



WILD BIRDS AND THE LAW: SCOTLAND

A plain guide to bird protection

Wild birds and the law in Scotland

This is a summary of the law as it applies to wild birds in Scotland.

We are frequently asked for a handy guide to the law as it applies to wild birds in Scotland. It may be, for example, that someone has seen birds shot or trapped and wants to know if this is illegal and if any further action should be taken. This booklet is intended to provide a relatively simple reference that begins to answer those questions. It has been updated to take account of recent changes to the law and to allow for the fact that Scottish legislation is now slightly different from the rest of the UK.

The Wildlife and Countryside Act 1981 has been the principle legislation in Great Britain for wild birds since it became law in September 1982. This is still true in Scotland. However, the original Act has been revised by a number of later laws including, since the restoration of the Scottish Parliament, legislation that only applies north of the border. This guide puts the basic information from the Act and its later amendments into plain language, so that the legal status of any particular type of bird can be quickly checked. It should

also be possible to get some idea whether or not an offence has been committed or whether a proposed action might be against the law. It is intended to do this without overwhelming the reader with formal legal language. This is mainly achieved by providing an alphabetical list of bird species, which shows the exact position relating to any particular species. We have also listed and answered a selection of the most frequent questions that people ask about birds and their legal status.

A word of caution is necessary. **The informal nature of this booklet means that it cannot be a substitute for the actual legislation, its amendments or its subordinate Orders, Licences and Regulations and we therefore urge you to use it with care. Where a formal definitive answer is needed this requires the opinion of a qualified lawyer and reference to the original published legislation.** This booklet should not be relied upon in a court of law or where anyone is contemplating a particular action that they suspect may be regulated by the legislation. It is rather a first point of reference for the interested layperson.

Import and export

This booklet does not cover the regulations on the import and export of birds. The Department for Environment, Food and Rural Affairs (DEFRA), Animal Health Division should be consulted for further information on licences to allow the import of birds. Certain species will require documentation under the Convention on International Trade in Endangered Species (CITES) for entry into the EU and the Wildlife Trade and Licensing Branch of Defra will be able to provide the necessary assistance.

E-mail wildlife.licensing@defra.gsi.gov.uk

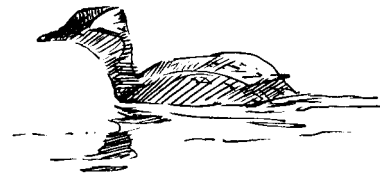
NB From 1 July 2007, the importation of all wild-caught birds from outside the EU is banned with very limited exceptions under EU health regulations. For further information, see www.defra.gov.uk/animalh/int-trde

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Slavonian grebe



Introduction

The essential basis of Scotland's wild bird legislation is that all wild birds, their nests and their eggs are protected by law unless some specific exception is made in the legislation. Many rarer birds have additional special protection beyond the basic provision. This can mean, for example, that they may not be disturbed at, or around, the nest during the breeding season. On the other hand, it is also important to understand that some traditionally hunted species may be legally killed within a defined open season. There is a further small group of birds with a separate legal status – game birds – that are also traditionally hunted. However, this activity is not regulated by wildlife legislation but by various, much older, Game Acts. There is more information on the meaning of the terms 'game bird' and 'wild bird' in the definitions section on page 6.

The most important legislation for wild birds in England, Scotland and Wales is the Wildlife and Countryside Act 1981. In Scotland, this has been updated by various Acts of both the Westminster and Holyrood Parliaments. The most recent and significant changes were made by the Nature Conservation (Scotland) Act 2004. This is a Scottish Parliament law that has now made the Wildlife And Countryside Act significantly different in Scotland from the version that applies elsewhere.

The basic principle – that all wild birds, their nests and eggs are protected by law – remains in the amended Scottish

legislation. There are various key exceptions to this. Some rare species are afforded extra protection. Some species, notably wildfowl and a few other traditionally hunted species, may be shot in season. Various species that may cause problems may be killed or otherwise controlled all year round in certain clearly defined circumstances. Where birds may be lawfully killed, there are certain methods of doing this that remain illegal (e.g. the use of poisons).

Enforcement

The police have the prime responsibility for enforcing wildlife legislation and every Scottish police force now has at least one Wildlife and Environment Crime Officer (WECO). Certain civil servants within the Scottish Government Rural Payments and Inspections Directorate (SGRPID) have responsibilities and statutory powers to deal with pesticide abuse, which often includes deliberate illegal wildlife poisoning.

RSPB Scotland has an Investigations section, based at their headquarters in Edinburgh, who assist the police and other statutory agencies with investigating offences involving wild birds. A similar unit is based at the UK headquarters in Bedfordshire; both units work cooperatively and may operate jointly on each other's territory. The Scottish Society for the Prevention of Cruelty to Animals (SSPCA), although primarily focussed on welfare in relation to domestic and captive animals, is also

involved with wildlife crime investigation. It is routine for some or all of the above agencies to liaise and collaborate in investigations.

The following provides a straightforward means of checking the legality of any activity affecting wild birds. Every effort has been made to ensure its accuracy but the RSPB can take no responsibility for errors or omissions. Copies of the various statutes can be obtained from The Stationery Office (see useful addresses, page 42).

If you have difficulty in interpreting any part of the Act or believe you have witnessed an offence under it, please contact:

Investigations Section, RSPB Scotland
Dunedin House, 25 Ravelston Terrace
Edinburgh
EH4 3TP

Tel: 0131 311 6500

Fax: 0131 311 6569

or contact your local RSPB Office (see page 30).

Abbreviations

The following are used regularly throughout the text:

SGRPID Scottish Government Rural Payments and Inspections Directorate

This is the successor to the former Scottish Executive Environment and Rural Affairs Department (SEERAD), Scottish Executive Rural Affairs Department

(SERAD), and the pre-devolution Department of Agriculture and Fisheries for Scotland (DAFS).

SNH Scottish Natural Heritage

The statutory body responsible for implementing nature conservation and advising government on nature conservation issues in Scotland.

DEFRA Department for Environment, Food and Rural Affairs (a combination of the former UK DETR (Environment) and MAFF (Agriculture) departments)

WECO Wildlife and Environment Crime Officer

A serving police officer or civilian police employee responsible for the enforcement of wildlife legislation within his/her force area. These may be full-time dedicated staff or may work on wildlife part-time in addition to other routine police duties. WECOs have been known in the past as Wildlife Liaison Officers (WLOs) or as Wildlife Crime Officers (WCOs) and these designations may still be used by some police forces. This booklet uses WECO to cover all these terms.

Definitions

The following list gives some definitions of terms used in this booklet, including (in the first four) formal legal definitions given in the legislation.

- **Wild bird:** This booklet uses the term wild bird in the same sense as it is used in the legislation where it has a specific legal meaning: i.e. "any bird of a species, which is ordinarily resident in or is a visitor to any member State or the European territory of any member State in a wild state". However, this explicitly does not include species that are legally classed as game birds (except in some limited circumstances; see below) even though some game birds are truly wild birds in the strictly biological sense. It should also be understood that some wild birds may be hunted during an open season under the terms of the Wildlife and Countryside Act but that these are not game birds in the legal sense (these are mostly duck and goose species and a few waders). A more useful casual term, legal quarry species, is also sometimes used for these legally huntable wild birds. See table below for further information.
- **Game bird:** Legally-speaking these are pheasants, partridges, black grouse, red grouse and ptarmigan, and are primarily protected not by the Wildlife and Countryside Act, but by the various Game Acts. To add further complication, the

Wildlife and Countryside Act does have limited application to game birds. The section that prohibits the use of certain methods for killing and capturing birds does apply to game birds as does the section that permits the issuing of licences (in other words licences to protect game birds may be issued under the Wildlife and Countryside Act). For convenience, we have included details of game bird close seasons in the species checklist of legal status on page 21. See table below for further information.



Barn owl

Further information on the legal differences between wild and game birds

Legally defined wild birds covered by the Wildlife and Countryside Act		Legally defined game birds covered by the various Game Acts, may be hunted outside the close seasons defined in the Game Acts	
Protected species (may not be hunted)	Legal quarry species (in Schedule 2 Part I of the Wildlife and Countryside Act which may be hunted outside the close seasons defined in the Act)	Native species (therefore wild birds in the biological but not the legal sense)	Non-native species (introduced for hunting – therefore not wild birds in either the legal or biological sense)
all other species	Canada goose common snipe coot gadwall goldeneye golden plover greylag goose mallard moorhen pink-footed goose pintail pochard shoveler snipe teal tufted duck wigeon woodcock	black grouse grey partridge ptarmigan red grouse	pheasant red-legged partridge

- Authorised Person:** "the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken". An authorised person can also be " any person authorised in writing by the local authority for the area within which the action authorised is taken". It also includes any person authorised in writing by SNH or a District Fisheries Board. Being (a non owner/occupier) authorised by one of these bodies does not in itself confer a right of entry on land. See further definition of 'Occupier' below.
- Occupier** (see also Authorised Person above): "in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish".
- Close Season:** inclusive dates in an annual period when a bird is fully protected. Outside these dates (i.e. therefore the 'open season' - though this phrase is not used in the legislation) a bird may be killed or taken. ('Taken' is the term used in the Wildlife and Countryside Act to denote capture.)

- **Licence:** issued by one of a number of authorities, including SNH and the Scottish Government (usually SGRPID) to permit an otherwise illegal act. The licence will specify precisely what action is permitted and may only be issued for one of the specific purposes defined by the Wildlife and Countryside Act.
- **General Licences:** licences of the type defined above but routinely published by SGRPID – usually annually on 1 January – allowing Authorised Persons (or in some cases any person) to carry out an otherwise illegal act. These licences are not applied for by an individual, but permit any person who complies fully with their terms and conditions to carry out the specified action (details on page 33).
- **Schedule 1:** a list of rare breeding species that are specially protected. It is illegal to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest-building or is at or near a nest with eggs or young; or disturb the dependent young of such a bird. It is illegal to disturb any Schedule 1 bird while it is lekking. This applies only to the two lekking species in the Schedule, capercaillie and ruff (see page 18).
- **Schedule 1A:** a list of species that may not be subjected to intentional or reckless harassment.
- **Schedule A1:** a list of species whose habitually used nests may not be taken, damaged, destroyed or otherwise interfered with when not in use or being built.
- **Schedule 2 Part I:** a list of traditional sporting birds (other than legally defined game birds) that may be shot for a limited period outside their close season (see page 19). They are sometimes informally referred to as quarry species.
- **Schedule 2 Part II:** the so-called 'pest list' that has now been deleted from the Wildlife and Countryside Act. Control of the species previously listed is now regulated by the General Licences (see page 19).
- **Schedule 3, Part I:** a list of bird species that may be sold alive at all times if ringed with an approved ring and bred in captivity (see page 19). The sale of all other live wild birds is illegal unless permitted by licence.
- **Schedule 3 Part II:** a list of bird species that may be sold dead at all times (see page 20).
- **Schedule 3 Part III:** a list of bird species that may be sold dead from 1 September to 28 February (see page 20).
- **Schedule 4:** a list of bird species that must be registered with the Scottish Government and ringed if kept in captivity (the Scottish Government contract the administration of the register back to DEFRA) (see page 20).

- **Schedule 9:** a list of species that may not be released into the wild (see page 21).

There are over 500 species of wild bird found in Britain but the Schedules only list a small number of these. Please remember that, as a default, birds have full protection all year round unless subject to a General Licence. The Schedules only list species whose protection is greater or less than normal.

Extent of protection given to birds

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to:

- intentionally or recklessly kill, injure or take any wild bird
- intentionally or recklessly take, damage or destroy or otherwise interfere with the nest of any wild bird while it is in use or being built
- intentionally or recklessly take, damage, destroy or otherwise interfere with any nest habitually used by any wild bird included in Schedule A1 when it is not in use or being built.
- intentionally or recklessly obstruct or prevent any wild bird from using its nest
- intentionally or recklessly kill take or destroy the egg of any wild bird
- have in one's possession or control any wild bird (dead or alive), or part of a wild bird, obtained in contravention of the Wildlife and

Countryside Act 1981 or the Protection of Birds Act 1954

- have in one's possession or control an egg, or part of an egg, obtained in contravention of the Wildlife and Countryside Act 1981 or the Protection of Birds Act 1954
- have in one's possession or control any bird in Schedule 4 of the Wildlife and Countryside Act unless it is registered and ringed in accordance with the Minister's regulations.
- intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest-building or is at or near a nest with eggs or young; or disturb the dependent young of such a bird.
- intentionally or recklessly disturb any wild bird in Schedule 1 which leks while the bird is lekking
- intentionally or recklessly harass any wild bird included in Schedule 1A.

Sale of live wild birds and birds' eggs

It is an offence to sell, offer or expose for sale, possess for sale or transport for sale, any wild bird unless it is:

- a species listed on Schedule 3 Part I and
- captive-bred and
- fitted with an approved close-ring as defined by the regulations issued by the Scottish Executive or

- covered by a General Licence (see page 33).

It is an offence to sell, offer or expose for sale, possess for sale or transport for sale the egg of any wild bird (whether or not taken in contravention of the Act).

Sale of dead wild birds

The basic legislation bans the sale of dead wild birds other than huntable species (which would typically be sold for food) and which may be sold between 1 September and 28 February (i.e. the hunting season and a short period afterwards). These are listed in Schedule 3 Part II or III (see page 20).

In practice, the sale of a much wider range of species is permitted under the terms of a General Licence (see more information on page 33) issued by the Scottish Executive. This is intended to facilitate commercial taxidermy. Birds listed in Schedule 3, Part II may be sold dead at all times. Those in Schedule 3, Part III may only be sold dead from 1 September until 28 February. (Game birds may only be sold dead during the open season and for a period of up to 10 days immediately after the end of that season. This is permitted by the various Game Acts). See checklist of legal status (page 21) for details of each species.

Exhibition of wild birds

It is an offence to show at any competition, or in premises in which a competition is being held, any live wild bird unless it is of a species listed in Schedule 3 Part I (and is captive-bred

and fitted with an approved close-ring as defined by the regulations) or is covered by an Open General Licence (see page 33).



Bearded tit

Prohibited methods of killing and taking wild birds

Certain methods of killing, injuring or taking wild birds are prohibited (but may sometimes be permitted under licence). Some are very specific and others more general. Use of the following items and methods are prohibited:

- springe (a type of spring-loaded noose)
- trap
- gin
- snare
- hook and line
- electrical device for killing, stunning or frightening
- poisonous or stupefying substance
- net
- gas or smoke
- baited board, bird lime or similar substance
- chemical wetting agent
- any sound recording
- any live decoy bird if tethered, blinded or maimed
- bow
- crossbow
- explosives (other than ammunition for firearms)
- automatic or semi-automatic weapons

- guns with an internal muzzle diameter greater than 1¼ inches
- artificial lighting
- mirrors or other dazzling devices
- sights for night-shooting
- any mechanically propelled vehicle if used in immediate pursuit of a wild bird for the purpose of killing or capture
- having any part in any activity involving the release of birds as immediate targets for shooting.

It is an offence to cause or permit any of the above activities or use of the above equipment. This applies when a person directs another to commit an offence or knowingly allows it to happen.

Birds in captivity – size of cage

It is illegal to keep any bird (excluding poultry) in a cage or other receptacle that is not of sufficient size to permit the bird to stretch its wings freely.

Exceptions to this are if the bird is undergoing veterinary treatment, or is being transported or exhibited (but only for a maximum of 72 hours).

Deliberate release of species into the wild

It is an offence to release or allow to escape into the wild any bird that:

- is not ordinarily resident in, or not a regular visitor to Great Britain in a wild state
- is a hybrid of any species not ordinarily resident in, or not a regular visitor to Great Britain in a wild state
- is listed in Part I of Schedule 9 (see page 21)
- is a hybrid of a species listed in Part I of Schedule 9.

The purpose of this is to avoid threats to native wildlife from introduced non-native species.

Attempting to commit an offence

It is itself an offence to attempt to commit any offence or have in one's possession anything capable of being used to commit an offence for the purpose of doing so.

Exceptions

- **Sale and competitive exhibition**
Birds listed in Schedule 3, Part I may be sold or exhibited competitively provided they have been bred in captivity and ringed in accordance with the regulations. The sale or exhibition of many

other species is now permitted by General Licence (see page 33).

- **Control of birds considered in some circumstances to be pests**

These were previously listed in Schedule 2 Part II, which has now been deleted from the Act. These species now have full protection under the Wildlife and Countryside Act unless control is permitted by licence. In most cases, control is still permitted by the General Licences (see page 33).

- **Killing of sporting birds ('quarry species') other than gamebirds**

Any person may take, kill (or injure in attempting to take or kill) a bird listed in Schedule 2 Part I, provided this is done outside the close season for the species and not in an Area of Special Protection or done on a Sunday or Christmas Day (see page 19).

- **Prevention of serious damage, etc**

An authorised person (see page 7) may kill or injure a protected bird (except one in Schedule 1) if they can show that their action was necessary for the purposes of preserving public health or air safety, or preventing spread of disease, or to prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters. This is not permitted if:

- i) the need to kill or injure was foreseeable and no licence to kill or injure had been applied for and
- ii) the authorised person is unable to show that there was no available satisfactory alternative to killing, taking, etc.
- iii) SGRPID was not notified of the action as soon as reasonably practical after it took place.

In practice, this is only intended to deal with one-off emergency situations.

- **Treatment of injured birds**

A person may take an injured wild bird if they could satisfy a court that the bird was injured other than by their own hand and that their sole purpose was to tend it and then release it when no longer disabled. It is also legal to kill an injured bird if it can be shown that it was so seriously disabled as to be beyond recovery. Sick and injured birds listed in Schedule 4 (see page 20) should be registered with the Scottish Executive (via DEFRA) immediately or passed to a licensed person who may keep such a bird, under the terms of an Open General Licence (see page 33).

- **Incidental killing, etc**

It is not illegal to kill or injure a bird or destroy a nest or egg if it can be shown that this was the incidental result of a lawful activity and could not reasonably have

been avoided and that all reasonable steps were taken to avoid the killing, injury etc, or that the consequential killing, injury etc, could not reasonably have been foreseen.

- **Trapping birds**

The current General Licences (see page 33) allow an authorised person to use cage-traps to take 'pest species' as defined in the licences. The Larsen cage-trap has become very popular for trapping certain crow species for this purpose, often using a decoy bird. These are legal providing the decoy birds are given adequate food, water and shelter. All cage traps, including Larsen traps, must be checked daily and any non-target birds released. When not in use, they must be rendered incapable of catching birds. All cage traps must carry an identification tag issued by the police. Certain trained individuals are licensed to catch wild birds, normally using nets, to fit leg rings for scientific monitoring of wild bird migration.

Licences

Licences – either general or specific (see 33 for a summary of current general licences) – may be granted by one of a number of authorities to permit an otherwise illegal act. They may be granted to take, kill or disturb birds, for the following purposes (the relevant licensing authority is given in parentheses):

- scientific or educational (SNH)
- ringing or marking (SNH but regulation of the ringing scheme is devolved to the British Trust for Ornithology who operate throughout Great Britain)
- conserving wild birds (SGRPID and/or SNH)
- protecting any collection of wild birds (SGRPID)
- falconry or aviculture (SGRPID)
- preserving public health or air safety (SGRPID)
- preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or fisheries (SGRPID)
- killing a gannet for food on the island of Sula Sgeir (SGRPID)
- taking a gull's egg for food (SGRPID).

Licences may also be granted for:

- the sale of dead birds or their parts (SGRPID)
- scientific examination and photography of a Schedule 1 species at its nest (SNH)
- the public exhibition or competition of birds not listed in Schedule 3 Part I (SGRPID).

Registration of captive birds

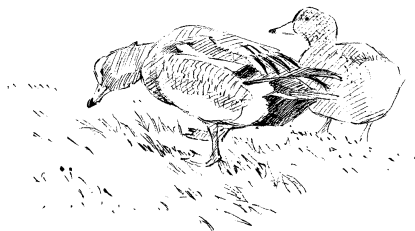
The main aim of registration is to monitor certain rare species kept in captivity to try to prevent the unlawful

taking of these species from the wild. All species listed in Schedule 4 of the Act must be registered and ringed if kept in captivity. Provision is made in the Act for inspection of premises and registered birds by police or by designated Wildlife Inspectors. Full details of registration requirements may be obtained from the Scottish Government, but please note that administration of the Schedule 4 Register is carried out for Great Britain as a whole by DEFRA (see page 20).

This area of the law is under review so readers should check with Defra for the current situation.

Areas of Special Protection (ASPs)

The Secretary of State may establish Areas of Special Protection to which access may be restricted. In these areas, all wild birds and eggs are protected at all times and may also be given protection against intentional or reckless disturbance. (see page 38).



Wigeon

Powers of the Secretary of State

The Scottish Government has powers to add any bird to, or remove any bird from, any part of Schedules 1 to 4. However, when the close season for hunting any Schedule 1 Part II or Schedule 2 Part I species is to be designated, it may only start on or before 21 February and end on or after 31 August.

Enforcement and penalties

If a police officer suspects with reasonable cause that any person is committing or has committed an offence involving a wild bird they may without a warrant:

- i) stop and search the person if the constable suspects evidence is to be found on the person
- ii) search for or examine anything which that person may be using, may have used, may have or have had in his possession or if the constable suspects evidence of the offence is to be found in or on that thing;
- iii) arrest that person
- iv) seize and detain anything which may be evidence of the commission of the offence or may be liable to forfeiture if the person suspected is convicted.

If the police officer suspects with reasonable cause that any person is committing, or has committed, an offence relating to a wild bird, they may,

for the purpose of the activities listed above, enter any land other than a dwelling or 'lockfast' premises.

If satisfied from evidence on oath that there are reasonable grounds for suspecting offences have been committed and that evidence may be found on certain premises, a Justice of the Peace may grant a warrant to any police officer to enter and search the premises, entering by reasonable force if necessary.

A police officer exercising powers of entry may be accompanied by other persons and may take any equipment or materials needed to exercise their power effectively.

Anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both. For releasing non-native species (page 7) a person is liable to a fine of up to £40,000 or six months imprisonment, or both if convicted in a summary court or, if convicted on indictment, to an unlimited fine or imprisonment for up to two years, or both.

Fines may be imposed in respect of each bird, nest, egg or skin. If more than one such item is involved then the total fine is determined as if the person had been convicted of a separate offence for each bird, nest, egg or thing.

The court must order the confiscation of any bird, nest, egg or other thing that was used to commit the offence.

What to do if you see an offence being committed

What you should do when you suspect someone is breaking the law depends greatly on the circumstances. If an offence is ongoing and if you are near a telephone, call the police at once. Alternatively, you can call the RSPB's Investigations Section or, in cases of animal cruelty, the Scottish SPCA, or, for SSSI offences, SNH. If a police Wildlife and Environment Crime Officer (WECO) is not available to deal directly with an incident, try to ensure they are made aware at some stage.

Incidents can also be reported on the RSPB website (www.rspb.org.uk/birdlaw) but this should not be the only method used if an immediate response to an incident is needed. The RSPB's Investigations Section has extensive experience of speaking to people with sensitive information who may wish to remain anonymous and we will not pass your details to anyone without your consent. However, reporting information anonymously makes it significantly more difficult to investigate offences. If you wish to leave information on the website or on the RSPB out-of-hours answer phone, we would ask you to provide a point of contact in order that the matter can be discussed. If you still wish to remain anonymous or for your details to remain confidential with the RSPB, we will respect your wishes.

Where offences are ongoing, if you are alone and cannot call for immediate

help, your actions should depend on the circumstances, but it is important to ensure you do not put yourself or others at risk. Incidents involving several possible offenders or the use of firearms will require particular care. If the person is being cruel or attempting to kill a bird illegally, you could make them aware of your presence, which may be sufficient to stop them, but always put your own safety first.

If a bird appears seriously injured and no veterinary help is available, consider trying to have it killed humanely. If it is safe to do so, you could ask the offender for their name and address (however, they can refuse to give it to anyone except a police officer). If the person has a car it is very important to note the number plate and, if possible, the make and model. Note the person's description, paying attention to any distinctive characteristics. Try to record or collect any evidence to support your contention that an offence has been committed. If the offender has not seen you, it may be appropriate to watch them and record their actions to make certain that you have really seen an offence being committed. If you have a friend with you, you could send them to contact the police while you stay and watch what is happening. Try to make a written note of anything you see and ensure you keep these notes in a safe place.

In the case of suspected poisoned birds or animals, such as those lying next to a possible bait, record and photograph what is present. Ensure you record the

exact location and if possible try to cover the items, perhaps with vegetation, to make them safe. Do not handle anything, as many poisons are extremely dangerous and can be absorbed through the skin. SGRPID has a freephone number for such incidents: 0800 321600.

Certain spring-traps may be used legally to kill rats, stoats, weasels etc. These traps have to be set under cover to prevent injury to other animals. If a spring-trap is set out in the open, particularly if mounted on a pole, make it inoperative by tripping it with a stick, keeping your fingers well away from the jaws of the trap. If you come across a spring-trap of any sort with a dead bird in it, leave it that way. If you have a camera, take a photograph of it in position and call the police or the RSPB as quickly as possible.

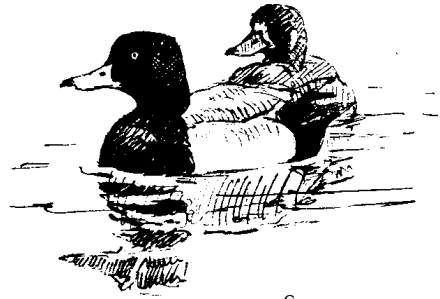
Remember that certain cage-traps may be used legally to trap certain 'problem species' (see General Licences, page 33). These are legal providing any specified conditions are complied with. Conditions normally require that any decoy bird should be supplied with adequate food, water, shelter and a perch, and that the trap is checked daily. The trap should have an identification tag supplied by the police. You should not interfere with such traps, but if you are uncertain about their legality contact the police, or the RSPB's Investigations Section for advice.

Whatever the offence: armed with an accurate and detailed description of

what you have seen, contact the police or the RSPB.

If you have contacted the police in the first instance then please also inform the RSPB's Investigations Section at Dunedin House, 25 Ravelston Terrace, Edinburgh EH4 3TP (0131 311 6500).

The RSPB will willingly assist if you or the police require help. In the case of damage to SSSIs, incidents should be reported to the local SNH area team office (contact details available from www.snh.gov.uk). You could also call the police, who should pass the information to a WECCO. When reporting the call, ask for an incident number.



Scaup

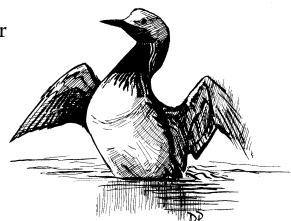
The Schedules

Any species not mentioned in Schedule 1 or Schedule 2 is fully protected throughout the year (see also checklist of legal status page 17).

Schedule 1 Part I. Birds which are specially protected (see pages 8 and 9)

avocet	golden eagle	red kite
barn owl	golden oriole	red-backed shrike
bearded tit	goshawk	red-necked phalarope
bee-eater	green sandpiper	redwing
Bewick's swan	greenshank	roseate tern
bittern	gyr falcon	ruff
black redstart	harriers (all species)	Savi's warbler
black tern	hobby	scarlet rosefinch
black-necked grebe	honey buzzard	scaup
black-tailed godwit	hoopoe	serin
black-winged stilt	Kentish plover	shorelark
bluethroat	kingfisher	short-toed treecreeper
brambling	Lapland bunting	Slavonian grebe
capercaillie	Leach's petrel	snow bunting
Cetti's warbler	little bittern	snowy owl
chough	little gull	spoonbill
cirl bunting	little ringed plover	spotted crake
common scoter	little tern	stone curlew
corncrake	long-tailed duck	Temminkck's stint
crested tit	marsh warbler	velvet scoter
crossbills (all species)	Mediterranean gull	whimbrel
Dartford warbler	merlin	white-tailed eagle
divers (all species)	osprey	whooper swan
dotterel	peregrine	wood sandpiper
fieldfare	purple heron	woodlark
firecrest	purple sandpiper	wryneck
garganey	quail	

Black-throated diver



Schedule 1 Part II. Birds that have additional special protection during the close season – 1 February to 31 August (21 February to 31 August below high water mark) – i.e. while they are breeding, but which may be hunted at other times.

goldeneye

greylag goose (only in Outer Hebrides, Caithness, Sutherland and Wester Ross)

pintail

Schedule 1A Birds that may not be intentionally or recklessly harassed at any time.

white-tailed eagle

Schedule A1 Birds whose habitually used nests may not be intentionally or recklessly damaged, destroyed or otherwise interfered with when not in use.

white-tailed eagle

Schedule 2 Part I. Birds which may be hunted outside the close season – 1 February to 31 August (21 February to 31 August below high water mark), except where indicated.

Canada goose

moorhen

tufted duck

common snipe

pink-footed goose

wigeon

coot

pintail

woodcock - close season

gadwall

pochard

1 February to

goldeneye

shoveler

31 August.

golden plover

snipe – close season

greylag goose

1 February to 11 August

mallard

teal

Schedule 2 Part II. The so-called pest list, now deleted from the legislation and replaced by General Licences (see page 33).

Schedule 3 Part I. Birds which may be sold at all times if ringed and bred in captivity.

barn owl

greenfinch

siskin

blackbird

jackdaw

song thrush

brambling

jay

starling

bullfinch

linnet

twite

chaffinch

magpie

yellowhammer

dunnock

redpoll

goldfinch

reed bunting

NB: Certain birds on Schedule 4 may also be sold under licence provided they are registered with the Scottish Executive (see also checklist of legal status, page 21).

Schedule 3 Part II. Birds that may be sold dead at all times.
woodpigeon

Schedule 3 Part III. Birds that may be sold dead from 1 September to 28 February.

coot	pochard	tufted duck
golden plover	shoveler	wigeon
mallard	snipe	woodcock
pintail	teal	

NB: It is illegal to offer for sale at any time of the year moorhen, gadwall, goldeneye or any species of wild goose, although they are legitimate quarry species outside the close season.

Schedule 4

Birds that must be registered and ringed if kept in captivity.

Adalbert's eagle	great Philippine eagle	mountain serpent-eagle
Andaman serpent-eagle	grey-backed hawk	New Britain sparrowhawk
Barbary falcon	Gundlach's sparrowhawk	New Guinea eagle
bearded tit	gyr falcon	osprey
black honey-buzzard	Hawaiian hawk	Pallas' sea-eagle
black redstart	hen harrier	peregrine falcon
capercaillie	hobby	plumbeous forest-falcon
Cetti's warbler	honey buzzard	red kite
chough	imitator sparrowhawk	red-backed shrike
crossbills (all species)	imperial eagle	redwing
cirl bunting	Lapland bunting	Ridgeway's hawk
crested tit	lesser kestrel	Savi's warbler
Dartford warbler	Madagascar fish-eagle	serin
fieldfare	Madagascar serpent-eagle	shorelark
firecrest	marsh harrier	small sparrowhawk
Galapagos hawk	marsh warbler	snow bunting
golden eagle	Mauritius kestrel	Steller's sea-eagle
golden oriole	merlin	
goshawk	Montagu's harrier	

Any bird, one of whose parents or other lineal ancestor was a bird on the above list.

The species included in Schedule 4 are currently under radical review by UK government and by the devolved administrations, with the outcome not known at the time of going to print. Readers should therefore check with Defra for the current Schedule 4 list.

Schedule 9. Birds that it is an offence to release or allow to escape into the wild. It is also illegal to allow any other bird to escape that is not ordinarily resident in Great Britain or not a regular visitor to Great Britain in a wild state, or to allow the escape of any hybrid of such a bird or any hybrid of a bird in Schedule 9 (see page 12).

barn owl	chukar partridge	Reeves' pheasant
bobwhite quail	Egyptian goose	ring-necked parakeet
budgerigar	golden pheasant	rock partridge
Canada goose	Lady Amherst's pheasant	ruddy duck
capercaillie	mandarin duck	silver pheasant
Carolina wood duck	night heron	white-tailed eagle

Checklist of legal status of selected British birds

This list indicates the legal status of all birds in the Schedules and many other common species of British birds. For a full checklist of British birds, please refer to *The Status of Birds in Britain and Ireland*, published by the Records Committee of the British Ornithologists' Union (Oxford 1971) and updated by reports in the BOU journal, *Ibis* and on the BOU's website (www.bou.org.uk).

Guide to terms used below:

Protected at all times: see page 7.

Specially protected at all times: Schedule 1 birds see pages 8 and 9.

Must be registered and ringed if kept in captivity: see page 14.

General Licence: see page 33.

auk, little	Protected at all times.
avocet	Specially protected at all times.
bee-eater	Specially protected at all times.
bittern	Specially protected at all times.
bittern, little	Specially protected at all times.
blackbird	Protected at all times. May be competitively exhibited or sold if captive bred and fitted with approved close-ring.
blackcap	Protected at all times.
bluethroat	Specially protected at all times.
brambling	Specially protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.

bullfinch	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close ring.
bunting, ciril	Specially protected at all times. Must be ringed and registered if kept in captivity.
bunting, corn	Protected at all times.
bunting, Lapland	Specially protected at all times. Must be ringed and registered if kept in captivity.
bunting, reed	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
bunting, snow	Specially protected at all times. Must be ringed and registered if kept in captivity.
buzzard	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
buzzard, honey	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
buzzard, rough-legged	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
capercaillie	Specially protected at all times. May not be disturbed while lekking.
chaffinch	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
chiffchaff	Protected at all times.
chough	Specially protected at all times. Must be ringed and registered if kept in captivity.
coot	Protected in close season. May be shot from 1 Sept–31 Jan. May be sold dead from 1 Sept–28 Feb.
cormorant	Protected at all times.
corncrake	Specially protected at all times.
crake, spotted	Specially protected at all times.
crane	Protected at all times.
crossbill, all species	Specially protected at all times. Must be ringed and registered if kept in captivity.

crow, carrion	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.
crow, hooded	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.
cuckoo	Protected at all times.
curlew	Protected at all times.
dipper	Protected at all times.
divers, all species	Specially protected at all times.
dotterel	Specially protected at all times.
dove, collared	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.
dove, all other species	Protected at all times.
duck, long-tailed	Specially protected at all times.
duck, tufted	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold dead 1 Sept–28 Feb. General Licence permits sale of captive-bred birds and their eggs.
dunlin	Protected at all times.
duncock	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
eagle, golden	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
eagle, white-tailed	Specially protected at all times. May not be subjected to harassment at any time. Habitually-used nests are protected when not in use. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
eider	Protected at all times. General Licence permits sale of captive-bred birds and their eggs.
falcon, gyr	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
fieldfare	Specially protected at all times. Must be ringed and registered if kept in captivity.

firecrest	Specially protected at all times. Must be ringed and registered if kept in captivity.
flycatcher, all species	Protected at all times.
fulmar	Protected at all times.
gadwall	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). General Licence permits sale of captive-bred birds and their eggs.
gannet	Protected at all times. Provision exists for licence allowing taking for food for human consumption on Sula Sgeir only.
garganey	Specially protected at all times. Subject to sales controls under COTES 97 (see page 37).
godwit, bar-tailed	Protected at all times.
godwit, black-tailed	Specially protected at all times.
goldcrest	Protected at all times.
goldeneye	Specially protected during close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).
goldfinch	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
goosander	Protected at all times.
goose, barnacle and bean	Protected at all times. General Licence permits sale of captive-bred birds and their eggs.
goose, brent	Protected at all times.
goose, Canada	May be shot from 1 Sept-31 Jan (to 20 Feb in areas below high water mark). General Licence permits sale of captive-bred birds and their eggs.
goose, greylag	Protected in close season. In Outer Hebrides, Caithness, Sutherland and Wester Ross - specially protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). General Licence permits sale of captive-bred birds and their eggs.

goose, lesser white-fronted	Protected at all times. General Licence permits sale of captive-bred birds and their eggs.
goose, pink-footed	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). General Licence permits sale of captive-bred birds and their eggs.
goose, snow	Protected at all times.
goose, white-fronted	Protected at all times. General Licence permits sale of captive-bred birds and their eggs.
goshawk	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
grebe, black-necked	Specially protected at all times.
grebe, Slavonian	Specially protected at all times.
grebe, all other species	Protected at all times.
greenfinch	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
greenshank	Specially protected at all times
grouse, black	Covered by Game Acts which protect it in close season and allow it to be shot from 20 Aug–10 Dec.
grouse, red	Covered by Game Acts which protect it in close season and allow it to be shot from 12 Aug–10 Dec.
guillemot, all species	Protected at all times.
gull, black-headed	Protected at all times. General Licence permits authorised persons to kill and take birds and to destroy their nests and eggs at certain aerodromes.
gull, common	Protected at all times. General Licence permits authorised persons to kill and take birds and to destroy their nests and eggs at certain aerodromes.

gull, great black-backed	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences. General Licence also permits sale of eggs for human consumption.
gull, herring	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences. General Licence also permits sale of eggs for human consumption.
gull, lesser black-backed	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences. General Licence also permits sale of eggs for human consumption.
gull, little	Specially protected at all times.
gull, Mediterranean	Specially protected at all times.
harrier, all species	Specially protected at all times. Hen, marsh and Montagu's harriers must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
hawfinch	Protected at all times.
heron, grey	Protected at all times.
heron, purple	Specially protected at all times.
hobby	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
hoopoe	Specially protected at all times.
jackdaw	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
jay	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
kestrel	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
kingfisher	Specially protected at all times.

kite, red	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
kittiwake	Protected at all times.
knot	Protected at all times.
lapwing	Protected at all times. General Licence permits authorised persons to kill and take birds and destroy their nests and eggs at certain aerodromes.
linnet	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
magpie	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
mallard	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold dead 1 Sept–28 Feb. General Licences permits authorised persons to take eggs for incubation and selling of captive-bred birds and their eggs.
martin, all species	Protected at all times.
merganser, red-breasted	Protected at all times.
merlin	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
moorhen	Protected in close season. May be shot from 1 Sept–31 Jan.
nightingale	Protected at all times.
nightjar	Protected at all times.
nuthatch	Protected at all times.

oriole, golden	Specially protected at all times. Must be ringed and registered if kept in captivity.
osprey	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
ouzel, ring	Protected at all times.
owl, barn	Specially protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring. May not be released into the wild without a licence. Subject to sales controls under COTES 97 (see page 37).
owl, little	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
owl, long-eared	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
owl, short-eared	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
owl, snowy	Specially protected at all times. Subject to sales controls under COTES 97 (see page 37).
owl, tawny	Protected at all times. Subject to sales controls under COTES 97 (see page 37).
oystercatcher	Protected at all times. General Licence permits authorised persons to kill or take birds and destroy their nests and eggs at certain aerodromes.
partridge, all species	Covered by Game Acts which give protection in close season and allow shooting from 1 Sept–1 Feb.
peregrine	Specially protected at all times. Must be ringed and registered if kept in captivity. Subject to sales controls under COTES 97 (see page 37).
petrel, Leach's	Specially protected at all times.
petrel, storm	Protected at all times.
phalarope, grey	Protected at all times.
phalarope, red-necked	Specially protected at all times.

pheasant	Covered by Game Acts which protect it in the close season and allow it to be shot from 1 Oct–1 Feb.
pigeon, feral	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.
pintail	Specially protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb. General Licence permits the sale of captive-bred birds and their eggs.
pipit, all species	Protected at all times.
plover, golden	Protected in close season. May be shot from 1 Sept–31 Jan. May be sold (dead) from 1 Sept–28 Feb.
plover, grey	Protected at all times.
plover, Kentish	Specially protected at all times.
plover, little-ringed	Specially protected at all times.
plover, ringed	Protected at all times.
pochard	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb. General Licence permits sale of captive-bred birds and their eggs.
ptarmigan	Covered by Game Acts which protect it in close season but may be shot from 12 Aug–10 Dec.
puffin	Protected at all times.
quail, common	Specially protected at all times.
rail, water	Protected at all times.
raven	Protected at all times.
razorbill	Protected at all times.
redpoll	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
redshank	Protected at all times.
redshank, spotted	Protected at all times.
redstart	Protected at all times.

redstart, black	Specially protected at all times. Must be ringed and registered if kept in captivity.
redwing	Specially protected at all times. Must be ringed and registered if kept in captivity.
robin	Protected at all times.
rook	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.
rosefinch, scarlet	Specially protected at all times.
ruff	Specially protected at all times. May not be disturbed while lekking.
sanderling	Protected at all times.
sandpiper, common	Protected at all times.
sandpiper, green	Specially protected at all times.
sandpiper, purple and wood	Specially protected at all times.
scaup	Specially protected at all times. General Licence permits sale of captive-bred birds and their eggs.
scoter, common and velvet	Specially protected at all times.
serin	Specially protected at all times. Must be ringed and registered if kept in captivity.
shag	Protected at all times.
shearwater, all species	Protected at all times.
shelduck	Protected at all times. General Licence permits sale of captive-bred birds and their eggs.
shorelark	Specially protected at all times. Must be ringed and registered if kept in captivity.
shoveler	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold dead from 1 Sept–28 Feb. General Licence permits sale of captive-bred birds and their eggs.
shrike, great grey	Protected at all times.
shrike, red-backed	Specially protected at all times. Must be ringed and registered if kept in captivity.
siskin	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
skua, all species	Protected at all times.
skylark	Protected at all times.

smew	Protected at all times. General Licence permits sales of captive-bred birds and their eggs.
snipe, common	Protected in close season. May be shot from 12 Aug–31 Jan; may be sold dead from 1 Sept–28 Feb.
snipe, jack	Protected at all times.
sparrow, house	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.
sparrow, tree	Protected at all times.
sparrowhawk	Protected at all times; subject to sales controls under COTES 97 (see page 37).
spoonbill	Specially protected at all times.
starling	May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
stilt, black-winged	Specially protected at all times.
stint, little	Protected at all times.
stint, Temminck's	Specially protected at all times.
stonechat	Protected at all times.
stone-curlew	Specially protected at all times.
swallow	Protected at all times.
swan, Bewick's	Specially protected at all times.
swan, mute	Protected at all times.
swan, whooper	Specially protected at all times. General Licence permits sale of captive-bred birds and their eggs.
swift	Protected at all times.
teal	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold dead from 1 Sept–28 Feb. General Licence permits sale of captive-bred birds and their eggs.
tern, black	Specially protected at all times.
tern, little	Specially protected at all times.
tern, roseate	Specially protected at all times.
tern, all other species	Protected at all times.

thrush, mistle	Protected at all times.
thrush, song	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close ring.
tit, bearded	Specially protected at all times. Must be ringed and registered if kept in captivity.
tit, crested	Specially protected at all times. Must be ringed and registered if kept in captivity.
tit, all other species	Protected at all times.
treecreeper	Protected at all times.
treecreeper, short-toed	Specially protected at all times.
turnstone	Protected at all times.
twite	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
wagtail, all species	Protected at all times.
warbler, Cetti's	Specially protected at all times. Must be ringed and registered if kept in captivity.
warbler, Dartford	Specially protected at all times. Must be ringed and registered if kept in captivity.
warbler, marsh	Specially protected at all times. Must be ringed and registered if kept in captivity.
warbler, Savi's	Specially protected at all times. Must be ringed and registered if kept in captivity.
warbler, all other species	Protected at all times.
waxwing	Protected at all times.
wheatear	Protected at all times.
whimbrel	Specially protected at all times.
whinchat	Protected at all times.
whitethroat, all species	Protected at all times.
wigeon	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold dead from 1 Sept–28 Feb. General Licence permits sale of captive-bred birds and their eggs.
woodcock	Protected in close season, may be shot from 1 Sept–31 Jan.
woodlark	Specially protected at all times. Must be ringed and registered if kept in captivity.

woodpecker, all species
woodpigeon

Protected at all times.

May be killed or taken by authorised persons (including destruction of nests/eggs) under the terms of certain General Licences.

wren

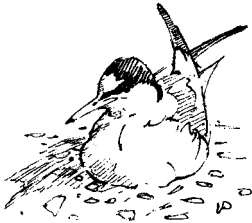
Protected at all times.

wryneck

Specially protected at all times. Must be ringed and registered if kept in captivity.

yellowhammer

Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.



Little tern

Guide to General Licences issued under the Wildlife and Countryside Act

Below is a summary of the current licences. Please note that these licences are usually updated annually. The details of the 2008 licences are shown here as a guide to their typical content but the precise text of the current licences can be obtained from the Scottish Government (see addresses, page 42) or found at www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16330

All licences require any person wishing to make use of it to have read and understood the conditions of the licence beforehand.

Licence SGGL 01/2008: General licence to kill or take certain birds for the conservation of wild birds

Permits killing by authorised persons of great black-backed gulls, lesser black-backed gulls, carrion crows, hooded crows, jackdaws, jays, magpies and rooks traps "for the conservation of wild birds". Permitted methods include shooting or the use of cage traps, including Larsen traps. As an example, this is the licence relied upon by gamekeepers to carry out protection of gamebirds against crows.

Only carrion crows, hooded crows and magpies may be used as decoys in Larsen traps and only these and the other corvid species on the above list may be used as decoys in other cage traps. Traps must be inspected at least

once every 24 hours. Out-of-use traps must be completely immobilised and Larsen traps removed from site. Cage traps must be tagged with a unique identifier code supplied by the police, allowing its owner to be easily identified. Trapped birds must be killed humanely and non-target species released immediately.

Any use of the licence against lesser-black backed gulls must be reported to the Scottish Government by 31 January of the year following expiry of the licence.

Licence SGGL 2/2008: General licence to kill or take certain birds for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables and fruit

Permits killing by authorised persons of great black-backed gulls, herring gulls, collared doves, feral pigeons, woodpigeons, carrion crows, hooded crows, jackdaws, magpies, rooks, house sparrows and starlings "for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables and fruit". Permitted methods include shooting or the use of cage traps, including Larsen traps. As an example, this is the licence relied on by farmers to protect crops and livestock.

Only carrion crows, hooded crows, jackdaws and magpies may be used as decoys in Larsen traps and only these and the other corvid species on the above list may be used as decoys in other cage traps. Traps must be inspected at least once every 24 hours.

Out-of use traps must be completely immobilised and Larsen traps removed from site. Cage traps must be tagged with a unique identifier code supplied by the police, allowing its owner to be easily identified. Trapped birds must be killed humanely and non-target species released immediately.

Any use of the licence against herring gulls, starlings or house sparrows must be reported to the Scottish Government by 31 January of the year following expiry of the licence.

Licence SGGL 3/2008: General Licence to protect public health, public safety and prevent the spread of disease

Permits killing by authorised persons of great black-backed gulls, herring gulls, lesser black-backed gulls, collared doves, feral pigeons, woodpigeons, carrion crows, hooded crows, jackdaws, magpies, rooks, house sparrows and starlings "for the purpose of protecting public health, public safety and preventing the spread of disease". Permitted methods include shooting or the use of cage traps, including Larsen traps.

Only carrion crows, hooded crows and magpies may be used as decoys in Larsen traps and only these and the other corvid species on the above list may be used as decoys in other cage traps. Traps must be inspected at least once every 24 hours. Out-of use traps must be completely immobilised and Larsen traps removed from site. Cage traps must be tagged with a unique identifier code supplied by the police,

allowing its owner to be easily identified. Trapped birds must be killed humanely and non-target species released immediately.

Any use of the licence against lesser black-backed gulls, herring gulls, starlings or house sparrows must be reported to the Scottish Government by 31 January of the year following expiry of the licence.

Licence SGGL 4/2008: General licence to protect air safety

Permits owners or managers of airports and aerodromes, or persons authorised by them or their deputies, at any airport that adheres to the guidelines set out in the Civil Aviation Authority document CAP 772 to kill the following birds in order to protect air safety.

greylag goose
canada goose
mallard
curlew
oystercatcher
lapwing
black headed gull
common gull
great black-backed gull
herring gull
lesser black-backed gull
feral pigeon
woodpigeon
stock dove
carrion crow
hooded crow
jackdaw
magpie
rook
starling

Permitted methods include shooting or the use of cage traps, including Larsen traps.

Only carrion crows, hooded crows and magpies may be used as decoys in Larsen traps and only these and the other corvid species on the above list may be used as decoys in other cage traps. Traps must be inspected at least once every 24 hours. Out-of use traps must be completely immobilised and Larsen traps removed from site. Cage traps must be tagged with a unique identifier code supplied by the police, allowing its owner to be easily identified. Trapped birds must be killed humanely and non-target species released immediately.

Any use of the licence must be reported to the Scottish Government by 31 January of the year following expiry of the licence.

Licence SGGL 5/2008: General licence to keep certain wild birds for the purpose of rehabilitation

Permits the temporary keeping by certain specified persons for 15 days, without the need for registration, of disabled wild-bred birds of species included in Schedule 4, in order to rehabilitate them. The temporary captivity must be reported to the Scottish Government and bird must be registered if captivity extends beyond 15 days. Certain records must be kept and produced if required by the authorities.

Licence GGL 6/2008: General licence for veterinary surgeons and practitioners to keep certain birds

Permits qualified vets, subject to certain conditions, to keep disabled wild-bred birds of species included in Schedule 4 for up to six weeks without registration, for the purpose of rehabilitation.

Licence SGGL 7/2008: General licence to take birds eggs for the purpose of removing unsuccessful eggs from nest boxes

Permits authorised persons to remove failed eggs from nestboxes outside the breeding season – specifically between 1 August and 31 January. The eggs must be destroyed or passed to an appropriate authority, e.g. the Royal Museum of Scotland.

Licence SGGL 8/2008: General licence to permit the sale of certain captive-bred species of bird

Permits the sale of genuinely captive-bred birds of any species, other than those prohibited from trade by CITES and those already permitted to be sold by being included in Schedule 3 Part I of the Wildlife and Countryside Act.

Licence SGGL 9/2008: General licence to permit the competitive showing of certain captive-bred live birds

Permits the competitive showing of any genuinely captive-bred bird other than those already permitted to be shown by being included in Schedule 3 Part I of the Wildlife and Countryside Act.

Licence SGGL 10/2008: General licence to allow the keeping of certain birds in show cages for training purposes

Permits temporary confinement of legally captive birds in cages that the legislation otherwise defines as too small for show training purposes. Cages must meet specified minimum dimensions. Confinement must not exceed one hour in any 24 hours.

Licence SGGL 11/2008: General licence to take eggs of the mallard (*Anas platyrhynchos*) for incubation

Permits taking of wild mallard eggs for incubation before 31 March. All birds raised as a result must be released back into the wild by 31 July. This is intended to allow game managers to increase wild mallard stocks artificially.

Licence SGGL 12/2008: General licence to permit the incubation of Schedule 4 chicks

Permits captive-bred chicks raised from species listed in Schedule 4 to be exempt for registration for their first seven days to avoid harmful disturbance at a sensitive stage of development. Certain records must be kept and conditions complied with.

Licence SGGL 13/2008: General licence to sell feathers and parts of certain dead wild birds

Permits sale of feathers from birds listed in Schedule 3 Part III (certain quarry species) between 1 April and 31 August, i.e. outwith the period when they may already be sold dead. This is to permit limited feather sales outside the open

season for the making of fishing flies.

Licence SGGL 14/2008: General licence to sell dead birds

Permits sale of dead birds other than those in Schedule 2 Part I (quarry species) and other than barnacle or white-fronted geese (unless shown to be captive-bred). Some quarry species may already be sold dead at certain times by being included in Schedule 3 Part III. In effect, the licence allows the sale of any dead bird other than a goose. This is intended to facilitate commercial taxidermy. The licences require that any bird sold was lawfully removed from the wild, i.e. sale of illegally killed birds would be illegal. Sellers must report any use of the licence to the Scottish Government by 31 December.

Trade in endangered species

Worldwide trade in certain species of wild plants and animals is regulated by an international agreement called the Convention on International Trade in Endangered Species 1973 (CITES). Over 160 countries, including the UK, are signatories to CITES. Trade is regulated by a system of permits and certificates that are issued when certain conditions are met. The implementation and enforcement of CITES in the UK is overseen by Defra and the Joint Nature Conservation Committee (JNCC), who are the Management Authority and Scientific Authority respectively.

Plants and animals subject to CITES controls are listed on two main appendices:

Appendix I includes those species that are considered to be directly threatened with extinction by trade. Individual exemptions to allow trade in these specimens may be given in very limited circumstances, such as for scientific purposes or for legitimately captive-bred specimens. This Appendix includes, amongst others, species such as tiger, rhinoceros, pandas and certain parrots and some birds of prey.

Appendix II lists species that could become threatened with extinction if trade is not strictly controlled. Trade is only allowed in specimens that have been legally acquired. Many birds of prey are included on this Appendix. CITES is implemented in the EU by the Wildlife Trade Regulations (principally Council Regulation (EC) 338/97) and enforced in the UK by the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES).

The EU CITES Regulations
The EU Wildlife Trade Regulations introduced a number of stricter measures over the global CITES convention. Foremost among these was that specimens listed in Appendix I of CITES were placed into Annex A of the EU Regulations and a number of additional species of European concern were added. These included all native European birds of prey and owls. This means that within the EU, a kestrel is afforded the same level of protection in

trade as an Appendix I specimen, such as a tiger or a panda.

The Regulations require people trading in such species to acquire an individual licence. These licences are referred to as 'Article 10 certificates'. The only circumstance under which the Article 10 requirement does not apply is if the specimens fall under a general sales exemption for the sale of worked items acquired before 1 June 1947 ('the fifty year rule'). Defra will only issue an Article 10 certificate for sale of an Annex A specimen providing certain conditions are met. For Annex A birds, this would normally mean they have to be captive-bred and fitted with an appropriately sized, uniquely numbered leg ring.

Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES)

In England and Wales, all Annex A birds are subject to stringent controls on sale and commercial display which require an Article 10 certificate to be issued. Anyone wishing to sell, for example, a native European bird of prey or owl, or wanting to check on the legality of a particular sale, should consult Defra. These regulations make it an offence to purchase, as well as to sell, Annex A species. The controls apply to live and dead specimens including parts and derivatives. COTES offences can carry sentences of up to five years imprisonment.

For information on the EU Wildlife Trade Regulations, an up-to-date list of protected species on the Annexes and For information on whom to contact at Defra for information, see the following websites: www.eu-wildlifetrade.org or www.ukcites.gov.uk

Prohibition of shooting on Sundays

Shooting of quarry species (Schedule 2, Part I) on Sundays is illegal.

Areas of Special Protection

The following areas are designated by Sanctuary Orders under the Protection of Birds Acts 1954 to 1967. The extra protection afforded them remains in force under the Wildlife and Countryside Act where they are termed Areas of Special Protection.

Place	Protection given to		Entry prohibited except by permit during	Order No.
	Nests	Eggs		
Fetlar Island, Shetlands	x	x	1 Mar–11 Aug	1968 No 75 (S80)
Horse Island, Ardrossan, Ayr	x	x	all times	1963 No 120 (S4)
Inchmickery, Midlothian	x	x	1 May–31 Aug	1963 No 119 (S3)
Lady Isle, Firth of Clyde	x	x	all times	1955 No 1854 (S145)
Loch Eye, Ross and Cromarty	x	x	all times	1974 No 1596 (S141)
Loch Garten, Inverness	x	x	1 Apr–31 Jul	1960 No 760 (S36)
Low Parks, Hamilton, Lanark	x	x	all times	1958 No 281 (S15)
Possil Marsh, Glasgow	x	x	all times	1956 No 333 (S10)

Questions frequently asked about birds and the law

The following are some of the questions most frequently asked about bird protection. The answers are based on the provisions of Part I of the Act.

Q My neighbour keeps a bird of prey. Do they need a licence?

A No, but all British birds of prey (excluding buzzard, kestrel, sparrowhawk and owls) and some rare foreign species must be registered with Defra (on behalf of the Scottish Government). Any sale or commercial use of a European bird of prey would require an Article 10 Certificate issued by Defra.

Q I have seen an advertisement offering barn owls for sale, is this legal?

A Yes, as long as they have been bred in captivity, are fitted with approved close-rings, and have an Article 10 certificate issued by Defra.

Q My local pet shop is selling bullfinches and goldfinches; surely they are protected?

A Yes, they are fully protected but some British birds are bred in captivity by aviculturalists. Certain species may be sold if they have been captive-bred and are fitted with approved close-rings.

Q I know a person who traps finches and keeps them in an aviary. Is this legal?

A No. It is an offence to take British wild birds and to keep them.

Q I have found an injured bird, can I look after it?

A Yes, but you must release it when it has recovered unless it is included on Schedule 9 of the Act (see page 16). You should try to ensure the bird gets the appropriate treatment or pass it to a suitable individual or organisation to care for. In the case of Schedule 4 birds, only authorised persons can keep them for the purposes of rehabilitation without having to register them with Defra (who act on behalf of the Scottish Government)

Q Is it against the law to collect wild birds' eggs?

A Yes, except if you are an authorized person, such as a landowner, when you can take the eggs of a few named species under the terms of a General Licence (see page 33). The maximum penalty for taking the egg of a wild bird is £5,000, or six months imprisonment, or both.

Q Is it an offence to possess wild birds' eggs?

A Yes, if they were taken after the Protection of Birds Act 1954 came into force.

Q I have a nestbox in my garden and last year the birds deserted their eggs. Is it alright to clean the box out ready for next year?

A Yes, but only between 1 August and 31 January. You are not allowed to keep the eggs.

Q I have an old collection of birds' eggs. Can I sell it?

A No. The sale or exchange of birds' eggs, irrespective of age, is illegal. If you do not want the collection, you could consider donating it to a museum.

Q I have found a dead tawny owl on the road. Can I have it stuffed and keep it?

A If the bird has died accidentally or of natural causes you can pay a taxidermist to stuff and mount it for you to keep. The law requires you to explain your possession of a wild bird and it is worth keeping details of when and where the bird was found and its cause of death.

Q I want to sell some stuffed birds, is this legal?

A It is legal to sell dead wild birds under the terms of a General Licence (see page 33). The law requires certain records to be kept and the seller must supply documentary evidence that the bird was not killed illegally or bred in captivity. The sale of European birds of prey, and certain other species, requires an Article 10 Certificate from Defra (see COTES, page 37).

Q Every year, a local farmer and his friends shoot the nesting crows on his land. Is this legal?

A Yes, it probably is. Crows and several other species of birds are classed as pests and may be killed by authorised persons at any time of the year (see General Licences, page 33).

Q Each winter, the geese and ducks on a local lake are shot. Is this legal?

A Possibly. Species of geese and ducks included in Schedule 2, Part I of the Act (see page 19) can be shot during the open season (1 Sep to 31 Jan).

Q I know someone who keeps some birds in very small cages, surely this is cruel?

A Possibly, yes. The Act has regulations governing the size of cages. Normally, all offences of cruelty are dealt with by the Scottish SPCA or the police.

Q Every year a neighbour knocks down house martin nests under his eaves while the birds are trying to build. Is this legal?

A No. All wild birds' nests are fully protected and it is an offence to destroy them while in use or being built. In the case of house martins and swallows, a nest will remain in use throughout the summer until the birds leave on their autumn migration. Only after they have all left, sometime towards the end of October, can the nests be removed.

Q I would like to take up photography. Is there anything I should know about photographing wild birds?

A Yes, photography of wild birds in Britain is restricted by law if it would involve the disturbance of rare breeding birds (Schedule 1, see page 19). If so, a licence is required from SNH. Further information on bird photography and the law can be obtained from the RSPB.

Q What can I do about youths with airguns shooting at birds in the local park?

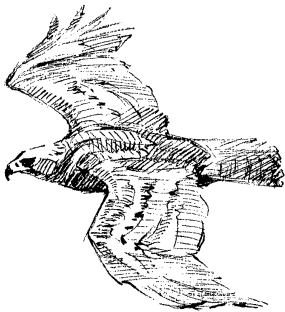
A They are probably committing a firearms offence by using an airgun in a public place. With the exception of 'pest species' (see page 33), gamebirds and certain waterfowl (which may be killed or taken during the open season) it is illegal to shoot at any bird.

Q Every year our local council kills the pigeons in the town centre. Is this legal?

A Yes, it probably is. Feral pigeons can be killed under the terms of General Licences issued to preserve public (see page 33).

Q If I want to report a wildlife offence to the police, who should I ask for?

A Ask for the Wildlife Crime Officer (WECO). If they are not available, ask that the incident be brought to their attention.



Golden eagle

Useful Addresses

Department for Environment, Food and Rural Affairs (DEFRA)

Wildlife Licensing and Registration Section

Floor 1, Zone 17
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6EB
Tel: 0845 601 4523

Defra, Animal Health (AIT – International Trade Unit – Animals)

1A Page Street
London SW1P 4PQ
Tel: 0845 933 5577
(Import licences in respect of health regulations.)

Scottish Executive Environment and Rural Affairs

Department (SGRPID)

Victoria Quay
Edinburgh EH6 6QQ
Tel: 0131 556 8400
(Licences for killing birds causing agricultural damage.)

Scottish Natural Heritage (SNH)

Great Glen House,
Leachkin Road,
Inverness,
IV3 8NW
Tel: 01463 725000
(Licences for Schedule 1 bird nest examination and photography.)

The Stationery Office

49 High Holborn
London WC1V 6HB
(For copies of the legislation.)

In cases of suspected poisoning the following are contact addresses. Remember there is a freephone number for the **Poison Hotline: 0800 321600**.

RSPB Scotland Headquarters

Dunedin House
25 Ravelston Terrace
Edinburgh EH4 3TP
Tel: 0131 311 6500

RSPB East Scotland Regional Office

10 Albyn Terrace
Aberdeen AB1 1YP
Tel: 01224 624824

RSPB North Scotland Regional Office

Etive House
Beechwood Park
Inverness IV2 3BW
Tel: 01463 715000

RSPB South & West Scotland Regional Office

10 Park Quadrant
Glasgow G3 6BS
Tel: 0141 331 0993

If you require assistance in the interpretation of the Wildlife and Countryside Act 1981 or its enforcement contact the Investigations Section at the RSPB's Scottish Headquarters.
(0131 311 6500)

Other leaflets on bird legislation are available from the RSPB by calling Wildlife Enquiries on 01767 693690, including:

Bird Photography and the Law

Code of Conduct for Birdwatchers

Investigations Section Fact File

We also produce a range of leaflets on individual bird species, such as barn owls, herring gulls, etc.



The Partnership for Action Against Wildlife Crime is a multi-agency body comprising representatives of all the organisations involved in wildlife law enforcement in the UK. It provides opportunities for both statutory and non-Government organisations to work together to combat wildlife crime. Its main objective is to promote the enforcement of wildlife conservation legislation, particularly through supporting the networks of police Wildlife Liaison Officers and Customs Cites Officers.



The RSPB is part of BirdLife International, the global partnership of bird conservation organisations.



RSPB Scotland is part of the RSPB, which speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.

The RSPB has over a million members, including 140,000 members of the RSPB Wildlife Explorers, the junior section of the RSPB. If you are not a member, why not join us?

For membership details call 01767 693680, visit www.rspb.org.uk/joinus or write to: The RSPB, The Lodge, Sandy, Bedfordshire SG19 2DL

For more information about RSPB Scotland, please contact:

**RSPB Scotland Headquarters, Dunedin House,
25 Ravelston Terrace, Edinburgh EH4 3TP.
Tel: 0131 311 6500
E-mail: rspb.scotland@rspb.org.uk**

www.rspb.org.uk/scotland



The Partnership for Action Against Wildlife Crime (PAW) is a multi-agency body comprising representatives of all the organisations involved in wildlife law enforcement, including the Police, HM Revenue and Customs, representatives of government departments and NGOs, such as the RSPB. It provides a strategic overview of enforcement activity; considers and develops responses to strategic problems; and looks at issues of strategic concern alongside the National Wildlife Crime Unit.



RSPB Scotland is part of the RSPB, which speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.

The RSPB is part of BirdLife International, the global partnership of bird conservation organisations.

www.rspb.org.uk/birdlaw

Red-necked phalarope by Guy Shorrocks (RSPB).

The Royal Society for the Protection of Birds (RSPB) is a registered charity:
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