

**2009 No. 418**

**WILDLIFE**

**The Wildlife and Countryside Act 1981 (Variation of  
Schedule 4) (Scotland) Order 2009**

*Made* - - - - 24th November 2009

*Laid before the Scottish Parliament* 26th November 2009

*Coming into force* - - 21st December 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by section 22(1)(a) of the Wildlife and Countryside Act 1981(a) and all other powers enabling them to do so.

In accordance with section 22(2A)(b) of that Act, they have consulted Scottish Natural Heritage.

For the purposes of section 26(4)(a) of that Act they consider that no local authority is affected by this Order. In accordance with that provision, they have given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Scotland) Order 2009, and comes into force on 21st December 2009.

(2) This Order extends to Scotland only.

**Variation of Schedule 4**

2.—(1) The following birds are removed from Schedule 4(c) to the Wildlife and Countryside Act 1981 (“the 1981 Act”) (birds which must be registered and ringed if kept in captivity):—

<i>Common Name</i>	<i>Scientific Name</i>
Bunting, Cirl	<i>Emberiza cirlus</i>
Bunting, Lapland	<i>Calcarius lapponicus</i>

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(a) 1981 c.69. Section 22(1) was amended by paragraph 20(a) of schedule 6 to the Nature Conservation (Scotland) Act 2004 (asp 6) (“the 2004 Act”). The functions of the Secretary of State under section 22(1) were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Section 22(2A) was inserted by paragraph 20(b) of schedule 6 to the 2004 Act.

(c) Schedule 4 was varied by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. 1994/1151); by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) (England) Order 2008 (S.I. 2008/2356); and by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Wales) Order 2009 (S.I. 2009/780 (W.68)).

<i>Common Name</i>	<i>Scientific Name</i>
Bunting, Snow	<i>Plectrophenax nivalis</i>
Eagle, Adalbert's	<i>Aquila adalberti</i>
Eagle, Great Philippine	<i>Pithecophaga jefferyi</i>
Eagle, Imperial	<i>Aquila heliaca</i>
Eagle, New Guinea	<i>Harpyopsis novaeguineae</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>
Crossbills (all species)	<i>Loxia spp</i>
Falcon, Barbary	<i>Falco pelegrinoides</i>
Falcon, Gyr	<i>Falco rusticolus</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Fish-Eagle, Madagascar	<i>Haliaeetus vociferoides</i>
Forest-Falcon, Plumbeous	<i>Micrastur plumbeus</i>
Harrier, Hen	<i>Circus cyaneus</i>
Hawk, Galapagos	<i>Buteo galapagoensis</i>
Hawk, Grey-backed	<i>Leucopternis occidentalis</i>
Hawk, Hawaiian	<i>Buteo solitarius</i>
Hawk, Ridgway's	<i>Buteo ridgwayi</i>
Hawk, White-necked	<i>Leucopternis lacernulata</i>
Hawk-Eagle, Wallace's	<i>Spizaetus nanus</i>
Hobby	<i>Falco subbuteo</i>
Honey-Buzzard, Black	<i>Henicopernis infuscatus</i>
Kestrel, Lesser	<i>Falco naumanni</i>
Kestrel, Mauritius	<i>Falco punctatus</i>
Kite, Red	<i>Milvus milvus</i>
Oriole, Golden	<i>Oriolus oriolus</i>
Redstart, Black	<i>Phoenicurus ochruros</i>
Redwing	<i>Turdus iliacus</i>
Sea-Eagle, Pallas'	<i>Haliaeetus leucoryphus</i>
Sea-Eagle, Steller's	<i>Haliaeetus pelagicus</i>
Serin	<i>Serinus serinus</i>
Serpent-Eagle, Andaman	<i>Spilornis elgini</i>
Serpent-Eagle, Madagascar	<i>Eutriorchis astur</i>
Serpent-Eagle, Mountain	<i>Spilornis kinabaluensis</i>
Shorelark	<i>Eremophila alpestris</i>

<i>Common Name</i>	<i>Scientific Name</i>
Shrike, Red-Backed	<i>Lanius collurio</i>
Sparrowhawk, Gundlach's	<i>Accipiter gundlachi</i>
Sparrowhawk, Imitator	<i>Accipiter imitator</i>
Sparrowhawk, New Britain	<i>Accipiter brachyurus</i>
Sparrowhawk, Small	<i>Accipiter nanus</i>
Tit, Bearded	<i>Panurus biarmicus</i>
Tit, Crested	<i>Parus cristatus</i>
Warbler, Cetti's	<i>Cettia cetti</i>
Warbler, Dartford	<i>Sylvia undata</i>
Warbler, Marsh	<i>Acrocephalus palustris</i>
Warbler, Savi's	<i>Locustella luscinioides</i>
Woodlark	<i>Lullula arborea</i>
Wryneck	<i>Jynx torquilla</i>

(2) The words "Any bird one of whose parents or other lineal ancestor was a bird of a kind specified in the foregoing provisions of this Schedule" at the end of the list of birds in Schedule 4 to the 1981 Act are omitted.

### **Revocation**

3. Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994(a) is revoked.

*R CUNNINGHAM*  
Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
24th November 2009

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(a) S.I. 1994/1151.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 7 of the Wildlife and Countryside Act 1981 (“the Act”), together with regulations made under that section, provide for the registration and ringing or marking of birds that are kept in captivity and are listed in Schedule 4 to the Act.

Article 2 of this Order removes the birds listed in that article from Schedule 4 to the Act. It also removes the reference to hybrids so that Schedule 4 no longer includes hybrids of the species of birds in the list.

From the coming into force of this Order, the birds included in Schedule 4 to the Act are—

<i>Common name</i>	<i>Scientific name</i>
Buzzard, Honey	<i>Pernis apivorus</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Falcon, Peregrine	<i>Falco peregrinus</i>
Goshawk	<i>Accipiter gentilis</i>
Harrier, Marsh	<i>Circus aeruginosus</i>
Harrier, Montagu’s	<i>Circus pygargus</i>
Merlin	<i>Falco columbarius</i>
Osprey	<i>Pandion haliaetus</i>

Article 3 contains a consequential revocation of article 3 of the Wildlife and Countryside Act 1981(Variation of Schedule 4) Order 1994.

A full regulatory impact assessment has been produced for this instrument and a copy of it placed in the Scottish Parliament Information Centre. Further copies may be obtained from the Scottish Government Rural Directorate, Landscapes and Habitats Division, Victoria Quay, Edinburgh EH6 6QQ.

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