
STATUTORY INSTRUMENTS

2004 No. 1487

**The Wildlife and Countryside Act 1981(England
and Wales) (Amendment) Regulations 2004**

Amendment of the Wildlife and Countryside Act 1981

3. In section 1 (protection of wild birds, their nests and eggs)—
- (a) in subsection (3)(a)—
 - (i) before “killed”, the second time it occurs, insert “lawfully”, and
 - (ii) omit “otherwise than in contravention of the relevant provisions”;
 - (b) in subsection (3)(b)—
 - (i) before “sold” insert “lawfully”, and
 - (ii) omit “otherwise than in contravention of those provisions”;
 - (c) in subsection (3) omit the words from “and”, where first occurring, to the end of the subsection; and
 - (d) after subsection (3) insert the following subsection—
 - “(3A) In subsection (3) “lawfully” means without any contravention of—
 - (a) this Part and orders made under it,
 - (b) the Protection of Birds Acts 1954 to 1967⁽¹⁾ and orders made under those Acts,
 - (c) any other legislation which implements Council Directive [79/409/EEC](#)⁽²⁾ on the conservation of wild birds and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964⁽³⁾, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976⁽⁴⁾, and
 - (d) the provisions of the law of any member State (other than the United Kingdom) implementing the Council Directive referred to in paragraph (c).”

(1) 1954 c. 30; 1964 c. 59; 1967 c. 46.

(2) O.J. No. L103, 25.04.79 p.1.

(3) 1964 c. 29.

(4) 1976 c. 86.