



TURKS AND CAICOS ISLANDS

CHAPTER 10.05
WILD BIRDS PROTECTION ORDINANCE

Revised Edition
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

WILD BIRDS PROTECTION ORDINANCE

Ordinance 22 of 1990 .. in force 9 November 1990

No Subsidiary Legislation has been made under this Ordinance

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CHAPTER 10.05

WILD BIRDS PROTECTION ORDINANCE

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CHAPTER 10.05

WILD BIRDS PROTECTION ORDINANCE

(Ordinance 22 of 1990)

AN ORDINANCE TO MAKE PROVISION FOR THE PROTECTION OF WILD BIRDS AND FOR CONNECTED PURPOSES.

Commencement

[9 November 1990]

Short title

1. This Ordinance may be cited as the Wild Birds Protection Ordinance.

Interpretation

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

“Islands” means the Turks and Caicos Islands;

“non-protected bird” means any wild bird specified in Schedule 2 hereto;

“rare or endangered bird” means any wild bird specified in Schedule 1 hereto.

Offences

3. (1) A person commits an offence against this Ordinance who—

- (a) wilfully kills, wounds or takes or attempts to kill, wound or take any wild bird;
- (b) takes, removes, injures or destroys any nest or egg of any wild bird;
- (c) exposes for sale, or knowingly has in his possession, any wild bird, or any part of such bird killed, wounded or taken in the Islands;
- (d) exports or attempts to export the skin or plumage of any wild bird, killed, wounded or taken in the Islands, or the nest or eggs of any wild bird taken in the Islands.

(2) The provisions of subsection (1) shall not apply to any non-protected bird.

Governor may authorise the taking of birds, etc

4. Notwithstanding anything in this Ordinance the Governor may by writing under his hand authorise any person for such time and subject to such conditions as he thinks fit, for scientific or other purposes, to kill, wound or take any wild bird, other than a rare or endangered bird, or to take or remove the nest or eggs of any such bird or to export the skin or plumage, nest or eggs of any such bird.

Names of birds may be added to or taken from Schedules

5. The Governor may from time to time by Notice published in the *Gazette* add the name of any wild bird to, or remove the name of any wild bird from, the Schedules to this Ordinance, and thereupon and whilst such notice remains in force this Ordinance shall be read and have effect as if the name of the wild bird so added had been inserted or as if the name of the wild bird so removed had not been specified in the said Schedule.

Offender required to give name and address

6. (1) In the case of an offence against this Ordinance any National Parks Officer, or member of the Police Force may require the offender to give his name, description and place of abode.

(2) If such offender shall not truly give his name, description and place of abode, he commits an offence in addition to that which he shall have been committing.

(3) Any National Parks Officer or member of the Police Force may seize and detain the skin or plumage or the nest or eggs of any wild bird which he may have reasonable cause to suspect is intended for exportation contrary to the provisions of this Ordinance.

Burden of proof on the defendant

7. Where any person is proceeded against for exposing or offering for sale, or having in his possession or exporting or attempting to export any wild bird or any part of any such bird, or the nest or eggs of any such bird, contrary to the provisions of this Ordinance, the proof shall be on such person that the bird was killed, wounded or taken or the nest or eggs taken outside the Islands.

Offences

8. (1) All proceedings in respect of offences against this Ordinance shall be heard and determined summarily.

(2) The complainant or informer in any proceedings under this Ordinance may on the order of the court dealing with the case receive one half of any penalty imposed on and paid by the offender.

(3) Every person convicted of an offence against section 3 of this Ordinance in respect of any rare or endangered bird shall be liable to a fine of \$5,000 and to a term of imprisonment of six months and in respect of any other wild bird is liable to a fine of \$500 and to a term of imprisonment of one month. Any bird or any part of any bird or the nest or eggs of any bird in respect of which a conviction takes place, shall be forfeited.

(4) Every person convicted of an offence against section 6(2) of this Ordinance shall be liable to a fine of \$100.

SCHEDULE 1

(Section 2)

RARE AND ENDANGERED BIRDS

Pelican
Flamingo
Roseate Tern

SCHEDULE 2

(Section 2)

NON-PROTECTED BIRDS

Blue Winged Teal
