

CHAPTER 249

WILD BIRDS PROTECTION

An Act to make provision for the protection of wild birds.

[Commencement 11th August, 1952]

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

Short title.

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

Interpretation.

"game warden" means any person appointed by the Minister in accordance with section 3;

"immature bird" means any wild bird not yet able to fly;

"Minister" means the Minister responsible for Wild Animals and Birds Protection;

"open season" means any period of the year other than the close season assigned to any wild bird in the Schedule to this Act;

"wild bird" means any bird enumerated in the Schedule to this Act.

3. (1) The Minister may, by instrument in writing, appoint any person to be a game warden for the purposes of this Act.

Appointment of game wardens.

(2) Every game warden appointed under subsection (1) shall have such powers and perform such duties as are assigned to him under this Act.

4. (1) Any person who during the close season respectively assigned to any wild bird by the Schedule to this Act-

Killing or capturing certain wild birds during the close season punishable.

(a)

kills or captures or attempts to kill or capture any such wild bird;

(b)

uses or has in his possession any firearm or other weapon or any line, trap, snare, net or other instrument for the purpose of capturing any such wild birds;

(c)
takes from any nest or place of deposit the eggs of any such wild bird,

shall be guilty of an offence against this Act.

(2) Any person who from any boat, vessel, vehicle or aircraft in, on or over any water kills or captures the White Crowned Pigeon (*Columba leucocephala*), whether during the close or the open season, shall be guilty of an offence against this Act.

5. (1) It shall be lawful for the Minister to establish reserves for the protection of any wild bird and from time to time to vary, enlarge or reduce the extent of such reserves.

Reserves for the protection of wild birds.

(2) Such reserves may comprise any land belonging to the Crown or to any private owner.

(3) Any person who enters upon any such reserve with intent to kill or capture any wild bird shall be guilty of an offence against this Act.

6. (1) Any person who shall expose or offer for sale any wild bird or the eggs, skin or feathers of any wild bird shall be guilty of an offence against this Act.

Exposing for sale, having in possession or exporting any wild bird, etc., punishable in certain cases.

(2) Any person who during the close season respectively assigned to any wild bird by the Schedule to this Act, where such close season comprises the whole year, shall have in his possession or control any such wild bird or the eggs, skin or feathers of any such wild bird shall be guilty of an offence against this Act.

(3) Any person who during the close season respectively assigned to any wild bird by the Schedule to this Act, where such close season does not comprise the whole year, shall have in his possession or control any such wild bird, shall be guilty of an offence against this Act unless he proves that such wild bird was killed or captured during the open season in respect of such wild bird.

(4) Any person who at any time shall have in his possession or control or who shall expose or offer for sale any immature bird shall be guilty of an offence against this Act.

(5) Any person who at any time shall have in his possession or control the eggs of any wild bird in respect of which there is an open season shall be guilty of an offence against this Act.

(6) Any person who shall export or attempt to export any wild bird or the eggs, skin or feathers of any such wild bird shall be guilty of an offence against this Act.

(7) Any person other than-

(a)

a citizen of The Bahamas; or

(b)

a permanent resident of The Bahamas within the meaning of that expression in the Immigration Act; or

(c)

a person holding a valid permit granted to him under paragraph (b) of subsection (1) of section 29 of the said Act

who shall capture or kill, or have in his possession or control, any wild bird, or the eggs, skin or feathers of any wild bird, when he shall not have been resident in The Bahamas for a period of ninety days immediately preceding such capture, killing or taking into possession or control, shall be guilty of an offence against this Act.

7. (1) During the open season no person shall kill or capture more than the prescribed number of wild birds in any one day.

Limit on number of wild birds killed or in possession.

(2) Any person who has in his possession more than the prescribed number of wild birds at any time shall be guilty of an offence against this Act.

(3) During the open season any person who has in his possession at any one time more wild birds than the maximum number prescribed for the purposes of subsection (1) of this section but fewer than that prescribed for the purposes of subsection (2) thereof, shall be guilty of an offence against this Act unless he proves that he has been actively engaged in killing or capturing such wild birds for a sufficient number of days during the open season so as to account for the number then in his possession.

(4) The Governor-General may make regulations prescribing the maximum numbers of birds for the purposes of subsections (1), (2) and (3) of this section; and in the said subsections the word "prescribed" means prescribed by regulations made under this subsection:

Provided that until the first such regulations are made the provisions of this section as in force immediately before the thirty-first day of August, 1972, shall continue in force as if the Wild Birds Protection (Amendment) Act, 1972 had not been passed.

8. (1) It shall be an offence against this Act for any person during the open season to kill or capture or to attempt to kill or capture any bird for the time being listed as a wild bird in the Schedule to this Act except in accordance with the terms of a valid license, in this section referred to as a "hunting license", granted to him in pursuance of regulations made under this section.

Hunting licences.

(2) The Minister may by regulations made under this section provide for the grant of hunting licences and the charging of fees therefor; and any such regulations may make such different provision for different categories of wild birds, for different categories of persons and for different parts of The Bahamas as the Minister may think fit.

(3) In subsection (1) of this section the expression "appointed day" means the day appointed in any regulations made under this section as the appointed day for those regulations.

9. (1) Any person guilty of an offence against this Act shall be liable upon summary conviction to a fine of five hundred dollars or to one month's imprisonment or to both such fine and imprisonment and any wild bird or any egg, skin or feather thereof in respect of which the offence was committed, together with any weapon, ammunition, engine, net, trap or other device used or carried for the purpose of committing such offence, and any vehicle, boat, vessel, aircraft or other means of conveyance used for the purpose of committing such offence and all equipment, stores, provisions or other effects in, upon or about such vehicle, boat, vessel, aircraft or other means of conveyance shall be forfeited:

Penalties.

Provided always that such vehicle, boat, vessel, aircraft or other means of conveyance shall not be forfeited if the owner, agent or person in charge thereof can prove that he has not been guilty of an offence against this Act and that he notified the police or other proper authorities of the offence against this Act in respect of which the said vehicle, boat, vessel, aircraft or other means of conveyance would otherwise have been forfeited as soon as was reasonably possible after the commission of such offence.

(2) Any articles forfeited under the provisions of subsection (1) of this section shall be sold at public auction and the proceeds thereof shall be paid into the Consolidated Fund.

(3) A reward of five hundred dollars or one-half of the proceeds of the sale of forfeited articles, whichever is the greater, shall be paid to the person or persons who shall give information leading to the conviction of the offender or offenders.

10. Any peace officer authorised by the Commissioner of Police or any game warden may enter and search all premises of and all vehicles, boats, vessels, aircraft, and other means of conveyance used by all persons suspected of committing offences against this Act for the purpose of preventing or detecting the violation of any of the provisions of this Act, and may remain on such premises or in such vehicle, boat, vessel, aircraft, or other means of conveyance for so long as is necessary for the carrying out of his duty.

Power of police to enter premises, etc.

11. (1) It shall be lawful for the Minister by Order to add to or to otherwise vary the list of wild birds enumerated in the Schedule to this Act.

Power to vary Schedule.

(2) It shall be lawful for the Minister by Order to alter, extend, limit or otherwise vary the close season respectively assigned to any wild bird by the Schedule to this Act.

12. Notwithstanding anything hereinbefore contained it shall be lawful for the Minister to grant to any person, for scientific or other special purposes, including the stocking of any wild bird reserve or sanctuary within The Bahamas, a licence to kill or capture by any means whatever at any time during the year any wild bird or to take the eggs of any wild bird and to ship or transport the same from one Part of The Bahamas to another, or to export the same, in such numbers and quantities and on such terms and conditions as he shall define in such licence.

Licence may be granted for scientific purposes.

13. It shall be lawful for the Minister by Order to exempt any portion of The Bahamas from the operation of this Act.

Minister may exempt any portion of The Bahamas.

14. All expenses incurred in enforcing and carrying out the provisions and objects of this Act shall be payable out of the Consolidated Fund by warrant in the usual manner.

Expenses.

SCHEDULE (Sections 2, 4, 6, 8 and 11)

NAME OF BIRDS	DURATION OF CLOSE SEASON
1. All wild birds other than those enumerated in items 2 and 3 of this Schedule.	The whole year
2. White Crowned Pigeon (<i>Columba Leucocephala</i>), Zenaida or Wood Dove (<i>Zenaida aurita</i>), Ringnecked Pheasant (<i>Phasianus colchicus</i>), Guinea Fowl (<i>Numida meleagris</i>).	1st March to 28th September
3. Bob White Quail (<i>Colinus virginianus</i>), Chuckar Partridge (<i>Alectoris graeca</i>), Wilson's or Jack Snipe (<i>apella gallinago delicata</i>), Coot (<i>Fulicia americana</i>), all wild ducks and geese (Family Anatidae) except Whistling Duck (<i>Dendrocygna arborea</i>), Bahama Duck (<i>Anas ahamensis</i>), Ruddy Duck (<i>Oxyrua</i>	1st April to 28th September

- jamaicensis).
4. Eurasian-collared or "Ringnecked" Dove 1st March to 14th September.
(*Streptopelia decoacta*), Mourning or "Florida"
Dove (*Zenaidura macroura*).

NAME OF BIRDS DURATION OF CLOSE SEASON

All wild birds other than those enumerated in items 2 and 3 of this Schedule. The whole year

White Crowned Pigeon (*Columba Leucocephala*), Zenaida or Wood Dove (*Zenaida aurita*), Ringnecked Pheasant (*Phasianus colchicus*), Guinea Fowl (*Numida meleagris*).

1st March to 28th September

Bob White Quail (*Colinus virginianus*), Chuckar Partridge (*Alectorisgraeca*), Wilson's or Jack Snipe (*apella gallinago delicata*), Coot (*Fulicia americana*), all wild ducks and geese (Family Anatidae) except Whistling Duck (*Dendrocygna arborea*), Bahama Duck (*Anas ahamensis*), Ruddy Duck (*Oxyrua jamaicensis*). 1st April to 28th September

Eurasian-collared or "Ringnecked" Dove (*Streptopelia decoacta*), Mourning or "Florida" Dove (*Zenaidura macroura*). 1st March to 14th September.