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PROPOSED WILD LIFE AND COUNTRYSIDE BILL

UPDATING OF THE PROTECTION OF BIRDS ACTS 1954 and 1967

On 2nd April 1979 the United Kingdom along with other member states adopted the EEC directive on the conservation of wild birds. The United Kingdom has until 1981 to implement the requirements of the directive and in this connection the Protection of Birds Acts are to be amended and updated. In Article 6 the directive requires that member states prohibit the sale, the transport for sale, the keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds except certain species listed in annex 3 of the directive (Game birds) which are legally acquired during the closed season. Article 9 allows exceptions to be made provided that strict controls are introduced and a report on any exceptions is required to be made annually to the EEC Commission. It is proposed in the Bill to prohibit the sale of birds other than those on the excepted list except under license. Therefore, the selling of birds and of eggs will be illegal except under extreme circumstances and indeed the selling of eggs at the present moment is illegal. In the new Articles, Article 5 prohibits the taking of eggs from the wild and keeping, even if empty, Article 9 allowing exceptions provided there is strict control.

? Auctioneers

To ensure that the new Bill can function properly and be properly enforced a registration system both for bird egg collections and for skins has been envisaged. A brief history will help to put all the members of the Biology Curators Group in touch with the current situation. It is best to deal with two distinct sections as they both pose different problems.

SECTION 1 REGISTRATION OF BIRD EGG COLLECTIONS

It was suggested some time ago that the Department of the Environment and the Royal Society for the Protection of Birds along with the Advisory Committee for Bird Protection should investigate the possibility of the registration of bird egg collections. Unfortunately, this, although very much wanted by all parties, was not feasible under any existing systems. The registration of egg collections would essentially be a one-off operation, all egg collecting after the Bill becomes law being illegal. Therefore, no new collections would become eligible for registration. It was tentatively suggested, therefore, that Provincial and National Museums combined could operate under the aegis of the BCG and the Museums Association a registration system and then the centralisation of documentation. This would be isolated from the enforcement aspect of the new Act which

Sat. morning seminar of 4/27/79

would be under separate panels of a Government Statutory body appointed by the DoE. The major stumbling block to the entire system was however the initial registration. In late October the BCG (Peter Morgan) was approached to suggest how such a system could be operated and how many museums should be involved. Initial discussions with individual committee members and other museum curators and especially Colin Harrison of the BM (NH), Tring who specifically curates eggs and is on the Advisory Committee for the Protection of Birds resulted in a total of eight museums initially being selected. A meeting was then held with the DoE and the detailed discussion undertaken on how the system would operate. For convenience, one museum in each Area Museum Service has been selected where there is a Keeper of Natural History or a Curator of Zoology. The eight museums listed below would act as regional centres.

1. SCOTLAND

Department of Zoology, Royal Scottish Museum, Edinburgh

2. WALES

Department of Zoology, National Museum of Wales, Cardiff

3. NORTH OF ENGLAND

Department of Natural Sciences, Sunderland Museum and Art Gallery, Tyne and Wear

4. YORKSHIRE AND HUMBERSIDE

Department of Biology, Yorkshire Museum, York

5. NORTH WEST ENGLAND

Department of Zoology, Manchester Museum, Manchester

6. MIDLANDS

Department of Natural Sciences, Leicestershire Museums, Art Galleries and Records Service, Leicester

7. SOUTH EAST ENGLAND

Sub-Department of Ornithology, British Museum (Natural History)
Tring

8. SOUTH WEST ENGLAND

Department of Natural History, Royal Albert Memorial Museum,
Exeter

The Keepers would be required to pass the information or copies of it to the BM (NH) at Tring. The system of registration as proposed would be voluntary, although in practice it will be virtually mandatory.

how?

Under a voluntary system, museums themselves would not have a time limit imposed upon them in which to register their collections or data associated with them.

more
to
know

If museums had not become involved in this registration system it is almost certain that museums would have had to document their collections anyway in order to prove that no recently taken material was present. It is most important to realise that the registration system fundamentally alters the aspect of enforcement of the new Act. The biggest barrier to the enforcement of '54 and '67 Acts has been that material had to be proved to be taken recently i.e. within the last breeding season, prosecution therefore being limited in terms of possession but not for sale to within six months effectively of the last breeding season. With a registration system, all be it voluntary, the words "recently taken" would disappear from the new Act and any egg collected after the date when the Bill becomes law would then be deemed to be held illegally. Therefore, no collecting of any eggs apart from those of game birds etc allowed could be collected after the new Act became law. Thus if an egg had been collected in May 1981 prosecution would normally have taken place by February or March of the following year i.e. a recently taken protected bird. Under the new Act with the new registration system a person can be prosecuted ten years later for having in his possession an egg taken after the date of the new Bill. This important link with conservation of our environment is one of the major reasons why museums should undertake this rather small task in order to ensure effective enforcement of the new law. Although voluntary, it would obviously be in anybody's interest to register egg collections, but it is realised that common sense in enforcement is needed where people have egg collections in their attic etc. It is also realised that museums are liable to receive a large number of small collections throughout the country after this Bill becomes law.

by whom

There is still room for discussion, however, as several points are being discussed i.e. should aspects of the registration of egg collections be compulsory. If the scheduling of Schedule 1 Birds is made compulsory then all major egg collections will be registered. Under a voluntary system some of these may not be registered. It is proposed that an amnesty will ensue on those eggs collected illegally under the '54 and '67 Acts up until the time that the new Bill becomes law. The registration and the involvement of museums will ensure that the new Act works well. The process of registration is envisaged as follows in two stages:-

1. There would be initial registration of a collection and this would include detail of each species held, the number of clutches held for each species and possibly the day, month and year of each clutch collected. The form would be produced based on Voous's list of

? broad locality

Holarctic Birds with which the Euring code numbers would facilitate easy computerisation of data. This list will be available during the next two weeks.

2. Full details of every single clutch to be forwarded which will include the collector's name, the mark number for identification and other information normally associated with specific clutches.

This double form of registration should ensure that the majority of egg collections in Great Britain would have detailed information centralised and then could be used for correlating distribution patterns and effects due to environmental change in very much the same way as the current data in Biological Records Centres are used for interpretation. The benefits to be gained from this voluntary registration system are immense and the involvement of museums is most important. Due to the time limits imposed upon us discussion has been restricted to the Committee and others, but consultation has been maintained with the MA including a meeting with the Director, John Sheriff and contact has also been maintained with Patrick Boylan who produced the initial document for the MA. It is hoped that a member of the DoE will be at the MA Council meeting to discuss various aspects of this registration scheme.

The suggestions so far are for discussion and indeed are not final. There is therefore leeway for amendments. The question of voluntary versus compulsory registration and to what degree is obviously going to crop up at some stage either before the Bill is finalised or at the amendment stage when it reaches Parliament, but it would be useful if Museum Curators and indeed Directors could assess the influence of the three systems.

1. An entirely voluntary registration with no time limit upon registration. In essence it would seem odd if somebody possessing an egg collection had not initially registered it within three years of the Act becoming law.

2. A system which is voluntary but requires compulsory registration of all those species on Schedule 1.

3. The compulsory registration of all eggs in egg collections.

With either 2 or 3 the time limit of six months could possibly be extended to a year. Therefore, museums and all bodies would have to register the Schedule 1 or their entire egg collections in that period of time. There would be a possibility, however, and it must be considered that if the system became compulsory, museums with large collections could be exempted from the time limit imposed. The BCG does have information on egg collections held from the study of the Standing Commission undertaken two years ago. However, if

museums wish to send me the number of clutches in their egg collections now it will give me a far better idea when discussing with everybody else and Committee members the whole situation. The major barrier to compulsory registration is one of finance. The DoE and the financial restrictions imposed for the operation of this Act means that not a great deal of money would be available if it were compulsory and therefore a voluntary system is preferred from that angle, but if it became compulsory some form of funding would have to be found in order to operate the registration system. In this connection the one-off registration of egg collections would be similar to the next section.

SECTION 2 THE REGISTRATION OF BIRD SPECIMENS

The sale of skins, mounted birds and feathers contains more problems as licences are issued on a continuing basis either to individuals to operate a practice or to dealers to sell individual specimens. Under the new Act, if dealers wish to continue selling birds once the proposals are enacted some form of registration with or licensing by the DoE will be required. This has now been made possible following discussions between the Guild of Taxidermists and DoE. It is envisaged that a registration system be operated by the GoT or a body specifically set up for the purpose although the register will be held by the DoE and the regulations will have a statutory force. Anyone wishing to sell protected birds will be affected by this requirement and the details of the system will be worked out to keep bureaucracy to a minimum consistent with the requirements of the directive. In the discussions between the GoT and the DoE several points have emerged. The registered dealer must keep detailed records about bird specimens which have come into his possession i. e. who gave them to him and when, what the birds were and the history. Each bird should be clearly marked or ringed so that the above details could easily be obtainable from the dealer's record book. In essence, this means that each bird must be traceable individually so that there is no chance of individual specimens of the same species being exchanged. A dealer's records should be sufficiently detailed to satisfy a court that the birds found in his possession were legally obtained. These records should safeguard a dealer from accusation of complicity in breaking the law if he had been led to believe that a bird had been legally obtained from the seller/donor when it had not. A registered dealer will be required to take on registration to allow access to his premises at any reasonable time so that an inspector authorised by the DoE can compare his records with his stock. Finally, a registered dealer will have to present to the DoE through the registrar details of the number of species of birds he has sold. Initially as all birds will be either marked or ringed this will be done when requests were made for marks or rings only to be obtained from the registrar. Requests for further issues of marks or rings would not be met unless the

Amendments

*Registration for continuing sales.
licensing for individual items.
? authentication of specimens in catalogues etc
penalty for incorrect entries.*

records were supplied.

The above information relates primarily to commercial taxidermists who are selling material but there are two other parameters which need to be considered which as far as I am aware have not been considered in enough detail so far. In its present format the Act is concerned primarily with birds mounted for display and those that are therefore sold. However, if the actual terms which are drafted come into force it means that as at present museums will have to keep a very careful register of all material that comes into deep freeze and what subsequently happens to it, which includes individually marking each bird so that there is no chance of it being transferred, just in case in the future it was decided to sell a specimen. This will be applicable to all museums and most museums at the moment comply with the registration of material coming into deep freeze, but it is more complicated with relation to the Area Services where material is effectively sold for display. Here, material would have to follow exactly the same registration under the GoT as does that of commercial firms. It is suggested that the paper work be as simple as possible and the Act is attempting to prevent the sale of protected birds. The problem is that most museums including a very large number without taxidermists will have to register themselves and have to be inspected at the present moment under the GoT. As far as I am aware discussions have not taken place with the MA as an overall body controlling the work. It is intended now that discussions between the BCG, the GoT, the MA and the DoE take place to resolve some of the problems of working and enforcing the Act. The idea behind the control of commercial taxidermists is fine, but unfortunately it does mean that museums have to change their practices. Curators control fresh material coming into museums and ultimately what happens to it apart possibly from the Area Service and museums with a large Conservation/Taxidermy studio.

The registration procedure here is statutory and will be financed by the DoE with the central registrar kept there. Under this registration system it will be incumbent upon museums to prove that material which they now hold was not illegally taken after this law comes into force. This includes all material which finally ends up either as osteological material or skins. The actual sale of recently prepared material throughout Britain is therefore relatively small compared with the number of specimens coming into museums either through oil pollution incidents, natural disasters, culls or as road casualties. The Committee would be grateful for the views of curators on this issue to discuss with the GoT and of any thoughts as to who should be directly in charge of registration and/or enforcement and the role of the MA in this particular field. This area so far has not been discussed by the Committee of the BCG, but will be shortly before the final draft of the Bill appears at the end of next January. It is

suggested that certain problems may arise whereby curators in museums have to refer to the GoT in order to have the procedure and enforcement of the new law vetted. It might be possible to have another system whereby registrars are indeed departments of natural history in twenty museums say around the country being paid for by the DoE, but where the enforcement panel is controlled by the GoT. It is important to look at the stability of different areas when one is dealing with legislation and its control. One needs a stable situation and one could contend that the MA and departments of natural history throughout museums are more stable than the position of taxidermists. It is, therefore, suggested that the actual registrar should be under the control of curators who at the present moment control material coming into museums and that taxidermists should primarily be the enforcing agency that decides on whether a recently mounted specimen in a commercial taxidermists is recent or old. These problems which are not small have to be resolved both with the Association to which the BCG and the GoT are linked and the BM (NH) and the DoE before the beginning of January. Once this Bill is implemented, amendments can be put forward, but it would be best if the museum world were clear as to its own attitude before the Bill is finally drafted.

Individual contact has already been made with the BCG and the GoT, but it will probably mean a joint meeting to resolve some of these aspects. I believe personally that it must be made clear who controls material coming into museums. Many other curators and certainly taxidermists will agree with me and the Committee will be grateful for anyone's comments.

This paper is intended as a discussion document only and I would be grateful for comments as quickly as possible so that papers can be formulated for the Committee.

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