1974. No. 36

WILD BIRDS

Barnacle, Brent and Canada Geese and Sale of Wild Birds for Consumption

ORDER, DATED 26TH FEBRUARY 1974, MADE BY THE HEAD OF THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING UNDER SECTIONS 5, 7 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 Act of 1931") the Minister of Home Affairs may by order alter the classification of any bird from one Category to another:

AND WHEREAS under section 7 of the Act of 1931 as amended by section 4 of the Wild Birds Protection Act (Northern Ireland) 1950(b) (hereinafter called "the Act of 1950") the said Minister may order direct that, during such period as may be specified in the Order, it shall be unlawful for any person to sell, or to have in his possession for the purpose of sale, for consumption in Northern Ireland or elsewhere by human beings or animals, any bird specified in the Order:

AND WHEREAS under section 16(1) of the Act of 1931 the said Minister is empowered to prescribe from time to time by order the time of special protection for any bird not specially protected in the First Schedule to the said Act:

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 of 1931 and 1950 were transferred to the Ministry of Development from the 1st November 1972:

AND WHEREAS in accordance with the provisions of section 16(6) of the Act of 1931 notice of the proposal to make an order and the purport thereof was duly given on 21st December 1973:

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 no objections were received to the making of such order:

NOW, THEREFORE, I, AUSTIN CURRIE, the Head of the Department of Housing, Local Government and Planning, in exercise of the powers conferred on me by sections 5, 7 and 16 of the Act of 1931 as amended by the Act of 1950 and of all other powers in that behalf me thereunto enabling hereby make the following order:—

(a) 21 & 22 Geo. 5 c. 14 (N.I.).
(b) 1950. c. 26.
(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.

Citation, commencement and duration

1. This Order may be cited as the Wild Birds Protection Order (Northern Ireland) 1974 and shall remain in force for a period of three years from the 1st March 1974 unless sooner varied or revoked.

Revocation

2. The Wild Birds Protection (Barnacle, Brent and Canada Geese) Order (Northern Ireland) 1972 and the Wild Birds Protection (Sale for Consumption) Order (Northern Ireland) 1972 are hereby revoked.

Special protection for Barnacle, Brent and Canada Geese

3. Barnacle, Brent and Canada Geese shall be classified under the Act of 1931 as being in Category I and the eggs and nests of such birds shall be deemed to be protected at all times during the operation of this Order.

Prohibition of sale for consumption of birds

4. It shall be unlawful for any person to sell, or to have in his possession for the purpose of sale, for consumption in Northern Ireland or elsewhere by human beings or animals, any bird except wood-pigeon.

Dated this 26th day of February 1974.

(L.S.) *J. Austin Currie,*
Head of the Department of Housing, Local Government and Planning.

EXPLANATORY NOTE

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

This Order revokes and re-enacts Orders made in 1972 and (*a*) gives protection at all times, and not only during the close season, to Barnacle, Brent and Canada Geese and to their eggs and nests; (*b*) prohibits the sale for consumption in Northern Ireland of wild birds and wild fowl with the exception of wood-pigeon, but does not prevent the killing of birds at times when they are not protected. It does not refer to game birds, which are protected under the Game Laws of Northern Ireland.

1974. No. 37

Electricity (Industrial and Commercial Allocation) (Revocation) Order (Northern Ireland) 1974

This Order, revoking Orders of a temporary character, is not printed at length in this volume.