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## Biology Curators Group Newsletter

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Your reference

Our reference

B/104

Date

20 August 1979

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Dear Sir

PROPOSED WILDLIFE AND COUNTRYSIDE LEGISLATION

1. The Government intends to introduce a Wildlife and Countryside Bill during the present session of Parliament.
2. In order that account may be taken of the views of interested parties we are issuing a series of consultation papers, inviting comments on the issues raised in them. I enclose the third of these papers and shall be grateful to have any comments you wish to make by the end of September.\* We are, however working to a tight timetable and it would be most helpful if you will let me know as soon as possible if there are any significant matters which are of concern to you or which you consider might be treated in a different manner. Your reply should be addressed to: Department of the Environment, Room 3/24, Tollgate House, Houlton Street, Bristol, BS2 9DJ.
3. The first two papers in the series which dealt with Bulls and Public Paths and with the Review of Definitive Maps of Public Rights of Way have been sent to interested parties. If you did not receive a copy of either of these and require either one or both, they are available on request from the above address.

Yours faithfully

J C GOLDSMITH

\* NB: Replies will still be accepted at a later date.

Ed.

SPECIES PROTECTION

This is the third in a series of consultation papers relating to a proposed Wildlife and Countryside Bill. Any comments should be sent in time to reach the Department by 30 September 1979 addressed to the Department of the Environment, Room 324, Tollgate House, Houlton Street, Bristol BS2 9DJ.

BIRD PROTECTION

Following adoption of the EEC Directive on the conservation of Wild Birds, the United Kingdom has an obligation to amend its bird protection legislation by 1 April 1981. The Government is disposed to introduce the following provisions (those which are directly or indirectly related to the EEC Directive are indicated by an asterisk):-

- \*a. In general the taking of any kind of wild birds egg is already prohibited under the Protection of Birds Act 1954 (as amended in 1967); there are a few exceptions, however, and it is proposed to bring these under licencing control. Licences will be either specific or general (eg pest species).
- \*b. It is at present an offence to disturb wild birds listed in the First Schedule of the Protection of Birds Act 1954 (as amended in 1967). It is proposed to make it an offence to disturb nest building or fledging young near the nest in respect of all birds (except pest species). There would be exceptions for most reasonable activities which incidentally involve disturbance eg agriculture, forestry and gardening activities (apart from birds listed in the First Schedule of the current Act).
- \*c. It is proposed to list the prohibited methods of killing and trapping in a Schedule and not in the body of the Act. This list would take account of the methods listed in the Directive as well as methods currently prohibited. Additional prohibitions will be the use of tape recordings, electrical devices, mirrors etc, night lights and night gun sights and automatic or semi-automatic weapons (Appendix 1). Scheduling will allow more rapid amendment to take account of technological change. Certain exceptions would continue to be permitted under licence.
- d. It is proposed to provide for the establishment of a bird sanctuary in those areas where shooting and other sporting activities are not protected by a legal right. At present the establishment of a bird sanctuary would automatically prevent wildfowling, water-skiing etc except where those activities are being exercised under a legal right (eg by the landowner). There are circumstances where such activities are compatible with the establishment of a bird sanctuary and it is proposed to enable a sanctuary to be established whilst allowing such activities to continue.
- e. At present it is only an offence to take, damage or destroy a nest or egg of any wild bird. This means that although intent may be clear no action can be taken in law until the damage is done. It is proposed to make it an offence to attempt to do these things subject to the exceptions proposed in b. above.

\*f. The Fourth Schedule of the 1954 Act lists wild birds which may be sold alive if close ringed and bred in captivity. It is proposed to reduce the present list by about half by limiting it to those birds which are most easily bred in captivity and for which there is a large existing stock but which could only be sold if captive bred and close ringed. It is also proposed to limit exhibition of UK wild birds to those on this list. A provisional listing is at Appendix 2.

\*g. The Government is required by the Directive to initiate special controls over falconry and aviculture. It is proposed that all captive falconiformes and all First Schedule birds in captivity should be registered and ringed. This would accord with the recommendations of the Captive Hawks Report. It would be made an offence to possess or to assist in possession of a registrable bird within 5 years of conviction for an offence attracting special penalties or within 3 years of any other offence against the Protection of Birds Act. Similarly it would be made an offence knowingly to pass a registrable bird to a convicted person during the prohibition period, or to assist such a person in keeping a registrable bird.

\*h. Reduce the permitted period during which a bird may be confined for exhibition or competition in a small cage from 72 hours to 48 hours.

\*i. Under the Protection of Birds Acts all birds in the Second Schedule and Third Schedule may currently be sold if legally shot. It is proposed to limit the schedule of birds which may be sold (apart, of course, from those covered by f. above) to the 26 game and wildfowl species listed in the Directive. Closed season restrictions would remain. The proposed list is at Appendix 3.

\*j. The sale of dead birds other than those listed in i. above would in general be an offence. However, the sale, primarily for educational purposes, of birds which have been legally taken and subsequently mounted by taxidermists would be permitted provided that the taxidermist was registered on a statutory list to be maintained by the Guild of Taxidermists (on behalf of the Department) and complied with a Code of Practice approved by the Secretary of State. It would not be a requirement for taxidermists to become members of the Guild but as a condition of registration (for which a small fee might be charged) they would be required to keep adequate records of the immediate source and destination of the birds they mount and to place their mark on mounted birds for ease of identification. Conviction for any offence under the Protection of Birds Acts would involve automatic debarment from the Department's register for a period of 3 or 5 years depending on the nature of the offence.

k. Provide a search warrant power in relation to all suspected offences against specially protected birds (ie those at present covered by the First Schedule of the Protection of Birds Act). At present warrants may only be issued for suspected offences involving the sale of wild birds, eggs, skins or plumage.

#### CONSERVATION OF WILD CREATURES AND WILD PLANTS ACT 1975

The Act (which does not cover birds) prohibits killing, taking, injuring, possessing or selling creatures or plants listed in Schedules to the Act; there are exemptions for authorised persons and licences can be issued permitting activities which would otherwise be an offence under the Act. The Nature Conservancy Council (NCC) have a duty to review the Schedules to the Act and advise the Secretary of State of any wild creature or plant that becomes so rare that its status as a British wild creature or plant is endangered by an action designated as an offence under the Act. It is now proposed to incorporate the provisions of Lord Skelmersdale's recent amending Bill which would:-

- a. provide a definition for a new category of "vulnerable" species as those which whilst not in imminent danger of extinction are likely to become so,
- b. list species covered by the above definition (Appendix 4). The NCC would be responsible for advising the Secretary of State of creatures which in their view should be added or deleted from the Schedule,
- c. afford the same protection to vulnerable creatures as that afforded to endangered creatures except that it will be permitted for an authorised person to take any vulnerable wild creature for identification purposes (but not to mark) and to release it uninjured,
- d. widen the definition of wild creature to include not only eggs, larvae and pupae but also other immature stages,
- e. protect both categories, "vulnerable" and "endangered" against wilful disturbance although there would be certain exemptions for example for the householder and the farmer,
- f. remove the requirement for the NCC in giving advice to the Secretary of State on the addition of creatures or plants to the Schedules to the Act to consider only whether offences under the Act were placing the species in jeopardy. Additions to the list could be made if any factor operating was considered to be imperilling the survival of the species,
- g. increase the maximum penalty for an offence under the Act from £200 to £500.

It is also proposed:-

- h. to prohibit certain methods of killing particular wild creatures. The prohibited methods will form a schedule to the Act (Appendix 5) and the creatures to which the prohibition applies will also be listed (broadly, the prohibition will apply to all mammals except pest species). This provision is expected to meet the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats. Exceptions will be allowed for, inter alia, prevention of damage to crops etc, public safety, research and education.

#### ENDANGERED SPECIES (IMPORT AND EXPORT) ACT 1976

This Act will be amended by the Bill to incorporate measures to meet any relevant international obligations, strengthen enforcement powers and simplify licencing procedures to:-

- a. bring under licence control any product or article that the importer/exporter declares to contain parts or to be derived from a controlled species,
- b. make it an offence to sell any article which is stated by the vendor to contain parts of or to be derived from a controlled species unless that item has been legally imported,
- c. take powers to inspect on demand premises of licensees where live animals or plants are housed that have been imported under licence even where this is not a condition of a licence; this is to check that importers do not bring in endangered species while **only** declaring vulnerable or even exempted species,

d. alter the preamble to the Act to make it clear that the Act is intended to provide for controls over the import and export of endangered and vulnerable species in compliance with any international obligation (not only the Washington Convention) or for National purposes,

e. modify the licensing procedures to allow the maximum period of validity of a licence to extend beyond the 12 months and to permit the issue of licences for certain categories of species under the general advice from the Scientific Authority for Animals to remove the requirement for individual reference in each case. This will enable applications to be dealt with more quickly and economically.

The above proposals indicate the effect of each provision. No attempt has been made in this consultation paper to cover all the various exceptions, licensing arrangements, legal defences etc which will continue to be on much the same basis as in existing legislation, except where it is clearly indicated to the contrary.

Department of the Environment

August 1979

Prohibited means and methods of killing capture and other forms of exploitation

BIRDS

**Snares**

Limes

Hooks

Live birds which are blind or mutilated used as decoys

Tape recordings used to decoy birds

Electrical devices capable of killing and stunning

Use of artificial light sources to attract birds

Mirrors and other dazzling devices

Devices for illuminating targets

Sighting devices for night shooting comprising an electronic image magnifier or image converter

Explosives

Nets

Traps

Poison and poisoned or anaesthetic bait (including gas)

Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition

Use of aircraft to pursue and take birds

Use of motor vehicles in motion to pursue and take birds.

PROVISIONAL REVISED FOURTH SCHEDULE OF THE PROTECTION OF BIRDS ACT 1954  
 (Wild birds which may not be exhibited or sold alive unless close ringed and bred in captivity)

HAWFINCH	<i>Coccothraustes coccothraustes</i>
CHAFFINCH	<i>Fringilla coelebs</i>
GREENFINCH	<i>Carduelis chloris</i>
GOLDFINCH (Eurasian)	<i>Carduelis carduelis</i>
BULLFINCH	<i>Pyrrhula pyrrhula</i>
REDPOLL	<i>Acanthis flammea</i>
LINNET	<i>Acanthis cannabina</i>
SISKIN	<i>Carduelis spinus</i>
REED BUNTING	<i>Emberiza schoeniclus</i>
BRAMBLING	<i>Fringilla montifringilla</i>
DUNNOCK (Hedge Sparrow)	<i>Prunella modularis</i>
TWITE	<i>Acanthis flavirostris</i>
MAGPIE (Common)	<i>Pica pica</i>
JAY (Eurasian)	<i>Garrulus glandarius</i>
JACKDAW	<i>Corvus monedula</i>
(RED) CROSSBILL	<i>Loxia curvirostra</i>
YELLOW HAMMER	<i>Emberiza citrinella</i>
PIED WAGTAIL	<i>Motacilla alba</i>
MISTLE THRUSH	<i>Turdus viscivorus</i>
SONG THRUSH	<i>Turdus philomelos</i>
BLACKBIRD	<i>Turdus merula</i>
STARLING (Common)	<i>Sturnus vulgaris</i>
DIURNAL BIRDS OF PREY	Falconiformes
OWLS	Strigiformes



BIRDS WHICH MAY BE SOLD AFTER BEING SHOT

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Mallard	Anas platyrhynchos
Red grouse	Lagopus lagopus scoticus et hibernicus
Red-legged partridge	Alectoris rufa
Barbary partridge	Alectoris barbara
Partridge	Perdix perdix
Pheasant	Phasianus colchicus
Woodpigeon	Columba palumbus
Greylag goose	Anser anser
Wigeon	Anas penelope
Teal	Anas crecca
Pintail	Anas acuta
Pochard	Aythya ferina
Tufted duck	Aythya fuligula
Eider	Somateria mollissima
Ptarmigan	Lagopus mutus
Capercaillie	Tetrao urogallus
Coot	Fulica atra
White-fronted goose	Anser albifrons
Shoveler	Anas clypeata
Scaup	Aythya marila
Common scoter	Melanitta nigra
Black grouse	Tetrao tetrix
Golden Plover	Pluvialis apricaria
Jack snipe	Lymnocyptes minimus
Snipe	Gallinago gallinago
Woodcock	Scolopax rusticola

## VULNERABLE WILD CREATURES TO BE AFFORDED PROTECTION

<u>Common Name</u>		<u>Scientific Name</u>
	<b>INVERTEBRATES</b>	
	<b>SPIDERS</b>	
		Dolomedes plantarius
	<b>BUTTERFLIES</b>	
Chequered Skipper		Carterocephalus palaemon
Heath Fritillary		Melitaea athalia
	<b>MOTHS</b>	
Black-veined Barberry Carpet		Idaea lineata Pareulype berberata
	<b>BEETLES</b>	
		Chrysolina cerealis
	<b>DRAGONFLIES</b>	
Norfolk Ashna		Aeshna isoscles
	<b>GRASSHOPPERS AND CRICKETS</b>	
Wart-biter		Decticus verrucivorus
Field Cricket		Gryllus campestris
Mole Cricket		Gryllotalpa gryllotalpa
	<b>MOLLUSCS</b>	
Glutinous snail		Myxas glutinosa
Sandbowl snail		Catinella arenaria
Carthusian snail		Monacha cartusiana
	<b>VERTEBRATES</b>	
	<b>FISH</b>	
Burbot		Lota lota

Prohibited means and methods of killing, capture  
and other forms of exploitation

MAMMALS

**Snares**

Live animals which are blind or  
mutilated used as decoys.

Tape recordings used to decoy animals.

Electrical devices capable of killing  
and stunning.

Use of artificial light sources to  
attract mammals.

Mirrors and other dazzling devices.

Devices for illuminating targets.

Sighting devices for night shooting  
comprising an electronic image  
magnifier or image converter.

**Explosives**

Nets (1)

Traps (1)

Poison and poisoned or anaesthetic  
bait (including gas).

Gasing and smoking out

Semi-automatic or automatic weapons with  
a magazine capable of holding more than  
two rounds of ammunition

Use of aircraft to pursue and overtake  
animals.

Use of motor vehicles in motion to pursue and  
take mammals.

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(1) if applied for large scale or non-selective  
capture or killing.