



**NatSCA**

Natural Sciences Collections Association

<http://www.natsca.org>

## Biology Curators Group Newsletter

---

Title: License to Possess and Illegally Killed Bird - the position in Scotland

Author(s): Taylor, M. A.

Source: Taylor, M. A. (1985). License to Possess and Illegally Killed Bird - the position in Scotland. *Biology Curators Group Newsletter, Vol 4 No 2*, 44 - 45.

URL: <http://www.natsca.org/article/1261>

---

NatSCA supports open access publication as part of its mission is to promote and support natural science collections. NatSCA uses the Creative Commons Attribution License (CCAL) <http://creativecommons.org/licenses/by/2.5/> for all works we publish. Under CCAL authors retain ownership of the copyright for their article, but authors allow anyone to download, reuse, reprint, modify, distribute, and/or copy articles in NatSCA publications, so long as the original authors and source are cited.

LICENCE TO POSSESS AN ILLEGALLY KILLED BIRD - the position in  
Scotland

The publication of Derek Whiteby's note (BCG, 3(10)) on the recent issue of a licence by the D O E in respect of an illegally killed lapwing raised two issues in my mind. Firstly, not having had to go through the licensing procedure, I wondered whether this would be the same in Scotland where the legal system has traditionally been administered in different ways to that of England and Wales. If this was the case, my intention was to clearly define that procedure before a case actually arose and pass that information to BCG for publication.

Secondly, I was rather concerned about condition 'b' on the Sheffield licence : "The bird must not be moved from the premises of the City of Sheffield Museum without the authority of the Secretary of State for the Environment". I gather that in the case of this particular specimen, it is highly unlikely that it would be moved as it was required specifically for a display but what if it had been preserved as a skin in a study collection ? If requests by researchers for loans of material were subsequently received, they would either have to be turned down or special application made to the D O E for 'authority' to move them.

In order to clarify both of these issues, I contacted the D O E in Bristol in December and again in January when my letters were kindly answered by a Mr Kuhl.

1. Licencing. Despite my assumption that the Scottish Home and Health Department was responsible for licencing in Scotland it seems that all enquiries regarding the issue of licences should initially be referred to the D O E in Bristol. Scottish curators please take note !
2. "No movement". This condition is of concern to all curators in Britain. My original query produced the following response:  
"The reason it is necessary to include a condition on the licence prohibiting the movement of illegally killed specimens from the premises without the consent of the Secretary of State, is to prevent such specimens being sold (my emphasis). 'Sale' includes hire, barter and exchange."

Following receipt of this letter, I contacted D O E again to ask for clarification. Why was the condition not simply "The specimen shall not be sold" ? The relevant paragraph of the reply are as follows :

The reasoning behind the wording of the condition is twofold. First the bird was illegally killed and the above named Act specifically states in Section 1 (1) that if anyone intentionally kills any wild bird he shall be guilty of an offence and Section 2(a) then states that if any person has in his possession or control any live or dead bird - he shall be guilty of an offence. It is for this reason that the condition controlling movement of any illegally killed bird was put in operation, as the licence only allows the individual to which it was issued, to retain the illegally killed bird. If it was moved then it would be an illegal act under Section 2 (a) of the Act for the subsequent keeper to be in possession of the said birds.

Secondly the reasoning behind the sale condition follows above advice in that the sale covers hire, barter and exchange which would render any seller or purchaser of an illegally killed bird, guilty of an offence.

Clearer now ? If you are presented with the carcasse of an illegally killed bird, would you accept it given such conditions ? I am sure the Editor would welcome your views.

Michael A Taylor  
Keeper of Natural Sciences  
Perth Museum & Art Gallery