

CHAPTER 34 BIRDS AND OTHER WILDLIFE (PROTECTION) ACT

• Act • Subsidiary Legislation •

ACT

Amended by

Act No. 26 of 1964

Act No. 23 of 1980

Act No. 10 of 1990

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CHAPTER 34 BIRDS AND OTHER WILDLIFE (PROTECTION) ACT

An Act for the protection of wild birds and other wild life including fish, lobsters, turtle and oysters.

[Amended by Act No. 26 of 1964, Act No. 23 of 1980, Act No. 10 of 1990.]

[26th January, 1957.]

1. Short title

This Act may be cited as the Birds and other Wild Life (Protection) Act.

2. Interpretation

In this Act "wild birds" means the birds specified in the First and Second Schedule.

3. Absolute protection for wild birds in First Schedule

(1) Any person who kills, wounds or takes any wild bird or the eggs or nest of any wild bird specified in the First Schedule, or who has in his or her 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.

(2) The exportation of any wild bird specified in the First Schedule or any part of such bird is absolutely prohibited.

4. Close season for birds in Second Schedule and for lobsters, turtle and oysters

(1) There shall be a close season for each of the wild birds enumerated in the Second Schedule and also for lobsters, turtle and oysters.

(2) Such season, until another is appointed in lieu thereof in manner hereinafter provided, shall be as follows--

- (a) for all such birds, from 1st March to 31st August;
- (b) for oysters, from 1st May to 30th September;
- (c) for turtle, from 1st June to 30th September;
- (d) for lobsters, from 1st May to 30th September:

Provided that the Minister may from time to time by notice in the *Gazette* appoint some other period or periods in lieu of the periods fixed by this subsection, and after any such appointment the periods so appointed shall be the close season for the purposes of this Act.

5. Minister may alter the Second Schedule

The Minister may from time to time by notice in the *Gazette* declare that as to any of the wild birds enumerated in the Second Schedule the provisions of section 4 shall cease to apply, and may from time to time vary or cancel any such alterations; and thereupon the provisions of section 4 shall cease to apply, or shall again apply (as the case may be), with such variation as by the declaration may be provided; and the Minister may also, by notice in the *Gazette* declare as to any bird not enumerated in the Second Schedule that it shall from the date of the notice be deemed to be included in that Schedule for such close season as may be named in the notice as applicable to it, and may from time to time alter or amend the notice in the same way as if the bird had been enumerated in the Schedule; and thereupon the bird shall to all intents and purposes be deemed to be included in the Schedule for the close season assigned to it in the said notice.

6. Killing, etc., of birds, etc., during close season

Except as hereinafter mentioned, any person who shall--

- (a) kill, wound or take, or attempt to kill, wound or take, any of the wild birds enumerated in the Second Schedule or any lobster, turtle or oysters, during the close season for the same; or
- (b) take the eggs or nest of any such bird during the close season for the same, or have in his or her possession any such bird killed or wounded or taken or any eggs or nest taken during the said season; or
- (c) have in his or her possession any turtle, the eggs of any turtle or any lobsters or oysters, during the close season for the same,

shall be guilty of an offence.

7. Absolute protection on land of turtle and turtle eggs

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

8. Onus of proof in certain cases to be on defendant

Where any person shall--

- (a) have in his or her possession any wild bird, or any part of a wild bird, or the eggs of any wild bird, specified in the First Schedule, or of any turtle; or
- (b) in any year after the third day after the commencement and before the end of the close season for any wild bird enumerated in the Second Schedule, or for lobsters, turtle or oysters, have in his or her possession any such lobsters, bird, turtle, oysters, or any part thereof or the eggs of any such bird,

it shall be on him or her to show, in answer to any charge made against him or her under this Act--

- (i) that the wild bird (being one of those specified in the First Schedule) was killed, wounded or taken or that the eggs of any such wild bird or of any turtle were taken outside the limits of Grenada, or
- (ii) that such bird (being one of those specified in the Second Schedule) or the eggs of any such bird, or any lobsters, turtle or oysters was or were killed, wounded or taken either outside the limits of Grenada or before the commencement of the close season or any part thereof,

when he or she has in his or her possession the wild bird or the eggs of any such bird or turtle, or any lobster, turtle or oysters.

9. Restrictions as to size, weight, etc.

(1) Any person who shall take, kill, sell, purchase or have in his or her possession a turtle of less weight than twenty-five pounds shall be guilty of an offence.

(2) Any person who shall take, kill, sell or expose for sale, purchase or have in his or her possession a lobster of less than one pound or measuring less than nine inches in length shall be guilty of an offence:

Provided that a person may lawfully possess lobsters of less than one pound if they are kept or intended to be kept in a lobster farm for the purpose of being raised to a weight of not less than one pound and the Chief Extension Officer (Agriculture) has issued an appropriate certificate to that effect.

(3) Any person who shall take, kill, sell or expose for sale, or have in his or her possession a female lobster, when the same shall be found to be carrying eggs, shall be guilty of an offence.

(4) Any person who shall catch or find caught in his or her fishing gear or other apparatus a female lobster when the same shall be found to be carrying eggs shall, unless he or she returns such lobster to the freedom of the sea immediately and unharmed, shall be guilty of an offence.

10. Certain methods of taking, and destruction, an offence

Any person who shall use any method of poisoning stupefying or intoxicating fish, or who shall destroy fish--

- (a) by the explosion of dynamite, gunpowder or other explosive substance, in any harbour, bay, creek, pond, river or stream or within five kilometres of the coast of Grenada; or
- (b) by the processing of manioc or the washing of containers or the discharge of any noxious substance in any pond, river, stream, creek or bay,

shall be guilty of an offence.

11. Penalty for offences

Every offence against this Act shall be punishable on summary conviction and every person guilty of an offence shall be liable to a fine of one thousand dollars and to imprisonment for six months.

12. Offences committed on water forming boundary of districts, where to be heard

Any offence against this Act committed in or upon any water forming the boundary between any two magisterial districts may be inquired into, heard and determined in either of such districts.

13. Forfeiture of bird, etc., in respect of which a conviction takes place

Any wild bird, fish, lobster, oyster, turtle, or any part thereof, or the eggs of any turtle in respect of which a conviction takes place under this Act shall be forfeited and also all guns, slings, traps, nets, fishpots and fishing tackle used in committing the offence.

14. Police, revenue or fisheries officer may seize traps, nets, etc.

Any police officer, revenue officer or fisheries officer may seize any traps, nets or tackle capable of being used for taking turtle, found on the seashore or in the coastal waters of Grenada at any time during the close season for turtles, and the articles so seized shall be liable to forfeiture and shall be delivered as soon as conveniently may be to the harbour master who shall direct whether or not they shall be forfeited.

15. Minister may authorise killing of birds for scientific purposes

Notwithstanding anything in this Act, the Minister may by writing under his hand, for such time and subject to such conditions as he thinks fit, authorise--

- (a) any person for scientific purposes to kill or take any wild bird enumerated in either of the schedules or the eggs or nest of any such bird, or any turtle or the eggs of any turtle or any oyster;
- (b) the establishment of any hatchery or conservation work which may appear scientifically or commercially justifiable.

First Schedule
BIRDS AND OTHER WILDLIFE (PROTECTION) ACT

Wild Birds
[Section 2.]

All wild birds with the exception of those enumerated in the Second Schedule, and not including poultry, geese, turkeys, pea-fowl, guineafowl or any other domestic fowl.

Second Schedule
BIRDS AND OTHER WILDLIFE (PROTECTION) ACT

Closed Season for Wild Birds
[Sections 2 and 4.]

1. <i>Anas p. platyrhynchos</i>	Mallard Duck.
2. <i>Anas discors</i>	Blue-winged Teal.
3. <i>Anas crecca carolinensis</i>	Green-winged Teal.
4. <i>Anas americana</i>	American Widgeon or Baldpate.
5. <i>Spatula clypeata</i>	Shoveller Duck or Sucet.

6. <i>Aythya affinis</i>	Lesser Scaup Duck.
7. <i>Gallinula chloropus cerceris</i>	Florida Gallinule or Waterhen or Waterfowl or Red-head Waterfowl or Red-Seal Coot.
8. <i>Fulica caribaea</i>	Caribbean Coot or Waterfowl or Whitehead Waterfowl or White-seal Coot.
9. <i>Numenius phaeopus hudsonicus</i>	Hudsonian Curlew or Whimbrel.
10. <i>Tringa melanoleuca</i>	Greater Yellow Legs.
11. <i>Catoptrophorus s. semipalmatus</i>	Willet, or Tell-bill-willy or Becasse.
12. <i>Capella gallinage delicata</i>	Wilson's Snipe, or Common Snipe or Becassine.
13. <i>Columba squamosa</i>	Ramier or Red-necked Pigeon or Blue Pigeon or Scaly-necked Pigeon.
14. <i>Zenaida articulata stenura</i>	Violet-eared Dove or Trinidad Ground Dove.
15. <i>Zenaida a. aurita</i>	Zenaida Dove or Mourning Dove or Mountain Dove or Seaside Dove or Pea Dove or Turtle Dove or Wood Dove or Perdrix or Tourterelle.
16. <i>Buteo platypterus antillarum</i>	Broad-winged Hawk or Chicken-hawk or Greegree.
17. <i>Falco peregrinus anatum</i>	Peregrine Falcon or Duckhawk.
18. <i>Molothrus bonariensis minimus</i>	Glossy Cow Bird.
19. <i>Quiscalus lugubris luminosus</i>	Lesser Antillean Grackle or Blackbird or Merle or Bequia-sweet.

**CHAPTER 34
BIRDS AND OTHER WILDLIFE (PROTECTION) ACT**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
