

GOVERNMENT CIRCULAR No. 83/61.
G.O. Reference No. W.3206/5.

The Protection of Birds Acts, 1932 and 1955.

His Excellency the Lieutenant Governor, in accordance with Section 17 of the Wild Birds Protection Act, 1932, has directed that the following Summary of the provisions of the Protection of Birds Acts, 1932 and 1955 and of the Order made thereunder shall be exhibited in the immediate vicinity of all public schools and Police Stations in the Isle of Man and at such other places as may appear to the Police to be suitable, with a view to bringing the contents thereof to the notice of the public.

By Order,

E. R. St. A. DAVIES,
Government Secretary.

Government Office,
Isle of Man.
October, 1961.

Price: 4d.

SUMMARY OF THE PROVISIONS OF THE WILD BIRDS PROTECTION ACT, 1932, AND THE PROTECTION OF BIRDS ACT, 1955.

THE WILD BIRDS PROTECTION ACT, 1932—

This Act applies to Wild Birds of any species.

A "Protected Bird" means any wild bird except:—

- All birds of the Crow species (including Rooks, Jackdaws and Magpies but excluding Choughs and Ravens)
- All Hawks (other than Kestrels)
- Starlings
- Sparrows
- Cormorants
- Shags
- Woodpigeons
- Little Owls
- Game Birds
- Gulls.

Game Birds are protected by the Game Acts and Gulls by the Sea Gull Preservation Acts.

It is not lawful for any person to take or attempt to take any wild bird by the use of a lamp or other artificial light or by bird lime or other similar substance. Traps can only be used if certain precautions are taken. It is an offence to use any wild bird as a decoy or to liberate, without the consent of the Governor, any imported wild bird.

Except for the purpose of protecting property, crops, game or fisheries from immediate danger, it is not lawful to kill, take or injure or attempt to kill or injure or to use any means for the purpose of killing or taking any "protected bird". It is unlawful to take or knowingly or wilfully to disturb any nest or egg of any "protected bird". It is also an offence to sell or offer for sale the skin, plumage, egg or nest of a "protected bird" which had been obtained in contravention of the Act.

The Governor may issue a licence, for any scientific or special purpose, exempting the holder of the licence from the provisions of the Act, but subject to the conditions set out on the licence.

Dealers in stuffed birds or birds eggs are required to keep a register of all wild birds' skins, eggs or nests showing where they were obtained and from whom.

The Governor is empowered to direct that any locality shall be a Wild Bird Sanctuary. All wild birds within the confines of the Sanctuary then become protected birds. One such Order has been made declaring the district comprising the estates of Derbyhaven, Langness and Fort Island, and the foreshores adjoining in the Parish of Malew to be a Bird Sanctuary. The Order, with plan attached, has been filed in the Rolls Office.

A constable may stop any person suspected of committing an offence against the Act, search him and require him to give his name and address, and may enter upon any land where he suspects the provisions of the Act are being broken.

Any person offending against the provisions of the Act is liable to a fine of £2 or one month's imprisonment for a first offence. For a subsequent offence the fine may be increased to £5. Where an offence concerns more than one bird, egg or nest the penalties may be increased in proportion to the number of birds, eggs or nests involved.

THE PROTECTION OF BIRDS ACT, 1955.

This Act prohibits, save under the authority of a licence granted by the Governor, the importation into or exportation out of the Isle of Man of any of the following:—

- (a) any common quail, whether live or dead ;
- (b) between the 1st February and the 31st August any dead wild bird being a bird included in the following list, or a wild duck or wild goose whether or not so included:

Bramling
 Godwit, black-tailed
 Whimbrel
 Wild Duck of the following species—
 Common scoter
 Garganey teal
 Goldeneye
 Long-tailed duck
 Scaup-duck
 Velvet scoter
 Wild Geese of the following species—
 Grey lag goose
 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
 Shoveller
 Teal
 Tufted Duck
 Wigeon
 Wild Geese of the following species—
 Bean-goose
 Canada goose
 Pink-footed goose
 White-fronted goose
 Woodcock.

The Governor is empowered by Order, which is subject to Tynwald approval, to extend the above-mentioned periods, to prescribe the import or export of any of the listed birds, or any other dead or live wild birds or the eggs of any wild bird. He may also add or remove any wild bird from the above list.

The expression "wild birds" does not include pheasant, partridge, grouse (or moor game) black (or heath) game, or ptarmigan.

The Act also sets out the powers of arrest, search and seizure which are vested in the constable and provides for any person guilty of an offence under the Act to be liable on summary conviction to a fine up to £25 or to a term of imprisonment not exceeding, for a first offence, one month, or for a second or subsequent offence, three months, or to both such fine and such imprisonment.

Copies of the foregoing Acts may be obtained from Government Office,
price 4d. each plus postage.