

Act

concerning bird-hunting and bird protection in Iceland.

CHAPTER I

Hunting rights and the authority in matters relating to bird-hunting and bird protection.

Article 1

In this Act the term „bird-hunting“ is interpreted as the action involved in taking or killing wild birds. When used in the phrase „bird-hunting rights“, however, the term is to be understood as also including „egg-taking rights“.

Article 2

1. Only the landowner has the right to hunt birds within the boundaries of his property, and only he has the authority to dispose of this right, unless other legal provisions stipulate to the contrary.

2. If land is leased, the bird-hunting rights belong to the tenant, unless a different agreement is made with the approval of the Minister.

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3. The bird-hunting rights, in part or in full, on any property may not be disposed of finally. Disposal of them may, however, be made for a limited period, which may in no case exceed ten years at one time.

Article 3

1. If property is owned by more than one person, but not divided between or among the owners, each owner has equal rights of bird-hunting on that property in direct proportion to the area in which he has the rights of use, unless some other arrangement is made by agreement.

2. If property is owned by more than one person and if it is divided by internal boundaries of one kind or another, each of the joint owners has the bird-hunting rights on his part of the land or the area in which he has the rights of use, unless some other legally valid arrangement is made by agreement.

Article 4

1. On land bird-hunting rights shall be determined by the true boundaries of each property.

2. If properties are divided by a river or stream, each owner's bird-hunting rights shall extend to midstream.

3. If the sea forms the boundary of a property, the owner has the bird-hunting rights for a distance of 115 metres out to sea, measured from the low-water mark at spring tide, this being known as his netting zone (netlög). If a

fiord, bay or strait less than 230 metres in width divides properties, each owner has bird-hunting rights from his shore to the middle of the fiord, bay or strait.

4. If property is bounded by a lake, the owner has bird-hunting rights out into the lake for a distance of 115 metres from his bank (*netlög*), which shall always be calculated from low-water mark. If a lake less than 230 metres in width divides properties, the bird-hunting rights of each owner shall extend from his bank into the middle of the lake.

5. Islands, islets or rocks belonging to a property and located in the sea or in a lake have their own bird-hunting zone (*netlög*), as defined above.

Article 5

1. Landowners whose properties border a lake have the exclusive right to hunt birds in that part of the lake which is common property, and they all have equal rights. If, by ancient custom, the bird-hunting rights in that part of a lake which is common property belong to a single specified property or to a number of specified properties, such an arrangement shall continue to apply.

2. All Icelandic citizens have the right to hunt birds in parish commons (*afréttir*) and in general commons (*almenningar*), outside the boundaries of private properties, provided no one can prove ownership of such rights in these areas.

3. All Icelandic citizens have the right to hunt birds within Icelandic territorial waters outside the netting zone (*netlög*) of private owners. For the purposes of this Act, territorial waters are defined as in Article 6, Act No. 58/1954.

Article 6

Persons holding regular appointments with the Zoological Department of the Museum of Natural History, Reykjavik have the right to collect birds and eggs for the Museum wherever this may be deemed necessary, without the payment of any compensation. Such persons must, however, give landowners, wherever possible, advance notice of their intentions and show their credentials.

Article 7

1. The authority in all matters affecting bird-hunting and bird protection in Iceland lies with the Ministry of Education.

2. To assist the Ministry in the supervision of these matters, there shall be a Bird Protection Committee. The Ministry of Education appoints the Committee, which shall consist of five persons, for periods of four years at a time. One of the members shall be nominated by the Icelandic Natural History Society and one by the Union of Societies for the Prevention of Cruelty to Animals. Two shall be appointed without nomination, and the fifth member shall be the Director of the Zoological Department of the Museum of Natural History, Reykjavik, who shall also be the Chairman of the Committee.

3. The recommendations of the Committee shall be sought in the making of all regulations and other decisions affecting bird-hunting and bird protection. It shall be the duty of the Committee to make proposals to the Ministry on all subjects it may deem appropriate to consider in connexion with such matters.

4. Iceland is a member of the International Council for Bird Preservation, and the Committee shall represent Iceland in that organization.

5. Members of the Committee receive payment for their work on a scale fixed by the Ministry, and the Committee shall be reimbursed by the Treasury on the presentation of a statement of expenses approved by the Ministry.

CHAPTER II

Protective Measures — Hunting Seasons.

Article 8

1. All wild birds in Iceland, except those specified in Section 2 of this Article, shall be protected throughout the year.

2. In the periods here indicated it shall be lawful to hunt the following species of birds:

- a) Throughout the year: Arctic skua, great black-backed gull, lesser black-backed gull, herring gull, raven.
- b) 20th August to 15th March: cormorant, shag, gray lag-goose, pink-footed goose, white-fronted goose, barnacle goose.
- c) 1st September to 31st March: red-throated diver, fulmar, gannet, mallard, teal, wigeon, pintail, scaup, tufted duck, long-tailed duck, red-breasted merganser, great skua, glaucous gull, Iceland gull, black-headed gull, kittiwake.

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d) 1st September to 19th May: razorbill, common guillemot, Brünnich's guillemot, black guillemot, puffin.

e) 15th October to 22nd December: ptarmigan.

3. The protection extended to birds throughout the year or for a limited period each year according to Sections 1 and 2 above shall apply also to their eggs and nests, unless provision to the contrary is made elsewhere in this Act.

Article 9

1. From 15th April to 14th July each year the discharging of firearms is prohibited, except in case of extreme necessity, within 2 km of breeding colonies of the eider-duck that have been declared protected areas. During the same period it is forbidden to lay nets nearer than $\frac{1}{4}$ km (to be measured from the low-water mark at spring tide) to such breeding colonies of the eider-duck, unless the permission of the owner of the breeding ground has first been obtained.

2. Sheriffs (lögreglustjórar) shall annually at the local spring assembly (mannatalþing), without reminder and free of charge, declare protected all eider-duck breeding grounds within the boundaries of their jurisdiction.

3. If a person wishes to establish an eider-duck breeding colony on his property, he shall notify the district sheriff thereof in writing, at the same time describing its site, situation, boundaries and the preliminary arrangements already made. Accompanying the notification shall be a testimony from two responsible and impartial persons familiar with the local conditions, certifying that the given

description is correct and that the site is suitable for eider-duck breeding. The sheriff shall then declare the area protected at the next local spring assembly.

Article 10

1. In restricted areas, where the hunting of seabirds under Section 2, Article 8 of this Act (viz. gannet, cormorant, shag, fulmar, great skua, glaucous gull, kittiwake, razorbill, common guillemot, Brünnich's guillemot, black guillemot, and puffin), or the taking of their eggs or young, has been or is considered to be a contributory source of the means of livelihood of the local population, the future enjoyment of such privileges shall not be impaired by the protective measures of this Act. It shall, however, be unlawful to shoot the aforementioned species during the period in which they are protected according to this Act, and birds on bird-cliffs may never be shot.

2. In Mývatnesveit and in other restricted areas where ducks (including the eider-duck) breed in great numbers, it shall be lawful — despite the provisions of Article 8 — to take duck eggs (and eider-duck eggs), but only if the rule is observed that at least four eggs shall always be left in each nest. This provision shall not, however, apply to the eggs of the shoveler, the pochard and the harlequin. A special provision shall apply to eider-duck eggs, viz. that such eggs may not be offered for sale, sold, bought, given or received as a gift.

3. In the colonies of the Arctic tern and the black-headed gull, it shall be lawful to take the eggs of these birds, despite the protective provisions of Article 8, but only from the first laying.

Article 11

1. In cases where birds cause substantial damage on cultivated land, in fishing lakes and rivers, fish hatcheries or the like, the protective provisions of this Act shall not prevent the Ministry, after consultation with the Bird Protection Committee, from granting individual holders of bird-hunting rights a licence of limited duration to hunt such birds at any time of the year. Such a licence shall, however, not apply to rare species such as the eagle, the gyrfalcon or the snowy owl.

2. In cases where grey lag-geese cause extensive or widespread damage to agricultural crops, the Ministry may, after consultation with the Bird Protection Committee, grant local authorities (hreinþjórar) — on behalf of the owners of hunting rights in the jurisdiction of such authorities — exemption from the provisions of this Act insofar as it affects the hunting of grey lag-geese. Moreover, the taking of eggs of the grey lag-geese shall, despite the provisions of Article 8, be permitted without the need to apply for a licence.

3. Birds that are hunted or eggs that are taken in accordance with the exemptions granted in Sections 1 and 2 may neither be offered for sale nor sold nor bought.

Article 12

1. The Ministry may, after consultation with the Bird Protection Committee, grant individuals exemption from the protective provisions of Articles 8 and 9 for collecting birds, eggs and nests for scientific purposes or for the benefit of public museums, as well as for aviculture.

2. If necessary and in exceptional circumstances, the Director of the Zoological Department of the Museum of Natural History may grant individuals permission to collect protected birds, as well as their eggs, for the Museum within the limits set by the licence he has obtained in accordance with Section I above.

Article 13

1. If necessary and if proposed by the Bird Protection Committee, the Ministry may grant exemptions from the protection provisions of Article 8. Such exemptions may be limited to specified areas.

2. In the same way, the protection of individual species of birds may be increased, and regulations to this effect may be limited to specified areas.

Article 14

The provisions made in this Act for the protection of birds shall apply everywhere in Iceland, as well as everywhere at sea within Icelandic territorial waters.

CHAPTER III

By-laws relating to bird-hunting.

Article 15

District councils (*sýslunefndir*) shall, in their respective districts, be authorized to make by-laws relating to the use of the privileges mentioned in Article 10 in the manner and on the conditions set forth in this Act.

Article 16

1. When a district council has proposed the creation of a by-law in accordance with Article 15, the chairman of the district council shall summon a meeting of all the local inhabitants who enjoy the privileges mentioned in Article 10. The meeting shall be directed by the chairman of the district council or by a person nominated by him.

2. At the meeting the chairman shall present for approval the resolution made by the district council. If the assembly approves of the proposal with no amendment to its contents by a majority of two thirds of the votes cast, the district sheriff shall send it to the Ministry for confirmation, and all those who were invited to the meeting are obliged to become parties to the ratification of the by-law. The same course of action shall be followed if the meeting materially alters the contents of the proposal with the consent of the district council. Should the district council, however, not consent to the alteration of the contents proposed by the meeting, a new meeting shall be summoned. If the new meeting approves of the materially unaltered by-law by a majority of two thirds of the votes cast, the same procedure shall be followed as prescribed above.

3. If a by-law has been made in the manner prescribed above and sent to the Ministry for confirmation, and the Ministry considers it to infringe upon laws or legal principles or the common rights of men, the proposal shall be returned unconfirmed together with a statement of the reasons for the Ministry's refusal to grant confirmation. If, however, the by-law is confirmed by the Ministry, the

latter shall make arrangements for its publication and specify the date on which it shall take effect.

4. A confirmed by-law may be amended by the same procedure under which it was first made.

Article 17

1. A by-law shall contain such provisions as are deemed necessary for the supervision of its enforcement and as to how the expense of such supervision is to be met.

2. Fines of up to 10,000 krónur may be imposed for the infringement of any legally established by-law, and such fines shall accrue to the *district treasury*. Cases arising from such infringement shall be brought by the public authorities.

Article 18

Where the terms „district council“, its „chairman“, and „district treasury“ are used in Chapter III of this Act, they shall also be taken to include, as and when relevant, „municipal council“, „mayor“ and „municipal treasury“.

Article 19

By-laws relating to bird-hunting made before the date on which this Act takes effect shall be invalid until they have received new confirmation from the Ministry.

CHAPTER IV

Methods and equipment used in bird-hunting.

Article 20

No fire-arms shall be used in bird-hunting except such as can be fired manually from the shoulder. No shotgun of greater bore than 12-gauge may be used for bird-hunting.

Article 21

1. No aircraft, motor-car or other motor-driven vehicle may be used on land for purposes of bird-hunting, to put up or to drive birds. Such aircraft and vehicles may, however, be used to transport hunters, hunting dogs and hunting equipment to and from the hunting areas.

2. No mechanically propelled boats shall be used for bird-hunting on inland waters (but cf. Article 24), and at sea no mechanically propelled boats may be used whose speed is more than 9 knots.

Article 22

1. Nets may not be used to hunt birds at sea or on inland waters.

2. If birds are caught in nets that have been laid for other purposes (to catch fish or seals), they must be freed from the nets and released if they are alive when the nets are visited. But birds that are found dead in such nets may neither be kept nor used in any way.

3. Nets may not be used for bird-hunting on land. It shall, however, be permitted to catch puffins by net in places where their burrowing activity interferes with eider-duck breeding. This method of catching puffins may only be employed if a watch is kept on the nets and the birds are taken from them immediately they are caught, or if the nets are visited for this purpose at least twice daily. It is permitted to use handnets (narar) for the hunting of puffins and other eider-nesting seabirds.

Article 23

1. The following methods and equipment may not be used to catch birds: snare-rafts (snöruflekar), gaffs (goggar), hooks, traps, torches or other artificial lights, and all other fixed hunting devices even though they are not specified here.

2. If a person has installed hunting equipment in accordance with an earlier by-law relating to bird-hunting (cf. last paragraph of Article 21 of Act No. 63/1954) that is prohibited under the present Act, the Treasury is obliged to pay him compensation, on demand, for such equipment, the amount to be determined by assessment.

Article 24

In areas where greylag-geese cause serious damage to agricultural crops, the Ministry may, on the recommendation of the Bird Protection Committee, grant those holders of hunting rights, who have obtained permission as per Article 11 to hunt greylag-geese during the close season of the latter, licences of limited duration to catch grey lag-geese by driving them into net enclosures when they are moulting.

In this type of hunting it is permissible, despite the provisions of Article 21, to use motor-propelled boats if the circumstances make this necessary.

Article 25

Poison shall not be used for the destruction of birds. The Ministry may, however, after consultation with the Bird Protection Committee, by means of a regulation grant exemption from the provisions of this Article relating to the use of poison or narcotics for the purpose of destroying certain species of birds such as the great black-backed gull, the raven and the Arctic skua.

Article 26

It shall be unlawful for ships and boats to sound steam whistles or sirens unnecessarily in the vicinity of bird-cliffs.

Article 27

1. Every care must be taken not to disturb birds that enjoy protection according to this Act near their nests, so as to avoid damage to their eggs or young.

2. Special provisions concerning the taking of photographs or motion pictures of eagles, gyrfalcons, snowy owls and little auks in or near their nests shall be issued in the form of a statutory regulation.

Article 28

1. The Museum of Natural History, Reykjavik, alone has the right to ring or mark wild birds in Iceland for scientific purposes and may grant individuals per-

mission to catch birds in nets or traps for marking. Such permission may apply both to protected and to unprotected birds. No rings or marks other than those provided by the Museum may be used.

2. Any person who finds or catches a ringed or marked bird shall send the ring or mark, be it either Icelandic or foreign, to the Museum of Natural History together with full details regarding its recovery.

CHAPTER V

The import, export, buying and sale of birds.

Article 29

Birds which are completely protected according to the provisions of this Act may not be offered for sale, sold, bought, given or received as a gift. This applies both to living and to dead birds, if they have been illegally killed or obtained, and it also applies to individual parts of their carcasses.

Article 30

The Ministry has the right to make a statutory regulation ordering that birds, which according to this Act are protected for a given part of each year, shall not be offered for sale, sold, bought, given or received as a gift earlier than one day after the date on which the open season begins and not later than 14 days after the open season ends. The provisions of this Article shall not, however, apply to birds that have been sealed by the proper authorities within 7 days after the beginning of the close season.

Article 31

The eggs, egg-shells and nests of birds, which according to this Act enjoy complete or partial protection, may not be offered for sale, sold, bought, given or received as a gift, unless they have been obtained legally.

Article 32

1. It shall be unlawful to export from Iceland birds, eggs, egg-shells and nests. The Ministry of Education may, however, after consultation with the Bird Protection Committee, grant exceptions from the provisions of this Article, providing that an authorized representative of the Museum of Natural History ensures that the contents of such consignments are in conformity with the export licence granted. Furthermore, the Museum of Natural History shall be authorized to export bird skins and eggs without permission from the Ministry in the case of exchanges with foreign museums or other similar institutions.

2. The prohibition of exports stipulated in the preceding Section does not apply to ptarmigan or domestic poultry that may be exported from Iceland.

Article 33

The Ministry has the right to make a statutory regulation ordering that imported birds may not be offered for sale, sold, bought, given or received as gift, unless they have been sealed by the proper authorities in such a way that it is obvious that they are imported. The provisions of this Article do not, however, apply to foreign cage-birds or poultry that may be imported into Iceland.

Article 34

Possession of birds, eggs, egg-shells and nests shall be unlawful unless they have been legally obtained.

Article 35

1. It shall be unlawful to skin or mount birds unless they have been legally obtained.
2. Furthermore, it shall be unlawful to skin or mount eagles, gyrfalcons, and snowy owls in all circumstances except on behalf of Icelandic public museums.

Article 36

When the Ministry exercises its rights under Articles 30 and 33, it shall order by statutory regulation in what manner the birds specified in those Articles shall be sealed, by whom they are to be sealed, what payment is to be made for this work and by whom it is to be paid.

CHAPTER VI

Penalties and Legal Procedure.

Article 37

1. Any person found guilty of illegal bird-hunting shall be sentenced to a fine of not less than 500 and not more than 15,000 krónur. If the offence is repeated, the fine shall be not less than 1,500 and not more than 25,000 krónur. It shall be deemed an aggravation of the offence if rare species, such as the eagle, snowy owl,

gyrfalcon or little auk, are taken or killed, although this provision shall apply in the case of the little auk only when the offence is committed on or near the breeding grounds (on Grimsey off Eyjafjörður). The minimum penalty for the illegal taking or killing of such species shall be 2,500 krónur. The same minimum fine shall be imposed on any person found guilty of illegal eider-duck hunting. Confiscation of birds illegally taken or killed, of proceeds arising from birds so obtained, and of hunting equipment is lawful in accordance with Article 69 of the common penal code. The fact that the equipment used by a person found guilty of illegal bird-hunting is the property of some other person shall not prevent its confiscation.

2. An attempt to hunt birds illegally shall be subject to the same penalty as the actual perpetration of the offence. Complicity in illegal bird-hunting shall be deemed a punishable offence.

3. Bird-hunting is illegal according to the provisions of this Act if a person hunts birds on property where he has no hunting rights, if a person hunts birds with the use of illegal methods or equipment, or if a person hunts birds in defiance of the protective provisions of this Act.

Article 38

Fines of not less than 250 and not more than 10,000 krónur shall be imposed for illegal egg-taking. If the offence is repeated fines shall be not less than 500 and not more than 20,000 krónur. It shall be deemed an aggravation of the offence if eggs of rare species, such as the eagle, the snowy owl, the gyrfalcon and the little auk, are taken. The minimum fine for the illegal taking of the eggs of these

birds, and also the eggs of the eider-duck, shall be 1,500 krónur. It is lawful to confiscate eggs, which have been illegally taken, in accordance with Article 69 of the common penal code. The same applies to the proceeds arising from eggs so taken.

Article 39

Offences against the provisions of Articles 29—35 are punishable by fines of not less than 250 and not more than 25,000 krónur. It is lawful to confiscate illegally obtained supplies of birds, eggs or egg-shells, as well as the proceeds arising from the sale of these objects.

Article 40

No person may fire a gun on another person's property without permission of the landowner or tenant, unless legal provision exists permitting such firing. Infringements of this regulation and also of other regulations in this Act, for which no special penalty is prescribed in Articles 17 and 37—39, shall be punishable by fines of not less than 250 and not more than 5,000 krónur.

Article 41

1. Fines imposed and articles confiscated according to this Act shall accrue to the treasury of the district or municipality in whose jurisdiction the offence is committed. However, birds and eggs confiscated according to Articles 37—38, or their value, shall be transferred to the holder of the bird-hunting rights in the

area where the offence is committed, unless birds have been obtained or eggs taken in defiance of the bird protection provisions of this Act.

2. If an offence is committed in more than one jurisdictional area, the fines imposed and the articles confiscated shall be equally divided between the respective district or municipal treasuries.

Article 42

Cases arising from offences against this Act and against regulations that are made in accordance with this Act shall be brought by the public authorities.

Article 43

The following acts and statutory regulations are hereby revoked:
Act No. 63/1964 relating to bird-hunting and bird protection, as well as the regulations made in accordance with the said Act.

Other provisions of older acts which are in disagreement with the provisions of this Act.

Article 44

This Act shall take effect immediately.

Reykjavik, 26th April 1966.

Ásgeir Ásgeirsson.

(L. S.)

Gylfi Þ. Gíslason.