



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 3

#### WILDLIFE ETC.

#### *Protection of birds*

#### **47 Protection for nests of certain birds which re-use their nests**

- (1) Amend the Wildlife and Countryside Act 1981 (c. 69) as follows.
- (2) In section 1 (protection of wild birds, their nests and eggs), in subsection (1), after paragraph (a) insert—
  - “(aa) takes, damages or destroys the nest of a wild bird included in Schedule ZA1;”.
- (3) At the beginning of the Schedules insert—

#### “SCHEDULE ZA1

#### BIRDS WHICH RE-USE THEIR NESTS

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<i>Common name</i>	<i>Scientific name</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Osprey	<i>Pandion haliaetus</i> ”

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NOTE: The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Cross Heading: Protection of birds. (See end of Document for details)*

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- (4) In—
- (a) section 4 (exceptions to sections 1 and 3), in subsection (1)(c), and
  - (b) section 7 (registration etc. of certain captive birds), in subsection (3A)(a)(i) and (c)(i),
- after “Schedule” insert “ ZA1 or ”.
- (5) In section 22 (power to vary Schedules), in subsection (1), for “Schedules 1 to 4” substitute “ Schedules ZA1 to 4 ”.

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**Commencement Information**

**II** S. 47 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

**48 Birds released into the wild as part of re-population programme**

- (1) In section 1 of the 1981 Act (protection of wild birds, their nests and eggs), for subsection (6) substitute—
- “(6) For the purposes of this section the definition of “wild bird” in section 27(1) is to be read as not including any bird which is shown to have been bred in captivity unless it has been lawfully released into the wild as part of a re-population or re-introduction programme.
- (6A) “Re-population” and “re-introduction” have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 (No [1979/409/EEC](#)) on the conservation of wild birds.”
- (2) In section 6 of the 1981 Act (sale etc. of live or dead wild birds, eggs etc.), for subsection (5) substitute—
- “(5) Any reference in this section to any bird included in Part 1 of Schedule 3 is a reference to any bird included in that Part which—
- (a) was bred in captivity,
  - (b) has been ringed or marked in accordance with regulations made by the Secretary of State, and
  - (c) has not been lawfully released into the wild as part of a re-population or re-introduction programme.
- (5A) “Re-population” and “re-introduction” have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 (No [1979/409/EEC](#)) on the conservation of wild birds.
- (5B) Regulations made for the purposes of subsection (5)(b) may make different provision for different birds or different provisions of this section.”

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**Commencement Information**

**I2** S. 48 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

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**Changes to legislation:** There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Cross Heading: Protection of birds. (See end of Document for details)

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#### **49 Registration etc. of certain captive birds**

In section 7 of the 1981 Act (registration etc. of certain captive birds), in subsection (3A), after paragraph (c) insert—

“(ca) any offence under subsection (1);”.

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#### **Commencement Information**

**I3** S. 49 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Cross Heading: Protection of birds.