

SCHEDULE 6 PROTECTION OF WILDLIFE

Protection of birds: offences

- 2 (1) Section 1 (protection of wild birds etc.) is amended as follows.
- (2) In subsection (1)—
- (a) after “intentionally” insert “or recklessly”,
 - (b) in paragraph (b), for “or destroys” substitute “, destroys or otherwise interferes with”,
 - (c) after paragraph (b) insert—
 - “(ba) at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;
 - (bb) obstructs or prevents any wild bird from using its nest;”.
- (3) In subsection (3)—
- (a) in paragraph (a), after “taken”, where second occurring, insert “at or from a place in Scotland”,
 - (b) the word “or” at the end of that paragraph is repealed,
 - (c) in paragraph (b), after “sold” insert “at a place in Scotland”,
 - (d) after that paragraph insert “; or
 - (c) that the bird, egg or other thing in his possession or control had been killed at, taken from or sold at a place outwith Scotland and—
 - (i) that the act of killing, taking or sale would not, if it had been committed in Scotland, have been in contravention of the relevant provisions; or
 - (ii) that the bird, egg or other thing had been brought from the place where it was killed, taken or sold in accordance with the relevant regulations.”,
 - (e) the words from “and”, where first occurring, to the end of the subsection are repealed.
- (4) After that subsection insert—
- “(3A) In subsection (3)—
- “the relevant provisions” means such of the provisions of—
 - (a) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts, and
 - (b) this Part and orders made under it,as were in force at the time when the bird or egg was killed or taken or, as the case may be, the bird, egg or other thing was sold,
 - “the relevant regulations” means—
 - (a) Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade, and
 - (b) Commission Regulation 1808/2001/EC on the implementation of that Council Regulation,

Status: This is the original version (as it was originally enacted).

as amended from time to time (or any Community instrument replacing either of them).”

(5) In subsection (5), after “intentionally” insert “or recklessly”.

(6) After that subsection insert—

“(5A) Subject to the provisions of this Part, any person who intentionally or recklessly disturbs any wild bird included in Schedule 1 which leks while it is doing so shall be guilty of an offence.

(5B) Subject to the provisions of this Part, any person who intentionally or recklessly harasses any wild bird included in Schedule 1A shall be guilty of an offence.

(5C) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.”