



Isle of Man

Ellan Vannin

AT 9 of 1955

PROTECTION OF BIRDS ACT 1955



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PROTECTION OF BIRDS ACT 1955

Received Royal Assent: 8 September 1955
Passed: 21 June 1955
Commenced: 21 June 1955

AN ACT to restrict the importation or exportation of certain wild birds and eggs.

GENERAL NOTES

1. This Act was repealed by the *Wildlife Act 1990* Sch 10, but remains in operation in respect of bird sanctuaries in existence prior to 1 January 1991 see GC9/91.
2. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Restriction on importation or exportation of certain wild birds and eggs

- (1) [Repealed]¹
- (2) The Department of Environment, Food and Agriculture may by order —
 - (a) [Repealed]²
 - (b) prohibit, save as may be authorised by a licence granted by that Department, the importation or exportation of all or any dead wild birds or of all or any live wild birds, or of the eggs (including the blown eggs) of any wild bird, for the whole or any specified part of the year.³
 - (c) and (d)[Repealed]⁴
- (3) Any order made by the Department under this section shall be laid before Tynwald as soon as may be after it is made and shall not take effect until approved by Tynwald.⁵
- (4) [Repealed]⁶
- (5) In this section the expression “wild bird” does not include pheasant, partridge, grouse (or moor game), black (or heath) game, or ptarmigan.
- (6) Any person offending against the provisions of any order made in pursuance of this section, shall be guilty of an offence against this Act.⁷

2 Enforcement of penalties, etc

[1954/12]

- (1) A constable may, without warrant, stop and search any person found committing an offence against this Act and any vehicle, boat or animal which that person may then be using and may —
 - (a) arrest that person if he fails to give his name and address to the constable's satisfaction; and
 - (b) seize and detain for the purposes of proceedings under this Act, any wild bird, whether alive or dead, or any egg of a wild bird which may be in that person's possession.
- (2) Any person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding £1,000 or to a term of imprisonment not exceeding, for a first offence against this Act, one month, or for a second or subsequent offence against this Act, three months, or to both such fine and such imprisonment. Provided that, where an offence was committed in respect of more than one bird or egg, the maximum fine which may be imposed under this subsection shall be determined as if the person convicted had been convicted in respect of each bird or egg.
- (3) The court before whom any person is convicted of an offence against this Act shall order the forfeiture of any bird or egg in respect of which the offence was committed.

3 Short title

This Act may be cited as the Protection of Birds Act, 1955, and shall be construed as one with the Wild Birds Protection Act, 1932, and that Act and this Act may together cited as the Protection of Birds Acts, 1932 and 1955.

4 Commencement

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

SCHEDULE⁸

ENDNOTES

Table of Endnote References

- ¹ Subs (1) repealed by Endangered Species (Import and Export) Act 1981 s 12.
- ² Para (a) repealed by Endangered Species (Import and Export) Act 1981 s 12.
- ³ Para (b) amended by Endangered Species (Import and Export) Act 1981 s 12 and by GC121/86.
- ⁴ Subs (2) amended by SD155/10 Sch 3. Paras (c) and (d) repealed by Endangered Species (Import and Export) Act 1981 s 12.
- ⁵ Subs (3) amended by GC121/86.
- ⁶ Subs (4) repealed by Endangered Species (Import and Export) Act 1981 s 12.
- ⁷ Subs (6) amended by Endangered Species (Import and Export) Act 1981 s 12.
- ⁸ Sch repealed by Endangered Species (Import and Export) Act 1981 s 12.