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# Wild birds and the law

## ENGLAND AND WALES

A PLAIN GUIDE TO BIRD PROTECTION TODAY



# Wild birds and the law – the RSPB’s guide to bird protection in England and Wales

From time to time, members of the public want to know about the laws relating to wild birds. It may be that someone has been shooting or trapping birds and it is uncertain if they have been breaking the law; it is not always easy to be sure without a simple reference to help. That is what this booklet provides. It is a summary of parts of the Wildlife and Countryside Act 1981 and related legislation, which relate to bird protection in England and Wales and has been updated to take account of legislative changes. There have been significant changes to the legislation protecting wild birds in Scotland and this is now covered by a separate publication, *Wild Birds and the Law Scotland*, available from the RSPB’s headquarters in Scotland (see page 40 for contact details). An outline of the legislation in Northern Ireland can be obtained from the Northern Ireland Environment Agency (see page 39 for contact details).

We have put into plain language the basic information contained in the Wildlife and Countryside Act 1981 and related legislation. This allows anyone to check the legal status of a bird, whether or not an offence has been committed, or if a proposed action would be against the law, without being overwhelmed by ‘legal language’. Inevitably, there are long lists of birds, which must be carefully checked to make sure of the exact position relating to a particular species.

We have arranged these alphabetically, for ease of reference, but urge that you use them with care. **The essential fact to remember is that *all* wild birds, their nests and their eggs are protected by law** unless a special exception is made in the Act. Remember that many of the rarer birds have additional protection, which means that they may not be disturbed at or around the nest during the breeding season.

We have also listed and answered some of the most frequent questions that people ask about birds and their legal status, so that most of what you want to know should be easily found within this booklet. It is not intended to be a substitute for the actual legislation nor the definitive listing of relevant licences. For further information, please consult the relevant government department or agency. Contact details and useful websites can be found on page 38.

## Import and export

This booklet does not cover the regulations on the import and export of birds. Animal Health should be consulted for further information on licences to allow the import of birds. Certain species will require documentation under the Convention on International Trade in Endangered Species (CITES) for entry into the EU and Animal Health will be able to provide the necessary assistance. E-mail [wildlife.licensing@animalhealth.gsi.gov.uk](mailto:wildlife.licensing@animalhealth.gsi.gov.uk)

NB Since 2007, the importation of all wild-caught birds from outside the EU has been banned with very limited exceptions under EU health regulations (Commission Regulation (EC) No 318/2007).

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## Introduction

The primary legislation protecting wild birds in England and Wales is the Wildlife and Countryside Act 1981, hereafter referred to as 'the Act' (subject to a number of amendments, including the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006). The basic principle of this Act is that all wild birds, their nests, and eggs are protected by law and some rare species are afforded additional protection from disturbance during the breeding season. There are certain exceptions to this, notably in respect of wildfowl, game birds and various species that may cause damage.

The following serves to provide a straightforward means of checking the legality of any activity affecting wild birds. Before taking any action, you should check that the information presented here is up to date by going to the actual legislation or consulting the relevant government department agency. Copies of the Wildlife and Countryside Act 1981 (not updated) can be obtained from The Stationery Office (see 'Useful addresses', page 38). An updated version of the legislation can be found at [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk) (although please note that this may not include the most recent amendments).

The Police have the prime responsibility for enforcing this legislation and every Police Force now has at least one Wildlife Crime Officer (WCO) whose duties include dealing with wildlife issues.

If you have difficulty in interpreting any part of the Act or believe you have

witnessed an offence, then contact the RSPB's Investigations Section, The RSPB, The Lodge, Sandy, Bedfordshire SG19 2DL (Tel: 01767 680551; Fax: 01767 682795). The RSPB's Investigations Section has extensive experience of investigating offences against wild birds and regularly assists the Police and other agencies with these matters. The RSPB's Investigations Section also maintains a unique database of crimes against wild birds and would be grateful to receive any information of offences against wild birds (see more information on reporting offences on page 11). Alternatively offences can be reported via the RSPB website ([www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)).

### Abbreviations

The following are used regularly throughout the text:

|              |  |
|--------------|--|
| <b>CCW</b>   | Countryside Council for Wales                      |
| <b>Defra</b> | Department for Environment, Food and Rural Affairs |
| <b>NE</b>    | Natural England                                    |
| <b>SSSI</b>  | Site of Special Scientific Interest                |
| <b>WAG</b>   | Welsh Assembly Government                          |
| <b>WCO</b>   | Wildlife Crime Officer                             |

### Definitions

The following list gives an outline of definitions included in the Act (1–3) and others (4–14), which may be helpful:

- 1 Wild bird:** means any bird of a species which is resident in or a visitor to the European territory of any Member State, in a wild state but does not include poultry, or any game bird (except in certain sections

dealing with prohibited methods and the issue of licences). Game birds include pheasant, partridges, black grouse, red grouse and ptarmigan. These species are covered by the Game Acts but details of their close seasons can be found in the checklist of legal status on pages 17–26.

- 2 **Occupier** (see Authorised person): includes any person having the right of hunting, shooting or fishing on any land other than the foreshore.
- 3 **Authorised person:** the owner or occupier of any land on which the action takes place or any person authorised by the owner or occupier. It can also be someone authorised in writing by a local authority, NE, CCW or local fisheries committee, a water authority or any other statutory water undertakers. Because such a person is authorised under the Act, this does not confer right of entry on any land.
- 4 **Close season:** inclusive dates of a period when a bird is fully protected; outside that period it may be killed or taken.
- 5 **Licence:** issued by one of a number of authorities, including NE, CCW, WAG to permit an otherwise illegal act. The licence will specify precisely what action is permitted (see page 27).
- 6 **General Licence:** issued by NE or WAG to permit authorised persons to carry out an otherwise illegal act. Such licences need not be applied for (details on page 27).
- 7 **Schedule 1 birds:** rare species afforded additional protection, which cannot be intentionally or

recklessly disturbed when nesting (see page 14).

- 8 **Schedule 2, Part I birds:** sporting or quasi-sporting birds which may be shot for a limited period in the winter (see page 15).
- 9 **Schedule 2, Part II has now been deleted from the Act.** Control of some of the 13 species previously listed is now covered by General Licences (see page 27).
- 10 **Schedule 3, Part I birds:** species which may be sold alive at all times if ringed with an approved ring and bred in captivity (see page 15). The sale of most other captive-bred species is covered by General Licences (see page 27).
- 11 **Schedule 3, Part II birds:** species which may be sold dead at all times (see page 15).
- 12 **Schedule 3, Part III birds:** species which may be sold dead from 1 September to 28 February (see page 15).
- 13 **Schedule 4 birds:** birds which must be registered if kept in captivity (see page 16).
- 14 **Schedule 9 birds:** birds which are established in the wild in Britain and which cannot be released or allowed to escape from captivity (see page 16).

**There are over 600 species of wild bird recorded in the European Union (EU) but the Schedules only deal with a small number of these. Please remember that all birds except those listed on Schedule 2, Part I and game birds are fully protected throughout the year unless catered for by a licence.**

## Birds

### Basic protection given to wild birds

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to:

- a) intentionally kill, injure or take any wild bird
- b) intentionally take, damage or destroy the nest of any wild bird while it is in use or being built (NB: The nests of white-tailed eagles, ospreys and golden eagles are protected all year round)
- c) intentionally take or destroy the egg of any wild bird
- d) have in one's possession or control any wild bird (dead or alive), part of a wild bird or egg of a wild bird which has been taken in contravention of the Act, the Protection of Birds Act 1954 or the law of any EU Member State (which implements the EU Birds Directive 1979)
- e) intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in, on or near a nest with eggs or young; or disturb the dependent young of such a bird
- f) have in one's possession or control any birds of a species listed on Schedule 4 of the Act (see page 16) unless registered in accordance with the Secretary of State's regulations (contact Defra for details).

### Sale of live wild birds and their eggs

It is an offence to sell, offer for sale, possess for sale, transport for sale or

advertise for sale any live wild bird, or the egg of any wild bird. Exceptions include:

- a) live wild birds listed on Schedule 3 Part I providing they are captive-bred and fitted with an approved close-ring in accordance with Statutory Instrument (SI) 1982/1220 and issued by the British Bird Council (BBC) or the International Ornithological Association (IOA)
- b) most other live wild birds providing they are captive-bred and covered by a General Licence, which will specify a number of conditions which must be complied with.

### Sale of dead wild birds

The sale of most dead wild birds, other than those listed on Schedule 3, Part II or III, is permitted under the terms of General Licences (see page 27). These will usually require documentary evidence to accompany the sale to show that the bird was lawfully removed from the wild or bred in captivity. The seller must keep certain records concerning the sale of the bird, including the cause of death, and submit a report to the specified agency by 31 December each year. Birds listed on Schedule 3, Part III may be sold dead from 1 September to 28 February. Game birds may only be sold dead during the open season and for a period of up to 10 days immediately after the end of that season. See checklist of legal status (pages 17–26) for details.

### Exhibition of wild birds

It is an offence to show at any competition, or in premises in which a

competition is being held, any live wild bird unless listed on Schedule 3 Part I if captive-bred and fitted with an approved close-ring as defined by SI 1982/1220; or covered by a General Licence.

### **Prohibited methods of killing and taking wild birds**

The following methods of killing, injuring or taking wild birds are normally prohibited, except under licence: any springe, trap, gin, snare, hook and line, electrical device, poisonous or stupefying substance, net, gas or smoke, baited board, bird lime or similar substance or chemical wetting agent.

The use of any sound recording or live bird as a decoy if tethered, blinded or maimed is illegal as is the use of bows, crossbows, explosives (other than ammunition for firearms), automatic or semi-automatic weapons, guns with an internal muzzle diameter greater than 1¼ inches, artificial lights or dazzling devices and sights for night-shooting.

It is also illegal to use any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or capture. It is an offence to 'cause' or 'permit' any such prohibited method. This applies where a person directs another to commit an offence or knowingly allows it to happen.

It is illegal to have any part in any activity involving the release of birds as immediate targets for shooting.

### **Captive birds: size of cage**

In addition to the registration requirements for certain Schedule 4 species (see page 16) it is illegal to keep any bird (excluding poultry) in a cage or other receptacle which is not of sufficient size to permit the bird to

stretch its wings freely. Exceptions to this are if the bird is undergoing veterinary treatment, is in the course of conveyance or is being exhibited; in the latter case the time the bird is so confined should not exceed a total of 72 hours.

### **Deliberate release of species into the wild**

It is an offence to release or allow to escape into the wild any bird which (a) is not ordinarily resident in, or a regular visitor to, Great Britain in a wild state, or (b) is listed in Schedule 9 (see page 16). This is to prevent possible threats to native wildlife by introduced species. Some native species are listed on Schedule 9 to ensure re-introduction and translocation programmes are undertaken appropriately.

### **Attempting to commit an offence**

It is an offence to attempt to commit any offence or have in one's possession anything capable of being used to commit an offence.

### **Exceptions**

- a) **Sale and competitive exhibition**  
Birds listed on Schedule 3, Part I may be sold or exhibited competitively provided they have been bred in captivity and ringed in accordance with SI 1982/1220. The sale and exhibition of most other captive-bred species are now covered by General Licences (see page 29).
- b) **Control of birds classed as problem species**  
These were previously listed on Schedule 2, Part II which has now been deleted from the Act. Those

species are now afforded full protection under the Act. Control of some species is now under the terms of General Licences (see page 27).

**c) Killing of sporting or quasi-sporting birds**

Any person may take, kill or injure in attempting to kill a bird listed on Schedule 2, Part I provided this is done outside the close season (for dates see page 15), not in an Area of Special Protection (see pages 8 and 34) or in a prescribed area on Sunday (see page 33). Areas designated as SSSIs may also have restrictions on the killing of species on Schedule 2, Part I.

**d) Preserving public health or safety or preventing serious damage**

An authorised person (see page 3) may kill or injure a protected bird (except one on Schedule 1) if they can show that their action was necessary for the purposes of preserving public health or public or air safety or preventing spread of disease.

For the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters, the killing or injuring of protected birds (except those on Schedule 1) by authorised persons is permitted provided that:

- i) they can show that there was no other satisfactory solution
- ii) if the killing or injuring was foreseeable a licence had been applied for as soon as practicable or an application for such a licence had not yet been determined

iii) as soon as reasonably practical after the killing or injuring Defra or WAG had been notified.

**e) Treatment of injured birds**

A person may take a wild bird if they can show that the bird was injured other than by their own hand and that their sole purpose was to tend it and then release it when no longer disabled; or he may kill it if he can prove it was so seriously disabled as to be beyond recovery (eg a badly oiled seabird). Sick and injured birds listed on Schedule 4 (see page 16) should be registered with Animal Health immediately or passed to a licensed person who may keep such a bird, under the terms of a General Licence, for up to 15 days without registering it providing that Animal Health or WAG is notified, in writing, within four days of the bird coming into their possession.

**f) Incidental destruction**

It is not illegal to destroy a bird, nest or egg if it can be shown that such an action was the incidental result of a lawful operation and could not reasonably have been avoided.

**g) Trapping birds**

An authorised person may legally use cage-traps or nets to take certain species as defined in the General Licences (see page 27). They may also be used for taking game birds for the purpose of breeding. A net may also be used to take wild ducks at certain decoys. The Larsen cage-trap has become very popular for trapping corvids, often using a decoy bird. These are legal for certain purposes providing the decoy birds are given



adequate food, water, shelter and a perch. All cage traps, including Larsen traps, must be checked daily and any non-target birds released. When not in use, they must be rendered incapable of catching birds or other animals. A licensed person may catch wild birds, normally using nets, to fit rings for scientific monitoring.

### **Registration of birds kept in captivity**

The main aim of registration is to monitor certain rare species, listed on Schedule 4 of the Act, when kept in captivity to try to prevent them being unlawfully taken from the wild. In 2008 and 2009, the number of species required to be registered in England and Wales was reduced to just nine. All species listed on Schedule 4 of the Act must be registered if kept in captivity, and are usually subject to marking conditions, such as a close ring or microchip. Birds will usually be issued with a Bird Registration Document by Animal Health. However, in the case of peregrines and merlins, they are now considered registered if accompanied by a valid Article 10 Certificate EC Regulation No. 338/97 (see page 31). Provision is made in the Act for inspection of premises and registered birds. Full details of registration requirements may be obtained from Animal Health (see page 38).

### **Powers of the Secretary of State and Welsh Assembly Government**

The Secretary of State or WAG has powers to add any bird to, or remove any bird from, any part of Schedules 1 to 4 for any area of England or Wales. However, where a close season is prescribed it shall commence on a date

not later than 21 February and end on a date not earlier than 31 August. They may prescribe areas in England or Wales where the Sunday shooting of Schedule 2, Part I species is illegal (see page 15). They may also prescribe any period up to 14 days outside the close season where species on Part II Schedule 1 and Part I Schedule 2 cannot be killed; this is usually done during periods of extreme cold weather.

NB: Areas in which Sunday shooting is made illegal by orders under the Protection of Birds Act 1954 remain in force under the Wildlife and Countryside Act 1981.

### **Enforcement and penalties**

If a Constable suspects with reasonable cause that any person is committing or has committed an offence involving a wild bird, then the Constable may without warrant:

- a) stop and search that person if the Constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person
- b) search or examine any thing which that person may be using or have in their possession if the Constable suspects with reasonable cause the evidence of the commission of the offence is to be found on that thing
- c) seize and detain for the purpose of proceedings any thing which may be evidence of the commission of the offence or may be liable to forfeiture.

If the Constable suspects with reasonable cause that any person is committing an offence relating to a wild bird, he may, for the purpose of exercising the powers listed above,

enter any premises other than a dwelling house. He may take other persons or equipment with him if needed.

Police and other persons authorised also have powers to request samples to be taken from birds in captivity to determine their identity or ancestry (eg samples for DNA testing to check claims of captive-breeding).

A police officer may arrest a person for any offence if certain conditions apply.

If a Justice of the Peace is satisfied there are reasonable grounds for suspecting offences under Part I of the Act have been committed, a warrant may be granted to any Constable to enter and search any premises for the purpose of obtaining that evidence.

Anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both. For releasing non-native species (see page 5) a person shall be liable to a fine or two years imprisonment, or both.

Fines may be imposed in respect of each bird, nest, egg or thing. If more than one such item is involved then the total fine is determined as if the person had been convicted of a separate offence in respect of each bird, nest, egg or thing.

The Court shall order the confiscation of any bird, nest, egg or other thing involved in the offence, and may order the confiscation of any vehicle, animal, weapon or other thing which was used to commit the offence.

## Habitats

The damage or destruction of an area of habitat can have a severe impact on birds and other wildlife dependent upon it. This section describes the legislation for protecting habitats.

### Areas of Special Protection

The Secretary of State may establish Areas of Special Protection (known as Sanctuaries under the former Protection of Birds Act) to which access may be restricted and in which all wild birds and eggs are protected at all times and may also be given protection against intentional (or reckless, in England and Wales only) disturbance. All Sanctuary Areas established under the Protection of Birds Act remain in force under the Wildlife and Countryside Act (see page 34).

### Protection of Sites of Special Scientific Interest

Sites of Special Scientific Interest (SSSIs) in England and Wales are legally protected under Section 28 of the Act. There are over 5,000 SSSIs in England and Wales notified for their wildlife and geological features.

#### Offences

It is an offence:

- a) for an SSSI owner or occupier to carry out an operation listed within the SSSI notification without the written consent of NE or CCW
- b) for an SSSI owner or occupier not to comply with the terms of a management notice
- c) for a public body listed in the Act to carry out an activity on or affecting

an SSSI without giving notice to NE or CCW

- d) for a public body not to consult NE or CCW when permitting, authorising or giving consents (under legislation that they are responsible for regulating) to other parties to carry out operations which are on an SSSI
- e) for any person to intentionally or recklessly destroy or damage any of the special interest features (for which the site was designated) of the SSSI, or intentionally or recklessly disturb the fauna. Doing so in the knowledge that the site is an SSSI incurs a greater penalty
- f) to take down, damage, destroy or obscure a site notice or sign that has been placed on SSSI land by NE or CCW.

#### Reasonable excuse

It may be a reasonable excuse for not complying with the Act if:

- a) an operation is authorised by an appropriate planning permission or with certain consents which may be granted by some public bodies
- b) the operation was an emergency operation which was notified to NE or CCW as soon as practicable after the commencement of the operation.

#### Enforcement and penalties

NE and CCW are responsible for enforcing the Act when offences occur. Where they believe that an offence is being or has been committed, they can exercise a power of entry. In doing so a vehicle or a boat can be used to enter the land; a police constable can accompany them if they reasonably

believe that they are likely to be obstructed; take with them equipment and materials needed for the purpose for which they are exercising the power of entry; take samples of the land and anything on it. Any person who intentionally obstructs a person acting in the exercise of this power shall be liable to a fine.

Anyone found guilty of an offence listed above is liable to a fine ranging from £200 up to £20,000 at the Magistrates Court or an unlimited fine at the Crown Court (dependent on the offence).

#### Heather burning

The Heather and Grass etc Burning Regulations in England (2007) and Wales (2008) cover the basic legal requirements that those burning heather, rough grass, bracken, gorse and *Vaccinium* should meet. They establish a burning season and ensure that burning takes place safely and in ways which do not harm the environment. NE and WAG may issue licences for burning that would otherwise be in breach of the regulations, have powers to enter land to inspect if the regulations have been breached, and are responsible for enforcement. The maximum penalty is £1000. Further details are at [www.naturalengland.org.uk/ourwork/regulation/burning](http://www.naturalengland.org.uk/ourwork/regulation/burning) and <http://wales.gov.uk/topics/environment/countryside/farmingandcountryside/plantsseedsbiotechnology/heathergrassburning>

#### Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are intended to protect important countryside hedges from removal, ie uprooting or otherwise destroying a

hedgerow. They are administered by the district councils in England, county councils or county borough councils in Wales, and by National Park Authorities and the Broads Authority.

Consequently, suspected violation of the regulations needs to be reported to the appropriate authority.

It is illegal to remove most hedges without permission. Serious damage to the root system or over-maintenance resulting in the death of the hedgerow counts as removal. There are exceptions, including essential work carried out by the utility companies and emergency access. Proper maintenance, including drastic-looking measures such as coppicing, severe pruning and laying is allowed without specific permission. A landowner who wishes to remove a hedgerow must serve a Hedgerow Removal Notice in writing on their local planning authority, who should assess the status of the hedge and whether or not it is protected from removal. Where the regulations apply, it is an offence to intentionally or recklessly remove a hedgerow, or to cause or permit its removal without giving notice, without acting in accordance with the terms of the notice given or without either having approval from the authority or waiting 42 days from the date of the notice before starting work.

Landowners who are in receipt of agricultural subsidies will also have conditions regarding hedgerow protection put on them (see Cross compliance below).

For further information, visit Defra's website: [www.defra.gov.uk/foodfarm/landmanage/landscape/hedgerows.htm](http://www.defra.gov.uk/foodfarm/landmanage/landscape/hedgerows.htm)

## High hedges

Part 8 of the Anti-social Behaviour Act 2003 gives local authorities powers to deal with complaints about high hedges bordering residential properties. The role of the local authority is to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property. If the authority decides that action is necessary, a formal remedial notice will be issued to the hedge owner which will set out what they must do to remedy the problem, and by when. Failure to carry out the order is an offence which could result in a fine of up to £1,000.

Garden hedges provide important nesting habitat for breeding birds. Both the authority issuing the notice and the hedge owner subject to it need to be aware of the potential for conflict with the Wildlife and Countryside Act, should the compliance period for carrying out remedial work on a high hedge fall within the nesting season. It is an offence to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built (see page 4); therefore if a hedge owner is issued with a remedial notice concerning a high hedge that contains active nests, that person cannot comply with the notice without committing a criminal offence. In this situation, the hedge owner should remind the local authority of their obligations under the Wildlife and Countryside Act and seek an extension to the compliance period. The RSPB recommends hedge-cutting should be avoided between March and August, when birds are nesting. For further information, please e-mail

Communities and Local Government at  
hedges@communities.gsi.gov.uk

### **Cross compliance**

Since January 2005, farmers have had to comply with a set of environmental standards known as cross compliance in order to receive subsidies. Cross compliance consists of Statutory Management Requirements (SMR) and Good Agricultural and Environmental Condition (GAEC). The SMR encompass existing legislation, and require compliance with articles from 19 EC Directives/Regulations which address environmental, public, animal and plant health and animal welfare.

The EU Birds Directive 1979 is one of these. Transposed into UK law, it

stipulates that, amongst other things, farmers must not deliberately kill, injure or take any wild bird, intentionally damage, destroy or take any wild bird's nest or disturb certain birds while nesting. For further information, go to [www.crosscompliance.org.uk/cms](http://www.crosscompliance.org.uk/cms) (England) or contact WAG on 029 2075 2222.

Any wildlife offence if subject to SMR controls could now result in loss of a subsidy payment in addition to legal action. In England, most inspections are carried out by the Rural Payments Agency (RPA) which can be contacted on 0856 603 7777. In Wales, inspections are carried out by the Rural Inspectorate Wales, which can be contacted on 01597 823777.

## **How to report crimes against wild birds**

What you should do when you suspect someone is breaking the law depends greatly on the circumstances. If an offence is ongoing and if you are near a telephone, call the police at once or, alternatively, the RSPB's Investigations Section or, in cases of animal cruelty, the RSPCA. For SSSI offences, contact NE/CCW. If a Police Wildlife Crime Officer (WCO) is not available to deal directly with an incident try to ensure they are made aware at some stage.

Incidents can also be reported on the RSPB website ([www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)) but this should not be the only method used if an immediate response to an incident is needed. The RSPB's Investigations Section has extensive experience of speaking to people with sensitive information and who may wish to remain anonymous and we will

not pass your details to anyone without your consent. However, reporting information anonymously makes it significantly more difficult to investigate offences. If you wish to leave information on the website or on the RSPB out-of-hours answer phone, we would ask you to provide a point of contact in order that the matter can be discussed. If you still wish to remain anonymous or for your details to remain confidential with the RSPB, we will respect your wishes. If you wish to speak in confidence about the persecution of birds of prey, the RSPB has a confidential hotline on 0845 466 3636 [that's 0845 GOODMEN].

Where offences are ongoing, if you are alone and cannot call for immediate help, your actions should depend on the circumstances but it is important to

ensure you do not put yourself or others at risk. Incidents involving several possible offenders or the use of firearms will require particular care. If the person is being cruel or attempting to kill a bird illegally you could make them aware of your presence, which may be sufficient to stop them. If a bird appears seriously injured and no veterinary help is available consider trying to have it humanely killed. If safe, you could ask the offender for their name and address (however, they can refuse to give it to anyone except a Police Officer). If the person has a car it is very important to note the number plate and, if possible, the make. Note the person's description, paying attention to any distinctive characteristics about their appearance.

Try to record or collect any evidence to support your contention that an offence has been committed. If the offender has not seen you, it may be appropriate to watch them and record their actions to make certain that you have really seen an offence being committed. If you have a friend with you, you could send them for the Police while you stay and watch what is happening. Try to make a written note of anything you see and ensure you keep these notes in a safe place.

In the case of suspected poisoned birds or animals, such as those lying next to a possible bait, again record and if possible photograph what is present. Ensure you record the exact location and if possible try to cover the items, perhaps with vegetation, to make them safe. Do not handle anything as many poisons are extremely dangerous and can be absorbed through the skin. Defra has a freephone number for

such incidents: 0800 321600 (see also WIIS below).

Certain spring-traps may be used legally to kill rats and weasels etc. These traps have to be set under cover to prevent injury to other animals. If a spring-trap is set out in the open, particularly if mounted on a pole, then make it inoperative by tripping it with a stick, keeping your fingers well away from the jaws of the trap. If you come across a spring-trap of any sort with a dead bird in it, leave it that way. If you have a camera, take a photograph of it in position and call the Police or the RSPB as quickly as possible.

Remember that certain cage-traps may be used legally to trap certain 'problem species' (see General Licences, page 27). These are legal providing any specified conditions are complied with. This normally includes a requirement for any decoy bird to be supplied with adequate food, water, shelter and a perch plus the trap needs to be checked daily. You should not interfere with such traps, but if you are uncertain about their legality then contact the Police, NE/CCW or the RSPB's Investigations Section for advice.

Whatever the offence: armed with an accurate and detailed description of what you have seen, contact the Police or the RSPB. If you have contacted the Police in the first instance then please also inform the RSPB's Investigations Section at The Lodge, Sandy, Bedfordshire (01767 680551) or one of the RSPB's country or regional offices. The RSPB will willingly assist if you or the Police require help.

In the case of damage to SSSIs, incidents should be reported to the

local NE or CCW area team office (contact details available from [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or [www.ccw.gov.uk](http://www.ccw.gov.uk)) or contact the NE Enquiry Service (0845 6003078) or CCW

(08451 306 229). You could also call the Police, who should pass the information to a WCO. When reporting the call ask for an incident number.

## **The Wildlife Incident Investigations Scheme (WIIS)**

The Wildlife Incident Investigation Scheme (WIIS) investigates the deaths of wildlife, including beneficial insects and some pets, throughout the UK where there is evidence that pesticide poisoning may be involved. The WIIS is used to monitor pesticide use after approval, so that product approvals can be revised if necessary. Evidence from the WIIS can also be used to enforce legislation on the use of pesticides and the protection of humans, food, the environment and animals. There is a freephone number to report suspected wildlife poisoning incidents: 0800 321600.

In England, the WIIS is co-ordinated by the Pesticide Safety Directorate. In Wales, WIIS is run by WAG. A Wildlife Adviser decides whether an investigation should be started; this permits the screening-out of incidents which may not involve pesticides. A field visit may be made to gather information to help in identifying the cause of the incident and to secure evidence.

After acceptance of an incident, and a field visit, any carcasses are taken to a local Veterinary Laboratories Agency (VLA) Centre where a post-mortem examination may be undertaken. This may result in bacteriological or virological tests being undertaken to determine whether disease contributed to the deaths. In cases where the VLA believe poisoning to have occurred, post-mortem findings and relevant

tissues from casualties are forwarded to the Wildlife Incident Unit at the Food and Environment Research Agency (FERA), York, where chemical analysis of the tissues is carried out. The results are collated and interpreted to assess the probable cause of the incident and whether any residues detected contributed to the death or illness of the animal.

## The Schedules

Any species not mentioned in Schedule 1 or Schedule 2 is fully protected throughout the year (see checklist of legal status, pages 17–26)

### Schedule 1 – Birds which are specially protected (see pages 3 & 6)

#### Schedule 1 – Part I

|                          |                        |                         |
|--------------------------|------------------------|-------------------------|
| Avocet                   | Greenshank             | Scaup                   |
| Bee-eater                | Gull, Little           | Scoter, Common          |
| Bittern                  | Gull, Mediterranean    | Scoter, Velvet          |
| Bittern, Little          | Harriers (all species) | Serin                   |
| Bluethroat               | Heron, Purple          | Shorelark               |
| Brambling                | Hobby                  | Shrike, Red-backed      |
| Bunting, Cirl            | Hoopoe                 | Spoonbill               |
| Bunting, Lapland         | Kingfisher             | Stilt, Black-winged     |
| Bunting, Snow            | Kite, Red              | Stint, Temminck's       |
| Buzzard, Honey           | Merlin                 | Stone-curlew            |
| Chough                   | Oriole, Golden         | Swan, Bewick's          |
| Corncrake                | Osprey                 | Swan, Whooper           |
| Crake, Spotted           | Owl, Barn              | Tern, Black             |
| Crossbills (all species) | Owl, Snowy             | Tern, Little            |
| Divers (all species)     | Peregrine              | Tern, Roseate           |
| Dotterel                 | Petrel, Leach's        | Tit, Bearded            |
| Duck, Long-tailed        | Phalarope, Red-necked  | Tit, Crested            |
| Eagle, Golden            | Plover, Kentish        | Treecreeper, Short-toed |
| Eagle, White-tailed      | Plover, Little ringed  | Warbler, Cetti's        |
| Falcon, Gyr              | Quail, Common          | Warbler, Dartford       |
| Fieldfare                | Redstart, Black        | Warbler, Marsh          |
| Firecrest                | Redwing                | Warbler, Savi's         |
| Garganey                 | Rosefinch, Scarlet     | Whimbrel                |
| Godwit, Black-tailed     | Ruff                   | Woodlark                |
| Goshawk                  | Sandpiper, Green       | Wryneck                 |
| Grebe, Black-necked      | Sandpiper, Purple      |                         |
| Grebe, Slavonian         | Sandpiper, Wood        |                         |

#### Schedule 1 – Part II

**Birds and their eggs specially protected during the close season, 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken at other times.**

Goldeneye

Greylag goose (*in Outer Hebrides, Caithness, Sutherland and Wester Ross*)

Pintail



## **Schedule 2 – Birds which may be killed or taken**

### **Schedule 2 – Part I**

**Birds which may be killed or taken outside the close season, 1 February to 31 August, except where indicated otherwise. NB: the close season for ducks and geese when below high water mark is 21 February to 31 August.**

|   |   |   |
|---|---|---|
| Capercaillie ( <i>close season 1 February to 30 September</i> ) | Goose, Pink-footed<br>Goose, White-fronted<br>Mallard | Snipe, Common ( <i>close season 1 February to 11 August</i> ) |
| Coot  | Moorhen   | Teal  |
| Duck, Tufted  | Pintail   | Wigeon  |
| Gadwall   | Plover, Golden  | Woodcock ( <i>close season 1 February to 30 September</i> ).  |
| Goldeneye   | Pochard   |   |
| Goose, Canada   | Shoveler  |   |
| Goose, Greylag  |   |   |

## **Schedule 3 – Birds which may be sold (see also General Licences, page 27)**

### **Schedule 3 – Part I**

**Birds which may be sold alive at all times if ringed and bred in captivity**

|               |            |              |
|---------------|------------|--------------|
| Blackbird     | Greenfinch | Siskin       |
| Brambling     | Jackdaw    | Starling     |
| Bullfinch     | Jay        | Thrush, Song |
| Bunting, Reed | Linnet     | Twite        |
| Chaffinch     | Magpie     | Yellowhammer |
| Dunnock       | Owl, Barn  |              |
| Goldfinch     | Redpoll    |              |

NB: Most live birds can now be sold under the terms of General Licences (see page 27). Species on Schedule 4 are also required to be registered with Animal Health.

### **Schedule 3 – Part II**

**Birds which may be sold dead at all times.**

Woodpigeon

### **Schedule 3 – Part III**

**Birds which may be sold dead from 1 September to 28 February**

|              |                |               |
|--------------|----------------|---------------|
| Capercaillie | Pintail        | Snipe, Common |
| Coot         | Plover, Golden | Teal          |
| Duck, Tufted | Pochard        | Wigeon        |
| Mallard      | Shoveler       | Woodcock      |

Most dead birds can be sold (not for human consumption) under the terms of General Licences (see page 27).

NB: It is illegal to offer for sale at any time of the year any wild goose, moorhen, gadwall or goldeneye, although they are legitimate quarry species outside the close season.

#### **Schedule 4**

**Birds which must be registered if kept in captivity.**

|                     |           |
|---------------------|-----------|
| Buzzard, Honey      | Merlin    |
| Eagle, Golden       | Osprey    |
| Eagle, White-tailed | Peregrine |
| Goshawk             |           |
| Harrier, Marsh      |           |
| Harrier, Montagu's  |           |

Hybrids of these species are exempt. Note that peregrines and merlins are considered registered if accompanied by a valid Article 10 Certificate EC Regulation No. 338/97 (see page 31).

#### **Schedule 9**

**It is an offence to release or allow to escape into the wild any of the following species, or any bird which is not normally resident in or a regular visitor to Great Britain.**

|                     |                          |                          |
|---------------------|--------------------------|--------------------------|
| Capercaillie        | Goshawk*                 | Shelduck, Ruddy*         |
| Chough*             | Heron, Night             | Swan, Black*             |
| Corncrake*          | Kite, Red*               |                          |
| Crane*              | Owl, Barn                | *species included on the |
| Duck, Carolina Wood | Owl, Eagle*              | Schedule from 6 April    |
| Duck, Mandarin      | Parakeet, Monk*          | 2010. Budgerigar and     |
| Duck, Ruddy         | Parakeet, Ring-necked    | bobwhite quail were      |
| Eagle, White-tailed | Partridge, Chukar        | deleted from the         |
| Goose, Bar-headed*  | Partridge, Rock          | Schedule: the release of |
| Goose, Barnacle*    | Pheasant, Golden         | these species is         |
| Goose, Canada       | Pheasant, Lady Amherst's | prohibited under Section |
| Goose, Egyptian     | Pheasant, Reeves'        | 14 of the Act.           |
| Goose, Emperor*     | Pheasant, Silver         |                          |
| Goose, Snow*        | Pochard, Red-crested*    |                          |

## Checklist of legal status of selected British birds

This list indicates the legal status of all birds in the Schedules and many other common species of British birds. For a full checklist of British birds, please refer to *The Status of Birds in Britain and Ireland*, published by the Records Committee of the British Ornithologists' Union (Oxford 1971) and updated by reports in the BOU journal, *Ibis*.

Most of the species listed here may be sold dead or alive subject to the terms and conditions of relevant General Licences (see page 27)

### Guide to terms used below:

'Protected at all times': (see pages 2–3)

'Schedule 1' birds (see pages 3 and 14)

'Schedule 9' (see page 16)

'Must be registered if kept in captivity' (see page 16)

'General Licence': (see page 27)

'COTES 97': (see page 31)

|                         |   |
|-------------------------|---|
| <b>Auk, Little</b>      | Protected at all times.   |
| <b>Avocet</b>           | Protected at all times, Schedule 1.   |
| <b>Bee-eater</b>        | Protected at all times, Schedule 1.   |
| <b>Bittern</b>          | Protected at all times, Schedule 1.   |
| <b>Bittern, Little</b>  | Protected at all times, Schedule 1.   |
| <b>Blackbird</b>        | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.                               |
| <b>Blackcap</b>         | Protected at all times.   |
| <b>Bluethroat</b>       | Protected at all times, Schedule 1.   |
| <b>Brambling</b>        | Protected at all times, Schedule 1. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.                   |
| <b>Bullfinch</b>        | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.                               |
| <b>Bunting, Cirl</b>    | Protected at all times, Schedule 1.   |
| <b>Bunting, Corn</b>    | Protected at all times.   |
| <b>Bunting, Lapland</b> | Protected at all times, Schedule 1.   |
| <b>Bunting, Reed</b>    | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.                               |
| <b>Bunting, Snow</b>    | Protected at all times, Schedule 1.   |
| <b>Buzzard</b>          | Protected at all times. Subject to commercial use controls under COTES 97.  |
| <b>Buzzard, Honey</b>   | Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97. |

|                                  |  |
|----------------------------------|--|
| <b>Buzzard, Rough-legged</b>     | Protected at all times. Subject to commercial use controls under COTES 97.   |
| <b>Capercaillie</b>              | Protected in close season. May be shot from 1 Oct–31 Jan. May be sold (dead) from 1 Sept–28 Feb. Listed on Schedule 9.   |
| <b>Chaffinch</b>                 | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with an approved close-ring.   |
| <b>Chiffchaff</b>                | Protected at all times.  |
| <b>Chough</b>                    | Protected at all times, Schedule 1. Schedule 9.  |
| <b>Coot</b>                      | Protected in close season. May be shot from 1 Sept–31 Jan. May be sold (dead) from 1 Sept–28 Feb.  |
| <b>Cormorant</b>                 | Protected at all times.  |
| <b>Corncrake</b>                 | Protected at all times, Schedule 1. Schedule 9.  |
| <b>Crake, Spotted</b>            | Protected at all times, Schedule 1.  |
| <b>Crane</b>                     | Protected at all times. Listed on Schedule 9.  |
| <b>Crossbill (all species)</b>   | Protected at all times, Schedule 1.  |
| <b>Crow, Carrion</b>             | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.                                      |
| <b>Crow, Hooded</b>              | Protected at all times.  |
| <b>Cuckoo</b>                    | Protected at all times.  |
| <b>Curlew</b>                    | Protected at all times.  |
| <b>Dipper</b>                    | Protected at all times.  |
| <b>Divers (all species)</b>      | Protected at all times, Schedule 1.  |
| <b>Dotterel</b>                  | Protected at all times, Schedule 1.  |
| <b>Dove, Collared</b>            | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.                                      |
| <b>Dove, (all other species)</b> | Protected at all times.  |
| <b>Duck, Long-tailed</b>         | Protected at all times, Schedule 1.  |
| <b>Duck, Ruddy</b>               | Non-native species listed on Schedule 9. Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of a General Licence. |
| <b>Duck, Tufted</b>              | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) 1 Sept–28 Feb.  |
| <b>Dunlin</b>                    | Protected at all times.  |
| <b>Dunnock</b>                   | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.  |

|                                 |  |
|---------------------------------|--|
| <b>Eagle, Golden</b>            | Protected at all times, Schedule 1. Nests protected all year round. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.  |
| <b>Eagle, White-tailed</b>      | Protected at all times, Schedule 1. Schedule 9. Nests protected all year round. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.  |
| <b>Egret, Little</b>            | Protected at all times. Subject to commercial use controls under COTES 97.   |
| <b>Eider</b>                    | Protected at all times.  |
| <b>Falcon, Gyrfalcon</b>        | Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.   |
| <b>Fieldfare</b>                | Protected at all times, Schedule 1.  |
| <b>Firecrest</b>                | Protected at all times, Schedule 1.  |
| <b>Flycatcher (all species)</b> | Protected at all times.  |
| <b>Fulmar</b>                   | Protected at all times.  |
| <b>Gadwall</b>                  | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). General Licence permits sale of captive-bred birds and their eggs.   |
| <b>Gannet</b>                   | Protected at all times.  |
| <b>Garganey</b>                 | Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.   |
| <b>Godwit, Bar-tailed</b>       | Protected at all times.  |
| <b>Godwit, Black-tailed</b>     | Protected at all times, Schedule 1.  |
| <b>Goldcrest</b>                | Protected at all times.  |
| <b>Goldeneye</b>                | Schedule 1, Part II. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).  |
| <b>Goldfinch</b>                | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.  |
| <b>Goosander</b>                | Protected at all times.  |
| <b>Goose, Barnacle</b>          | Protected at all times. Listed on Schedule 9.  |
| <b>Goose, Bean</b>              | Protected at all times.  |
| <b>Goose, Brent</b>             | Protected at all times.  |
| <b>Goose, Canada</b>            | Non-native species listed on Schedule 9. Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. |

|                                    |  |
|------------------------------------|--|
| <b>Goose, Egyptian</b>             | Non-native species listed on Schedule 9. Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. |
| <b>Goose, Greylag</b>              | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).  |
| <b>Goose, Lesser white-fronted</b> | Protected at all times.  |
| <b>Goose, Pink-footed</b>          | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).  |
| <b>Goose, Snow</b>                 | Protected at all times. Listed on Schedule 9.  |
| <b>Goose, White-fronted</b>        | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).  |
| <b>Goshawk</b>                     | Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.                                      |
| <b>Grebe, Black-necked</b>         | Protected at all times, Schedule 1.  |
| <b>Grebe, Slavonian</b>            | Protected at all times, Schedule 1.  |
| <b>Grebe, (all other species)</b>  | Protected at all times.  |
| <b>Greenfinch</b>                  | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.  |
| <b>Greenshank</b>                  | Protected at all times, Schedule 1.  |
| <b>Grouse, Black</b>               | Covered by Game Acts, which protect it in close season and allow it to be shot from 20 Aug–10 Dec.   |
| <b>Guillemot (all species)</b>     | Protected at all times.  |
| <b>Gull, Black-headed</b>          | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of the air safety General Licences.                                |
| <b>Gull, Common</b>                | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of the air safety General Licences.                                |
| <b>Gull, Great black-backed</b>    | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.  |
| <b>Gull, Lesser black-backed</b>   | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.  |
| <b>Gull, Herring</b>               | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.  |
| <b>Gull, Yellow-legged</b>         | Protected at all times.  |

|                                 |  |
|---------------------------------|--|
| <b>Gull, Little</b>             | Protected at all times, Schedule 1.  |
| <b>Gull, Mediterranean</b>      | Protected at all times, Schedule 1.  |
| <b>Harrier Marsh, Montagu's</b> | Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.  |
| <b>Harrier, Hen</b>             | Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.   |
| <b>Hawfinch</b>                 | Protected at all times.  |
| <b>Heron, Grey</b>              | Protected at all times.  |
| <b>Heron, Purple</b>            | Protected at all times, Schedule 1.  |
| <b>Hobby</b>                    | Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.   |
| <b>Hoopoe</b>                   | Protected at all times, Schedule 1.  |
| <b>Jackdaw</b>                  | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.                                      |
| <b>Jay</b>                      | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.                                      |
| <b>Kestrel</b>                  | Protected at all times. Subject to commercial use controls under COTES 97.   |
| <b>Kingfisher</b>               | Protected at all times, Schedule 1.  |
| <b>Kite, Red</b>                | Protected at all times, Schedule 1. Schedule 9. Subject to commercial use controls under COTES 97.   |
| <b>Kittiwake</b>                | Protected at all times.  |
| <b>Knot</b>                     | Protected at all times.  |
| <b>Lapwing</b>                  | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of the air safety General Licences. Provision exists for licence to be issued to permit the taking of eggs before 15 April for food for human consumption. |
| <b>Linnet</b>                   | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.  |
| <b>Magpie</b>                   | Protected at all times. May be killed or taken under the terms and conditions of some General licences. May be competitively exhibited or sold if captive-bred and fitted with an approved close ring.   |

|                                |   |
|--------------------------------|---|
| <b>Mallard</b>                 | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) 1 Sept–28 Feb. General Licences permit authorised persons to take eggs for incubation before 31 March. |
| <b>Martin (all species)</b>    | Protected at all times.   |
| <b>Merganser, Red-breasted</b> | Protected at all times.   |
| <b>Merlin</b>                  | Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.   |
| <b>Moorhen</b>                 | Protected in close season. May be shot from 1 Sept–31 Jan.  |
| <b>Nightingale</b>             | Protected at all times.   |
| <b>Nightjar</b>                | Protected at all times.   |
| <b>Nuthatch</b>                | Protected at all times.   |
| <b>Oriole, Golden</b>          | Protected at all times, Schedule 1.   |
| <b>Osprey</b>                  | Protected at all times, Schedule 1. Nests protected all year round. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.   |
| <b>Ouzel, Ring</b>             | Protected at all times.   |
| <b>Owl, Barn</b>               | Protected at all times, Schedule 1. Schedule 9 . May be competitively exhibited or sold if captive-bred and fitted with approved close-ring. Subject to commercial use controls under COTES 97.                                 |
| <b>Owl, Eagle</b>              | Non-native species listed on Schedule 9. Protected at all times.  |
| <b>Owl, Little</b>             | Protected at all times. Subject to commercial use controls under COTES 97.  |
| <b>Owl, Long-eared</b>         | Protected at all times. Subject to commercial use controls under COTES 97.  |
| <b>Owl, Short-eared</b>        | Protected at all times. Subject to commercial use controls under COTES 97.  |
| <b>Owl, Snowy</b>              | Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.  |
| <b>Owl, Tawny</b>              | Protected at all times. Subject to commercial use controls under COTES 97.  |
| <b>Oystercatcher</b>           | Protected at all times. General Licence permits authorised persons to kill or take birds and destroy their nests and eggs at certain aerodromes in England.   |



|                                |   |
|--------------------------------|---|
| <b>Parakeet, Ring-necked</b>   | Non-native species listed on Schedule 9. Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences |
| <b>Partridge (all species)</b> | Covered by Game Acts which give protection in close season and allow shooting from 1 Sept–1 Feb.  |
| <b>Peregrine</b>               | Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.                                     |
| <b>Petrel, Leach's</b>         | Protected at all times, Schedule 1.   |
| <b>Petrel, Storm</b>           | Protected at all times.   |
| <b>Phalarope, Grey</b>         | Protected at all times.   |
| <b>Phalarope, Red-necked</b>   | Protected at all times, Schedule 1.   |
| <b>Pheasant</b>                | Covered by Game Acts which protect it in the close season and allow it to be shot from 1 Oct–1 Feb.   |
| <b>Pigeon, Feral</b>           | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.   |
| <b>Pintail</b>                 | Schedule 1 Part II. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.   |
| <b>Pipit (all species)</b>     | Protected at all times.   |
| <b>Plover, Golden</b>          | Protected in close season. May be shot from 1 Sept–31 Jan. May be sold (dead) from 1 Sept–28 Feb.   |
| <b>Plover, Grey</b>            | Protected at all times.   |
| <b>Plover, Kentish</b>         | Protected at all times, Schedule 1.   |
| <b>Plover, Little ringed</b>   | Protected at all times, Schedule 1.   |
| <b>Plover, Ringed</b>          | Protected at all times.   |
| <b>Pochard</b>                 | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.  |
| <b>Ptarmigan</b>               | Covered by Game Acts which protect it at all times in England and Wales.  |
| <b>Puffin</b>                  | Protected at all times.   |
| <b>Quail, Common</b>           | Protected at all times, Schedule 1.   |
| <b>Rail, Water</b>             | Protected at all times.   |
| <b>Raven</b>                   | Protected at all times.   |
| <b>Razorbill</b>               | Protected at all times.   |
| <b>Redpoll, Lesser</b>         | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.   |

|  |   |
|--|---|
| <b>Redpoll, Common (mealy)</b>           | Protected at all times. May be competitively exhibited or sold under the terms and conditions of a General Licence if captive-bred and fitted with approved close-ring. |
| <b>Redshank</b>                          | Protected at all times.   |
| <b>Redshank, Spotted</b>                 | Protected at all times.   |
| <b>Redstart</b>                          | Protected at all times.   |
| <b>Redstart, Black</b>                   | Protected at all times, Schedule 1.   |
| <b>Redwing</b>                           | Protected at all times, Schedule 1.   |
| <b>Robin</b>                             | Protected at all times.   |
| <b>Rook</b>                              | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.                           |
| <b>Rosefinch, Scarlet</b>                | Protected at all times, Schedule 1.   |
| <b>Ruff</b>                              | Protected at all times, Schedule 1.   |
| <b>Sanderling</b>                        | Protected at all times.   |
| <b>Sandpiper, Common and Curlew</b>      | Protected at all times.   |
| <b>Sandpiper, Purple, Green and Wood</b> | Protected at all times, Schedule 1.   |
| <b>Scaup</b>                             | Protected at all times, Schedule 1.   |
| <b>Scoter, Common and Velvet</b>         | Protected at all times, Schedule 1.   |
| <b>Serin</b>                             | Protected at all times, Schedule 1.   |
| <b>Shag</b>                              | Protected at all times.   |
| <b>Shearwater (all species)</b>          | Protected at all times.   |
| <b>Shelduck</b>                          | Protected at all times.   |
| <b>Shorelark</b>                         | Protected at all times, Schedule 1.   |
| <b>Shoveler</b>                          | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.                            |
| <b>Shrike, Great grey</b>                | Protected at all times.   |
| <b>Shrike, Red-backed</b>                | Protected at all times, Schedule 1.   |
| <b>Siskin</b>                            | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.   |
| <b>Skua (all species)</b>                | Protected at all times.   |
| <b>Skylark</b>                           | Protected at all times.   |
| <b>Smew</b>                              | Protected at all times.   |
| <b>Snipe, Common</b>                     | Protected in close season. May be shot from 12 Aug–31 Jan; may be sold (dead) from 1 Sept–28 Feb.   |
| <b>Snipe, Jack</b>                       | Protected at all times.   |

|                                  |  |
|----------------------------------|--|
| <b>Sparrow, House</b>            | Protected at all times. May be killed or taken (including destruction of nests/eggs) under terms and conditions of some General Licences in Wales.   |
| <b>Sparrow, Tree</b>             | Protected at all times.  |
| <b>Sparrowhawk</b>               | Protected at all times; subject to commercial use controls under COTES 97.   |
| <b>Spoonbill</b>                 | Protected at all times, Schedule 1.  |
| <b>Starling</b>                  | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences in Wales. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring. |
| <b>Stilt, Black-winged</b>       | Protected at all times, Schedule 1.  |
| <b>Stint, Little</b>             | Protected at all times.  |
| <b>Stint, Temminck's</b>         | Protected at all times, Schedule 1.  |
| <b>Stonechat</b>                 | Protected at all times.  |
| <b>Stone-curlew</b>              | Protected at all times, Schedule 1.  |
| <b>Swallow</b>                   | Protected at all times.  |
| <b>Swan, Bewick's</b>            | Protected at all times, Schedule 1.  |
| <b>Swan, Mute</b>                | Protected at all times.  |
| <b>Swan, Whooper</b>             | Protected at all times, Schedule 1.  |
| <b>Swift</b>                     | Protected at all times.  |
| <b>Teal</b>                      | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.   |
| <b>Tern, Black</b>               | Protected at all times, Schedule 1.  |
| <b>Tern, Little</b>              | Protected at all times, Schedule 1.  |
| <b>Tern, Roseate</b>             | Protected at all times, Schedule 1.  |
| <b>Tern, (all other species)</b> | Protected at all times.  |
| <b>Thrush, Mistle</b>            | Protected at all times.  |
| <b>Thrush, Song</b>              | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close ring.  |
| <b>Tit, Bearded</b>              | Protected at all times, Schedule 1.  |
| <b>Tit, Crested</b>              | Protected at all times, Schedule 1.  |
| <b>Tit (all other species)</b>   | Protected at all times.  |
| <b>Treecreeper</b>               | Protected at all times.  |
| <b>Treecreeper, Short-toed</b>   | Protected at all times, Schedule 1.  |
| <b>Turnstone</b>                 | Protected at all times.  |
| <b>Twite</b>                     | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.  |

|                                    |   |
|------------------------------------|---|
| <b>Wagtail (all species)</b>       | Protected at all times.   |
| <b>Warbler, Cetti's</b>            | Protected at all times, Schedule 1.   |
| <b>Warbler, Dartford</b>           | Protected at all times, Schedule 1.   |
| <b>Warbler, Marsh</b>              | Protected at all times, Schedule 1.   |
| <b>Warbler, Savi's</b>             | Protected at all times, Schedule 1.   |
| <b>Warbler (all other species)</b> | Protected at all times.   |
| <b>Waxwing</b>                     | Protected at all times.   |
| <b>Wheatear</b>                    | Protected at all times.   |
| <b>Whimbrel</b>                    | Protected at all times, Schedule 1.   |
| <b>Whinchat</b>                    | Protected at all times.   |
| <b>Whitethroat (all species)</b>   | Protected at all times.   |
| <b>Wigeon</b>                      | Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.                                |
| <b>Woodcock</b>                    | Protected in close season, may be shot from 1 Oct–31 Jan.   |
| <b>Woodlark</b>                    | Protected at all times, Schedule 1.   |
| <b>Woodpecker (all species)</b>    | Protected at all times.   |
| <b>Woodpigeon</b>                  | Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. May be sold dead at any time. |
| <b>Wren</b>                        | Protected at all times.   |
| <b>Wryneck</b>                     | Protected at all times, Schedule 1.   |
| <b>Yellowhammer</b>                | Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.   |

## Licences

Licences to permit an otherwise illegal act may be granted by one of a number of authorities.

**These may be granted to take, kill or disturb birds, for the following purposes:**

- Scientific, research or educational (NE, CCW)
- Ringing, marking or photography of Schedule 1 species (NE, CCW)
- Conserving wild birds, re-populating an area with, or the reintroduction into an area of, wild birds, or conserving flora or fauna (NE or WAG)
- Protecting any collection of wild birds (NE or WAG)
- Falconry or aviculture (NE or WAG)
- Preserving public health or public or air safety (NE or WAG)
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters (NE or WAG)
- Taking a gull's egg for food (NE or WAG)

Licences may also be granted for: the sale of dead birds or their parts (NE or WAG); the public exhibition or competition of birds not listed on Schedule 3, Part I (NE or WAG); taxidermy (NE or WAG).

**The appropriate authority shall not grant a licence for any of these purposes a) unless it is satisfied that there is no other satisfactory solution, and b) otherwise than on a selective basis and in respect of a small number of birds.**

Licences may be specific (case-by-case basis) or general; may be granted to persons of a class or to a particular

person; may be subject to compliance with any specified conditions; may be modified or revoked at any time and are valid for the period stated in the licence.

A licence which authorises any action in respect of wild birds must specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken; and must specify the methods, means or arrangements which are authorised or required for the taking of the action.

### **Guide to General Licences issued under the Act**

Only brief details are given – the actual licences should be consulted for details of the precise terms and conditions, and notes on use. Copies of the licences can be obtained from the Government department or agency responsible for their issue. Natural England is responsible for issuing General Licences in England; these are available at

[www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx](http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx)

To find out about licences issued by WAG, please contact the Nature Conservation and Biodiversity Branch on 0300 062 2251 or try their website at <http://wales.gov.uk/topics/environmentcountryside/consmanagement/conservationbiodiversity/wildlifelicences/wildlifelicences/?lang=en>

**General Licences which permit the killing of certain wild birds for the following reasons are issued by NE (England) and WAG (Wales):**

General Licences can only be relied on in circumstances where the authorised person is satisfied that appropriate non-lethal methods of control such as scaring are either ineffective or impracticable. The species to which these General Licences apply vary between England and Wales and are subject to change; the current licences should be consulted for the correct lists. Precise details of control methods are outlined in the licence terms and conditions.

- 1 **Killing of birds to prevent serious damage or disease:** permits the killing or taking of certain birds, including the taking, damaging or destruction of their eggs and nests by an authorised person for the purpose of preventing the spread of disease and for preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters.
- 2 **Killing of birds to preserve public health or safety:** permits the killing or taking of certain birds, including the taking, damaging or destruction of their nests or the taking or destruction of their eggs by an authorised person for the purpose of preserving public health or public safety.
- 3 **Killing of birds to preserve air safety:** permits the killing or taking of certain birds, including the taking, damaging or destruction of their nests or the taking or destruction of their eggs by an authorised person for the purpose of preserving air safety.
- 4 **Conserving wild birds:** (or 'conserving flora and fauna') permits the killing of certain birds including the taking, damaging or destruction of their nests and eggs by an authorised person for conservation purposes.

#### **Information on using and keeping of live birds in cage traps:**

Under the above General Licences, cage traps may be used with a certain live decoy bird in order to entice other birds into the trap. The situation regarding the use of these varies significantly between England and Wales – the licence terms and conditions must be consulted before use.

Common requirements include:

- the cage trap may only be used by an authorised person
- the trap must be physically inspected at intervals of no less than 24 hours
- when a cage trap is not in use it must be rendered incapable of catching or holding birds
- decoy birds must be provided with food, water, shelter and a perch
- the species that may be used as decoys vary between the two countries and the various licences so the current licences must be consulted prior to use.

Other General Licences include:

- 5 **Eggs in nest boxes, England (NE) and Wales (WAG):** permits the removal and destruction of eggs from nest boxes not in use by birds from 1 August to 31 January. Eggs removed may not be kept.
- 6 **Taking of mallard eggs, England (NE) and Wales (WAG):** in certain circumstances permits the taking of

mallard eggs for incubation before 31 March.

- 7 Sale of captive-bred wild birds, England (NE) and Wales (WAG):** licences permit the sale of most captive-bred wild birds other than birds on Part I Schedule 3 of the Act and certain species of wildfowl. Birds must be accompanied by documentary evidence of captive breeding and in most cases be fitted with a correct size close-ring. Species on Schedule 4 are also subject to registration controls. Species listed on Annex A of the European Regulations are also subject to controls under COTES (see page 31). General Licences also permit the competitive exhibition of certain captive birds, and the keeping of certain captive-bred birds in show cages (conditions on cage dimensions and duration of confinement apply).
- 8 Sale of dead birds and derivatives, England (NE) and Wales (WAG):** licences permit the sale of most species of dead wild birds (unless for human consumption) providing that such birds were bred in captivity, or had not been illegally taken from the wild. These licences relate mainly to taxidermy. Each sale must be accompanied by documentary evidence that the bird was captive-bred or legally removed from the wild. The seller is obliged to keep certain records. Species listed on Annex A of the European Regulations are also subject to controls under COTES (see page 31).

- 9 Keeping disabled Schedule 4 birds England (NE) and Wales (WAG):** permits vets to keep Schedule 4 species which are receiving treatment for up to six weeks, without the need to register them. A General Licence also permits authorised persons (subject to certain conditions) and RSPCA Inspectors to keep disabled Schedule 4 species (see page 16) for the purposes of rehabilitation for up to 15 days without the need to register them.

## Trade in Endangered Species

Worldwide trade in certain species of wild plants and animals is regulated by the Convention on International Trade in Endangered Species 1973 (CITES). The aim of CITES is to control and regulate trade (i.e. international movement) in species listed in the three Appendices to the Convention. Species are assigned to these Appendices according to the degree to which they are threatened with extinction. The trade in CITES listed species is regulated by a system of permits and certificates issued by the relevant CITES Management Authority. Over 175 countries, including the UK, are signatories to CITES.

The implementation of CITES in the UK is overseen by the Animal Health Wildlife Licensing and Registration Service (Animal Health is an executive agency of Defra), which is the UK CITES Management Authority. There are also two UK CITES Scientific Authorities: the Joint Nature Conservation Committee (JNCC) for animals and the Royal Botanic Gardens, Kew for plants.

### The EU CITES Regulations

CITES is implemented throughout the European Union by way of Council Regulation EC No. 338/1997 and Commission Regulation EC No.865/2006. These Regulations identify the CITES species by listing them in 4 Annexes (A-D) as follows:

- Annex A lists those species threatened with extinction plus species to which the EU has afforded stricter protection. Commercial trade is not permitted

in wild-taken Annex A species and imports and (re-) exports are only permitted for 'primarily non-commercial' purposes (although captive bred and artificially propagated specimens can, in certain circumstances, be treated as though they are listed in Annex B). All native European birds of prey and owls are included in Annex A, which means, for example, that a kestrel is afforded the same level of protection in trade as a tiger or a panda.

- Annex B lists those species not immediately threatened with extinction but which may become so unless trade is regulated.
- Annex C lists those species subject to regulation within the territory of a CITES party and for which the co-operation of other parties is needed to prevent or restrict their exploitation.
- Annex D lists non-CITES species which are imported into the EU in such numbers as to warrant monitoring.

The controls apply to all animals or plants listed in Annexes A to D, and apply to live and dead specimens and to any part or derivative unless these are specifically exempted from the provisions of the Regulations or from the provisions relating to the Annex in which the species concerned is listed. All the animals and plants controlled under the CITES Regulations are listed in Commission Regulation EC No 407/2009. This is subject to periodic updates.



The import into the UK of specimens of Annex A or B species requires the prior grant and presentation to the UK Border Agency (UKBA) of a CITES import permit issued by Animal Health. The import into the UK of specimens of Annex C or D specimens requires the completion, and presentation to the UKBA, of a CITES Import Notification. The export or re-export of specimens of Annex A, B, C or D species would require the prior grant, and presentation to the UKBA, of a (re-) export permit or certificate of origin issued by Animal Health.

The EC CITES Regulations also impose stricter measures in relation to the commercial use of Annex A specimens. The Regulations require people trading in specimens of Annex A species, or using them for any commercial purpose, to obtain an individual certificate – these certificates are commonly referred to as ‘Article 10 certificates’. The EC Regulations define ‘commercial use’ as:

- Purchase
- Offer to purchase
- Acquisition for commercial purposes
- Display to the public for commercial purposes
- Use for commercial gain
- Sale
- Keeping for sale
- Offering for sale
- Transporting for sale.

The only circumstance for which an Article 10 certificate is not required is if

the specimen falls under the general exemption in respect of worked items acquired before 1 June 1947. Animal Health will only issue an Article 10 certificate for the commercial use of an Annex A specimen providing certain conditions are met. For Annex A birds this would normally mean they have to be captive-bred and fitted with a uniquely numbered closed leg ring or a microchip. Anyone wishing to sell, for example, a native European bird of prey or owl, or wanting to check on the legality of a particular sale, should consult Animal Health.

### **Enforcement**

In the UK, the primary controls on the import and (re-)export of CITES specimens are enforced by the UKBA under the provisions of the Customs and Excise Management Act 1979 (CEMA); offences under CEMA can carry prison sentences of up to seven years. The secondary controls relating to commercial use and movement of CITES specimens within the UK are enforced by the Police by way of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES); offences under COTES can carry prison sentences of up to five years.

### **Compliance checking and enforcement support**

There is also a Compliance Team with the Wildlife Licensing and Registration Service which co-ordinates all its formal and informal activity in support of compliance and enforcement. The Compliance Team works closely with the UKBA, the Police and the National Wildlife Crime Unit; and can clarify

legislation and provide releases of relevant information in relation to the detection, investigation and prosecution of offences under the CITES legislation.

This includes providing ongoing investigative support, and the provision of evidence for Court proceedings. They also co-ordinate the panel of Animal Health Wildlife Inspectors who have species expertise and can undertake inspections to identify species, organise the taking of forensic samples, check CITES permits, microchips, bird rings and documents by:

- Walk-through inspections – checking a public access area of a pet shop, zoo or other establishment;
- Announced inspections – this involves visits to premises where the traders/keepers are advised in advance;
- Unannounced inspections – this

involves visits to premises where the trader/keeper is not advised in advance;

- Enforcement support to the UK Border Agency and the Police, such as during the execution of a warrant.

The Inspectors also have certain powers of entry under the COTES Regulations.

Further information on the CITES controls, an up-to-date list of the controlled species and relevant contact details can be found on the Wildlife Licensing and Registration Service website at: [www.defra.gov.uk/animalhealth/cites](http://www.defra.gov.uk/animalhealth/cites). Additional information about the EU Wildlife Trade Regulations can be found at: [www.eu-wildlifetrade.org](http://www.eu-wildlifetrade.org)

## Use of lead in gunshot

In England, restrictions on the use of lead gunshot are contained in the Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 and in the 2002 and 2003 amendments to those regulations (Statutory Instrument (SI) numbers 1999/2170, 2002/2102 and 2003/2512). In Wales, the restrictions are contained in the Environmental Protection (Restriction on Use of Lead Shot) (Wales) Regulations 2002 (WSI number 2002/1730).

These regulations make it illegal to shoot certain species of waterfowl (coot, moorhen, all species of ducks, geese and swans) with lead gunshot.

They also prohibit the use of lead shot below the high water mark and over certain wetland SSSIs identified for their (inter)national waterfowl importance. Authorised persons (including Constables) have powers of entry to determine whether the regulations are being, or have been, complied with. Full species and sites lists for both countries are available from the Office of Public Sector Information website [www.opsi.gov.uk](http://www.opsi.gov.uk) (Annex 1 to the relevant Regulations for sites and Annex 2 for species).

## **Prohibition of shooting on Sundays**

The following Orders made under the Protection of Birds Act remain in force under the Wildlife and Countryside Act. They prohibit the Sunday shooting of Schedule 2, Part I birds (quarry species) in the administrative counties of Anglesey, Brecknock, Caernarvon, Cardigan, Carmarthen, Cornwall, Denbigh, Devon, Glamorgan, Isle of Ely, Meirionnydd, Montgomery, Norfolk, Pembroke, Somerset, York North Riding, York West Riding and in the county boroughs of Doncaster, Great Yarmouth and Leeds. (1995, No 1286; 1956, No 1310; 1957, No 429; 1963, No 1700 respectively).

### Table of Areas of Special Protection

The following areas are designated by Sanctuary Orders under the Protection of Birds Act. The extra protection afforded them remains in force under the Wildlife and Countryside Act where they are termed Areas of Special Protection.

| Place   | Protection given to all |      | Entry except by permit prohibited during period given | Order Number                  |
|---|-------------------------|------|---|-------------------------------|
|   | birds                   | eggs |   |                               |
| Abberton Reservoir, Essex                               | x                       | x    | all times   | 1967 No 365                   |
| Berry Head and Berry Head (Southern Redoubt), Devon     | x                       | x    | 15 Mar–31 Jan   | 1984 No 1471                  |
| Brean Down, Somerset                                    | x                       | x    |   | 1968 No 562                   |
| Burry Estuary, West Glamorgan                           | x                       | x    |   | 1969 No 1795                  |
| Charlston's Pond, Billingham, Durham                    | x                       | x    | part closed at all times                              | 1968 No 564                   |
| Cleddau, Haverfordwest, Pembrokeshire                   | x                       | x    |   | 1970 No 72                    |
| Cley Marshes, Norfolk                                   | x                       | x    | all times   | 1966 No 536                   |
| Coquet Island, Northumberland                           | x                       | x    | all times   | 1978 No 1074                  |
| Durleigh Reservoir, Somerset                            | x                       | x    |   | 1964 No 1989                  |
| Eastlington Lagoons, Humberside                         |                         |      | 1 Apr–31 Aug  | 1987 No 1163                  |
| Exe Estuary, Devon                                      | x                       | x    | all times   | 1951 No 901                   |
| Fairburn Ings and Newtown Ings, Fairburn, W and N Yorks | x                       | x(D) |   | 1980 No 401                   |
| Farne Islands, Northumberland                           | x                       | x(D) | all times   | 1980 No 402                   |
| Foulney Island, Cumbria                                 | x                       | x(D) | 1 Apr–15 Aug  | 1980 No 1839                  |
| Gibraltar Point, Lincs                                  | x                       | x(D) |   | 1971 No 557                   |
| Havergate Island, Suffolk                               | x                       | x    | all times   | 1961 No 1077                  |
| Hornsea Mere, Humberside                                | x                       | x    |   | 1980 No 403                   |
| Horsey Estate, Norfolk                                  | x                       | x(D) | all times   | 1988 No 324                   |
| Humber Estuary, Yorks/Lincs                             | x                       |      | 1 Sep–20 Feb  | 1955 No 1532 and 1963 No 1808 |
| Poole Harbour, Dorset                                   | x                       | x    | parts at all times                                    | 1978 No 1259                  |
| Porth Reservoir, Cornwall                               | x                       | x    |   | 1964 No 1097                  |
| Southport, Lancs  | x                       | x    |   | 1956 No 692                   |
| Tamar Lake, Devon/Cornwall                              | x                       | x    |   | 1960 No 2144                  |
| Trethais Island, Cornwall                               | x                       | x    |   | 1959 No 2009                  |
| Walmsley, Cornwall                                      | x                       |      | all times   | 1961 No 865                   |
| Warren Shore, Needs Ore Point & Gull Island, Hampshire  |                         |      | all times (Gull Is)                                   |                               |
|   |                         |      | 1 Mar–31 Jul (Needs Ore Point and Warren Shore Is)    | 1984 No 578                   |
| Washington New Town, Tyne & Wear                        | x                       | x(D) |   | 1980 No 404                   |
| Wheldrake Ings, North Yorks                             | x                       | x    |   | 1978 No 1259                  |
| Wicken Sedge Fen, Cambs                                 | x                       | x    |   | 1957 No 1015                  |
| Wyne-Lune, Lancs  | x                       | x    |   | 1963 No 2000                  |

(D) denotes that it is an offence to disturb any bird while it is on or near a nest containing eggs or young.

## Frequently asked questions about birds and the law

The following are some of the questions most frequently asked about bird protection. The answers are based on the provisions of Part I of the Act.

**Q. My neighbour keeps a bird of prey. Do they need a licence?**

**A.** Not necessarily. Nine of the rarer British birds of prey must be registered with Animal Health (see page 7). Any sale or commercial use of a European bird of prey or owl requires an Article 10 Certificate issued by Animal Health.

**Q. I have seen an advertisement offering barn owls for sale. Is this legal?**

**A.** Yes, as long as they have been bred in captivity, are fitted with a close-ring or a microchip, and have a licence, known as an Article 10 Certificate issued by Animal Health.

**Q. My local pet shop is selling bullfinches and goldfinches; surely they are protected?**

**A.** Yes, they are fully protected but some British birds are bred in captivity by aviculturalists. Certain species may be sold if they have been captive-bred and are fitted with appropriate close-rings (see page 5).

**Q. I know a person who traps wild finches and keeps them in an aviary. Is this legal?**

**A.** No. It is an offence to take British wild birds and to keep them.

**Q. I have found an injured bird. Can I look after it?**

**A.** Yes, but you must release it when it has recovered unless it is included on

Schedule 9 of the Act (see page 16).

You should try to ensure the bird gets the appropriate treatment or pass it to a suitable individual or organisation to care for. In the case of Schedule 4 birds, only authorised persons can keep them for the purposes of rehabilitation without having to register them with Animal Health (see page 6).

**Q. Is it against the law to take wild birds' eggs?**

**A.** Yes, except if you are an authorised person, such as a landowner, when you can take the eggs of a few named species under the terms of a General Licence (see pages 27–29). The maximum penalty for taking the egg of a wild bird is £5,000, or six months imprisonment, or both.

**Q. Is it an offence to keep wild birds' eggs?**

**A.** Yes, if they were taken illegally after 1954 in Great Britain or taken illegally in another EU Member State.

**Q. I have a nest box in my garden and last year the birds deserted their eggs. Is it all right to clean the box out ready for next year?**

**A.** Yes, but only between 1 August and 31 January. You are not allowed to keep the eggs.

**Q. I have an old collection of birds' eggs. Can I sell it?**

**A.** No. The sale or exchange of birds' eggs, irrespective of age, is illegal. If you do not want the collection, you could consider donating it to a museum.

**Q. I have found a dead tawny owl on the road. Can I have it stuffed and keep it?**

**A.** If the bird has died of natural causes you can pay a taxidermist to prepare and mount it for you to keep. The law requires you to explain your possession of a wild bird and it is worth keeping details of when and where the bird was found and its cause of death.

**Q. I want to sell some stuffed birds, is this legal?**

**A.** It is legal to sell dead wild birds under the terms of a General Licence (see page 29). The law requires certain records to be kept and the seller must supply documentary evidence that the bird had not been killed illegally or had been bred in captivity. The sale of European birds of prey, and certain other species, requires an Article 10 Certificate from Animal Health (see COTES page 31).

**Q. Every year, a local farmer and his friends shoot the nesting crows on his land. Is this legal?**

**A.** Yes, it probably is. Crows and several other species of birds are sometimes classed as 'pests' and may be killed by authorised persons at any time of the year under the terms of a General Licence (see page 28).

**Q. Each winter, the geese and ducks on a local lake are shot. Is this legal?**

**A.** Possibly. Species of geese and ducks included on Schedule 2, Part I of the Act (see page 15) can be shot during the open season (1 Sep–31 Jan).

**Q. I know someone who keeps some birds in very small cages. Surely this is cruel?**

**A.** Possibly. The Act has regulations governing the size of cages. Normally, the RSPCA or the Police deal with offences of cruelty.

**Q. Every year a neighbour knocks down house martin nests under his eaves while the birds are trying to build. Is this legal?**

**A.** No. All wild birds' nests (with some limited exceptions) are fully protected and it is an offence to destroy them while in use or being built. In the case of house martins and swallows, a nest will remain in use throughout the summer until the birds leave on their autumn migration. Only after they have all left, which could be towards the end of October, can the nests be removed.

**Q. I would like to take up photography. Is there anything I should know about photographing wild birds?**

**A.** Yes, photography of wild birds in Britain is restricted by law if it would involve the disturbance of rare breeding birds (Schedule 1 – see page 14). If so, a licence is required from NE, or CCW. Further information on bird photography and the law can also be obtained from the RSPB.

**Q. What can I do about youths with airguns shooting at birds in the local park?**

**A.** They are committing a firearms offence by using an airgun in a public place. With the exception of 'pest' species, game birds and certain waterfowl (which may be killed or taken by authorised persons or during the open season) it is illegal to shoot at any bird.

**Q. Every year our local council kills**

**the pigeons in the town centre. Is this legal?**

**A.** Yes, it probably is. Feral pigeons can be killed under the terms of General Licences issued, for example, to preserve public health (see page 28).

**Q. If I want to report a wildlife offence to the Police, whom should I ask for?**

**A.** Ask for the Wildlife Crime Officer (WCO). If they are not available, ask that the incident be brought to their attention.

## Useful addresses

### Department for Environment, Food and Rural Affairs (Defra)

#### Wildlife Licensing and Registration Section (Animal Health)

Defra

Floor 1, Zone 17

Temple Quay House

2 The Square, Temple Quay

Bristol BS1 6EB

Tel: 0845 601 4523

(Licences for importing birds, also for registration matters.)

#### Defra

#### International Animal Health Division Service Delivery Unit

Ceres House

2 Searby Road

Lincoln LN2 4DT

Tel: 01522 563132

Email:

[lincoln.iahsdu@animalhealth.gsi.gov.uk](mailto:lincoln.iahsdu@animalhealth.gsi.gov.uk)

(Import licences in respect of health regulations.)

#### Wildlife Management and Licensing Service

#### Natural England

Government Buildings

Burghill Road

Westbury on Trym

Bristol BS10 6NJ

Tel: 0845 601 4523

(Licences in England)

[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

#### Welsh Assembly Government (WAG)

Agriculture and Environment

Licensing Section

Rhodfa Padarn

Llandbadarn Fawr

Aberystwyth

Ceredigion SY23 3UR

English: 0300 0603300 or

0845 010 3300

Welsh: 0300 0604400 or 0845 010 4400

[www.wales.gov.uk](http://www.wales.gov.uk)

(Licences in Wales for killing birds causing agricultural damage).

#### Welsh Assembly Government Nature Conservation and Biodiversity Branch

Rhodfa Padarn

Llandbadarn Fawr

Aberystwyth

Ceredigion SY23 3UR

Tel: English: 0300 0603300 or

0845 010 3300

Welsh: 0300 0604400 or 0845 010 4400

(For all other Welsh licensing information.)

#### Countryside Council for Wales (CCW)

Maes-y-Ffynnon

Penrhosgarnedd

Bangor

Gwynedd LL57 2DW

Tel: 0845 1306229

[www.ccw.gov.uk](http://www.ccw.gov.uk)

(Licences for Schedule 1 bird nest examination and photography in Wales.)

#### The Stationery Office

TSO

PO Box 29

Norwich NR3 1GN

Tel: 0870 6005522

Or try: [www.opsi.gov.uk](http://www.opsi.gov.uk)

(For copies of the Wildlife and Countryside Act 1981 (not updated), Lead Shot Regulations)



**Northern Ireland Environment Agency (NIEA)**

Wildlife Management and Licensing  
 Biodiversity Unit  
 Klondyke Building  
 Cromac Avenue  
 Gasworks Business Park  
 Lower Ormeau Road  
 Belfast BT7 2JA  
 Tel: 028 9056 9605  
[www.ni-environment.gov.uk](http://www.ni-environment.gov.uk)  
 (For information on wildlife legislation  
 in Northern Ireland.)

**National Wildlife Crime Unit**

Old Livingston Police Station  
 Almondvale South  
 Livingston  
 West Lothian EH54 6PX  
[www.nwcu.police.uk](http://www.nwcu.police.uk)

**In cases of suspected poisoning the following are contact addresses. Remember there is a freephone number: 0800 321600.**

**ENGLAND****Defra****Wildlife Incident Unit**

Food and Environment Research  
 Agency (FERA)  
 Sand Hutton  
 York YO4 1LZ  
 Tel: 01904 462000

**WALES**

**Welsh Assembly Government (WAG)  
 Agriculture and Environment  
 Nature Conservation and Biodiversity  
 Branch**

Rhodfa Padarn  
 Llandbadarn Fawr  
 Aberystwyth  
 Ceredigion SY23 3UR  
 Tel: English: 0300 0603300 or  
 0845 010 3300.  
 Welsh: 0300 0604400 or 0845 010 4444.

**RSPB COUNTRY & REGIONAL OFFICES**

UK Headquarters  
 The Lodge  
 Sandy  
 Bedfordshire SG19 2DL  
 Tel: 01767 680551

North Wales Office  
 Unit 14, Lllys Caston,  
 Ffordd Y Parc, Parc Menai  
 Bangor, Gwynedd  
 LL57 4FD  
 Tel: 01248 672850

South Wales Office  
 Sutherland House  
 Castlebridge  
 Cowbridge Road East  
 Cardiff CF11 9AB  
 Tel: 029 2035 3000

Midlands Regional Office  
 46 The Green  
 South Bar  
 Banbury  
 Oxfordshire OX16 9AB  
 Tel: 01295 253330

Eastern England Regional Office  
 Stalham House  
 65 Thorpe Road  
 Norwich  
 Norfolk NR1 1UD  
 Tel: 01603 660066

Northern England Regional Office  
 1 Sirius House  
 Amethyst Road  
 Newcastle Business Park  
 Newcastle upon Tyne NE4 7YL  
 Tel: 0191 233 4300

South East England Regional Office  
 Frederick House  
 42 Frederick Place  
 Brighton  
 East Sussex BN1 4EA  
 Tel: 01273 775333

South West England Regional Office  
 Keble House  
 Southernhay Gardens  
 Exeter  
 Devon EX1 1NT  
 Tel: 01392 432691

Northern Ireland Headquarters  
 Belvoir Park Forest  
 Belfast BT8 7QT  
 Tel: 028 9049 1547

Scotland Headquarters  
 Dunedin House, 25 Ravelston Terrace  
 Edinburgh EH4 3TP  
 Tel: 0131 311 6500

East Scotland Regional Office  
 10 Albyn Terrace  
 Aberdeen AB10 1YP  
 Tel: 01224 624824

North Scotland Regional Office  
 Etive House  
 Beechwood Park  
 Inverness IV2 3BW  
 Tel: 01463 715000

South & West Scotland Regional Office  
 10 Park Quadrant  
 Glasgow G3 6BS  
 Tel: 0141 331 0993



### **The Partnership for Action against Wildlife Crime (PAW)**

The Partnership for Action Against Wildlife Crime (PAW) is a multi-agency body comprising representatives of all the organisations involved in wildlife law enforcement, including the Police, HM Revenue and Customs, representatives of Government Departments and NGOs such as the RSPB. It provides a strategic overview of enforcement activity; considers and develops responses to strategic problems; and looks at issues of strategic concern alongside the National Wildlife Crime Unit.

Its main objective is to support the networks of police Wildlife Crime Officers and HM Revenue and Customs Officers. Another objective is to draw attention to the growing problem of wildlife crime and to raise awareness

of the need for tough enforcement action. As a result, the scope of PAW's work includes awareness raising, publicity, training and education, as well as supporting investigations. For more information about PAW, see [www.defra.gov.uk/paw](http://www.defra.gov.uk/paw)

### **The National Wildlife Crime Unit (NWCU)**

The NWCU was launched in October 2006. A multi-agency operation, the NWCU gathers, analyses and co-ordinates wildlife crime intelligence and supports enforcement activities of police and HM Revenue and Customs (HMRC) officers in the UK, as well as liaising with enforcement agencies in other jurisdictions.

If you require assistance in interpretation of the Wildlife and Countryside Act 1981 or with its enforcement, contact the RSPB's Investigations Section at our UK Headquarters.

**For further information, or to report an offence, please visit our website at [www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw). You can also:**

- Find out more about the work of the RSPB and other organisations to investigate crimes and bring offenders to justice.
- Learn about the offences committed and the implications of these crimes on wild bird populations.
- Download copies of this booklet and other publications produced by the RSPB's Investigations Section, including

*Legal Eagle* – the newsletter for police Wildlife Crime Officers, detailing prosecution news, police initiatives and changes in legislation

*Birdcrime* – an annual review summarising offences against wild bird legislation reported to the RSPB during the year.

Other leaflets on bird legislation available from the RSPB:

*Wild Birds and the Law – Scotland*

*Information about Birds and the Law*

*Bird Photography and the Law*

*Information about Birds and the Law – Northern Ireland*

*Code of Conduct for Birdwatchers*

A range of leaflets on individual bird species such as the barn owl and herring gull are also available.

Together,  
we can make sure the bad  
apples don't spoil things  
for everyone else.



If you have any information about the  
illegal killing of birds of prey, call the RSPB's  
confidential hotline on **0845 486 3636\***

[www.rspb.org.uk/goodmen](http://www.rspb.org.uk/goodmen)

\*Calls to this number are not recorded and will be treated in strictest confidence.

Image: iStock  
The Royal Society for the Protection of Birds (RSPB) is a registered charity (England and Wales no. 221975,  
Scotland no. SC029624) 201-2010-08-09

**For more information about  
the RSPB, please contact:**

The RSPB  
UK Headquarters  
The Lodge  
Sandy  
Bedfordshire SG19 2DL  
Tel: 01767 680551

RSPB Cymru  
Sutherland House,  
Castlebridge  
Cowbridge Road East  
Cardiff CF11 9AB  
Tel: 02920 353000

**[www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)**



The RSPB speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.



We belong to BirdLife International, the global partnership of bird conservation organisations.

**Produced by the Investigations Section of the RSPB, March 2010**

Peregrine falcon by Peter Cairns ([rspb-images.com](http://rspb-images.com))

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232-1186-09-10