



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Protection of birds*

#### **1 Protection of wild birds, their nests and eggs**

- (1) Subject to the provisions of this Part, if any person intentionally—
- (a) kills, injures or takes any wild bird ;
  - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
  - (c) takes or destroys an egg of any wild bird,
- he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control—
- (a) any live or dead wild bird or any part of, or anything derived from, such a bird ; or
  - (b) an egg of a wild bird or any part of such an egg,
- he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) if he shows that—
- (a) the bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions ; or
  - (b) the bird, egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions ;

and in this subsection " the relevant provisions " means the provisions of this Part and of orders made under it and, in the case of a bird or other thing falling within subsection (2)(a), the provisions of the Protection of Birds Acts 1954 to 1967 and of orders made under those Acts.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Any person convicted of an offence under subsection (1) or (2) in respect of—
- (a) a bird included in Schedule 1 on any part of, or any thing derived from, such a bird ;
  - (b) the nest of such a bird ; or
  - (c) an egg of such a bird or any part of such an egg,
- shall be liable to a special penalty.
- (5) Subject to the provisions of this Part, if any person intentionally—
- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young ; or
  - (b) disturbs dependent young of such a bird,
- he shall be guilty of an offence and liable to a special penalty.
- (6) In this section " wild bird" does not include any bird which is shown to have been bred in captivity.
- (7) Any reference in this Part to any bird included in Schedule I. is a reference to any bird included in Part I and, during the close season for the bird in question, any bird included in Part II. of that Schedule.