



BERMUDA

PROTECTION OF BIRDS ACT 1975

1975 : 52

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[preamble and words of enactment omitted]

Interpretation

- 1 (1) In this Act—
- “conservation officer” means the conservation officer of the Department;
- “Department” means the Department of Conservation Services;
- “Director” means the Director of the Department;
- “Minister” means the Minister responsible for conservation services;
- “nature reserve” means an area of land declared to be a nature reserve under section 5;
- “protected bird” means any bird other than—
- (i) a farmyard or other domestic bird; or

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- (ii) a bird which has been imported in captivity and which since its importation has remained in captivity; or
- (iii) a bird bred in captivity and which has remained in captivity; or
- (iv) a bird in captivity in the Aquarium and Museum or in captivity in the charge of the Minister; or
- (v) a common crow (*Corvus brachyrhynchos*) starling (*Sturnus vulgaris*) kiskadee (*Pitangus sulphuratus*) or house (English) sparrow (*Passer domesticus*);

“taking” in relation to any protected bird includes capturing, killing or destroying.

(2) Nothing in this Act shall derogate from or abridge any provision of the Agriculture Act 1930 [*title 25 item 1*] or of the Care and Protection of Animals Act 1975 [*title 25 item 16*] or any regulations made under those Acts.

[Section 1 amended by 1991:99 effective 1 January 1992; Section 1 subsection (1) “Department” and “Minister” amended by 2000:20 Sch para 6 effective 26 June 2000; “Department” and “Minister” amended by 2002:18 s.2 & Sch effective 1 April 2002; “Minister” deleted and substituted by BR 5 / 2011 para. 5 effective 25 February 2011]

Protection of birds

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- (1) This section shall have effect subject to sections 3 and 4.
 - (2) Any person who—
 - (a) takes a protected bird by any method whatsoever; or
 - (b) takes the egg of a protected bird; or
 - (c) (i) sells or exposes for sale; or
 - (ii) sends or causes to be sent out of Bermuda; or
 - (iii) has in his possession or under his control, a protected bird or the skin, plumage or egg of a protected bird,commits an offence against this Act.

Licences for scientific research; public aviary; museum

3 (1) The Minister may, subject to subsection (2), issue a licence to any person exempting him, subject to any limitations and conditions specified in the licence, from such of the provisions of section 2 as may be so specified.

(2) The Minister shall not issue a licence under this section unless he is satisfied that the exemption specified in the licence is justified—

- (a) for the purpose of furthering scientific research; or
- (b) for the purpose of making additions to or maintaining a collection of birds in a public aviary, zoological garden or nature reserve; or

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(c) for the purpose of making additions to or maintaining a collection of the skins, plumage or eggs of birds in a public museum of natural history.

(3) An applicant for a licence under this section shall pay therefor such fees as may be prescribed under the Government Fees Act 1965 [*title 25 item 18*].

Minister may authorize control or destruction of protected birds

4 If the Minister is satisfied that for the protection of agriculture and fisheries, public health or public safety it is expedient to control or destroy any bird or species of bird which is a protected bird, he may authorize the conservation officer or any other officer of the Department to take such measures for such control or destruction as the Minister may approve.

Nature reserves

5 (1) Where it appears to the Minister that any land is especially suited for the feeding and nesting of protected birds, or otherwise important as a habitat for their preservation, he may, subject to subsection (2), by order declare such land to be a nature reserve:

Provided that no land, other than land the property of the Government, shall be declared to be a nature reserve except upon the application, or with the consent, of the owner thereof.

(2) The affirmative resolution procedure shall apply to orders made under this section.

Control of entry to nature reserve

6 (1) Any person, other than a person authorized under subsection (2) or permitted access under subsection (3), who enters or remains in a nature reserve commits an offence against this Act.

(2) The following persons are authorized to enter and remain in a nature reserve:—

- (a) the Director or any officer of the Department;
- (b) any person to whom a permit has been granted by or on behalf of the Minister, while acting in accordance with the terms and conditions, if any, specified in the permit; and
- (c) where the land comprising the nature reserve is land the property of any person other than the Government, the owner of the land and any person authorized by him to enter or remain on the land.

(3) The Minister may permit the public to have access to a nature reserve or part of a nature reserve and where such access is permitted the Minister shall cause notices to that effect to be erected and maintained at the points of entry thereto.

(4) The Minister shall, on land comprising a nature reserve erect and maintain notices indicating—

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- (a) that the land is a nature reserve;
- (b) the boundaries of the nature reserve; and
- (c) whether public access to that reserve is permitted and, if so, the rules governing the conduct of members of the public within that reserve.

(5) Any person who in any nature reserve fails to comply with the rules governing the conduct of members of the public therein or contravenes the terms or conditions of a permit issued under subsection (2)(b) commits an offence against this Act.

Summary prosecution; punishments; forfeiture of plumage

7 (1) Offences against this Act shall be prosecuted before a court of summary jurisdiction.

(2) Where a person commits an offence under this Act:

Punishment on summary conviction: a fine of \$200 in respect of each offence.

(3) Where the proceedings have been taken in respect of the plumage of a protected bird, the court before which the offender is convicted may, in addition to any other punishment, order that the plumage be forfeited to the Crown.

Repeals

8 [omitted]

[Assent Date: 14 July 1975]

[Amended by:

1977 : 35

BR 52 / 1984

1991 : 99

2000 : 20

2002 : 18

BR 5 / 2011]