

*Repealed 15/1964***CHAPTER 77.****WILD ANIMALS AND BIRDS PROTECTION.**1 of 1913.  
9 of 1914.  
27 of 1949.  
29 of 1949.AN ORDINANCE TO AMEND THE LAW WITH REGARD TO THE  
PRESERVATION OF WILD ANIMALS AND BIRDS.

[22nd March, 1913.]

Short title.

**1.** This Ordinance may be cited as the Wild Animals and  
Birds Protection Ordinance.**Part I.****GENERAL**Offences  
with regard  
to wild  
animals and  
birds men-  
tioned in  
Schedule I.**2.** Any person who—

- (a) knowingly kills or attempts to kill, or wounds or takes any wild animal or bird specified in the First Schedule to this Ordinance; or
- (b) uses any lime, trap, net, snare or other instrument for the purpose of killing or taking any such wild animal or bird; or
- (c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird killed or taken, or any part of any such wild animal or bird so killed or taken,

shall commit an offence and shall be liable to a fine not exceeding ten pounds for every such wild animal or bird or part of an animal or bird.

Offences  
with regard  
to wild  
animals or  
birds men-  
tioned in  
Schedule II.**3.** Any person who, during the period between the first day of August in any year and the last day of February in the following year, both days included (which period is hereinafter called the close season)—

- (a) knowingly kills or attempts to kill or wounds or takes any wild animal or bird specified in the Second Schedule to this Ordinance; or

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[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

- (b) uses any lime, trap, net, snare, or other instrument for the purpose of killing or taking any such wild animal or bird ; or
- (c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird, or any part of any such wild animal or bird, killed or taken during the close season ;

shall commit an offence and shall be liable, on conviction, to a penalty not exceeding one pound for every wild animal or bird or part of a wild animal or bird in respect of which an offence has been committed.

4. Whenever in any proceedings under sections 2 or 3 of this Ordinance it is alleged that the wild animal or bird in respect to which or to any part of which the charge is laid was killed or taken without the limits of the Colony or at a time when such bird might lawfully be killed or taken, the proof of such circumstance shall lie on the person alleging the same.

Burden of proof in certain cases.

5. Notwithstanding anything contained in this Part of this Ordinance the Governor may, for such time and subject to such conditions as he thinks fit, authorise any person to kill or take any wild animal or bird, specified in the schedules, and to export such animal or bird.

Power of Governor to grant licences.

6. The magistrate in any Dependency may authorise the killing or taking in that Dependency of any wild animal or bird specified in the schedules, and the export from that Dependency of any such animal or bird.

Power of Magistrate to grant licence.

7. (a) The Governor in Council may order that the name or names of any wild animal or bird shall be added to or expunged from the list of animals and birds contained in Schedules I and II to this Ordinance and while such order remains in force this Ordinance shall be read and shall have effect as if the name of the animal or bird so added had been inserted or as if the name of the animal or bird so expunged had not been specified in the Schedule mentioned in such order.

Power of Governor in Council to alter Schedules..

(b) Such order may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

Power of  
Governor in  
Council to  
vary the  
close season.

8. (a) The Governor in Council may by Proclamation vary the close season established by section 3 of this Ordinance or by any such Proclamation with regard to any or all of the wild animals or birds named in the Second Schedule to this Ordinance, and while any such Proclamation remains in force this Ordinance shall be read subject to the variation made by such Proclamation.

(b) Such Proclamation may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

## Part II.

### PENGUINS.

9 of 1914.

Unlawful  
to take  
penguins'  
eggs without  
a licence.  
29 of 1949.

9. Any person who shall take or destroy any penguins' eggs without a licence under this Ordinance or contrary to the terms and conditions thereof or shall aid and abet any person not so licensed to take or destroy any penguins' eggs shall commit an offence and be liable to a fine not exceeding ten shillings for every egg so taken or destroyed.

Granting of  
licences.

10. The Colonial Secretary, a magistrate, a justice of the peace, a Deputy Collector of Customs, or such other officer or officers as the Governor may appoint for the purpose, may grant licences to take penguins' eggs to such persons as may apply for them for such periods, and on such terms and conditions in respect of the number and description of eggs to be taken, the territorial limits within which they may be taken under such licences, and the payment to be made in respect thereof, as may be approved by the Governor.

Governor in  
Council may  
make  
regulations.

11. The Governor in Council may, from time to time, make regulations for carrying out the provisions of this Ordinance and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations  
to be pub-  
lished in the  
Gazette.

12. All regulations made in pursuance of this Ordinance shall be published in the Gazette and shall come into force on such day as the Governor may direct by notice published in the Gazette.

13. Any person who shall, without a licence or contrary to the terms and conditions of any licence which may have been granted to him under this Ordinance, take, or destroy, or incite any other person to take or destroy any penguins' eggs, shall on conviction before a magistrate, or any two justices of the peace, forfeit and pay for every egg so taken or destroyed a sum not exceeding five shillings.

Penalty for taking penguins' eggs without a licence.

14. Any owner or master or other person in charge of any vessel who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in taking or destroying penguins' eggs, or who shall permit or negligently suffer any person belonging to such vessel to be employed in taking or destroying penguins' eggs, contrary to the provisions of this Part of this Ordinance, shall forfeit any eggs so taken and any eggs found in his possession, and in addition thereto shall be liable to a penalty not exceeding fifty pounds for each offence.

Liability of an owner or master of a vessel.

15. For all purposes of and incidental to the trial of any person accused of any offence under this Ordinance, and the proceedings and the jurisdiction of any Court, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Venue.

16. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

17. The Governor, and any person duly authorised by him in writing, may take or destroy for a scientific or any other special purpose, any penguins' eggs, and in so doing shall be exempt from any penalties and forfeitures under this Part of this Ordinance.

Special exemption.

**SCHEDULE I.**

Cocoi Heron.	Flamingo.
Reindeer.	Red-breasted Starling
Penguins (all varieties).	( <i>Trupialis falklandicus</i> ).
Partridge.	Cape Horn Otter.
Upland Goose (South Georgia only).	

**SCHEDULE II.**

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Widgeon.	Snipe.
Grey Duck.	Pampa Teal.
Teal.	Cinnamon Teal.
Pintail Duck.	