

1970 No. 716 (S.53)

## WILD BIRDS

## The Wild Birds (Various Species) (Scotland) Order 1970

*Made*            -       -       -                      8th May 1970*Coming into Operation*                      18th May 1970

In exercise of the power conferred on me by sections 9(1) and 13(1) of the Protection of Birds Act 1954(a), and after consulting the Advisory Committee on the Protection of Birds for Scotland and giving an opportunity to submit objections or representations, I hereby make the following order :—

1.—(1) This order, which shall apply to Scotland, may be cited as the Wild Birds (Various Species) (Scotland) Order 1970 and shall come into operation on 18th May 1970.

(2) In this order “the Act” means the Protection of Birds Act 1954.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. The wild birds specified in Schedule 1 to this order shall, with respect to Scotland, be added to Part I of Schedule 1 to the Act (which confers protection by special penalties at all times).

3. The wild birds specified in Schedule 2 to this order shall, with respect to Scotland, be removed from Part I of Schedule 1 to the Act.

4. The two following wild birds shall, with respect to Scotland, be removed from Part II of Schedule 1 to the Act (which confers protection by special penalties during the close season) and shall be added to Part I of that Schedule, namely Brambling and Black-tailed Godwit.

5. The Wild Birds (Bramblings and Black-Tailed Godwits) (Scotland) Order 1957(c) is hereby revoked.

6. In accordance with the provisions of this order and of the other subsisting orders (d) by which birds have been added to, or removed from, Schedule 1, 2

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(a) 1954 c. 30.

(b) 1889 c. 63.

(c) S.I. 1957/326 (1957 II, p. 3062).

(d) S.I. 1955/496; 1955/1751; 1956/332; 1962/2591; 1965/2181; 1967/1181; 1967/1724; 1967/1887 (1962 III, p. 3482; 1967 II, p. 3466; 1967 III, pp. 4649, 5130).

or 3 to the Act, those Schedules have effect, with respect to Scotland, as set out in the Appendix to this order.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.  
8th May 1970.

## Article 2

## SCHEDULE 1

## WILD BIRDS TO BE ADDED TO PART I OF SCHEDULE 1

<b>Bluethroat</b>	Quail, European
<b>Crake, spotted</b>	<b>Redwing</b>
<b>Crossbill</b>	<b>Sandpiper, wood</b>
Diver, all species	<b>Serin</b>
<b>Fieldfare</b>	<b>Shrike, red-backed</b>
<b>Firecrest</b>	<b>Sparrow-hawk</b>
Harrier, all species	<b>Tern, little</b>
<b>Kingfisher</b>	<b>Warbler, Savi's</b>
<b>Owl, barn</b>	<b>Woodlark</b>

## Article 3

## SCHEDULE 2

## WILD BIRDS TO BE REMOVED FROM PART I OF SCHEDULE 1

<b>Bustard</b>	Marsh-harrier
Diver, black-throated	Montagu's harrier
Diver, great northern	Quail, common
Diver, red-throated	<b>Roller</b>
Hen-harrier	<b>Swan, Bewick's</b>
	<b>Wren, St. Kilda</b>

## APPENDIX

## Article 6

## SCHEDULE 1

Sections 1, 4, 6,

## WILD BIRDS AND THEIR EGGS PROTECTED BY SPECIAL PENALTIES

## PART I

## AT ALL TIMES

Avocet	<b>Owl, barn</b>
Bee-eater (all species)	Owl, snowy
Bittern (all species)	Peregrine

<b>Bluethroat</b>	Phalarope, red-necked
<b>Brambling</b>	Plover, Kentish
Bunting, snow	Plover, little ringed
Buzzard, honey	Quail, European
Chough	Redstart, black
Corncrake (landrail)	<b>Redwing</b>
<b>Crake, spotted</b>	Ruff and reeve
<b>Crossbill</b>	<b>Sandpiper, wood</b>
Diver (all species)	<b>Serin</b>
Dotterel	<b>Shrike, red-backed</b>
Eagle (all species)	<b>Sparrow-hawk</b>
<b>Fieldfare</b>	Spoonbill
<b>Firecrest</b>	Stilt, black-winged
<b>Godwit, black-tailed</b>	Stint, Temminck's
Goshawk	Stone curlew
Grebe, black-necked	Swan, whooper
Grebe, Slavonian	Tern, black
Greenshank	<b>Tern, little</b>
Harrier (all species)	Tern, roseate
Hobby	Tit, bearded
Hoopoe	Tit, crested
<b>Kingfisher</b>	Warbler, Dartford
Kite	Warbler, marsh
Merlin	<b>Warbler, Savi's</b>
Oriole, golden	<b>Woodlark</b>
Osprey	Wryneck

## PART II

## DURING THE CLOSE SEASON

Whimbrel

Wild duck of the following species—

Common scoter  
 Garganey teal  
 Goldeneye  
 Long-tailed duck  
 Scaup-duck  
 Velvet scoter

## SCHEDULE 2

Sections 2, 3, 5, 9, 10

WILD BIRDS WHICH MAY BE KILLED OR TAKEN AT ANY TIME BY

## AUTHORISED PERSONS

Cormorant	Magpie
Crow, carrion	Raven (in Argyll and Skye)
Crow, hooded	Red-breasted merganser
Domestic pigeon gone feral	(in Scotland only)

Dove, collared (in Scotland only)	Rock-dove (in Scotland only)
Goosander (in Scotland only)	Rook
Gull, greater black-backed	Shag
Gull, lesser black-backed	Sparrow, house
Gull, herring	Starling
Jackdaw	Stock-dove
Jay	Wood-pigeon

Sections 2, 6, 7, 9

### SCHEDULE 3

WILD BIRDS WHICH MAY BE KILLED OR TAKEN OUTSIDE THE CLOSE SEASON

Any wild bird included in Part II of Schedule 1 to this Act.

Capercaillie

Coot

Curlew (other than stone curlew)

Gannet (on the island of Sula Sgeir in Ross and Cromarty)

Godwit, bar-tailed

Moorhen

Plover, golden

Plover, grey

Redshank, common

Snipe, common

Snipe, jack

Wild duck of the following species—

Common pochard

Gadwall

Mallard

Pintail

Shoveler

Teal

Tufted duck

Wigeon

Wild geese of the following species—

Barnacle goose (in the Western Isles)

Bean-geese

Canada goose

Grey lag goose

Pink-footed goose

White-fronted goose

Woodcock

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Any person who at any time commits an offence under the Protection of Birds Act 1954 in respect of a bird included in Part I of Schedule 1 to the Act or in respect of the nest or egg of such a bird is liable to special penalties. This Order, which has effect in Scotland, adds the birds listed in Schedule 1 to, and in Article 4 of, the Order, to Part I of Schedule 1 to the Act and removes those listed in Schedule 2 to the Order from that Part so that the latter enjoy only the general protection under the Act afforded to the majority of wild bird species. Schedules 1, 2 and 3 to the Act will now have effect, in Scotland, as set out in the Appendix to the Order. The present changes are shown in bold type in the Schedules to the Order and the Appendix, except where they relate to nomenclature only.

SI 1970/ 716  
ISBN 0-11-000716-6

