

CHAPTER 14

BIRDS AND FISH PROTECTION

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 14
BIRDS AND FISH PROTECTION

[5th December, 1901]

Ordinance
Nos. 1926,
Rev. Ed.
c. 44
36 of 1946
18 of 1954.
O.I.C.dd
31.10.39
S.R.O.
18 of 1944

1. This Ordinance may be cited as the Birds and Fish Protection Ordinance. Short title.

2. Any person who kills, wounds, or takes, any bird, or the eggs or nest of any bird, specified in the First Schedule to this Ordinance, or who has in his possession any such bird killed, wounded or taken, or any part thereof, or the eggs or nest of any such bird, shall be guilty of an offence against this Ordinance. Offences
against this
Ordinance.
First
Schedule.

3. There shall be a close season for each of the birds enumerated in the Second Schedule to this Ordinance, and for oysters and turtle. Such season shall, until another is appointed in lieu thereof in the manner hereinafter provided, be for birds, from 1st March to 31st July, with the exception of the following: Close
season for
Birds,
Oysters and
Turtle.
Second
Schedule.

Ramiers—from 1st April to 30th September;

Mountain Doves and Tourterelles—from 1st March to 30th September,

O.I.C.dd.
31.10.39
(gaz. 7.11.39).

and for oysters and turtle from 1st May to 31st July.

4. (1) The Governor-in-Council, may from time to time, by Order, amend, or vary, the Schedules to this Ordinance by adding the name of any bird to either of the said Schedules, or by omitting the name of any bird therefrom, or by transferring the name of any bird from one Schedule to the other Schedule, and the said Schedules, as so amended or varied, shall be deemed, for all purposes, the Schedules referred to in this Ordinance. Power of
Governor-in-
Council to
vary
Schedules
and close
season.

(2) The Governor-in-Council may also from time to time, by Order, alter the dates of the close season for oysters or turtle, or for any of the birds enumerated in the Second Schedule, or in any amendment thereof made under the provisions of this section.

(3) All Orders made under the provisions of this section shall be notified in the Gazette.

Killing, etc.
of birds, etc.,
during close
season, to
be an
offence.
Second
Schedule.

5. Except as hereinafter mentioned, any person who shall kill, wound, or take any of the birds enumerated in the Second Schedule to this Ordinance, or any oysters, or turtle, during the close season for the same, or shall take the eggs or nest of any such bird, during the said season, or shall have in his possession any such bird killed, wounded or taken, or any eggs or nest taken as aforesaid, or shall have in his possession any turtle, or oyster, during the close season for the same, shall be guilty of an offence against this Ordinance.

Absolute
protection
on land of
turtle and
turtle eggs.

6. Any person who shall take, or destroy, any turtle, or turtle eggs, on land, or shall have in his possession any such turtle, or turtle eggs, taken as aforesaid, shall be guilty of an offence against this Ordinance

Onus of proof
in certain
cases to be
on Defen-
dant.
First
Schedule.
Second
Schudule.

7. Where any person shall have in his possession any bird, or any part of a bird, or the eggs of any bird, specified in the First Schedule to this Ordinance, or any turtle or turtle eggs, or shall, in any year after the third day after the commencement and before the end of the close season for any bird enumerated in the Second Schedule to this Ordinance, or for turtle or oysters, have in his possession any such bird, turtle, or oysters, or the eggs of any bird, as aforesaid, or any part thereof, or shall, in any year after the third day after the commencement and before the end of the close season for turtle, expose any turtle for sale, it shall be on him to show in answer to any charge made against him under this Ordinance, that the bird (being one of those enumerated in the First Schedule) was killed, wounded, or taken, or that the turtle eggs were taken out of the Territory or that the bird (being one of those enumerated in the Second Schedule) or the turtle, or oysters, was, or were, killed, wounded or taken out of the Territory, or before the commencement of the close season in which he has the bird or turtle or oysters in his possession.

Offence to
purchase
turtle of less
than 20 lb.
weight.

8. Any person who shall take, kill, sell, or purchase, a turtle of less weight than twenty pounds, shall be guilty of an offence against this Ordinance.

Duty of
persons
offending to
give name,
etc.

9. Where any person is found offending against this Ordinance, it shall be lawful for any other person to require him to give his name, description and place of abode; and if he does not truly give his name, description and place of abode, he shall be guilty of an offence against this Ordinance, and shall in addition to any other penalty to which he is liable under this Ordinance, incur a penalty not exceeding twenty-four dollars.

10. (1) Every person guilty of an offence under the provisions of this Ordinance, shall, on conviction before a Magistrate, be liable to a penalty not exceeding twenty-four dollars, and in default to imprisonment, with or without hard labour, for any term not exceeding three months.

Offences against Ordinance punishable on summary conviction.

(2) All proceedings for the recovery of penalties shall, subject to the provisions of this Ordinance, be according to any Law for the time being in force respecting the procedure before Justices or Magistrates.

11. One-half of any fine imposed under this Ordinance shall be paid to the informer.

Half of penalty to go to informer.

12. Any offence against this Ordinance may be enquired of, heard, and determined, in any Police District.

Where offences heard.

13. Any bird, fish, oyster, turtle, or turtle eggs, or any part thereof in respect of which a conviction takes place under this Ordinance shall be forfeited to Her Majesty.

Forfeiture of bird, etc., in case of conviction.

14. Notwithstanding anything in this Ordinance, the Governor-in-Council may, by writing under his hand for such time and subject to such conditions as he thinks fit, authorize any person for scientific purposes to kill or take any bird enumerated in either of the Schedules to this Ordinance, or the eggs or nest of any such bird.

Governor may authorize killing of birds for scientific purposes. Schedules.

15. (1) No person shall export from the Territory any bird, or the skin or plumage of any bird, enumerated in the First Schedule to this Ordinance, or the eggs or nest of any such bird, except such birds, or the skins or plumage of such birds, or such eggs or nests, as the Governor-in-Council may have authorized to be killed or taken under the provisions of section 14 hereof.

Prohibition of exportation of certain birds, etc. First Schedule.

(2) Any person infringing the provisions of this section shall be guilty of an offence against this Ordinance.

16. The Governor-in-Council may by proclamation declare any area to be a sanctuary for the birds enumerated in the Second Schedule to this Ordinance and during the continuance in force of such proclamation it shall be an offence against this Ordinance for any person—

Bird sanctuaries. Second Schedule.

- (a) to kill or wound any such bird, or to injure or destroy the eggs or nest of any such bird, within such area; or
- (b) to take any such bird or the eggs or nest of any such bird from such area.

Protection of
lobsters.

17. (1) Any person who shall expose for sale, sell, buy or have in his possession any lobster of less than one pound in weight or measuring less than nine inches in total body length shall be guilty of an offence against this Ordinance:

Provided that it shall not be an offence for anyone to have in his possession lobsters of less than one pound if such lobsters are certified by the Chief Agricultural Officer as being kept or intended to be kept in a lobster farm in which they will be raised to a weight of not less than one pound.

(2) Any person who shall at any time take, catch, destroy, have in his possession, sell, expose or offer for sale in any place whatsoever any female lobster when the same shall be found to be carrying eggs, shall be guilty of an offence against this Ordinance.

(3) Any person who shall at any time catch, take, or find caught in any of his fishing gear or other apparatus any female lobster when the same shall be found to be carrying eggs shall immediately return the said lobster unharmed into the sea or else be guilty of an offence against this Ordinance.

Close season
for lobsters.

18. (1) There shall be a close season for lobsters which shall extend from the first day of May to the thirtieth day of September in each year.

(2) Any person who shall—

- (a) take, catch, destroy, or buy; or
- (b) have in his possession, sell, expose or offer for sale, any lobster during the close season for the same shall be guilty of an offence against this Ordinance.

(3) It shall be a defence (the burden of proof whereof shall lie on the person charged) to show—

- (a) in respect of a charge laid under paragraph (a) of the preceding subsection that the said lobster was taken, caught, destroyed or bought outside the Territory or before the commencement of the close season;

(b) in respect of the charge laid under paragraph (b) of the said subsection that the lobster in his possession or sold or exposed or offered for sale was obtained outside the Colony or before the commencement of the said close season.

(4) The Governor-in-Council may by order published in the Gazette alter the date of the close season for lobsters.

FIRST SCHEDULE

ALL LAND BIRDS

(with the exception of two species of hawk hereinafter mentioned, and of the pigeons, doves, cocorico and quail referred to in the Second Schedule)

Viz: the yam bird; the mountain thrush; the large thrush (*cichtherminia*); the grive, or spotted grive, or spotted thrush (*allenia*); the soufriere bird (*myiadestes*); the trembleur or copperhole bird; the mockingbird; the wall bird or St. Vincent wren; the lesser soufriere bird or bishop's warbler; the redstart (*setophaga*); oven bird, waterthrush (*seiurus aurocapillus* and *seiurus noveboracensis*), yellow bird or yellow warbler, and all other warblers; the black honey creeper and the yellow-breasted honey creeper (St. Vincent blackbird and banana bird); the lady bird or whiskered vireo, and all other vireos; the prince, prince-of-the-woods, scowop bird, or golden tanager; the mistletoe bird, blue-head, or Louis-d'or (*euphonia*), and all other tanagers; the swallows of all species, including the large martin (*progne*); the robin, robin redbreast, or black sparrow; the small black-breasted or cane sparrow or grass finch or grassquit (*euethia*); the grass canary (*sicalis*), and all other sparrows or finches; the common blackbird, tick bird, or bequia sweet; the pipiree or hawk-beater; the loggerhead (*myiarchus*); the top-knot and the mountain top-knot (*elainea*), and all other flycatchers; the hummingbirds or doctor birds, of all species; the lesser antillean swift and the small swift (*chaetura*), the black swift (*cypseloides*), and all other swifts (commonly also called swallows, and, locally also rain birds and wind birds); the kingfisher, or king-fisherman; the native parrot or St. Vincent parrot or Guilding's Amazon parrot (*amazona*, or *chrysolis guildingii*); the ani, chapman bird, black parrot, or black witch (*crotophaga*); the coucou-manioc or rain bird, and the yellow-billed or small cuckoo (*coccyzus americanus*), and all other cuckoos; the owl or jumbée bird; the osprey, sea hawk, diving hawk, or fish hawk (*pandion*); the black hawk or St. Vincent crab hawk (*urubitinga*); the chicken hawk (*buteo antillarum*), and all other hawks excepting the duck hawk, peregrine, or large falcon (*falco peregrinus anatum*) and the pigeon hawk, sparrow hawk, gri-gri or small falcon (*falco columbarius*).

CERTAIN WADING BIRDS AND SWAMP BIRDS

Viz: the large grey gaulin or crane (*ardea herodias*); the large white gaulin or egret; the small white gaulin or snowy heron (*egretta candidissima*); the small blue gaulin, little blue heron, or black gaulin (*florida caerulea caerulescens*, immature birds, white or mottled slatecolour and white); the Louisiana heron or white-bellied blue gaulin; the common gaulin or small green gaulin and the grey-necked green gaulin (*butorides*); the common grey gaulin or yellow-crowned night heron or crabier (*nyctanassa*); the black-crowned night heron (*nycticorax*), and all other herons or gaulins; the American or white-seal coot (*fulica*); the water fowl or gallinule (*gallinula*); the purple gallinule, kascamiol, or coot (*ionornis*), and all other coots and gallinules.

ALL SEA BIRDS WITHOUT EXCEPTION

Viz: pelicans; man-o'-war birds or frigate birds; all species of booby or ballahoo bird; the red-billed and the yellow-billed tropic bird, traffic bird, or long-tail; the laughing gull, black-head gull, davy or davy bird; the royal tern, or bosun; the sooty tern; egg bird, hurricane bird, or twa-oo; the bridled tern, or cat bird; the roseate tern and the southern roseate tern, or gull, or gulf; the marsh tern (*gelochehidon*); the noddy, noddy tern, or mwen (*anous*), and all other terns or gulls; the wedderigo or Audubon's shearwater (*puffinus lherminieri*), and all other shearwaters; the Mother Carey's chicken or small petrel (*oceanitis*); the large petrel (*aestrelata*) and all other petrels.

SECOND SCHEDULE

Wild pigeon or ramier; mountain dove or tourterelle; ground dove or ortolan; every other species of wild pigeon or dove; quail; cocorico; the blue-winged teal or wild duck, and all other species of wild ducks; all the limicolae or shore birds, viz., snipe, sandpipers, tatlors, turnstones, plovers, stilts, curlews, godwits; known under local names of plover, ploward, snipe, pika, longlegs, black-back, nit, grey nit, grass nit, cockroach nit, chirp, October chirp, cue, duck-leg, sandy plover, sandy snipe, wag, cotton-tree plover, ring-neck, curlew.

Bird Sanctuaries for the birds enumerated above:

tt SRO.
43/1947
(Proc.).

Young's Island;
King's Hill;
Government House Grounds including the Botanical Gardens;
Milligan Cay;

SRO.
82/1950.
(Proc.)

Pigeon (Ramier) Island;
Isle de Quatre.

Protection of
lobsters.

Close season
for lobsters.