

---

STATUTORY INSTRUMENTS

---

**2017 No. 1013**

**The Conservation of Offshore Marine  
Habitats and Species Regulations 2017**

**PART 3**

**PROTECTION OF SPECIES**

*Protection of birds*

**Sale etc. of live or dead wild birds, eggs etc.**

**43.**—(1) Subject to paragraph (3) and regulation 55, it is an offence for a person—

- (a) to be in possession of,
- (b) to transport for the purpose of sale,
- (c) to sell, or
- (d) to offer or expose for sale,

anything to which this paragraph applies.

(2) Paragraph (1) applies to—

- (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.

(3) A person (“P”) is not guilty of an offence under paragraph (1) in respect of any bird belonging to a species referred to in Part A of Annex III to the Wild Birds Directive, or any egg of such a bird, or anything derived from such a bird, if P shows that—

- (a) the bird, egg or other thing had been lawfully killed or taken; or
- (b) the bird, egg or other thing had been lawfully sold (whether to P or any other person) or otherwise lawfully acquired by P.

(4) In paragraph (3) “lawfully” means—

- (a) without contravention of Part 1 of the Wildlife and Countryside Act 1981, the Wildlife (Northern Ireland) Order 1985, the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007<sup>M1</sup> or these Regulations; or
- (b) in the case of a bird, egg or other thing killed, taken or sold in Gibraltar or a member State<sup>F1</sup> ..., without contravention (as the case may be) of the law of Gibraltar or the law of that State implementing the Wild Birds Directive.

(5) In any proceedings for an offence under this regulation—

- (a) the bird in question is to be presumed to have been wild unless the contrary is shown; and
- (b) if the prosecution proves—

- (i) that the part of a bird in question, or the egg in question, is of a bird which is a member of a species referred to in Article 1 of the Wild Birds Directive, or
  - (ii) that the thing in question is derived from such a bird,
- it is to be presumed that the bird was a wild bird unless the contrary is shown.
- (6) In this regulation—
- (a) “egg” includes part of an egg; and
  - (b) “sale” includes hire, barter and exchange, and cognate expressions are to be construed accordingly.

---

**Textual Amendments**

- F1** Words in reg. 43(4)(b) omitted (31.12.2020) by virtue of [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, **58**; 2020 c. 1, Sch. 5 para. 1(1)
- 

**Marginal Citations**

- M1** [S.I. 2007/1842](#), amended by [S.I. 2009/7](#), [2010/491](#) and [2012/1928](#), and revoked by these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 43.