

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made 26th April, 1950
Coming into force 26th April, 1950

PROTECTION OF WILD BIRDS (ALDERNEY) ORDINANCE, 1950

The States, upon the representation of the States Committee for Agriculture, have approved the following Ordinance which shall come into force immediately.

- 1, **DEFINITIONS:** In this Ordinance the following expressions shall have the meanings respectively assigned to them:

"Committee" shall mean the States Committee for Agriculture.

"Constable" means any Member of the Guernsey Island Police Force on duty in Alderney or a special Constable, when on duty.

"Court" means the Court of Alderney.

2. (a) Where any person –

- (i) Affixes, places, or sets a spring, spring-trap, gun, gin, snare net, or other similar instrument calculated to cause bodily injury to any wild bird coming into contact therewith; or
- (ii) Knowingly permits or suffers or causes any such instrument to be affixed, placed, or set; or
- (iii) Takes or attempts to take any wild bird by means of a hook or other similar instrument; or
- (iv) Uses bird lime or any substance of a like nature for the purpose of taking or attempting to take any wild bird; or
- (v) Uses any bird, whether wild or domestic, as a decoy for the purpose of taking or attempting to take any wild bird, he shall be guilty of an offence under this Ordinance.

- (b) Where any person keeps or confines any wild bird in any cage or other receptacle which -

- (i) Measures less than eighteen inches in length, twelve inches in height and eight inches in width respectively; or

- (ii) Does not measure sufficient in height, length, and breadth respectively, to permit the bird freely to stretch its wings, he shall be guilty of an offence under this Ordinance.

This sub-section shall not apply to any wild bird kept or confined in a cage or other receptacle which does not comply with the requirements specified herein whilst being conveyed by land, water, or air, or whilst being exhibited during not more than seventy-two consecutive hours at a show.

- 3. It shall not be lawful at any time hereafter for any person to kill, or attempt to kill, injure or take any wild bird, or to take or destroy or (except in the ordinary course of farming or forestry operations) knowingly or wilfully to disturb eggs or nests of any wild bird, with the following exceptions:
 - (a) birds and the eggs and nests of birds specified in the Schedule to this Ordinance;
 - (b) birds captured or killed or eggs taken or destroyed in terms of an authority contained in a certificate granted in terms of Section 6 of this Ordinance.
- 4. The States may by Resolution appoint a person or persons to act as Bird Wardens for the purpose of assisting in the enforcement of this Ordinance. The appointment shall be for such term as the States may resolve and may also be revoked by Resolution at any time without giving reasons therefor.
- 5. Notwithstanding anything in this Ordinance contained it shall be lawful for any person, thereunto specifically authorised in writing by the Chairman of the Committee (hereinafter referred to as "the Chairman") to kill or attempt to kill by shooting at any time any sea gull which alights on any place within the boundaries of the Alderney Airport or is in flight over such place.
- 6. (a) Notwithstanding any of the provisions of this Ordinance the Chairman of the Committee may grant a certificate for such period as may be specified therein (save that such period shall not exceed one year in respect of any one grant), authorising any person to kill or take respectively within an area specified in the said certificate, wild birds, their eggs or nests which would otherwise be protected under this Ordinance but only for any of the following purposes:-
 - (i) for supplying an order received from any zoological garden to which the public is admitted or from any public museum; or
 - (ii) for any scientific purpose approved by the Committee.

- (b) Any such certificate shall be renewable from time to time by the Chairman on its expiry and revocable at any time by him in his absolute discretion.
 - (c) Such certificate shall be carried by the holder when acting under the powers therein contained and shall be exhibited by the holder on demand by a Constable or Bird Warden requesting the exhibition thereof.
- 7.(a) Where any person has in his control or possession, or purchases, sells, or knowingly transports, or attempts to purchase, sell or transport, any wild bird or the plumage or skin or part of any wild bird, or the egg or nest of any wild bird at any time when such bird, egg or nest is protected under this Ordinance, it shall be deemed in any proceedings taken in connection therewith to have been killed, taken or knowingly transported, as the case may be, by such person in contravention of this Ordinance and the said killing, taking or transporting shall be deemed to be an offence under this Ordinance unless he satisfies the Court that it was not or that he had reasonable grounds for believing that it was not illegally killed or taken.

Where any person shall be found apparently offending against this Ordinance, he shall, upon being requested to do so by a Constable or Bird Warden, give his full names and address, and in case the person so apparently offending shall, after being requested fail to refuse to give his real names or address or give an untrue name or address, it shall be an offence under this Ordinance.

8. (a) A person guilty of an offence under this Ordinance shall be liable to a fine not exceeding Ten Pounds.
- (b) In addition to any other penalty which the Court has power to inflict for offences against this Ordinance, the Court may order that any bird, skin, egg or nest in respect of which the offence was committed shall be forfeited and dispose of it at its discretion, and may order any gun, trap, net, snare, decoy or other instrument in respect of which or by means of which the offence was committed to be forfeited or otherwise dealt with as the Court may direct, and shall also order that any certificate or licence given under this Ordinance and held by the person convicted shall be cancelled.
9. In this Ordinance, unless the context otherwise requires, the expression "Island" includes the Islands of Alderney, Burhou, Ortac and all rocks and Islets within the territorial waters thereof.

10. This Ordinance shall apply to the Islands of Alderney and Burhou to the Ortac Rock and all the territorial waters thereof.

SCHEDULE

**Carrion Crow
Hoody Crow
Magpie
Sparrow Hawk
Wood Pigeon
Starling
Sparrow**

**Rook
Snipe
Woodcock
Duck**