



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Protection of birds [<sup>F1</sup>and prevention of poaching]*

#### **1 Protection of wild birds, their nests and eggs. E+W**

- (1) Subject to the provisions of this Part, if any person intentionally—
- (a) kills, injures or takes any wild bird;
  - [<sup>F2</sup>(aa) takes, damages or destroys the nest of a wild bird included in Schedule ZA1;]
  - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
  - (c) takes or destroys an egg of any wild bird,
- he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control—
- (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
  - (b) an egg of a wild bird or any part of such an egg,
- he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) if he shows that—
- (a) the bird or egg had not been killed or taken, or had been [<sup>F3</sup>lawfully] killed or taken [<sup>F4</sup>...]; or
  - (b) the bird, egg or other thing in his possession or control had been [<sup>F5</sup>lawfully] sold (whether to him or any other person) [<sup>F6</sup>...];

<sup>F7</sup>...

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent*

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[<sup>F8</sup>(3ZA) A person shall not be guilty of an offence under subsection (2)(b) if the person shows that the egg, or the part of the egg, was in any person’s possession or control before 28th September 1982.]

[<sup>F9</sup>(3A) In subsection (3) “lawfully” means without any contravention of—

- (a) this Part and orders made under it,
- (b) the Protection of Birds Acts 1954 to 1967 <sup>F10</sup> and orders made under those Acts,
- (c) any other legislation which implements [<sup>F11</sup> the Wild Birds Directive] and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964 <sup>F12</sup>, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976 <sup>F13</sup>, and
- (d) the provisions of the law of any member State (other than the United Kingdom) implementing [<sup>F14</sup> the Wild Birds Directive].]

(4) <sup>F15</sup> . . . . .

(5) Subject to the provisions of this Part, if any person intentionally [<sup>F16</sup> or recklessly]—

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence<sup>F17</sup> . . . . .

[<sup>F18</sup>(6) For the purposes of this section the definition of “wild bird” in section 27(1) is to be read as not including any bird which is shown to have been bred in captivity unless it has been lawfully released into the wild as part of a re-population or re-introduction programme.

(6A) “ Re-population ” and “ re-introduction ” have the same meaning as in [<sup>F19</sup> the Wild Birds Directive ].]

(7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I and, during the close season for the bird in question, any bird included in Part II of that Schedule.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F2** S. 1(1)(aa) inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c.16\), ss. 47\(2\),107; S.I. 2006/1382, art. 2](#)
- F3** Word in s. 1(3)(a) inserted (E.W.) (14.7.2004 as specified in [S.I. 2004/1487](#) and 2.8.2004 as specified in [S.I. 2004/1733](#)) by The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 3(a)(i)} and by [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\), reg. 3\(1\), Sch. para. 1\(a\)\(i\)](#)
- F4** Words in s. 1(3)(a) omitted (E.W.) (14.7.2004 as specified in [S.I. 2004/1487](#) and 2.8.2004 as specified in [S.I. 2004/1733](#)) by virtue of The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 3(a)(ii)} and by virtue of [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\), reg. 3\(1\), Sch. para. 1\(a\)\(ii\)](#)

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- F5** Word in s. 1(3)(b) inserted (E.W.) (14.7.2004 as specified in [S.I. 2004/1487](#) and 2.8.2004 as specified in [S.I. 2004/1733](#)) by The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 3(b)(i)}; and by [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\)](#), reg. 3(1), **Sch. para. 1(b)(i)**
- F6** Words in s. 1(3)(b) omitted (E.W.) (14.7.2004 as specified in [S.I. 2004/1487](#) and 2.8.2004 as specified in [S.I. 2004/1733](#)) by virtue of The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 3(b)(ii)}; and by virtue of [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\)](#), reg. 3(1), **Sch. para. 1(b)(ii)**
- F7** Words in s. 1(3) omitted (E.W.) (14.7.2004 as specified in [S.I. 2004/1487](#) and 2.8.2004 as specified in [S.I. 2004/1733](#)) by virtue of The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 3(c)}; and by virtue of [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\)](#), reg. 3(1), **Sch. para. 1(c)**
- F8** S. 1(3ZA) inserted (E.W.) (6.4.2016) by [The Wildlife and Countryside Act 1981 \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/127\)](#), regs. 1(2), **2(2)**
- F9** S. 1(3A) inserted (E.W.) (14.7.2004 as specified in [S.I. 2004/1487](#) and 2.8.2004 as specified in [S.I. 2004/1733](#)) by The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 3(d)}; and by [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\)](#), reg. 3(1), **Sch. para. 1(d)**
- F10** 1954 c. 30; 1964 c. 59; 1967 c. 46.
- F11** Words in s. 1(3A)(c) substituted (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, & c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#), **reg. 7(2)(a)(i)**
- F12** 1964 c. 29.
- F13** 1976 c. 86.
- F14** Words in s. 1(3A)(d) substituted (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, & c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#), **reg. 7(2)(a)(ii)**
- F15** S. 1(4) repealed (30.1.2001 for E.W and 26.3.2003 for S.) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6)) and by the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 86, 89(2)(d), **Sch. 5**
- F16** Words in s. 1(5) inserted (30.1.2001 for E.W. and 1.10.2004 for S.) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 1 and inserted by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 2(5)**; [S.S.I. 2004/407](#), **art. 2**
- F17** Words in s. 1(5) repealed (30.1.2001 for E.W. and 26.3.2003 for S.) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6)) and by the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 86, 89(2)(d), **Sch. 5**
- F18** S. 1(6)(6A) substituted (E.W.) (1.10.2006) for s. 1(6) by [Natural Environment and Rural Communities Act 2006 \(c.16\)](#), **ss. 48(1), 107**; [S.I. 2006/2541](#), **art. 2**
- F19** Words in s. 1(6A) substituted (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, & c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#), **reg. 7(2)(b)**

## 1 Protection of wild birds, their nests and eggs. **S**

- (1) Subject to the provisions of this Part, if any person intentionally [<sup>F20</sup>or recklessly]—
- (a) kills, injures or takes any wild bird;
  - (b) takes, damages [<sup>F21</sup>, destroys or otherwise interferes with] the nest of any wild bird while that nest is in use or being built; or
- [<sup>F22</sup>(ba) at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;
- (bb) obstructs or prevents any wild bird from using its nest;]
  - (c) takes or destroys an egg of any wild bird,

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he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—

- (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
- (b) an egg of a wild bird or any part of such an egg,

he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—

- (a) the bird or egg had not been killed or taken, or had been killed or taken [<sup>F23</sup>at or from a place in Scotland] otherwise than in contravention of the relevant provisions; <sup>F24</sup> . . .
- (b) the bird, egg or other thing in his possession or control had been sold [<sup>F25</sup>at a place in Scotland](whether to him or any other person) otherwise than in contravention of those provisions; <sup>F26</sup>; or
- (c) that the bird, egg or other thing in his possession or control had been killed at, taken from or sold at a place outwith Scotland and—
  - (i) that the act of killing, taking or sale would not, if it had been committed in Scotland, have been in contravention of the relevant provisions; or
  - (ii) that the bird, egg or other thing had been brought from the place where it was killed, taken or sold in accordance with the relevant regulations.]

<sup>F27</sup> . . .

[<sup>F28</sup>(3A) In subsection (3)—

“ the relevant provisions ” means such of the provisions of—

- (a) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts, and
- (b) this Part and orders made under it,

as were in force at the time when the bird or egg was killed or taken or, as the case may be, the bird, egg or other thing was sold,

“the relevant regulations” means—

- (a) Council Regulation 338/97/ EC on the protection of species of wild fauna and flora by regulating trade, and
- (b) Commission Regulation 1808/2001/ EC on the implementation of that Council Regulation,

as amended from time to time (or any [<sup>F29</sup>EU] instrument replacing either of them).]

(4) <sup>F15</sup> . . . . .

(5) Subject to the provisions of this Part, if any person intentionally [<sup>F16</sup>or recklessly]—

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence<sup>F17</sup> . . . . .

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- [<sup>F30</sup>(5A) Subject to the provisions of this Part, any person who intentionally or recklessly disturbs any wild bird included in Schedule 1 which leks while it is doing so shall be guilty of an offence.
- (5B) Subject to the provisions of this Part, any person who intentionally or recklessly harasses any wild bird included in Schedule 1A shall be guilty of an offence.
- (5C) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.]
- [<sup>F31</sup>(6) For the purposes of this section, the definition of “wild bird” in section 27(1) is to be read as not including any bird which is shown to have been bred in captivity unless—
- (a) it has been lawfully released or allowed to escape from captivity as part of a re-population or re-introduction programme; or
  - (b) it is a mallard, grey or red-legged partridge, common pheasant or red grouse which is no longer in captivity and is not in a place where it was reared.]
- (7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I and, during the close season for the bird in question, any bird included in Part II of that Schedule.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F15** S. 1(4) repealed (30.1.2001 for E.W. and 26.3.2003 for S.) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6)) and by the Criminal Justice (Scotland) Act 2003 (asp 7), ss. 86, 89(2)(d), Sch. 5
- F16** Words in s. 1(5) inserted (30.1.2001 for E.W. and 1.10.2004 for S.) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 1 and inserted by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(5); S.S.I. 2004/407, art. 2
- F17** Words in s. 1(5) repealed (30.1.2001 for E.W. and 26.3.2003 for S.) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6)) and by the Criminal Justice (Scotland) Act 2003 (asp 7), ss. 86, 89(2)(d), Sch. 5
- F20** Words in s. 1(1) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(2)(a); S.S.I. 2004/407, art. 2
- F21** Words in s. 1(1)(b) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(2)(b); S.S.I. 2004/407, art. 2
- F22** S. 1(1)(ba)(bb) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(2)(c); S.S.I. 2004/407, art. 2
- F23** Words in s. 1(3)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(3)(a); S.S.I. 2004/407, art. 2
- F24** Word in s. 1(3)(a) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(3)(b); S.S.I. 2004/407, art. 2
- F25** Words in s. 1(3)(b) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(3)(c); S.S.I. 2004/407, art. 2
- F26** S. 1(3)(c) and preceding word inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(3)(d); S.S.I. 2004/407, art. 2
- F27** Words in s. 1(3) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 2(3)(e); S.S.I. 2004/407, art. 2

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- F28** S. 1(3A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 2(4)**; S.S.I. 2004/407, **art. 2**
- F29** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F30** S. 1(5A)-(5C) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 2(6)**; S.S.I. 2004/407, **art. 2**
- F31** S. 1(6) substituted (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 3(3), 43(1)** (with s. 41(1)); S.S.I. 2011/279, **art. 2(1)(b)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)