

## Wild birds

The aim of these rules is to protect wild birds, their eggs and nests. They apply to all wild birds. Extra rules apply if you have land designated as a Special Protection Area (SPA).

### A. You must not

1. intentionally kill, injure or take any wild bird<sup>1</sup>;
2. intentionally damage, destroy or take the nest of any wild bird while it is in use or being built (nests of golden eagle, white tailed eagle and osprey are protected all year round);
3. intentionally destroy an egg of any wild bird;
4. intentionally or recklessly disturb certain wild birds<sup>2</sup> or their dependent young while they are nesting (including disturbance of nesting young);
5. kill or take huntable birds during the close season for that species<sup>3</sup>. Game birds also must not be killed or taken on any Sunday or Christmas Day.

You will not break these rules if you are operating under a licence issued by Natural England to undertake authorised action, or can rely on one of the legal defences or exceptions<sup>4</sup>.



- 1 Any bird shown to have been bred in captivity is not classed as a 'wild bird' unless it has been lawfully released into the wild as part of a repopulation or reintroduction programme.
- 2 The list of wild birds that you must not disturb while nesting is available from the cross compliance section of our website [rpa.defra.gov.uk/crosscompliance/appendices](http://rpa.defra.gov.uk/crosscompliance/appendices); contained in Schedule 1 to the Wildlife and Countryside Act 1981.
- 3 The list of huntable birds and their close seasons is available from the cross compliance section of our website [rpa.defra.gov.uk/crosscompliance/appendices](http://rpa.defra.gov.uk/crosscompliance/appendices); contained in Part I Schedule 2 to the Wildlife and Countryside Act 1981 and section 3 of the Game Act 1831.
- 4 These are contained in sections 1, 2, 4 and 16 of the Wildlife and Countryside Act 1981.

## For land classified as a Special Protection Area (SPA):

### B. You must

1. notify Natural England in writing of any proposal to carry out, cause or permit any specified operation<sup>5</sup> or where a special nature conservation order applies (unless covered by the terms of a management agreement, scheme or notice) and obtain consent before starting that operation;
2. comply with all management notices served by Natural England or the terms of any restoration order served by a court<sup>6</sup>.

### C. You must not

1. intentionally or recklessly destroy or damage the special interest features of the area<sup>7</sup> or disturb any fauna that are a special interest feature. (This requirement can apply to actions that take place other than on the SPA itself but which have the same consequences.)

You will not break the rules for a SPA (B1, B2 and C1) if you have reasonable excuse<sup>8</sup>.



#### Further advice and guidance

The appendix for wild birds (SMR 1) is available on our website at [rpa.defra.gov.uk/crosscompliance/appendices](http://rpa.defra.gov.uk/crosscompliance/appendices)

You can find out if your land is in a SPA by contacting Natural England, or by searching the Nature on the Map website at [www.natureonthemap.org.uk](http://www.natureonthemap.org.uk) or [www.natureonthemap.co.uk](http://www.natureonthemap.co.uk).

Natural England: 0845 600 3078

RSPB UK HQ: 01767 680 541

5 A specified operation means one which has been identified as likely to damage the special interest features of the area. This information forms part of the notification package for Sites of Special Scientific Interest.

6 This applies where the purpose of the notice or restoration order is to protect or restore the special interest features of the area or otherwise restore the land to its former condition as may be so specified.

7 'Special interest features' of an area are interpreted as the notified interest features of the Site of Special Scientific Interest that are also relevant to the Special Protection Area.

8 A 'reasonable excuse' may include: you have planning permission to carry out the work; you have consent from a public body or statutory authority that has complied with its duty to consult Natural England before giving the consent; it is an emergency operation (provided that Natural England is told as soon as possible after the emergency).