

Definition of a wild bird

Any bird of a species which is resident in or a visitor to Great Britain or the European Union in a wild state. Game birds however are not included in this definition. They are covered by the Game Acts which fully protect them during the close season.

Basic protection

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

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built (N.B. the nests of white-tailed eagle, osprey and golden eagle are protected all year round)
- intentionally take or destroy the egg of any wild bird
- have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act or the Protection of Birds Act 1954
- have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act 1954
- have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations. For details of Schedule 4 species see Schedule 1 overleaf
- intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Sale of live wild birds and their eggs

It is an offence to sell, offer for sale, possess or transport for sale or exchange:

- any live bird unless listed on Schedule 3, Part I and then only if aviary bred and close ringed with an approved ring as defined by the Secretary of State's regulations; or covered by a General Licence (see Licences)
- the egg of any wild bird, whether or not taken in contravention of the Act.

Sale of dead wild birds

A General Licence has been issued to allow the sale of lawfully-acquired dead wild birds or parts of wild birds from certain species not listed on Parts II or III of Schedule 3 of the Act. Certain records must be kept and Natural England or the Welsh Assembly Government should be contacted for further advice. Birds listed on Schedule 3, Part II may be sold dead at all times. Those on 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.

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 birds unless listed on Schedule 3, Part I and ringed in accordance with the Secretary of State's regulations, or covered by a General Licence (see Licences).

Killing and taking birds

A number of methods of killing, injuring or taking birds are prohibited. These include gins, springes, traps (e.g. pole traps), snares, nets, bird lime, electrical scaring devices and poisonous or stupefying substances. The use of decoys of live birds tethered, blinded or maimed is illegal. It is also an offence to cause or permit such methods to be used.

Birds in captivity

In addition to the registration requirements for birds of prey and certain other Schedule 1 species (see Basic protection), it is illegal to keep any bird, excluding poultry, in a cage or other receptacle which 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, is in the course of conveyance, or is being exhibited. In the latter case, the time the bird is so confined should not exceed a total of 72 hours.

Attempting to commit an offence

It is an offence to attempt to commit any offence or have in one's possession anything capable of being used to commit an offence.

Exceptions

The most notable exceptions to the above provisions are:

- An authorised person (e.g. a landowner or occupier) may kill or take so called 'pest species' and destroy or take the nest or eggs of such a bird. This is permissible under the terms of General Licences issued by Natural England or the Welsh Assembly Government.
- A person charged with killing or attempting to kill a wild bird, other than one included on Schedule 1, is not guilty of an offence if they can show their action was necessary to preserve public health or air safety, prevent spread of disease, or (subject to certain conditions) prevent serious damage to livestock, food for livestock, crops, vegetables, fruit, growing timber or fisheries (see Licences).
- A person may take or kill (or injure in attempting to kill) a bird listed on Schedule 2, Part I, outside the close season.
- A person may take a wild bird if they can satisfy the court the bird had been injured other than by their own hand and that their sole purpose was to tend it and then release it when no longer disabled, or they may kill it if it was so seriously disabled as to be beyond recovery. Sick and injured birds listed on Schedule 4 should be registered with Defra.

Licences

Licences may be issued by government departments/agencies to kill or take birds, subject to certain conditions, for the following purposes:

- scientific, research or educational work
- ringing or marking
- conserving wild birds, or flora and other fauna
- protecting any collection of wild birds
- repopulating or reintroducing wild birds
- falconry or aviculture
- public exhibition
- taxidermy
- photography
- preserving public health or public or air safety
- preventing serious damage to livestock, food for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters
- killing a gannet for food on the island of Sula Sgeir
- taking certain gulls' eggs for food
- taking a lapwing's egg for food before 15 April.

Licences may also be granted for:

- the sale of live birds (except those listed on Schedule 3, Part I)
- the sale of dead birds or their parts
- scientific examination and photography of a Schedule 1 species at its nest
- the public exhibition or competition of birds not listed on Schedule 3, Part I.

See: www.naturalengland.org.uk/conservation/wildlife-management-licensing/default.htm or contact the Welsh Assembly Government on 01970 653025 for details.

Fines

The maximum penalty that can be imposed – in respect of a single bird, nest or egg – is a fine of up to £5,000, six months imprisonment or both.

Import and export

This leaflet does not cover the regulations on the import and export of birds. Defra 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 to allow their sale. Defra will be able to provide the necessary assistance.

The Schedules

Over 500 species of birds have occurred in Britain and as the Schedules only deal with a small number this can cause confusion. As previously mentioned, all wild birds are protected by law with certain exceptions. The detail contained below covers some of these exceptions. In addition, it must be remembered that Schedule 1 birds (and Schedule 1 Part II birds during the close season) are afforded special protection.

Schedule 1 – Part I

Birds afforded special protection at all times. Species marked * are also included on Schedule 4 in Wales and must be registered and ringed if kept in captivity. Species marked+ are included on Schedule 4 in England. Merlin and peregrine if issued with CITES article 10 certificate are considered to be registered in England. Other non-native birds of prey are also included in Schedule 4 in Wales. Full details can be obtained from Defra.

Avocet	Gull, little	Scaup
Bee-eater	Gull, Mediterranean	Scoter, common
Bittern	*Harrier, hen	Scoter, velvet
Bittern, little	+*Harrier, Marsh	*Serin
Bluethroat	+*Harrier, Montagues	*Shorelark
Brambling	Heron, purple	*Shrike, red-backed
*Bunting, ciril	*Hobby	Spoonbill
*Bunting, Lapland	Hoopoe	Stilt, black-winged
*Bunting, snow	Kingfisher	Stint, Temminck's
+*Buzzard, honey	+*Kite, red	Stone-curlew
*Chough	+*Merlin	Swan, Bewick's
Corncrake	*Oriole, golden	Swan, whooper
Crake, spotted	*Osprey	Tern, black
*Crossbills (all spp)	Owl, barn	Tern, little
Divers (all spp)	Owl, snowy	Tern, roseate
Dotterel	+*Peregrine	*Tit, bearded
Duck, long-tailed	Petrel, Leach's	*Tit, crested
+*Eagle, golden	Phalarope, red-necked	Treecreeper, short-toed
+*Eagle, white-tailed	Plover, Kentish	*Warbler, Cetti's
*Falcon, gyr	Plover, little ringed	*Warbler, Dartford
*Fieldfare	Quail, common	*Warbler, marsh
*Firecrest	*Redstart, black	*Warbler, Savi's
Garganey	*Redwing	Whimbrel
Godwit, black-tailed	Rosefinch, scarlet	*Woodlark
+*Goshawk	Ruff	*Wryneck
Grebe, black-necked	Sandpiper, green	
Grebe, Slavonian	Sandpiper, purple	
Greenshank	Sandpiper, wood	

Schedule 1 – Part II

Birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye
Pintail

Schedule 2 – Part I

Birds protected during the close season (1 February to 31 August) but which may be killed or taken outside this period. Close season for ducks and geese when below high water mark is 21 February to 31 August.

Capercaillie (close season 1 February to 30 September)	Goose, pink-footed	Snipe, common (close season 1 February to 11 August)
Coot	Goose, white-fronted	Teal
Duck, tufted	Mallard	Wigeon
Gadwall	Moorhen	Woodcock (close season 1 February to 30 September)
Goldeneye	Pintail	
Goose, Canada	Plover, golden	
Goose, greylag	Pochard	
	Shoveler	

Schedule 3 – Part I

Birds which may be sold alive at all times if ringed and bred in captivity.

Blackbird	Greenfinch	Siskin
Brambling	Jackdaw	Starling
Bullfinch	Jay	Thrush, song
Bunting, reed	Linnet	Twite
Chaffinch	Magpie	Yellowhammer
Dunnock	Owl, barn	
Goldfinch	Redpoll	

Schedule 3 – Part II

Birds which may be sold dead (at all times).

Woodpigeon

Schedule 3 – Part III

Birds which may be sold dead from 1 September to 28 February.

Capercaillie	Pintail	Snipe, common
Coot	Plover, golden	Teal
Duck, tufted	Pochard	Wigeon
Mallard	Shoveler	Woodcock

Destruction of so-called 'pest species'

Certain species may be killed or taken for specific reasons by an authorised person under the terms of a General Licence. The licensed themselves should be consulted for details of the species listed, the precise terms and conditions and notes on use.

See: www.naturalengland.org.uk/conservation/wildlife-management/licensing/genlicences.htm

Contact: Natural England Wildlife Management and Licensing Service 0845 6014523 or the Welsh Assembly Government Nature Conservation Branch 01970 653025

Address for registration of birds on Schedule 4

Animal Health Agency, Wildlife Licensing and Registration Section, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB

The RSPB

UK Headquarters, The Lodge, Sandy, Bedfordshire SG19 2DL. Telephone 01767 680551

www.rspb.org.uk/birdlaw

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The RSPB speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing - help us keep it that way. We belong to BirdLife International, the global partnership of bird conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

**INFORMATION****Birds and the law in England and Wales**

The Wildlife and Countryside Act 1981 (as amended) covers many subjects including the protection of animals, plants and certain habitats. The legal protection of wild birds in England and Wales in Part 1 of the Act is given inside. A separate leaflet describing the legal protection afforded to wild birds in Scotland is available from the RSPB's Headquarters in Scotland.

Because of its brevity, this leaflet cannot answer specialist queries or problems. For further information consult the Act itself and visit www.rspb.org.uk/birdlaw.

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