



Protection of Birds Act 1954

1954 CHAPTER 30

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 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.

Status: This is the original version (as it was originally enacted).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

- (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.