



# Protection of Birds Act 1967

## 1967 CHAPTER 46

An Act to amend the law relating to the protection of birds. [14th July 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Extension of protection for lapwing eggs**

- (1) The prohibition imposed by section 6(1) of the Protection of Birds Act 1954 (in this Act referred to as "the principal Act") on a person's selling, offering for sale or having in his possession for sale, and by section 7(1) of that Act on the importation of, the eggs of a lapwing, save as may be authorised by a licence granted under section 10 of that Act, shall, instead of being limited to the period in any year after 14th April, have effect throughout the year; and accordingly in that Act section 6(1)(iii), in section 7(1) (c) the words "on or after the fifteenth day of April in any year" and section 9(4) (c) and (d) are hereby repealed.
- (2) In this section any reference to sale shall be construed as including a reference to barter and exchange.

### **2 Extension of protection for eggs of common wild birds**

The power of the Secretary of State under section 2 of the principal Act to prescribe common wild birds whose eggs may be taken or destroyed without contravening section 1 of that Act shall cease; and, accordingly, in subsection (4)(a) of the said section 2 the words from "or of any other common wild bird" to the end are hereby repealed.

### **3 Extension of prohibition of sale of dead wild geese**

- (1) The prohibition imposed by section 6(1) of the principal Act on a person's selling, offering for sale or having in his possession for sale a dead wild goose, save as may

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be authorised by a licence granted under section 10 of that Act, shall, instead of being limited to the period in any year commencing with 28 th February and ending with 31st August, have effect throughout each year.

- (2) Accordingly, for paragraph (c) of the said section 6(1) there shall be substituted the following paragraph:—

“(c) a dead wild goose, or, during the period in any year commencing with 28th February and ending with 31st August, any other dead wild bird being a bird included in Schedule 3 to this Act or a wild duck, whether or not so included ;”

- (3) In this section any reference to sale shall be construed as including a reference to barter and exchange.

#### **4 Disturbance of nesting birds**

- (1) Subject to this section, if any person wilfully disturbs any wild bird included in Schedule 1 to the principal Act (wild birds protected by special penalties) while it is on or near a nest containing eggs or unflown young of any such bird he shall be guilty of an offence against that Act and liable to a special penalty under that Act.

- (2) An order made with respect to any area under section 3(1) of the principal Act (establishment of bird sanctuaries) may provide, subject to this section, that any person who, within that area, wilfully disturbs any wild bird while it is on or near a nest containing eggs or unflown young shall be guilty of an offence against that Act; and paragraph (d) of the said section 3(1) (which enables the order to direct that a person committing an offence within the area to which the order relates shall be liable to a special penalty) shall have effect accordingly.

- (3) A person shall not be guilty of an offence by virtue of subsection (1) of this section or of any order made by virtue of subsection (2) of this section—

- (a) by reason of anything done by him for the purpose of examining the nest of any wild bird for scientific or conservation purposes if he is an officer of, or a person for the time being approved for that purpose by, the Natural Environment Research Council; or
- (b) by reason of anything done by him for the purpose of photographing any wild bird or its eggs if he is a person for the time being approved for that purpose by that Council.

- (4) An authorised person shall not by virtue of any such order be guilty of an offence by reason of disturbing any wild bird included in Schedule 2 to the principal Act.

- (5) In section 4 of the principal Act (general exceptions to liability under section 1 or an order under section 3 of that Act) references to the said section 1 shall include references to subsection (1) above, and references to such an order shall include references to such an order made by virtue of subsection (2) above.

- (6) A licence under section 10 of the principal Act to take or kill any wild birds or to take the nests or eggs of any wild birds shall be taken as authorising any act reasonably incidental to that taking or killing which would otherwise constitute an offence against that Act by virtue of this section.

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## **5 Restriction of ringing and marking**

- (1) If, save as permitted under this Act, any person—
- (a) rings or marks any wild bird, other than a bird mentioned in paragraph (b) below; or
  - (b) not being an authorised person, rings or marks any wild goose or wild duck or any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan,

he shall be guilty of an offence against the principal Act and if that offence is committed in respect of a bird included in Schedule 1 to that Act, he shall be liable to a special penalty under that Act.

- (2) So much of section 4(1)(c) of the principal Act as makes lawful the taking of, or an attempt to take, any wild bird, if the bird is taken or to be taken solely for the purpose of ringing or marking that or some other bird and then releasing it, shall cease to apply—
- (a) to any bird other than a wild goose or wild duck;
  - (b) to anything done by any person other than an authorised person.

## **6 Use of poisonous substances, electrical devices and c,**

- (1) In section 5(1)(a) of the principal Act (which prohibits the setting in position of articles calculated to cause injury to wild birds) there shall be included among the articles mentioned in that paragraph any electrical device designed to frighten birds, and for the reference to poisoned or stupefying bait there shall be substituted a reference to any poisoned, poisonous or stupefying substance; and section 5(1)(b) of that Act (which prohibits the use of nets and other devices for killing or taking wild birds) shall have effect as if it contained a reference to gas.
- (2) In section 10(1)(d) of the principal Act (under which a licence may be granted authorising the use of poisoned or stupefying bait for the purpose of killing wild birds included in Schedule 2 to that Act) for the reference to poisoned or stupefying bait there shall be substituted a reference to any poisoned, poisonous or stupefying substance; and that paragraph shall have effect as if it contained a reference to gas and to the use of any net for taking birds in flight and a cannon net for taking birds on the ground.
- (3) In section 5(4) of the principal Act (which permits the use of nets, other than rocket-propelled nets, for certain purposes) and in section 10(1)(e) of that Act (under which a licence may be granted authorising the use of rocket-propelled nets for certain purposes) for the reference to the use of a rocket-propelled net there shall be substituted a reference to the use of any net for taking birds in flight and the use of any rocket-propelled or cannon net for taking birds on the ground.

## **7 Special protection in severe weather**

- (1) If it appears to the Secretary of State that it is expedient, in consequence of severe weather conditions, that any wild birds included in Schedule 3 to the principal Act should be protected during any period outside the close season for those birds prescribed by or under that Act, he may by order declare any period (which shall not in the case of any order exceed fourteen days) as a period of special protection for those birds.

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- (2) An order under this section may be made with respect to the whole or any specified part of Great Britain.
- (3) Sections 1 and 2(2) of the principal Act (which prohibit the killing or taking of wild birds included in Schedule 3 to that Act in the close season) shall have effect as if any period of special protection declared under this section for any birds formed part of the close season for those birds, and sections 4 and 10 of that Act (which provide for exceptions to the prohibition in the said section 1) shall have effect accordingly.
- (4) Before making an order under this section the Secretary of State shall consult—
  - (a) a person appointed for the purposes of this section by the appropriate advisory committee ;
  - (b) the Natural Environment Research Council; and
  - (c) a person appearing to the Secretary of State to be a representative of persons interested in the shooting of birds of the species proposed to be protected under the order.

## **8 Additional matters for which licences may be granted**

- (1) A licence may be granted under section 10 of the principal Act—
  - (a) for the purpose of preventing serious damage to crops, vegetables, fruit, growing timber or any other form of property or to fisheries, to kill or take within any area specified in the licence by any means so specified any number so specified of wild birds included in Schedule 1 to that Act of any description so specified ;
  - (b) for the purpose of ringing or marking, to take within any area specified in the licence wild birds of any description so specified;
  - (c) to kill, in the course of falconry, within any area specified in the licence, wild birds of any description so specified by flying birds of prey of any description so specified;
  - (d) for the purpose of aviculture, to take within any area specified in the licence by any means so specified, or to import, any number so specified of wild birds of any description so specified.
- (2) The appropriate authority for the grant of a licence under the said section 10 by virtue of subsection (1) above shall be—
  - (a) in the case of a licence granted by virtue of paragraph (a) , (c) or (d) of that subsection, the Secretary of State after consultation with the appropriate advisory committee;
  - (b) in the case of a licence granted by virtue of paragraph (b) of that subsection, the Natural Environment Research Council.
- (3) In subsection (5) of section 10 of the principal Act (licences in respect of importation to Northern Ireland) the reference to subsection (2) (a) of that section shall include a reference to subsection (2) (a) of this section.
- (4) In subsection (1)(b) and (c) of this section " wild bird " includes pheasant, partridge, grouse (or moor game), black (or heath) game and, in Scotland, ptarmigan.

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## **9 Close season for certain gannets**

Notwithstanding anything in section 9 of the principal Act (which enables the Secretary of State by an order made either generally or with respect to any specified part of Great Britain to add any wild bird to Schedule 3 to that Act and to prescribe a close season for that bird ending not earlier than 31st August) any order under that section adding gannets to the said Schedule 3 with respect to the island of Sula Sgeir in the County of Ross and Cromarty may prescribe a close season for such birds on that island ending not earlier than 14th August.

## **10 Powers of local authorities**

The council of any county, county borough or London borough and the Common Council of the City of London and, in Scotland, the council of any county or large burgh, may take such steps as they think expedient for bringing the effect of the principal Act and this Act to the attention of the public.

## **11 Search and arrest without warrant for offences against eggs of specially protected birds**

Where a constable has reasonable grounds for suspecting that any person has, in contravention of section 1 of the principal Act, taken or destroyed an egg of a bird included in Schedule 1 to that Act and that evidence of the commission of the offence is to be found on that person or any vehicle, boat or animal which that person may be using, the constable may without warrant stop and search that person and any such vehicle, boat or animal, 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 that Act anything which may be in that person's possession which is evidence of the commission of the offence.

## **12 Short title, construction, extent and commencement**

- (1) This Act may be cited as the Protection of Birds Act 1967.
- (2) This Act shall be construed as one with the principal Act (except that section 13(2) to (5) of that Act shall not apply to orders under section 7 of this Act), and that Act, the Protection of Birds Act 1954 (Amendment) Act 1964 and this Act may be cited together as the Protection of Birds Acts 1954 to 1967.
- (3) This Act, except so much of section 1(1) as relates to sections 7 and 9 of the principal Act, section 8 so far as it relates to the importation of birds, and this section, shall not extend to Northern Ireland.
- (4) This Act shall come into force at the expiration of a period of six months beginning with the day on which it is passed.