall not make the order unless either—
  - (a) all the owners and occupiers aforesaid have consented thereto; or
  - (b) at the expiration of a period of three months from the date of the giving of the notice or the publication of the advertisement, none of those owners or occupiers has objected thereto.
- (3) So much of any order made by the Secretary of State under the Wild Birds Protection Acts, 1880 to 1939, and in force immediately before the commencement of this Act as prohibits the taking or killing in any particular area of all wild birds or the taking or destruction in any particular area of the eggs of all wild birds shall be deemed to be an order duly made under this section, and subject to the provisions of this Act any person who contravenes that prohibition shall be guilty of an offence against this Act.

#### **4 General exceptions**

- (1) Nothing in section one or in any order made under section three of this Act shall make unlawful—
  - (a) anything done in pursuance of a requirement by the Minister of Agriculture and Fisheries under section ninety-eight of the Agriculture Act, 1947, or by the Secretary of State under section thirty-nine of the Agriculture (Scotland) Act, 1948;

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- (b) except in the case of a wild bird included in the First Schedule to this Act or the nest or egg of such a bird, anything done by virtue of any power conferred on the Minister of Agriculture and Fisheries by or under the Diseases of Animals Act, 1950;
  - (c) the taking of, or an attempt to take, any wild bird if the bird is taken or to be taken solely for the purpose of ringing or marking, or examining any ring or mark on, that or some other bird and then releasing it;
  - (d) the killing, injuring or taking of, or an attempt to kill or take, any wild bird for the purposes of an experiment duly authorised under the Cruelty to Animals Act, 1876.
- (2) Notwithstanding any of the provisions of section one or of any order made under section three of this Act, a person shall not be found guilty of an offence against this Act—
- (a) by reason of the killing or injuring of, or an attempt to kill, a wild bird other than a bird included in the First Schedule to this Act if he satisfies the court before whom he is charged that his action was necessary for the purpose of preventing serious damage to crops, vegetables, fruit, growing timber or any other form of property or to fisheries ;
  - (b) by reason of the taking of, or an attempt to take, any wild bird if he satisfies the court before whom he is charged that the bird had been disabled otherwise than by his act and was taken or to be taken solely for the purpose of tending it and releasing it when no longer disabled;
  - (c) by reason of the killing of any wild bird if he satisfies the court before whom he is charged that the bird had been so seriously disabled otherwise than by his act that there was no reasonable chance of its recovering ;
  - (d) by reason of any act made unlawful by any of the provisions aforesaid if he satisfies the court before whom he is charged that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

## **5 Prohibition of certain methods of killing or taking wild birds**

- (1) If, save as may be authorised by a licence granted under section ten of this Act, any person—
- (a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming in contact therewith, that is to say, any springe, trap, gin, snare, hook and line, poisoned or stupefying bait, or floating container holding explosives ; or
  - (b) uses for the purpose of killing or taking any wild bird any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net, baited board, bird-lime or substance of a like nature to birdlime; or
  - (c) for the purpose of killing or taking any wild bird uses as a decoy any live bird whatsoever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured ; or
  - (d) uses for the purpose of killing any wild bird a shot-gun of which the barrel has an internal diameter at the muzzle of more than one and three-quarter inches; or
  - (e) except in order to find a bird already killed or injured, uses any form of artificial light for the purpose of killing or taking any wild bird other than

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a bird included in the Second Schedule to this Act, he shall be guilty of an offence against this Act and be liable to a special penalty:

Provided that in any proceedings under paragraph (a) of this subsection it shall be a defence that the article was set in position by the accused for the purpose of killing or taking animals in the interests of public health, agriculture or the preservation of other creatures and that he took all reasonable precautions to prevent injury thereby to wild birds.

- (2) The Secretary of State may by order prohibit or restrict the use of any form of decoy specified in the order within any area so specified for the purpose of killing or taking wild geese, and any person who contravenes any such order shall be guilty of an offence against this Act and be liable to a special penalty.
- (3) If any person uses any mechanically-propelled vehicle or boat or any aircraft in immediate pursuit of a wild bird for the purpose of driving, killing or taking that bird, he shall be guilty of an offence against this Act and be liable to a special penalty:

Provided that nothing in this subsection shall make unlawful the use (in Scotland only) of a mechanically-propelled boat for the purpose of killing or taking rock-doves.

- (4) Nothing in subsection (1) of this section shall make unlawful—
- (a) the use of a cage-trap or net by an authorised person for the purpose of taking a wild bird included in the Second Schedule to this Act;
  - (b) the use of nets for the purpose of taking wild duck in a duck decoy which is shown to have been in use immediately before the passing of this Act;
  - (c) the use of a cage-trap or net for the purpose of taking a wild bird if it is shown that the taking of the bird is solely for the purpose of ringing or marking, or examining any ring or mark on, that or some other bird and then releasing it or for the purpose of an experiment duly authorised under the Cruelty to Animals Act, 1876:

Provided that nothing in this subsection shall make lawful the use of a rocket-propelled net.

## **6 Restrictions on sale of live and dead wild birds, eggs, etc.**

- (1) If, save as may be authorised by a licence granted under section ten of this Act, any person sells, offers for sale or has in his possession for sale—
- (a) any live wild bird, being a bird included in the Fourth Schedule to this Act of a species which is resident in or visits the British Isles in a wild state, other than a close-ringed specimen bred in captivity;
  - (b) an egg (including a blown egg) of a wild bird of any species, if any bird of that species has nested in the British Isles in a wild state ;
  - (c) during the period in any year commencing with the twenty-eighth day of February and ending with the thirty-first day of August, any dead wild bird, being a bird included in the Third Schedule to this Act or a wild duck or wild goose, whether or not so included;
  - (d) a dead wild bird other than such a bird as is mentioned in paragraph (c) of this subsection, unless it is shown that the bird was killed otherwise than in contravention of this Act or any order made thereunder, or was lawfully imported;
  - (e) the skin or plumage of a wild bird other than such a bird as is mentioned in paragraph (c) of this subsection, unless it is shown that the skin or plumage

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came from a bird which was killed otherwise than in contravention of this Act or any order made thereunder, or that the skin or plumage was lawfully imported, he shall be guilty of an offence against this Act and, if the offence was committed in respect of a bird included in the First Schedule to this Act or in respect of the egg, skin or plumage of such a bird, shall be liable to a special penalty :

Provided that a person shall not be guilty of an offence by virtue of paragraph (b) of this subsection if the egg is shown to have been sold, offered for sale or in his possession for sale—

- (i) in the case of an egg of a black-headed gull, greater black-backed gull, lesser black-backed gull, herring gull or common gull, for the purpose of human consumption or for use as food for poultry, ornamental ducks, ornamental geese or swans;
  - (ii) in the case of an egg of a wild duck, wild goose or swan, for the purpose of causing the egg to be hatched;
  - (iii) in the case of an egg of a lapwing, at any time before the fifteenth day of April in any year. In this subsection any reference to sale shall be construed as including references to barter and exchange.
- (2) If a justice of the peace is satisfied by information on oath that there is reasonable ground to suspect that an offence has been committed under this section and that evidence thereof may be found on any premises, he may grant a warrant to any constable to enter upon and search those premises for the purpose of obtaining that evidence. In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

## 7 **Restrictions on importation of certain wild birds and eggs**

- (1) Save as may be authorised by a licence granted under section ten of this Act, the importation of any of the following is hereby prohibited, that is to say—
- (a) any common quail, whether five or dead ;
  - (b) during the period in any year commencing with the first day of February and ending with the thirty-first day of August, any dead wild bird, being a bird included in the Third Schedule to this Act or a wild duck or wild goose, whether or not so included ;
  - (c) any dead lapwing or, on or after the fifteenth day of April in any year, the eggs of any lapwing.
- (2) The Secretary of State may by order—
- (a) extend the period referred to in paragraph (b) of the foregoing subsection with respect to, or prohibit entirely, save as may be authorised by such a licence as aforesaid, the importation of, all or any of the birds to which that paragraph applies ;
  - (b) prohibit, save as may be authorised by such a licence as aforesaid, the importation of all or any other dead wild birds, or of all or any other live wild birds, or of the eggs (including the blown eggs) of any other wild bird, for the whole or any specified part of the year.
- (3) Where by virtue of this section or any order made thereunder any live bird has been seized as liable to forfeiture under the Customs and Excise Act, 1952, the Seventh Schedule to that Act (which relates to proceedings for forfeiture) shall not apply, but, if the Commissioners of Customs and Excise are satisfied that the bird has been imported

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in contravention of this section or of any order made thereunder, the bird shall be deemed to have been duly condemned as forfeited and no claim for compensation shall lie against the said Commissioners or any officer of customs and excise in respect thereof.

## **8 Protection of captive birds**

- (1) If any person keeps or confines any bird whatsoever in any cage or other receptacle which is not sufficient in height, length and breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence against this Act and be liable to a special penalty:

Provided that this subsection shall not apply to poultry, or to the keeping or confining of any bird—

- (a) while that bird is in the course of conveyance, whether by land, air or water; or
  - (b) while that bird is being shown for the purposes of any public exhibition or competition if the time during which the bird is kept or confined for those purposes does not in the aggregate exceed seventy-two hours ; or
  - (c) while that bird is undergoing treatment by a veterinary surgeon or veterinary practitioner.
- (2) Every person who promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatsoever at or in the course of which captive birds are liberated by hand or by any other means whatsoever for the purpose of being shot immediately after their liberation, or who, being the owner or occupier of any land, permits that land to be used for the purposes of such an event, shall be guilty of an offence against this Act and be liable to a special penalty.

## **9 Power to vary Act by order**

- (1) The Secretary of State may by order made either generally or with respect to any specified part of Great Britain add any wild bird to, or remove any wild bird from, any of the First, Second, Third or Fourth Schedules to this Act or either of the Parts of the said First Schedule.

- (2) Any order made under this section adding any wild bird to Part II of the First Schedule or to the Third Schedule to this Act may prescribe a close season in the case of that bird for the purposes of subsection (2) of section two of this Act:

Provided that any close season so prescribed shall commence on a date not later than the twenty-first day of February and end on a date not earlier than the thirty-first day of August.

- (3) In the application of this Act to any area, any reference in this Act to birds included in any of the said Schedules or Parts of a Schedule shall be construed as a reference to birds for the time being included in that Schedule or Part of a Schedule as amended with respect to that area by any order made under this section.
- (4) The Secretary of State may by order declare that as from such date as may be specified in the order the following provisions of this Act shall cease to have effect, that is to say—
- (a) paragraph (c) of subsection (4) of section two ;
  - (b) paragraph (iv) of the proviso to subsection (1) of section three;
  - (c) paragraph (iii) of the proviso to subsection (1) of section six; and

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- (d) in paragraph (c) of subsection (1) of section seven, the words " on or after the fifteenth day of April in any year " .

## 10 Power to grant licences

- (1) A licence may be granted to any person by the appropriate authority specified in the next following subsection authorising that person, notwithstanding anything in, or in any order made under, the foregoing provisions of this Act and notwithstanding anything in section eight of the Protection of Animals Act, 1911, or section seven of the Protection of Animals (Scotland) Act, 1912 (which relate to the placing on land of poisonous matter), but subject to compliance with any conditions specified in the licence—
- (a) for scientific or educational purposes, to kill or take within any area specified in the licence by any means so specified, or to sell or import alive or dead, any number so specified of wild birds of any description so specified or of the nests or eggs (including blown eggs) of such wild birds ;
  - (b) for the purposes of falconry, to take by any means specified in the licence, or to sell or import alive, any number so specified of birds of prey of any description so specified;
  - (c) for the purposes of the protection of any collection of birds maintained at any place by any person, or for the purposes of transfers between such collections, to kill or take at that place by any means specified in the licence wild birds of any description so specified;
  - (d) for the purposes of killing or taking such wild birds included in the Second Schedule to this Act as may be specified in the licence, to use poisoned or stupefying bait of any description so specified ;
  - (e) for the purpose of taking wild birds in order to ring or mark, or examine any ring or mark on, all or any of the birds taken and then release them, to use within any area specified in the licence any form of artificial light or a rocket-propelled net.
- (2) The appropriate authority for the grant of a licence under the foregoing subsection shall be—
- (a) in the case of a licence under paragraph (a), (b) or (e) of that subsection, the Secretary of State after consultation with the appropriate advisory committee ;
  - (b) in the case of a licence under paragraph (a) or (e) of that subsection which is required for the purposes of scientific or educational work carried out by, or on behalf of, or with the aid of grants from, the Nature Conservancy, the Nature Conservancy ;
  - (c) in the case of a licence under paragraph (c) of that subsection, the Secretary of State ;
  - (d) in the case of a licence under paragraph (d) of that subsection, the Minister of Agriculture and Fisheries or, in Scotland, the Secretary of State.
- (3) A licence granted under this section may be revoked at any time by the authority by whom it was granted ; and, without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to comply with any condition imposed on the grant of a licence under this section shall be guilty of an offence against this Act.
- (4) The Minister of Agriculture and Fisheries and the Secretary of State shall from time to time consult the appropriate advisory committee with respect to the exercise of



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the powers conferred on them by this section to grant and revoke licences under paragraph (d) of subsection (1) thereof; and those powers shall for the purposes of section seventy-two of the Agriculture Act, 1947, or, as the case may be, section sixty-nine of the Agriculture (Scotland) Act, 1948 (which relate to the delegation of functions to Agricultural Executive Committees) be deemed to be functions relating to agriculture.

- (5) For the purposes of the application of this section to Northern Ireland with respect to importation—
- (a) for the reference in paragraph (a) of subsection (2) thereof to the Secretary of State there shall be substituted a reference to the Minister of Home Affairs for Northern Ireland;
  - (b) the expression " appropriate advisory committee " means the Wild Birds Advisory Committee for Northern Ireland established under section eleven of the Wild Birds Protection Act (Northern Ireland), 1931.

## **11 Advisory Committees on Birds**

- (1) There shall be established an Advisory Committee on the Protection of Birds for England and Wales and an Advisory Committee on the Protection of Birds for Scotland, consisting in each case of such members as the Secretary of State may from time to time appoint.
- (2) It shall be the duty of each of the said Committees to advise the Secretary of State upon any question which he may refer to that Committee in connection with the administration of this Act or otherwise in connection with the protection of birds.

## **12 Enforcement, penalties, etc.**

- (1) A constable may without warrant stop and search any person found committing an offence against this Act and any vehicle, boat or animal which that person may then be using, and may—
- (a) arrest that person if he fails to give his name and address to the constable's satisfaction; and
  - (b) seize and detain for the purposes of proceedings under this Act any wild bird, whether alive or dead, or any egg or nest of a wild bird, or any weapon or other article capable of being used to kill or take wild birds, which may be in that person's possession.
- (2) Any person guilty of an offence against this Act—
- (a) in a case where this Act or any order made thereunder provides that he shall be liable to a special penalty, shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or to a term of imprisonment not exceeding, for a first offence against this Act, one month or, for a second or subsequent offence against this Act, three months, or to both such a fine and such imprisonment;
  - (b) in any other case shall be liable on summary conviction to a fine not exceeding five pounds:

Provided that where the offence was committed in respect of more than one bird, nest, egg, skin or other article, the maximum fine which may be imposed under this subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, skin or article.

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- (3) The court before whom any person is convicted of an offence against this Act shall order the forfeiture of any bird, nest, egg or skin in respect of which the offence was committed and may, if they think fit, order the forfeiture of any weapon, decoy bird or other article in respect of or by means of which the offence was committed.
- (4) In England or Wales, the council of a county or county borough shall have power to institute proceedings for any offence against this Act committed within the area of that county or county borough, and where an order has been made under section three of this Act, any local authority shall have power to institute proceedings for an offence under that order committed within the area of that authority.
- (5) Where any offence against this Act is committed at some place on the water or in the air outside the area of any commission of the peace, the place of the commission of the offence shall, for the purposes of the jurisdiction of any court, be deemed to be any place where the offender is found or to which he is first brought after the commission of the offence.

### **13 Orders, notices, etc.**

- (1) Any order made under this Act shall be made by statutory instrument and may be varied or revoked by a subsequent order made in the like manner.
- (2) Before making any order under this Act, the Secretary of State—
  - (a) shall consult the appropriate advisory committee ;
  - (b) shall, by such means as he may think appropriate, give to the council of any administrative area or other person affected an opportunity to submit objections or representations with respect to the subject matter of the order;
  - (c) may, if he thinks fit, cause a public inquiry to be held.
- (3) Notice of the making of any order under this Act shall be published by the Secretary of State, if the order relates in whole or in part to England or Wales, in the London Gazette and, if the order relates in whole or in part to Scotland, in the Edinburgh Gazette and, in the case of an order under section seven of this Act, in the Belfast Gazette.
- (4) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Act with respect to any administrative area which may be submitted to him by the council of that area.
- (5) Where any order has been made under this Act with respect to any administrative area, the council of that area shall take such steps, if any, as may appear to them expedient or as the Secretary of State may direct to bring the effect of the order to the notice of the public within that area.

### **14 Interpretation**

- (1) In this Act, the following expressions have the following meanings respectively—
  - " administrative area " means a county or county borough or, in Scotland, a county or large burgh ;
  - " appropriate advisory committee " means, in relation to any matter wholly or partly affecting England or Wales, the Advisory Committee on the Protection of Birds for England and Wales established under section eleven of this Act and, in relation to any matter wholly or partly affecting Scotland,

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the Advisory Committee on the Protection of Birds for Scotland established as aforesaid;

" authorised person " means—

- (a) the owner or occupier, or any person shown to have been authorised by the owner or occupier, of any land on which the action authorised is taken;
- (b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
- (c) any person authorised in writing by any of the following bodies, that is to say, the Nature Conservancy, a river board constituted under the River Boards Act, 1948, a local fisheries committee constituted under the Sea Fisheries Regulation Act, 1888, the Conservators of the River Thames, the Lee Conservancy Catchment Board, any statutory water undertakers within the meaning of the Water Act, 1945, any local water authority within the meaning of the Water (Scotland) Act, 1946, the Commissioners appointed under the Tweed Fisheries Act, 1857, and the district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act, 1862; so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land ;

"importation" and cognate expressions have the same meanings as for the purposes of the Customs and Excise Act, 1952;

" local authority " means the council of a county, county borough, metropolitan borough, non-county borough, urban district or rural district, the Common Council of the City of London and, in Scotland, a county council and a town council;

" occupier ", in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish;

"poultry" means domestic fowls, ducks, geese, guinea-fowls, pigeons and turkeys ;

" wild bird " in sections five, ten and twelve of this Act means any wild bird, but in any other provision of this Act does not include pheasant, partridge, grouse (or moor game), black (or heath) game, or, in Scotland, ptarmigan.

- (2) Any reference in this Act to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

## **15 Amendments, repeals, etc.**

- (1) The enactments specified in the Fifth Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule.
- (2) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule.
- (3) Save as provided in the foregoing provisions of this section, nothing in this Act shall prejudice or affect the provisions of any other enactment (including any enactment of the Parliament of Northern Ireland) relating to birds.

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## **16 Short title, extent and commencement**

- (1) This Act may be cited as the Protection of Birds Act, 1954.
- (2) This Act shall apply to the Isles of Scilly as if the Isles were a county and as if the council of the Isles were a county council.
- (3) The following provisions of this Act, that is to say, sections one to six, eight and eleven, and subsections (2), (4) and (5) of section thirteen, shall not extend to Northern Ireland.
- (4) This Act shall come into force on the first day of December, nineteen hundred and fifty-four.

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## FIRST SCHEDULE

### WILD BIRDS AND THEIR EGGS PROTECTED BY SPECIAL PENALTIES

#### PART I

##### AT ALL TIMES

<i>Avocet</i>	<i>Montagu's harrier</i>
Bee-eater (all species) .	Oriole, golden
Bittern (all species)	Osprey
Bunting, snow	Peregrine
Bustard	Phalarope, red-necked
Buzzard, honey	Plover, Kentish
Chough	Plover, little ringed
Corncrake (landrail)	Quail, common
Crossbill, common (in England and Wales only)	Redstart, black Roller
Diver, black-throated	Ruff and reeve
Diver, great northern	Spoonbill
Diver, red-throated	Stilt, black-winged
Dotterel	Stint, Temminck's
Eagle (all species)	Stone curlew
Goshawk	Swan, whooper
Grebe, black-necked	Swan, Bewick's
Grebe, Slavonian	Tern, black
Greenshank	Tern, roseate
Hen-harrier	Tit, bearded
Hobby	Tit, crested
Hoopoe	Warbler, Dartford
Kite	Warbler, marsh
Marsh-harrier	Wren, St. Kilda
Merlin	Wryneck

#### PART II

##### DURING THE CLOSE SEASON

Brambling Godwit, black-tailed Whimbrel Wild duck of the following species—

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Common scoter Garganey teal Goldeneye Long-tailed duck Scaup-duck Velvet scoter Wild geese of the following species Grey lag goose

## SECOND SCHEDULE

### WILD BIRDS WHICH MAY BE KILLED OR TAKEN AT ANY TIME BY AUTHORISED PERSONS

Cormorant	Red-breasted merganser (in Scotland only)
Crow, carrion	
Crow, hooded	Rock-dove (in Scotland only)
Domestic pigeon gone feral	Rook
Goosander (in Scotland only)	Shag
Gull, greater black-backed	Sparrow, house
Gull, lesser black-backed	Sparrow-hawk
Gull, herring	Starling
Jackdaw	Stock-dove
Jay	Wood-pigeon
Magpie	

## THIRD SCHEDULE

### WILD BIRDS WHICH MAY BE KILLED OR TAKEN OUTSIDE THE CLOSE SEASON

Any wild bird included in Part II of the First Schedule to this Act. Capercaillie Coot Curlew (other than stone curlew) Godwit, bar-tailed Moorhen Plover, golden Plover, grey Redshank, common Snipe, common Snipe, jack Wild duck of the following species—

Common pochard Gadwall Mallard Pintail Shoveller Teal Tufted duck Wigeon Wild geese of the following species—

Bean goose Canada goose Pink-footed goose White-fronted goose Woodcock

## FOURTH SCHEDULE

### WILD BIRDS WHICH MAY NOT BE SOLD ALIVE UNLESS CLOSE-RINGED AND BRED IN CAPTIVITY

Blackbird	Pipit (all species)
Blackcap	Raven
Blue throat	Redpoll (all species)
Brambling	Redstart (all species)

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Bullfinch	Redwing
Bunting (all species)	Ring ouzel
Chaffinch	Robin
Chiffchaff	Shrike (all species)
Chough	Siskin
Crossbill (all species)	Sparrow, hedge
Cuckoo	Sparrow, house
Dipper	Sparrow, tree
Fieldfare	Starling
Firecrest	Stonechat
Flycatcher (all species)	Swallow
Goldcrest	Thrush (all species)
Goldfinch	Tit (all species, including bearded tit)
Greenfinch	Treecreeper
Hawfinch	Twite
Hoopoe	Wagtail (all species)
Jay	Warbler (all species)
Kingfisher	Wax wing
Lark (all species)	Wheatear
Linnet	Whinchat
Magpie	
Martin (all species)	
Nightingale	Whitethroast (all species)
Nightjar	Woodpecker (all species)
Nuthatch	Wren
Oriole, golden	Wryneck
Owl (all species except the little owl)	Yellowhammer

## FIFTH SCHEDULE

### AMENDMENTS IN OTHER ENACTMENTS

- 1 In the Agriculture Act, 1947, in subsection (4) of section ninety-eight—
- for the words " specified in the Schedule to the Wild Birds Protection Act, 1880 " there shall be substituted the words  
"included in the First Schedule to the Protection of Birds Act, 1954";
  - the words " or of any subsequent enactment " shall be omitted.

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- 2 In the Agriculture (Scotland) Act, 1948, in subsection (3) of section thirty-nine, for the words from " the killing " to " those Acts " there shall be substituted the words  
 “included in the First Schedule to the Protection of Birds Act, 1954, as it applies in that area, whether by virtue of the terms thereof or by virtue of an order of the Secretary of State”.

## SIXTH SCHEDULE

### REPEALS

<i>Session and Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
13 Geo. 3. c. 54	The Game (Scotland) Act, 1772.	In section three the words " or quails ".
1 & 2 Will. 4. c. 32.	The Game Act, 1831 ...	In section two, the words " and bustards "; in section five the words " quail or landrail"; in section thirty the words " quai Is, landrails "; in section thirty-one the words " quails, landrails "; in section thirty-two the words " quails, landrails".
2 & 3 Will. 4. c. 68.	The Game (Scotland) Act, 1832.	In section one, the words " quails, landrails " in both places where they occur; in section two the words "quails, landrails ".
23 & 24 Vict. c. 90.	The Game Licences Act, 1860.	In section two, the words " quail or landrail " in both places where they occur; in section four the words " quail or landrail"; in section five, in paragraph 3 of the exemptions, the words " quail, landrail " in both places where they occur.
43 & 44 Vict. c. 35.	The Wild Birds Protection Act, 1880.	The whole Act.
44 & 45 Vict. c. 51.	The Wild Birds Protection Act, 1881.	The whole Act.
48 & 49 Vict. c. 61.	The Secretary for Scotland Act, 1885.	In the First Schedule, the entry relating to wild birds protection.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In paragraph (xiii) of section three, the words " to wild birds ".



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<i>Session and Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
51 & 52 Vict. c. 55.	The Sand-Grouse Protection Act, 1888.	The whole Act.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	In section eleven, in paragraph (i) of subsection (5), the words " and to wild birds ".
57 & 58 Vict. c. 24.	The Wild Birds Protection Act, 1894.	The whole Act.
59 & 60 Vict. c. 56.	The Wild Birds Protection Act, 1896.	The whole Act.
2 Edw. 7. c. 6.	The Wild Birds Protection Act, 1902.	The whole Act.
4 Edw. 7. c. 4.	The Wild Birds Protection Act, 1904.	The whole Act.
4 Edw. 7. c. 10.	The Wild Birds Protection (St. Kilda) Act, 1904.	The whole Act.
8 Edw. 7. c. 11.	The Wild Birds Protection Act, 1908.	The whole Act.
8 Edw. 7.c. 62.	The Local Government (Scotland) Act, 1908.	Subsection (1) of section twenty-eight.
11 & 12 Geo. 5. c. 13.	The Captive Birds Shooting (Prohibition) Act, 1921.	The whole Act.
12 & 13 Geo. 5. c. 50.	The Expiring Laws Act, 1922.	In the First Schedule, the provision relating to the Sand-Grouse Protection Act, 1888.
15 & 16 Geo. 5. c. 31.	The Protection of Birds Act, 1925.	The whole Act.
18 & 19 Geo. 5. c. 2.	The Protection of Lapwings Act, 1928.	The whole Act.
23 & 24 Geo. 5. c. 52.	The Protection of Birds Act, 1933.	The whole Act.
1 & 2 Geo. 6. c. 5.	The Quail Protection Act, 1937.	The whole Act.
2 & 3 Geo. 6. c. 19.	The Wild Birds (Duck and Geese) Protection Act, 1939.	The whole Act.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	Section three hundred and sixteen.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	Paragraph 22 of Part II of the Tenth Schedule.

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*Table of Statutes referred to in this Act*

<i>Short Title</i>	<i>Session and Chapter</i>
Tweed Fisheries Act, 1857	20 & 21 Vict. c. cxlviii.
Salmon Fisheries (Scotland) Act, 1862	25 & 26 Vict. c. 97.
Cruelty to Animals Act, 1876	39 & 40 Vict. c. 77.
Wild Birds Protection Act, 1880	43 & 44 Vict. c. 35.
Sea Fisheries Regulation Act, 1888	51 & 52 Vict. c. 54.
Protection of Animals Act, 1911	1 & 2 Geo. 5. c. 27.
Protection of Animals (Scotland) Act, 1912	2 & 3 Geo. 5. c. 14.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Agriculture Act, 1947	10 & 11 Geo. 6.C.48.
River Boards Act, 1948	11 & 12 Geo. 6.C.32.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6.C.45.
Diseases of Animals Act, 1950	14 Geo. 6. c 36.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.