

REPRINT

WILD BIRDS PROTECTION ACT (CAP. 45)

As in force at: 1 March 1996

STATUS: REPEALED

This version is that published in the Revised Edition of the Laws in force in Solomon Islands on 1 March 1996 [LN 24/96]

Repealed by the Wildlife Protection and Management Act 1998 (No. 10 of 1998) from 1 September 2003

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF CERTAIN WILD BIRDS.

WILD BIRDS PROTECTION ACT (CAP. 45)

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WILD BIRDS PROTECTION ACT (Cap. 45)

As in force at: 1 March 1996

1 Short title

This Act may be cited as the *Wild Birds Protection Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“**wild bird**” means any bird specified in the Schedules issued under this Act.

3 Offences in respect of specified birds

Any person shall be guilty of an offence against this Act who:

- (a) wilfully kills, wounds, or takes any wild bird specified in the Schedule of birds issued from time to time by the Minister for the purposes of this section under section 15;
- (b) takes, removes, injures or destroys any nest or egg of any such bird;
- (c) exposes for sale or knowingly has in his possession any such wild bird, or any part of such bird killed, wounded or taken in Solomon Islands after the commencement of this Act, or the nest or eggs of any such bird taken in Solomon Islands after the commencement of this Act;
- (d) exports or attempts to export the skin or plumage of any such wild bird, killed, wounded or taken, or the nest or eggs of any such wild bird taken in Solomon Islands after the commencement of this Act.

4 Close period for protection of birds

Any person who, between the dates both inclusive in any year specified in a Schedule issued for the purposes of this section by the

Minister under section 15, which period is hereinafter called the Close Season, knowingly kills, wounds or takes any wild bird specified in the said Schedule or takes, removes, injures or destroys any nest or egg of such bird, or knowingly has in his possession or exposes or offers for sale, or purchases, or exports, or attempts to export, any such bird or any part of any such bird killed, wounded, or taken, or the nest or eggs of any such bird, taken during the close season shall be guilty of an offence.

5 Onus of proof on person found in possession, etc., of bird, nest or eggs of such bird

Where any person is proceeded against for exposing or offering for sale, or having in his possession, or exporting or attempting to export any wild bird or any part of such bird or the nest or eggs of any such bird, the proof that the bird was killed, wounded or taken, or the nest or eggs taken without Solomon Islands or before the commencement of this Act, or otherwise than during the close season, as the case may be, shall be on such person.

6 Offender must give name, etc.

- (1) In the case of an offence against this Act any person may require the offender to give his name, description and place of abode.
- (2) If such offender does not truly give his name, description and place of abode he shall be guilty of an offence in addition to that which he shall have been found committing.

7 General penalty

Every person convicted of an offence against this Act shall be liable to a penalty of ten dollars.

8 Complaint how brought

A complaint for any offence against this Act may be brought before a Magistrate:

- (a) in the province in which the offence has been committed; or
- (b) in the province which the offender resides.

9 Informer's half

The complainant or informer in any proceedings under this Act shall receive one half of any penalty imposed on and paid by the offender.

10 Offences committed on sea how heard

An offence against this Act committed on the sea coast, or at sea beyond the limits of any province, may be inquired of, heard and determined in any province abutting on such sea coast or adjoining sea.

11 Bird or any part thereof forfeited

Any bird or any part of any bird or the nest or eggs of any bird in respect of which a conviction takes place shall be forfeited.

12 Authority for scientific purposes, etc.

Notwithstanding anything in this Act, the Minister may by writing under his hand authorise any person for such time and subject to such conditions as he thinks fit, for scientific or other purposes, to kill, wound or take any wild bird, or to take or remove the nest or eggs of any wild bird.

13 Minister may vary seasons

- (1) The Minister may, with regard to any wild bird specified in a Schedule under section 4 and with respect to the whole or any particular part of Solomon Islands, extend or vary, by proclamation the prohibited time for killing, wounding, taking, exposing, offering for sale, and purchasing of any wild bird, or for taking, removing, injuring or destroying the nest or eggs of any wild bird.
- (2) After such proclamation, the penalties imposed by this Act in respect of such wild bird shall in Solomon Islands or in any part thereof as the case may be, mentioned in such proclamation, apply only to offences committed during the time specified in such proclamation.
- (3) Such proclamation shall be published in the *Gazette*.

14 Declaration of sanctuaries

The Minister may from time to time by proclamation published in the *Gazette* declare any island or islands or any part or parts of any island or any province in Solomon Islands to be a sanctuary for birds, and any person who knowingly kills, wounds or takes, or attempts to kill, wound or take, or procures, assists and abets or knowingly causes the killing, wounding or taking of any bird in any such sanctuary for birds, or who takes, removes or knowingly interferes with, injures or destroys, or attempts to injure or destroy, or procures, assists, abets or knowingly causes the injury or destruction of any nest or egg of any bird in any such sanctuary for birds, shall be guilty of an offence against this Act.

15 Schedules

The Minister may from time to time issue a Schedule of birds for the purposes of section 3 and a Schedule of birds and dates for the purposes of section 4.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
It = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 45 of the Revised Edition of the Laws of Solomon Islands.

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LIST OF LEGISLATION

Wild Birds Protection Act (Cap. 45)

Constituent legislation: 6 of 1914 (Commenced 25 April 1914)
7 of 1930
LN 46A of 1978

Repealed by Wildlife Protection and Management Act 1998 (No. 10 of 1998)

Assent date 1 May 1999
Gazetted 26 October 1999
Commenced 1 September 2003

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LIST OF AMENDMENTS