



Protection of Birds Act 1954

1954 CHAPTER 30

12 Enforcement, penalties, etc.

- (1) A constable may without warrant stop and search any person found committing an offence against this Act and any vehicle, boat or animal which that person may then be using, and may—
 - (a) arrest that person if he fails to give his name and address to the constable's satisfaction; and
 - (b) seize and detain for the purposes of proceedings under this Act any wild bird, whether alive or dead, or any egg or nest of a wild bird, or any weapon or other article capable of being used to kill or take wild birds, which may be in that person's possession.
- (2) Any person guilty of an offence against this Act—
 - (a) in a case where this Act or any order made thereunder provides that he shall be liable to a special penalty, shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or to a term of imprisonment not exceeding, for a first offence against this Act, one month or, for a second or subsequent offence against this Act, three months, or to both such a fine and such imprisonment;
 - (b) in any other case shall be liable on summary conviction to a fine not exceeding five pounds:

Provided that where the offence was committed in respect of more than one bird, nest, egg, skin or other article, the maximum fine which may be imposed under this subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, skin or article.

- (3) The court before whom any person is convicted of an offence against this Act shall order the forfeiture of any bird, nest, egg or skin in respect of which the offence was committed and may, if they think fit, order the forfeiture of any weapon, decoy bird or other article in respect of or by means of which the offence was committed.
- (4) In England or Wales, the council of a county or county borough shall have power to institute proceedings for any offence against this Act committed within the area of that county or county borough, and where an order has been made under section three of

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this Act, any local authority shall have power to institute proceedings for an offence under that order committed within the area of that authority.

- (5) Where any offence against this Act is committed at some place on the water or in the air outside the area of any commission of the peace, the place of the commission of the offence shall, for the purposes of the jurisdiction of any court, be deemed to be any place where the offender is found or to which he is first brought after the commission of the offence.