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## Biology Curators Group Newsletter

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PAPER PREPARED BY THE DEPARTMENT OF THE ENVIRONMENT FOR THE SEMINAR ON  
FRIDAY 14 MAY TO CONSIDER THE IMPLICATIONS OF THE WILDLIFE AND COUNTRYSIDE ACT  
FOR MUSEUMS

WILDLIFE AND COUNTRYSIDE ACT

Effects on Museums

Part I of the Wildlife and Countryside Act 1981 is concerned with species protection; birds, other animals and plants. This paper looks at the legislation as it affects museums.

Birds

Many of the bird protection measures repeat provisions in the Protection of Birds Acts 1954-67. Two changes affect museums in particular; possession of eggs and sale of dead birds.

Possession of Eggs

The Protection of Birds Act 1954 prohibited with a limited number of specified exceptions the taking of eggs. The possession of eggs, however, was not an offence. This proved to be a serious loophole and has now been closed by the new Act. It was also necessary to make new provision to comply with the requirements of the European Community Directive on the Conservation of Wild Birds.

Section 1(2)(b) makes it an offence for anyone to be in possession or control of an egg or eggs of any wild bird or any part of an egg (including a blown egg), taken after the Act has come into force with exceptions for the eggs of pest species (Schedule 2 Part II - Annex 1) and those taken under licence. Existing egg collections are not directly affected. The burden of proving that an egg is lawfully in possession lies with the "keeper" of the egg. The provision applies equally to the birds themselves and follows from a similar provision in the 1954 Act though that applied only to "recently taken" birds.

An owner of eggs who feared being charged with illegal taking might wish to be able to show that the eggs in his collection have been acquired before the Act came into force or that they had been taken from the wild under the Act's licensing provisions. Museums, though subject to these provisions, should not normally have any problems. Those which do not have properly documented collections would be well advised as a matter of prudence to document them. It is for museums themselves to decide on how best to protect themselves from accusations of contravening the bird protection legislation. Museums should have little difficulty with the Courts provided they have sensible safeguards and security which, in view of the known pressures on rare birds from illicit egg collecting, it is reasonable to expect should already exist. If a museum's collection is not properly documented it could protect itself by keeping full records of eggs that come in after the Act comes into force. All non-recorded eggs could therefore be presumed to antedate the Act but if necessary the curator of the collection could swear out an affidavit to this effect.

### Sale of Dead Birds

Section 6 of the Act prohibits the sale of dead birds with certain limited exceptions except for persons registered with the Department of the Environment in accordance with Regulations made by the Secretary of State. Sale includes hire, barter and exchange. Attached at Annex 2 is a copy of the Department's "Guide to the Registration of Sellers of Dead Birds", which explains the new provisions. A copy of the guide has been sent to all those who have applied to register under Section 6 and it is considered that any active taxidermists or keeper of bird skins should be so registered either institutionally or as an individual.

### Other Animals

The Act also protects certain other animals - those listed in Schedule 5 (Annex 3) - and includes prohibitions on their possession and sale. These provisions extend not only to adult animals but also their eggs, larva, pupae or other immature stages.

Certain animals are listed only in respect of the sale provisions. The purpose is to monitor the level of trade and so licences are freely issued permitting sale of these species. There is not a registration scheme. Applications to sell any protected animals should be made to the Department of the Environment in Bristol. Similarly, for protected plants listed on Schedule 8 (Annex 4) to the Act.

### Endangered Species (Import and Export) Act 1976

A number of changes have been made to this Act. The principle change affecting museums is the ban on sale, except under licence, of species listed on the new Schedules 4 and 5 to the Act (Annex 5). The species on these Schedules are almost entirely those listed on Appendix 1 to the Washington Convention on International Trade in Endangered Species (CITES). Again, applications to sell species (including their parts and derivatives) on this list should be made to the Department in Bristol. The provisions only apply to items imported after the coming into force of Part I of the Wildlife and Countryside Act. It is not enough to show that specimens were legally imported to be able to sell them unless the licence to import also permits subsequent sale.

Department of the Environment

April 1982