



Protection of Birds Act 1954

1954 CHAPTER 30

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.
- (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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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.