STATUTORY INSTRUMENTS

1970 No. 678

WILD BIRDS

The Wild Birds (Various Species) Order 1970

Made - - -	30*th April* 1970
Coming into Operation	18*th May* 1970

In exercise of the power conferred on me by sections 9(1) and 13(1) of the Protection of Birds Act 1954(**a**), and after consulting the Advisory Committee on the Protection of Birds for England and Wales, I hereby make the following Order :—

1.—(1) This Order may be cited as the Wild Birds (Various Species) Order 1970 and shall come into operation on 18th May 1970.

(2) In this Order "the Act" means the Protection of Birds Act 1954.

2. The wild birds specified in Schedule 1 to this Order shall, with respect to England and Wales, be added to Part I of Schedule 1 to the Act (which confers protection by special penalties at all times).

3. The wild birds specified in Schedule 2 to this Order shall, with respect to England and Wales, be removed from Part I of Schedule 1 to the Act.

4. The two following wild birds shall, with respect to England and Wales, be removed from Part II of Schedule 1 to the Act (which confers protection by special penalties during the close season) and shall be added to Part I of that Schedule, namely brambling and black-tailed godwit.

5. Wild geese of the species grey lag goose shall, with respect to England and Wales, be removed from Part II of Schedule 1 to the Act and shall be added to Schedule 3 to the Act (which specifies wild birds which may be killed or taken outside the close season).

6. The Wild Birds (Bramblings and Black-Tailed Godwits) Order 1957(**b**) is hereby revoked.

7. In accordance with the provisions of this Order and of the other subsisting Orders (**c**) by which birds have been added to, or removed from, Schedule 1, 2 or 3 to the Act, those Schedules have effect, with respect to England and Wales, as set out in the Appendix to this Order.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
30th April 1970.

(**a**) 1954 c. 30. (**b**) S.I. 1957/318 (1957 II, p. 3061).
(**c**) S.I. 1955/354; 1956/25, 500; 1961/482; 1962/2592; 1963/1244; 1966/1575 (1962 III, p. 3483; 1966 III, p. 4856).

Article 2

SCHEDULE 1

WILD BIRDS TO BE ADDED TO PART I OF SCHEDULE 1

Bluethroat
Crake, spotted
Crossbill
Diver, all species
Fieldfare
Firecrest
Harrier, all species
Kingfisher
Owl, snowy
Quail, European
Redwing
Sandpiper, wood
Serin
Tern, little
Warbler, Savi's
Woodlark

Article 3

SCHEDULE 2

WILD BIRDS TO BE REMOVED FROM PART I OF SCHEDULE 1

Bustard
Crossbill, common
Diver, black-throated
Diver, great northern
Diver, red-throated
Hen-harrier
Marsh-harrier
Montagu's harrier
Quail, common
Roller
Swan, Bewick's
Wren, St. Kilda

Article 7

APPENDIX

Sections 1, 4, 6, 9.

SCHEDULE 1

WILD BIRDS AND THEIR EGGS PROTECTED BY SPECIAL PENALTIES

PART I

AT ALL TIMES

Avocet
Bee-eater, all species
Bittern, all species
Bluethroat
Brambling
Bunting, snow
Buzzard, honey
Chough
Corncrake (landrail)
Crake, spotted
Crossbill
Diver, all species
Dotterel
Eagle, all species
Fieldfare
Firecrest
Godwit, black-tailed
Goshawk
Grebe, black-necked
Grebe, Slavonian
Greenshank
Harrier, all species
Hobby
Hoopoe
Kingfisher
Kite
Merlin
Oriole, golden
Osprey
Owl, barn
Owl, snowy
Peregrine
Phalarope, red-necked
Plover, Kentish
Plover, little ringed
Quail, European
Redstart, black
Redwing
Ruff and reeve
Sandpiper, wood
Serin
Shrike, red-backed
Sparrow-hawk
Spoonbill
Stilt, black-winged
Stint, Temminck's
Stone curlew
Swan, whooper
Tern, black
Tern, little
Tern, roseate
Tit, bearded
Tit, crested
Warbler, Dartford
Warbler, marsh
Warbler, Savi's
Woodlark
Wryneck

PART II

DURING THE CLOSE SEASON

Whimbrel
Wild duck of the following species—
- Common scoter
- Garganey teal
- Goldeneye
- Long-tailed duck
- Scaup-duck
- Velvet scoter

SCHEDULE 2

Sections 2, 3, 5, 9, 10.

WILD BIRDS WHICH MAY BE KILLED OR TAKEN AT ANY TIME BY AUTHORISED PERSONS

Bullfinch (only in certain areas (a))
Cormorant
Crow, carrion
Crow, hooded
Domestic pigeon gone feral
Gull, greater black-backed
Gull, lesser black-backed
Gull, herring
Jackdaw
Jay
Magpie
Oyster-catcher (only in certain areas(b))
Rook
Shag
Sparrow, house
Starling
Stock-dove
Wood-pigeon

SCHEDULE 3

Sections 2, 6, 7, 9.

WILD BIRDS WHICH MAY BE KILLED OR TAKEN OUTSIDE THE CLOSE SEASON

Any wild bird included in Part II of Schedule 1 to this Act.

Capercaillie
Coot
Curlew (other than stone curlew)
Godwit, bar-tailed
Moorhen
Plover, golden
Plover, grey
Redshank, common
Snipe, common
Snipe, jack

Wild duck of the following species—
- Common pochard
- Gadwall
- Mallard
- Pintail
- Shoveler
- Teal
- Tufted duck
- Wigeon

Wild geese of the following species—
- Bean-goose
- Canada goose
- **Grey lag goose**
- Pink-footed goose
- White-fronted goose

Woodcock

(a) *See* S.I. 1955/354; 1961/482.

(b) *See* S.I. 1956/25, 500; 1963/1244.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Any person who at any time commits an offence under the Protection c Birds Act 1954 in respect of a bird included in Part I of Schedule 1 to the Ac or in respect of the nest or egg of such a bird is liable to special penalties. Th Order, which has effect in England and Wales, adds the birds listed in Schedul 1 to, and in Article 4 of, the Order to Part I of Schedule 1 to the Act an removes those listed in Schedule 2 to the Order from that Part so that the latte enjoy only the general protection under the Act afforded to the majority c wildbird species. The grey lag goose is removed from Part II of Schedule to the Act and added to Schedule 3, so that it will no longer be protected b special penalties during the close season and may be killed or taken outsid that season. Schedules 1, 2 and 3 to the Act will now have effect, in Englan and Wales, as set out in the Appendix to the Order. The present changes ar shown in bold type in the Schedules to the Order and the Appendix excep where they relate to nomenclature only.

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