

Island of  Guernsey

Ordinance of the States **XV**

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Made: ... .. 29th May, 1985.  
Came into Operation ... 29th May, 1985.

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1985

**The Control of Birds Ordinance, 1985**

THE STATES, in pursuance of their Resolution of the 15th day of March, 1985, hereby order:—

1. This Ordinance applies to any case in which, in the opinion of the Committee, it is necessary or expedient— Application of Ordinance.

- (a) in the interests of public health, public hygiene or public safety; or
- (b) to protect or preserve the amenity of the locality; or
- (c) to prevent damage to or contamination of any building or property,

to control the numbers of birds, or of any species or any class of birds, congregating in any public place:

2. (1) In any case to which this Ordinance applies the Committee may, subject to the provisions of this section and of section 3, direct the taking of measures by humane methods to control, by destruction or otherwise, the numbers of birds in a specified public place. Directions for controlling numbers of birds.

(2) A direction under this section may—

- (a) be given in respect of all birds found to be present at the public place in relation to which it is given or in respect of any species or any class of birds so present;
- (b) direct the destruction of birds, eggs of birds and nests of birds at the place in relation to which it is given, or their removal from that place and subsequent destruction or other disposal elsewhere;
- (c) provide for the disposal of carcasses, eggs and nests destroyed pursuant to the direction;
- (d) make such ancillary provision as the Committee considers necessary or expedient.

(3) A direction given under this section shall specify—

- (a) the public place in relation to which the direction is given;
- (b) the first date and time at which the direction is to be executed and the last date and time until which the direction may continue to be executed;
- (c) either numerically or by reference to a proportion of the birds found to be present, the maximum number of birds to be destroyed pursuant to the direction;
- (d) the person, whether by name or by reference to any office held by him, authorised to execute the direction;

- (e) the method or methods which may be used for the destruction of birds pursuant to the direction;
- (f) whether, and if so to what extent, the eggs and the nests of birds are to be destroyed pursuant to the direction.

3. If the Committee gives a direction under section 2, a notice shall be published in La Gazette Officielle, on at least two occasions between the fourteenth day and the seventh day immediately preceding the first date on which the direction is to be executed,—

Publication  
of notice of  
direction.

- (a) setting out the matters specified in the direction pursuant to section 2(3)(a), (b) and (c); and
- (b) warning that the owner of a bird who desires to avoid its destruction pursuant to the direction should remove it from the place specified therein before the first date and time when the direction is to be executed; and
- (c) if the place specified in the direction is not a place to which the public normally have access, stating the arrangements by which owners of birds may be afforded access to that place for the purpose of removing birds owned by them.

4. A direction given under section 2 shall, if the conditions of sections 2(3) and 3 have been complied with, be sufficient authority for the person specified pursuant to section 2(3)(d), together with

Effect of  
direction.

any other person authorised by the Committee in that behalf, to carry out the direction in accordance with its terms; and a person shall not in any way be liable for anything done or omitted to be done in the execution or purported execution of any such direction unless the thing is done or omitted to be done in bad faith.

**Obstruction.** 5. A person who wilfully obstructs or attempts to obstruct a person acting in execution of a direction given under section 2 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.

**Interpretation.** 6. (1) In this Ordinance, unless the context otherwise requires,—

“the Committee” means the States Committee for Agriculture;

“public place” means any place to which the public have access and any place to which the public do not normally have access but which is for the time being owned or administered by the States.

(2) A reference in this Ordinance to a numbered provision is, unless the context otherwise requires, a reference to the provision which is so numbered in this Ordinance.

**Amendment to Ordinance of 1949.** 7. In the Protection of Wild Birds Ordinance, 1949<sup>(a)</sup>, the following additional section is inserted immediately after section 4:

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(a) Recueil d'Ordonnances Tome IX, p. 306; Tome XIII, p. 251; Tome XIX, p. 338; No. XXXV of 1981.

“Actions  
pursuant to  
directions  
under  
Ordinance  
of 1985.

4A. Nothing in the preceding provisions of this Ordinance shall be construed as rendering unlawful anything done in good faith in the execution or purported execution of a direction given under section 2 of the Control of Birds Ordinance, 1985.”

8. This Ordinance may be cited as the Control of Birds Ordinance, 1985. Citation.

9. This Ordinance applies in the Islands of Guernsey, Herm and Jethou, including the territorial waters adjacent thereto. Extent.

A. G. LE CHEMINANT,  
Her Majesty's Deputy Greffier.