

Bird Crimes

Egg Collecting

It has been illegal to take the eggs of most wild birds since the Protection of Birds Act 1954 and it is illegal to possess or control any wild birds' eggs taken since that time under the Wildlife and Countryside Act 1981.

It is illegal to sell any wild bird's egg, irrespective of its age.

Possession of wild birds' eggs is an offence of strict liability. Anyone that chooses to be in possession of eggs is obliged to show, on a balance of probabilities, that their possession is lawful. For persons found guilty of any of these offences, Magistrates have the power to impose maximum sentences of £5,000 fine and/or six month's imprisonment per egg.

Despite the fact that legislation prohibiting the taking of certain wild birds' eggs has been in existence since 1880, the practice continues and, in the case of particularly rare birds, it can have serious implications for their conservation. Rare breeding species particularly vulnerable to egg collectors include Slavonian and black-necked grebes, ospreys, white-tailed eagles, red kites and red-necked phalaropes.

Collectors can devote their life to the pursuit of eggs and can become obsessed with the practice. They usually take the whole clutch of eggs, and may return for a second clutch. Rare species of birds are often targeted. An egg will rot if the contents are left inside, so eggs must be 'blown'. Collectors will take eggs at every stage of incubation, although freshly laid eggs are preferred as it is easier to blow out the yolk and the white of the egg.

Since the introduction of custodial sentences for these offences by the Countryside and Rights of Way Act 2000, a number of collectors have been sent to prison for up to six months. This appears to have had a positive effect in reducing egg-collecting activity in the UK. In spite of these encouraging signs, however, there are still active collectors at large and a number of significant illegally held collections. There is no doubt that with the passage of time more cases will come to light and there is some evidence that egg collectors are now operating increasingly abroad.

Shooting

It is illegal to shoot the majority of wild birds. Exceptions to this are:

- Birds listed on Schedule 2 Part 1 of the Wildlife and Countryside Act 1981 and the Wildlife (Northern Ireland) Order 1985. These species, which include various ducks and geese, coot, moorhen, golden plover, snipe and woodcock, can be killed or taken outside the closed season (usually 1 February to 31 August), but are protected during the closed season.
- General Licences allow the control of certain species (eg certain gull species, pigeon species and crow species) under certain conditions, eg to preserve public health, for the purposes of public and air safety, preventing the spread of disease, or preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or fisheries.

- Game birds (eg. pheasants, partridges and grouse) are not wild birds as defined by the Wildlife and Countryside Act. They are covered by the Game Act and have their own open season.

Spring-traps and cage traps

It is illegal to use a spring-trap in any location except a covered run, targeted at small ground vermin. It is illegal to use traps in other situations such as in the open on the ground or on a pole, where they are indiscriminate.

The original circular pole-trap was designed specifically to catch birds of prey. More frequently used now is a steel spring-trap set on top of a post or sawn-off tree trunk. Pole-traps have been illegal since 1904. They are usually placed in or near to release pens containing pheasant poults. Birds of prey, which habitually use posts as vantage points or plucking posts, are particularly susceptible to this form of persecution.

The Larsen trap is a type of cage-trap that can be used in accordance with the terms of a Government General Licence to take certain crow species. A bird of one of these approved species is placed in one section of the trap during the breeding season as a 'call bird'. This attracts birds of the same species in whose territory the Larsen trap has been placed.

Unfortunately, these traps can be used illegally by using an alternative decoy bird such as a pigeon to attract birds of prey, for example sparrowhawks and goshawks.

Nest destruction

It is unlawful to destroy the nest of any wild bird while it is in use or being built. The eggs, nestlings and dependant young are also protected.

Nest destruction takes two main forms: the deliberate destruction of the nest due to a perceived threat by the species concerned, or the incidental destruction during, for example, hedgerow cutting or habitat destruction for development. There is a defence if it can be shown that the act was an incidental result of a lawful operation and could not reasonably have been avoided.