

***Protection of Wild Birds Ordinance, 1949.**
(13th January, 1949)

THE COURT, on the representations of the States Committee for Agriculture and Fisheries and having heard His Majesty's Comptroller thereon, hereby orders:

Cruelty to
wild birds
generally

1. (1) Where any person—

- (a) affixes, places or sets any 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
- (b) knowingly permits or suffers or causes any such instrument to be affixed, placed or set; or
- (c) takes or attempts to take any wild bird by means of a hook or other similar instrument; or
- (d) uses bird lime or any substance of a like nature for the purpose of taking or attempting to take any wild bird; or
- (e) 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.

(2) Where any person keeps or confines any wild bird in any cage or other receptacle which—

- (a) measures less than eighteen inches in length, twelve inches in height and eight inches in width respectively; or
- (b) 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

* See also the Protection of Wild Birds (Amendment) Ordinance, 1951.

exhibited during not more than seventy-two consecutive hours at a show.

2. It shall not be lawful at any time hereafter for any person to kill, injure or take, or attempt to kill, injure or take, any wild bird, or to take or destroy or to attempt to take or destroy, or (except in the ordinary course of farming or forestry operations) knowingly and wilfully to disturb eggs or nests of any wild birds, with the following exceptions:—

General protection of birds, nests and eggs

- (a) birds and the eggs and nests of birds specified in the First Schedule to this Ordinance;
- (b) birds captured or killed or eggs or nests taken or destroyed in terms of an authority contained in a certificate granted in terms of section 4 of this Ordinance.

3. Notwithstanding anything in this Ordinance contained it shall be lawful for any person, thereunto specifically authorised in writing by the States Supervisor, to kill or attempt to kill by shooting at any time any sea gull which alights on any place within the boundaries of the States Airport or is in flight over any such place.

Special provisions regarding gulls in the vicinity of the States Airport

4. (1) Notwithstanding any of the provisions of this Ordinance the President of the States Committee for Agriculture and Fisheries (hereinafter referred to as "The President") may grant a certificate available 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:

Certificates authorising the taking of wild birds for certain purposes

- (a) for supplying an order received from any zoological garden to which the public is admitted or from any public museum; or
 - (b) for any scientific purpose approved by the President.
- (2) Any such certificate shall be renewable from time

to time by the President on its expiry and revocable at any time by him in his absolute discretion.

(3) Such certificate shall be carried by the holder when acting under the powers therein contained and shall be exhibited by the holder on demand to any member of the Island Police Force requesting the exhibition thereof.

Prosecutions

5. (1) Where any person has in his possession or control, 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 a 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.

(2) Where any person shall be found apparently offending against this Ordinance, he shall, upon being requested so to do, by any member of the Island Police Force, give his Christian name, surname, and place of abode, and in case the person so apparently offending shall, after being so requested fail or refuse to give his real name or place of abode or give an untrue name or place of abode, it shall be an offence under this Ordinance.

Penalties

6. (1) A person guilty of any offence against this Ordinance shall be liable on first conviction to a fine not exceeding five pounds and in case of a second or subsequent conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month.

(2) 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 disposed of in its discretion, and may order any gun, trap, net, snare, decoy or other instrument in

respect of 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.

7. In this Ordinance, unless the context otherwise requires, the expression "Island" includes the Islands of Guernsey, Herm and Jethou. <sup>Interpreta-
tion</sup>

8. (1) This Ordinance shall apply to the Islands of Guernsey, Herm and Jethou and to the territorial waters thereof. <sup>Extent,
commence-
ment, and
repeals</sup>

(2) The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed.

FIRST SCHEDULE. Section 2 (a).

Carrion Crow.
Hoody Crow.
Magpie.
Sparrow Hawk.

SECOND SCHEDULE. Section 3 (2).

Wild Birds Protection Ordinance, 1933.

(No. X of 1933, passed on the 25th day of March, 1933).

Wild Birds Protection Ordinance, 1934.

(No. XII of 1934, passed on the 12th day of May, 1934).

Seagulls eggs Ordinance, 1941. (No. VIII of 1941 passed on the 3rd day of May, 1941).

Ordonnance provisoire permettant la Destruction des Mouettes sur L'Aérodrome des Etates (1939). (No. LIV of 1939 passed on the 11th day of November, 1939).