

CHAPTER 96.

WILD BIRDS PROTECTION.

(9th March, 1959.)

7/1959
5/1961
11/1980
2/1982

1. This Ordinance may be cited as die Wild Birds Protection Ordinance. Short title.

2. In this Ordinance— Interpretation.
"boat" includes every description of vessel used in navigation whether propelled by oars or otherwise. n/1980.

3. If any person wilfully at any time kills, injures or takes or attempts to kill, injure or take, any wild bird specified in the First or the Second Schedule, he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred dollars. Protection of wild birds specified in First and Second Schedules. 11/1980.

4. If any person wilfully takes, damages or destroys the nest of any wild bird while that nest is in use, or takes or destroys an egg of any wild bird, he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred dollars. Protection of nests or eggs of wild birds. 11/1980.

5. If any person sells, offers for sale or has in his possession any wild birds specified in the First or the Second Schedule which has been killed or taken in the Territory or the skin or plumage of any such bird or any wild birds eggs which has been taken in the Territory, he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred dollars. Prohibition on sale and possession of wild birds, eggs. etc. 11/1980.

6. If any person widiout die written permission of the Governor exports or attempts to export the skin or plumage of any wild bird specified in the First or the Second Schedule which has been killed or taken in the Territory, he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred dollars. Restriction on export of skin, etc. of wild birds. 11/1980.

Onus of proof on person found in possession, etc. of wild bird. nest, plumage, or egg of such bird. 11/1980.

7. In any proceedings against any person For an offence against section 5 or 6, die proof that the wild bird was killed or taken, or the nest or egg taken, outside the Territory shall lie on such person.

Prohibition of certain methods of killing or taking wild birds. 2/1982.

8. (1) If, save as may be authorised by the Governor under section 10, any person—

(a) sets in position any of the following articles which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming in contact therewith, that is to say, any spring, trap, gin, snare, bait, hook and line, poisoned or stupefying bait, or floating container holding explosives; or

(b) uses for the purpose of killing or taking away wild birds any article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net, baited board, bird-lime or substances of a like nature to bird-lime; or

(c) for die purpose of killing or taking any wild birds uses as a decoy any live bird whatsoever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured,

he shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a penalty not exceeding three hundred dollars.

(2) In any proceedings under subsection (1) (a) it shall be a defence that the article was set in position by the accused for the purpose of killing or taking animals or in the interests of public health, agriculture or the preservation of other creatures and that he took all reasonable precautions to prevent injury to wild birds.

(3) Nothing in subsection (1) (b) shall be taken to prohibit the use of traps known locally as "calavans".

Prohibition of the use of certain shot-guns. 2/1982.

9. (1) If, without the permission of the Governor, any person uses for killing or attempting to kill any wild bird specified in die First and Second Schedules an automatic shot-gun or a shot-gun of which the barrel has an internal diameter at the muzzle of more than one and three-quarter inches, he shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a penalty not exceeding three hundred dollars.

(2) In this section "automatic shot-gun" means a shot-gun capable of discharging a cartridge at each individual pressure impulse of the trigger without the necessity of manual reloading until the magazine containing cartridges is empty.

10. Notwithstanding any of the provisions of this Ordinance, the Governor may by writing under his hand authorise any person for such time and subject to such conditions as he may think fit—

Governor may authorise killing, etc. of wild birds. 11/1980.

(a) for scientific or educational purposes, to kill, take, sell or keep any wild bird;

(b) to take, sell or keep the nest or egg of any wild bird;

(c) for the purpose of the protection of any species of wild bird, to remove any collection of wild birds and the nests or eggs of such wild birds to any place.

11. (1) With a view to the creation of bird sanctuaries, the Governor in Council may by order make provision with respect to any area specified in the order providing for all or any of the following matters, that is to say—

Bird sanctuaries. 11/1980.

(a) that any person who, within that area, at any time wilfully kills, injures or takes, or attempts to kill, injure or take, any wild bird shall be guilty of an offence;

(b) that any person who, within that area, wilfully takes, damages or destroys a nest or egg of any wild bird shall be guilty of an offence;

(c) that any person guilty of an offence as specified in the order shall be liable on summary conviction to a penalty not exceeding two hundred dollars or to a term of imprisonment not exceeding three months.

(2) Before making any such order the Governor in Council shall give particulars of the intended order either by notice in writing to every owner and every occupier of any land included in the area with respect to which the order is to be made, or, where the giving of such notice is in the opinion of the Governor in Council impracticable, by advertisements posted in the area with respect to which the order is to be made and such other places as the Governor in Council may think fit.

12. (1) A police officer, auxiliary constable or any person authorised in writing by the Governor in that behalf

Enforcement, n/1980.'

ma) without warrant stop and search any person found committing an offence against this Ordinance, and any vehicle, boat or animal which that person may then be using, and may—

(a) arrest that person if he fails to give his name and address to the satisfaction of the constable, auxiliary constable or authorised person; and

(b) seize and detain for the purposes of proceedings under this Ordinance any wild bird, whether dead or alive, or any egg or nest of a wild bird, or any weapon or other article capable of being used to kill, injure or take wild birds, which may be in that person's possession.

(2) The Magistrate before whom any person is convicted of an offence against this Ordinance shall order the forfeiture of any bird, nest, egg, plumage or skin in respect of which the offence was committed and may, if he thinks fit, order the forfeiture of any weapon or other article capable of being used to kill, injure or take wild birds by means of which the offence was committed.

(3) Any person who assaults, obstructs or resists any police officer, auxiliary constable or person authorised as aforesaid in the execution of his duty under subsection (1) or aids or incites any other person to assault, obstruct or resist any police officer, auxiliary constable or authorised person in such execution of duty shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty-eight dollars or a term of imprisonment not exceeding three months.

Offence
committed
or in the air
11/1980.

13. When an offence against this Ordinance is committed at sea or in the air, the place of commission of the offence shall, for the purposes of the jurisdiction of any court, be deemed to be any place in the Territory where the offender is found or to which he is first brought after the commission of the offence.

Governor in
Council m:iv
amend
Schedules, II
1980

14. The Governor in Council may, by order published in the Gazette from time to time, add the name of any wild bird to, or remove the name of any wild bird from, either of the two Schedules.

15. The Wild Birds Protection Ordinance- 1953 and the Wild Birds Protection (Amendment.) Ordinance, 1953, are hereby repealed:

Provided that any subsidiary legislation made under or by virtue of any of the Ordinances hereby repealed shall continue in force and shall have effect as if made under this Ordinance.

Repeal, 1953

Saving of (subsidiary) legislation.

FIRST SCHEDULE.

SS. 3 (a), 5 (a) and 6 (a).

- | | |
|--------------------|--------------------|
| Banana Bird | Heron |
| Barbados Blackbird | Humming Bird |
| Blacksmith | Kingfisher |
| Black Witch | Loggerhead |
| Booby | Man o'War Bird |
| Chitty Bird | Pea Whistler |
| Coo-coo | Pelican |
| Crane | Soursop Bird |
| Flamingo | Tern |
| Frigate Bird | West Indian Canary |
| Gaulding | West Indian Robin |

SECOND SCHEDULE.

SS.3(*),5(6),

- | | |
|----------------------------|-----------------------------------|
| Coots (red and white seal) | 6(6)and9. West Indian Thrush Wild |
| Ground Dove | Duck Wild Pigeon Wood Dove |
| Mountain Dove | |
| Partridge | |
| Quail | |