

## STATUTORY INSTRUMENTS

1977 No. 2079 (S. 160)

## WILD BIRDS

## The Wild Birds (Various Species) (Scotland) Order 1977

Made - - - - 7th December 1977

Coming into Operation 1st January 1978

In exercise of the powers conferred on me by section 9(1) of the Protection of Birds Act 1954(a), and of all other powers enabling me in that behalf, and after consulting the Advisory Committee on the Protection of Birds for Scotland in accordance with section 13(2)(a) of the said Act and giving an opportunity to submit objections or representations in accordance with section 13(2)(b) thereof, I hereby make the following order:—

1.—(1) This order, which shall apply to Scotland, may be cited as the Wild Birds (Various Species) (Scotland) Order 1977 and shall come into operation on 1st January 1978.

(2) In this order “the Act” means the Protection of Birds Act 1954.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. The wild birds specified in the Schedule to this order shall, with respect to Scotland, be added to Part I of Schedule 1 to the Act (wild birds and their eggs which are protected at all times by special penalties).

3. The Pintail shall, with respect to Scotland, be removed from the species of wild duck listed in Schedule 3 to the Act (wild birds which may be killed or taken outside the close season) and added to the species of wild duck listed in Part II of Schedule 1 to the Act (wild birds and their eggs which are protected during the close season by special penalties).

*Bruce Millan,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.

7th December 1977.

(a) 1954 c.30.

(b) 1889 c. 63.

*Article 2.*

## SCHEDULE

## WILD BIRDS TO BE ADDED TO PART I OF SCHEDULE 1

Falcon, Gyr  
Gull, little  
Gull, Mediterranean  
Heron, purple  
Rosefinch, scarlet  
Sandpiper, green  
Shorelark  
Trecreeper, short-toed  
Warbler, Cetti's

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Any person who commits an offence under the Protection of Birds Act 1954 in respect of a wild bird included in Schedule 1 to the Act or in respect of the nest or egg of such a bird is liable to special penalties if the offence is committed at any time and the bird is included in Part I of the Schedule or if the offence is committed in the close season and the bird is included in Part II of the Schedule. With respect to Scotland, this Order adds the wild birds specified in the Schedule to the Order to Part I and adds the Pintail to the species of wild duck listed in Part II of Schedule 1 to the Act. As any wild bird included in Part II of Schedule 1 is already incorporated by reference into Schedule 3 to the Act (which lists the wild birds which may be killed or taken outside the close season), this Order also removes, as being unnecessary, the express reference to the Pintail in the species of wild duck listed in the said Schedule 3.

SI 1977/2079  
ISBN 0-11-072079-2



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