



BERMUDA

PROTECTION OF BIRDS ACT 1975

1975 : 52

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	SCHEDULE
	PEST BIRDS

[preamble and words of enactment omitted]

Interpretation

- 1 (1) In this Act—
- “authorized officer” has the meaning given in section 4(3);
 - “conservation officer” *[repealed by 2015 : 12 s. 2]*
 - “Department” means the Department of Environment and Natural Resources;
 - “Director” means the Director of the Department;
 - “Minister” means the Minister responsible for the environment;

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“nature reserve” means an area of land declared to be a nature reserve under section 5;

“pest bird” means any bird or species of bird, not being a protected bird, that—

- (a) has a detrimental impact on the environment; agriculture, fisheries or other human activity; public health or public safety; and
- (b) is listed in the Schedule;

“protected bird” means any bird other than—

- (i) a farmyard or other domestic bird; or
- (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 pest bird;

“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—

- (a) the Agriculture Act 1930;
- (b) the Care and Protection of Animals Act 1975;
- (c) the Protected Species Act 2003;
- (d) the Endangered Animals and Plants Act 2006; or
- (e) any statutory instrument made under any of the Acts referred to in paragraphs (a) to (d).

[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and substituted by BR 5 / 2011 para. 5 effective 25 February 2011; Section 1 subsection (1) “conservation officer” repealed, “authorized officer” and “pest bird” inserted, “protected bird” amended and subsection (2) repealed and replaced by 2015 : 12 s. 2 effective 29 March 2015; “Department” and “Minister” deleted and substituted by 2016 : 21 s. 2 effective 1 April 2016]

Protection of birds

2 (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

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(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 and rehabilitation

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

(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; or

(d) for the purpose of treating and rehabilitating birds.

(3) An applicant for a licence under this section shall pay therefor such fees as may be prescribed under the Government Fees Act 1965 .

[Section 3 heading and subsection (2)(d) inserted by 2015 : 12 s. 3 effective 29 March 2015]

Minister may authorize control or destruction of birds

4 (1) If the Minister is satisfied that for the protection of—

(a) the environment;

(b) agriculture, fisheries, or other human activity;

(c) public health; or

(d) public safety,

it is expedient to control or destroy any bird or species of bird which is a protected bird, he may authorize in writing any officer of the Department, or any other person, to take such measures for such control or destruction as the Minister may approve.

(2) The Minister may authorize in writing any officer of the Department, or any other person, to take such measures for the control or destruction of such pest bird or species of pest bird as the Minister may approve.

(3) Any officer of the Department, or any other person, duly authorized under subsection (1) or subsection (2) is in this Act referred to as an “authorized officer”.

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(4) Any measures taken under this section shall be subject to such conditions as the Minister may impose.

[Section 4 repealed and replaced by 2015 : 12 s. 4 effective 29 March 2015]

Minister may amend Schedule

4A (1) The Minister may by order, after giving consideration to the degree to which any bird or species of bird is having a detrimental impact on—

- (a) the environment;
- (b) agriculture, fisheries or other human activity;
- (c) public health; or
- (d) public safety,

amend the Schedule.

(2) An order made under subsection (1) is subject to the negative resolution procedure.

[Section 4A inserted by 2015 : 12 s. 5 effective 29 March 2015]

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

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(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—

- (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.

Obstruction an offence

6A Any person who—

- (a) wilfully obstructs; or
- (b) removes, destroys or interferes with the equipment of,

an authorized officer or any officer of the Department acting in the execution of any provision of this Act commits an offence.

[Section 6A inserted by 2015 : 12 s. 6 effective 29 March 2015]

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 \$2,000 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.

[Section 7 subsection (2) amended by 2015 : 12 s. 7 effective 29 March 2015]

Repeals

8 *[omitted]*

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SCHEDULE

(Section 4A)

PEST BIRDS

The following birds are pest birds for the purposes of this Act:

- (a) Common crow (*Corvus brachyrhynchos*);
- (b) Starling (*Sturnus vulgaris*);
- (c) Kiskadee (*Pitangus sulphuratus*);
- (d) House (English) sparrow (*Passer domesticus*);
- (e) Pigeon (*Columba livia domestica*) that is feral;
- (f) Chicken (*Gallus gallus domesticus*) that is feral.

[Schedule inserted by 2015 : 12 s. 8 effective 29 March 2015]

[Assent Date: 14 July 1975]

[Amended by:

1977 : 35

BR 52 / 1984

1991 : 99

2000 : 20

2002 : 18

BR 5 / 2011

2015 : 12

2016 : 21]