

LAWS OF GUYANA

WILD BIRDS PROTECTION ACT

CHAPTER 71:07

Act

31 of 1919

Amended by

27	of	1934	42/1978
18	of	1962	64/1979
4	of	1972	68/1990
6	of	1997	

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 10 ...	1/2012

Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 71:07

WILD BIRDS PROTECTION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Wounding, capturing or killing wild birds specified in the First Schedule.
4. Protection of captive birds.
5. Onus of proof on charge of export of wild bird.
6. Wounding or killing wild bird specified in Second Schedule during closed season.
7. Exceptions in certain cases.
8. Licences to kill wild birds or export them.
9. Power to alter Schedules and close season.
10. Requiring offender's name.
11. Procedure and evidence.

FIRST SCHEDULE—List of wild birds absolutely protected.

SECOND SCHEDULE—List of wild birds protected during close season.

THIRD SCHEDULE—Definitions of close season.

1929 Ed.

c. 273

1953 Ed.

c. 260

31 of 1919

An Act for the protection of certain Wild Birds.

[30TH SEPTEMBER, 1919]

Short title.

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

Interpretation.
Schedule.
[27 of 1934]

2. In this Act—

“the close season” means the period or periods specified in the Third Schedule as amended from time to time by order of the Minister;

“wild bird” means any bird specified in the First or the Second Schedule.

Wounding,
capturing or
killing wild
birds specified
in the First
Schedule.
[18 of 1962
6 of 1997]

3. Everyone who—

- (a) knowingly wounds, or kills, any wild bird specified in the First Schedule; or
- (b) exposes or offers for sale or exports or attempts to export from Guyana, any wild birds or part of any wild bird captured or killed after the commencement of this Act,

shall be liable to a fine of four thousand eight hundred and seventy-five dollars for each wild bird or part thereof in respect of which the offence is committed.

Protection of
captive birds.
[18 of 1962
4 of 1972
6 of 1997]

4. (1) If any person keeps or confines any bird whatsoever in any cage or other receptacle which is not sufficient in height, length and breadth to permit the bird to stretch its wings freely, he shall be liable to a fine of four thousand eight hundred and seventy-five dollars:

Provided that this subsection shall not apply to poultry, or to the keeping or confining of any bird—

- (a) while that bird is in course of conveyance, whether by land, air or water; or
- (b) while that bird is being shown for the

purposes of any public exhibition or competition if the time during which the bird is kept or confined for those purposes does not in the aggregate exceed seventy-two hours; or

[18 of 1962]

- (c) while that bird is undergoing treatment by a registered veterinary surgeon.

(2) Every person who promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatsoever at or in the course of which captive birds are liberated by hand or by any other means whatsoever for the purpose of being shot immediately after their liberation, or who, being the owner or occupier of any land, permits that land to be used for the purposes of such an event, shall be liable to a fine of four thousand eight hundred and seventy-five dollars.

Onus of proof on charge of export of wild bird.
First Schedule.
[18 of 1962]

5. Where anyone is prosecuted for exporting or attempting to export any wild bird or any part of it, specified in the First Schedule, the proof that the wild bird to which the part belonged was captured, wounded, or killed without the limits of Guyana or before the commencement of this Act shall be on that person.

Wounding or killing wild bird specified in Second Schedule during close season.
[6 of 1997]

6. 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 liable to a fine of four thousand eight hundred and seventy-five dollars for each wild bird in respect of which the offence is committed.

Exceptions in certain cases. [18 of 1962]

7. (1) Notwithstanding anything in this Act, no one shall be liable to be convicted of any offence for 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 wounded, or killed for the purpose of procuring food, and at a spot distant more than ten miles from any plantation.

(2) No Amerindian shall be liable to be convicted of any offence under this Act.

Licences to kill wild birds or export them. [27 of 1934 18 of 1962]

8. Notwithstanding anything in this Act, the Minister may, for the time and subject to the conditions he thinks fit, authorise any person to kill wild birds, and may also so authorise any person to export wild birds or the skins of wild birds.

Power to alter Schedules and close season. [27 of 1934]

9. (1) The Minister 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 the First or the Second Schedule, and thereupon, and while the order remains in force, this Act 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.

(2) The Minister may, in like manner, amend the Third Schedule so as to alter the period or periods therein 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 of the wild birds specified or to be specified in the Second Schedule.

Requiring
offender's
name.
[6 of 1997]

10. When anyone is found offending against this Act 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 liable to a fine of four thousand eight hundred and seventy-five dollars in addition to any other penalty to which he is liable under this Act.

Procedure and
evidence.

11. (1) Every offence under this Act shall be punishable on summary conviction, and the procedure shall be that provided by the Summary Jurisdiction Acts.

(2) Any offence under this Act 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 Act the defendant may tender himself and be examined as a witness on his own behalf.

s. 3.
O. in C.
5/11/1934
42/1978
64/1979
68/1990

FIRST SCHEDULE

LIST OF WILD BIRDS ABSOLUTELY PROTECTED

Ant thrushes and bush shrikes (*Formicariidæ*).
Babbling thrushes (*Mimidæ*).
Barbets (*Bucconidae*, and *Capitonidæ*).
Bunyas, mocking birds and robins (*Icteridæ*) except rice birds (*Cassidix 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 (*Heliornithidæ*).

Flamingoes (*Phaenicopteridæ*).
Frigate birds (*Fregatidæ*).
Gannets (*Sulidæ*).
Goatsuckers (who you, wakario and allies) (*Caprimulgidæ*).
Grebes (*Podicipedidæ*).
Ground doves (*Peristeridæ*).
Hérons or gaulings, quacks, chows and allies (*Ardiedæ*).
Hoatzins or canje pheasants (*Opisthocomidæ*).
Humming birds (doctor birds and allies) (*Trochilidæ*).
Jacamars (*Galbulidæ*).
Jays (*Corvidæ*).
Kingfishers (*Alcedinidæ*).
Manakins (*Pipridæ*).
Motmots (houton and allies) (*Momotidæ*).
Owls (*Bubonidæ* and *Strigidæ*).
Parrots (festive, blue-cheeked) (*Amazona festiva*, *Amazona dufresniana*)
Pelicans (*Pelecanidæ*).
Petrels (*Procellarudæ*).
Rails and crakes (blue hens, killicow and allies) (*Rallidæ*).
Screamers or mahonka (*Palamediedæ*).
Spur-wings (*Parridæ*).
Storks (negro cop, heori and allies) (*Ciconiidæ*).
Sugar birds (*Coerebidæ*).
Sun bitterns or sun birds (*Eurypygidæ*).
Swallows (*Hirundinidæ*).
Swifts (*Cypselidæ*).
Tanagers (sackies and allies) (*Tanagridæ*).
Terns and gulls (*Laridæ* and *Stercoraridæ*).
Thrushes (*Turidæ*).
Toucans or bill birds (*Rhamphastidæ*).
Trogon (*Trogonidæ*).
Tyrant shrikes (qu'est-ce quil dit, muff bird, kiskadee and allies) (*Tyrannidæ*).
Vireos and greenlets (*Vireonidæ*).
Vultures (carrion crows and allies) (*Carthartidæ*) except in towns or villages.
Warblers (peas tree canary) (*Mniotiltidæ*). Woodhewers or

creepers (*Dendrocolaptidæ*). Woodpeckers (carpenter bird and allies) (*Picidæ*). Wrens (God birds and allies) (*Troglodytidæ*).

s. 6.
O. in C.
5/11/1934
39/1947

SECOND SCHEDULE

LIST OF WILD BIRDS PROTECTED DURING CLOSE SEASON

Carsaow (*Aramidæ*).
Ducks (*Anatidæ*), except in rice fields and their vicinity.
Ibises (curri-curri and allies) (*Ibididæ*).
Maams and tinamus (*Tinamidæ*).
Pigeons (*Columbidæ*), except in rice fields and their vicinity.
Powis and marudis (*Cracidæ*).
Spoonbills (*Plataleidæ*).
Spur-wings (*Parridæ*).
Storks (negro cop, heeri and allies) (*Ciconiidæ*).
Thick-kneed plovers (*Oedicnemidæ*).
Tooth-billed partridges (duraquara and allies) (*Odontophoridæ*). Warracabas (trumpet birds and allies) (*Psophidæ*).

THIRD SCHEDULE

DEFINITIONS OF CLOSE SEASON

(Original definition of “the close season” in section 2 as amended by Orders-in-council 5th November, 1934, No. 39 of 1947 and No. 33 of 1949)

THE CLOSE SEASON

- (1) For Ibises (curri-curri and allies) (*Ibididæ*):—1st January to 1st August in each year.

- (2) For ducks (*Anatidæ*):—1st April to 30th September in each year.
 - (3) For other wild birds:—1st April to 1st August in each year.
-