1974. No. 260 **[NC]**

WILD BIRDS

Classification

ORDER, DATED 15TH OCTOBER 1974, MADE BY THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING UNDER SECTIONS 5, 9B AND 16 OF THE WILD BIRDS PROTECTION ACTS (NORTHERN IRELAND) 1931 TO 1968.

WHEREAS under section 5 of the Wild Birds Protection Act (Northern Ireland) 1931(a) (hereinafter referred to as "the principal Act") the Minister of Home Affairs may by order alter the classification of any bird from one Category to another:

AND WHEREAS under section 9B of the principal Act as inserted by section 1 of the Wild Birds Protection Act (Northern Ireland) 1968(b) the Minister may grant licences for the destruction of those noxious birds which are specified in Part IV of the First Schedule to the principal Act and may by Order add any bird to or remove any bird from Part IV:

AND WHEREAS by the Ministries (Transfer of Functions) (No. 2) Order (Northern Ireland) 1972(c) the functions of the Ministry of Home Affairs under the Acts were transferred to the Ministry of Development from 1st November 1972:

AND WHEREAS by virtue of the Northern Ireland Constitution Act 1973(d), the Northern Ireland Constitution (Devolution) Order 1973(e), and the Departments (Transfer of Functions) Order (Northern Ireland) 1973(f) the name of the Ministry of Development was changed to the Department of Housing, Local Government and Planning:

AND WHEREAS in accordance with the provisions of sections 9B and 11 of the principal Act the Wild Birds Advisory Committee has been consulted regarding the proposal to make this Order:

AND WHEREAS in accordance with the provisions of section 16(6) of the principal Act notice of the proposal to make an order and the purport thereof was duly given on 23rd August 1974:

AND WHEREAS no objections were received to the making of such order:

NOW, THEREFORE, the Department of Housing, Local Government and Planning, in exercise of the powers conferred on it by sections 5, 9B and 16 of the principal Act as amended by the Wild Birds Protection Act (Northern Ireland) 1968, and by paragraph 2(1) and (2) of Schedule 1 to the Northern Ireland Act 1974(g) and of every other power enabling it in that behalf, hereby makes the following Order:

(a) 21 & 22 Geo. 5. c. 14 (N.I.).
(b) 1968. c. 5 (N.I.).
(c) S.R. & O. (N.I.) 1972, No. 252.
(d) 1973. c. 36.
(e) S.I. 1973, No. 2162.
(f) S.R. & O. (N.I.) 1973, No. 504.
(g) 1974. c. 28.

Citation

1. This Order may be cited as the Wild Birds Protection (Classification) Order (Northern Ireland) 1974.

Classification of wild birds

2. The classification of birds for the purposes of the Wild Birds Protection Acts (Northern Ireland) 1931 to 1968 shall be as set out in the Schedule.

Saving

3. Nothing in this Order shall affect Article 3 of the Wild Birds Protection Order (Northern Ireland) 1974(**h**) relating to the special protection of Barnacle, Brent and Canada Geese.

Revocation

4. The Wild Birds Protection (Classification) Order (Northern Ireland) 1963(**i**) is hereby revoked.

Sealed with the Official Seal of the Department of Housing, Local Government and Planning for Northern Ireland this 15th day of October 1974.

(L.S.)

D. J. Perham,
Assistant Secretary.

(**h**) S.R. (N.I.) 1974, No. 36.

(**i**) S.R. & O. (N.I.) 1963, No. 224.

SCHEDULE

Birds in Category I

All birds except the following:

Shag
Cormorant
Mute Swan
Great Black-backed Gull
Lesser Black-backed Gull
Herring Gull
Black-headed Gull
Feral Pigeon
Wood Pigeon
Hooded/Carrion Crow
Rook
Jackdaw
Magpie
Jay
Starling
House Sparrow

Birds in Category II

Blackbird
Bullfinch

Birds in Category III

Swans (except Mute Swan)
Geese (all species)
Ducks (all species)
Golden Plover
Grey Plover
Whimbrel
Rock Dove
Stock Dove
Redshank
Curlew

Birds in Category IV

Collared Dove
Great Black-backed Gull
Lesser Black-backed Gull
Herring Gull
Black-headed Gull
Feral Pigeon
House Sparrow
Starling

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order makes the following changes in the classification of wild birds for the purpose of according degrees of special protection:

The *Chaffinch* and *Greenfinch* are transferred from Category II to Category I.

The *Bullfinch* is transferred from the list of birds not specially protected to Category II.

The *Feral Pigeon* is transferred from Category I to the list of birds not specially protected.

The Collared Dove, the *Starling* and the four species of *Gull* (*Great Black-backed, Lesser Black-backed, Herring and Black-headed*) are added to Category IV.

The Categories are as follows:—

Category I: All birds in this category and their eggs and nests (other than the stated exceptions, and the eggs and nests of these birds) are specially protected at all times.

Category II: Birds classified in this Category are specially protected at all times, but it is lawful for the owner or occupier of any land or other person belonging to his household or in his service or authorised in writing signed by him to act on his behalf, to kill or take any such birds on his land when necessary for the protection of his crops, game, fisheries or property from damage. The eggs and nests of such birds are protected at all times.

Category III: Birds classified in this Category are specially protected during the close season, that is to say, from 31st January to 31st August in any year, and the eggs and nests of such birds are protected at all times.

Category IV: Birds classified in this Category are those with respect to which the Department may issue licences to take by means of stupefying bait.

Barnacle, Brent and Canada Geese are specially protected at all times for a period of three years from 1st March 1974.

1974. No. 261

As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules of a Local Character under the heading GAS.

1974. No. 262

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.