

WILD BIRDS PROTECTION ACT, 1914

Date of commencement: 28th July, 1914.

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An Act to prohibit with certain exceptions the sale and exportation of the plumage and skins of wild birds and to provide for the protection of birds.

Short title.

1. This Act may be cited as the Wild Birds Protection Act, 1914.

Interpretation.

2. In this Act, unless the context otherwise requires —

“Minister” means the Minister for Agriculture;

“plumage” includes the skin or body of a bird with the plumage on it;

“wild bird” means any non-domestic bird of a species which inhabits either permanently or temporarily any part of Eswatini.

Sale or export of plumage.

3. No person shall sell or offer or expose for sale or export or cause to be exported from Eswatini any plumage of a wild bird and no person shall have in his possession such plumage for the purpose of sale or export; this prohibition shall not apply to the plumage of wild birds — but—

(a) for the time being excluded from the operation of this Act by notice in the *Gazette*;

(b) in respect of which a permit has been granted under this Act;

(c) ordinarily used as articles of diet.

Permits.

4. Where the Minister is satisfied that the plumage of wild birds is to be sold or exported for scientific or educational purposes he may grant a permit in writing authorising such sale or export.

Power to exclude.

5. The Minister may by notice in the *Gazette* exclude a wild bird from the operation of this Act for such period or periods as he may prescribe or until further notice.*

Capture and sale of wild birds.

6. No person shall capture a wild bird (except for the purpose of immediate destruction at the place of capture) and no person shall, after the expiry of a period of six months from the commencement of this Act, sell, purchase or barter any live bird unless such capture sale, purchase or barter is effected in accordance with a permit granted by the Minister.

Conveyance of wild birds.

7. (1) A person who conveys a live wild bird over a public road or is in possession or custody of a live wild bird on land whereof he is not the owner or lawful occupier or whereon he does not reside, shall be deemed to have captured or purchased that bird or acquired it by barter in contravention of section 6 unless it is proved that he did not capture or purchase that bird or acquire it by barter after the commencement of this Act, or that he captured or purchased it or acquired it by barter by virtue of and in accordance with a permit granted by the Minister.

(2) If in proceedings under this Act the question arises as to whether any bird is or was a wild bird, it shall be deemed to be or to have been a wild bird unless the contrary is proved.

Confinement of birds.

8. (1) No person shall keep or confine any bird, except for a temporary period not exceeding seven days, other than in a cage or aviary of which the dimensions in every way are as great or greater than the following:

- (i) a cage or aviary sixteen inches long, ten inches wide, ten inches high, and with a pitched roof the pitch of which must exceed four inches, to accommodate not more than two small birds each of a size smaller than that of an ordinary dove;
- (ii) a cage or aviary four feet long, four feet wide, three feet high, and with a pitched roof the pitch of which must not be less than two feet to accommodate not more than twelve small birds each of a size smaller than that of an ordinary dove, or to accommodate not more than four birds each of a size not larger than that of an ordinary dove;
- (iii) a cage or aviary to accommodate birds of a size larger than ordinary doves shall allow at least twenty cubic feet of space for each bird.

* Predatory birds, such as the varieties of the eagle and hawk families belonging to the order *Accipitres* excluded from the operation of this Act by High Commissioner's Notice No. 64 of 1914.

(2) Every such cage or aviary shall be furnished with perches affording reasonable accommodation for all birds confined therein and at a height above the floor at least as great as the height of the tallest of such birds and so fixed as to permit each bird to fly up to the perch or perches without danger to the bird.

(3) If upon the trial of a person for the contravention of this section insufficient evidence is adduced *aliunde* as to the size or comparative sizes of any wild bird the court may decide the question from the appearance or description of such wild bird.

Offences and penalties.

9. (1) A person contravening any provision of this Act except section 3 shall be guilty of an offence and liable on conviction to a fine not exceeding fifty emalangeni.

(2) A person contravening section 3 shall be guilty of an offence and liable on conviction to a fine not exceeding twenty emalangeni or in default of payment thereof to imprisonment for a period not exceeding three months.
