

To be construed with Ch. 27 of 1934

CHAPTER 273.

WILD BIRDS PROTECTION.

[No. XXXI of 1919.]

[30th September, 1919.]

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

2. In this Ordinance—

“ wild bird ” means any bird specified in the schedules to this Ordinance;

Interpretation.

“ the close season ” means the period between the first day of April and the first day of September in each year, or any other period from time to time declared to be the close season by order of the Board of Agriculture in accordance with the provisions of this Ordinance.

Schedules.

Secured in Council

3. Everyone who—

(a) knowingly captures, wounds, or kills, any wild bird specified in the first schedule; or

(b) exposes or offers for sale, or knowingly has in his possession, or exports or attempts to export from the colony, any wild birds or part of any wild bird captured or killed after the commencement of this Ordinance,

Wounding, capturing or killing wild birds specified in the first schedule.

shall be guilty of an offence, and on conviction thereof shall be liable to a penalty of twenty-four dollars for each wild bird or part thereof in respect of which the offence is committed.

Penalty.

4. Where anyone is prosecuted for having in his possession any wild bird, or any part of it, specified in the first schedule, or for exporting or attempting to export that wild bird or any part of it, the proof that the wild bird to which the part belonged was captured, wounded, or killed, without the limits of the colony or before the commencement of this Ordinance shall be on that person.

Onus of proof on charge of unlawful possession or export of wild bird.

Wounding or killing wild bird specified in second schedule during close season.

5. Everyone who—

- (a) knowingly captures, wounds, or kills, any wild bird specified in the second schedule during the close season; or
- (b) exposes or offers for sale, or purchases, any of those wild birds recently captured or killed during the close season,

shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding twenty-four dollars for each wild bird in respect of which the offence is committed.

Penalty.

Exceptions in certain cases.

6.—(1) Notwithstanding anything in this Ordinance, no one shall be liable to be convicted of any offence for capturing, wounding, or killing, any wild bird if he can prove that the wild bird in respect of which the offence is alleged to have been committed was captured, wounded, or killed for the purpose of procuring food, and at a spot distant more than ten miles from any plantation.

(2) No aboriginal Indian shall be liable to be convicted of any offence under this Ordinance.

Exempts in Council

Licences to kill wild birds or export them.

7. Notwithstanding anything in this Ordinance, the Board of Agriculture, by writing signed by the secretary, may, for the time and subject to the conditions it thinks fit, authorise any person to capture or to kill wild birds, and may also so authorise any person to export wild birds or the skins of wild birds.

Sec. 3 of Act 27 of 1930

Exempts in Council

Power to alter schedules and close season.

8.—(1) The Board of Agriculture may by order from time to time, and as often as occasion requires, declare that the name or names of any bird or birds shall be added to or expunged from the list of birds contained in either of the schedules hereto, and thereupon, and while the order remains in force, this Ordinance shall be read and have effect as if the name or names of the bird or birds so added had been inserted, or as if the name or names of the bird or birds so expunged had not been specified, in the schedule mentioned in the order.

Exempts in Council

(2) The Board of Agriculture may in like manner alter the period hereinbefore declared to be the close season and may declare what period shall be the period to be observed as the close season with respect to any or all of the wild birds specified or to be specified in the second schedule.

9. When anyone is found offending against this Ordinance anyone may require the offender to give his name, description, and place of abode; and if he refuses to give his real name or place of abode, or gives an untrue name, description, or place of abode, he shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding twenty-four dollars in addition to any other penalty to which he is liable under this Ordinance.

Requiring
offender's
name.

Penalty for
refusing to
give name.

10.—(1) Every offence under this Ordinance shall be punishable on summary conviction, and the procedure shall be that provided by any Ordinance for the time being in force regulating procedure before magistrates in the exercise of their summary jurisdiction.

Procedure
and evidence.

(2) Any offence under this Ordinance committed on the sea-coast may be investigated by any magistrate in any county where the accused person is found.

(3) In every proceeding under this Ordinance the defendant may tender himself and be examined as a witness on his own behalf.

SCHEDULES.

FIRST SCHEDULE.

LIST OF WILD BIRDS ABSOLUTELY PROTECTED.

- Ant thrushes and bush shrikes (*Formicariidæ*).
- Babbling thrushes (*Mimidæ*).
- Barbets (*Bucconidæ* and *Capitonidæ*).
- Bunyas, mocking birds and robins (*Icteridæ*) except rice birds (*Cassidinæ oryzivora*).
- Cormorants (*Phalacrocoracidæ*).
- Cotingas (wallababa and allies) (*Cotingidæ*).
- Cuckoos (old witches and allies) (*Cuculidæ*).
- Ducklars (*Plotidæ*).
- Falcons and hawks (*Falconidæ*).
- Finches (grass birds and allies) (*Fringillidæ*).
- Fin-foots (*Helionithidæ*).
- Flamingoes (*Phænicopteridæ*).
- Frigate birds (*Fregatidæ*).
- Gannets (*Sulidæ*).
- Goatsuckers (who you, wakario and allies) (*Caprimulgidæ*).
- Grebes (*Podicepidæ*).
- Ground doves (*Peristeridæ*).
- Hérons or gaulings, quacks, chows and allies (*Ardiedæ*).
- Hoatzins or canje pheasants (*Opisthocomidæ*).
- Humming birds (doctor birds and allies) (*Trochilidæ*).

Jacamars (*Galbulidae*).
 Jays (*Corvidae*).
 Kingfishers (*Alcedinidae*).
 Manakins (*Pipridae*).
 Motmots (hutton and allies) (*Momotidae*).
 Owls (*Bubonidae* and *Strigidae*).
 Pelicans (*Pelecanidae*).
 Petrels (*Procellaridae*).
 Rails and crakes (blue hens, killicow and allies) (*Rallidae*).
 Screamers or mahonka (*Palamedeidae*).
 Sugar birds (*Coerebidae*).
 Sun bitterns or sun birds (*Eurypygidae*).
 Swallows (*Hirundinidae*).
 Swifts (*Cypselidae*).
 Tanagers (sackies and allies) (*Tanagridae*).
 Terns and gulls (*Laridae* and *Stercoraridae*).
 Thrushes (*Turdidae*).
 Toucans or bill birds (*Rhamphastidae*).
 Trogons (*Trogonidae*).
 Tyrant shrikes (qu'est-ce qu'il dit, muff bird, kiskadee and allies) (*Tyrannidae*).
 Vireos and greenlets (*Vireonidae*).
 Vultures (carrion crows and allies) (*Carthartidae*) except in towns or villages.
 Warblers (peas tree canary) (*Mniotiltidae*).
 Woodhewers or creepers (*Dendrocolaptidae*).
 Woodpeckers (carpenter bird and allies) (*Picidae*).
 Wrens (God birds and allies) (*Troglodytidae*).

Spur wings (*Parridae*)
 Storks (negro cop, heeri and allies) (*Ciconiidae*)

SECOND SCHEDULE.

LIST OF WILD BIRDS PROTECTED DURING CLOSE SEASON.

Caraows (*Aramidae*).
~~Ducks (*Anatidae*), except in the rice fields.~~
 Ibises (curri-curri and allies) (*Ibididae*).
 Maams and tinamus (*Tinamidae*).
~~Parrots and macaws (*Psittacidae*).~~
 Pigeons (*Columbidae*). *except in rafflesia & their vicinity*
~~Plovers and snipe (*Charadriidae*).~~
 Powis and marudis (*Cracidae*).
 Spoonbills (*Plataleidae*).
 Spur-wings (*Parridae*).
 Storks (negro cop, heeri and allies) (*Ciconiidae*).
 Thick-kneed plovers (*Oedinenidae*).
 Tooth-billed partridges (duraquara and allies) (*Odontophoridae*).
 Warracabas (trumpet birds and allies) (*Psophidae*).

See also 6 of 27/1/34 : Say No. 701 of 10/11/34

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