



Statutory Document No. 129/04

THE WILDLIFE ACT 1990 (VARIATION OF SCHEDULES) ORDER 2004

Laid before Tynwald 16th March 2004

Coming into operation 1st May 2004

In exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 23(1) and (3) and 25(1) of the Wildlife Act 1990¹, and of all other enabling powers, the following Order is hereby made:-

1. Citation and Commencement

(1) This Order may be cited as the Wildlife Act 1990 (Variation of Schedules) Order 2004 and shall come into operation on the 1st May 2004.

2. Variation of Schedules 1, 2 and 7 of the Wildlife Act 1990

In the Wildlife Act 1990 –

(a) for Schedules 1 and 2 there shall be substituted –

¹ 1990 c. 2

“Sections 1, 2, 4, 6 and 23

Schedule 1
Birds which are Protected by Special Penalties

PART I
AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Avocet	<i>Recurvirostra avosetta</i>
Bittern	<i>Botaurus stellaris</i>
Bullfinch	<i>Pyrrhula pyrrhula</i>
Bunting, Corn	<i>Miliaria calandra</i>
Bunting, Reed	<i>Emberiza schoeniclus</i>
Buzzard	<i>Buteo buteo</i>
Buzzard, Honey	<i>Pernis apivorus</i>
Buzzard, Rough-legged	<i>Buteo lagopus</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>
Corncrake	<i>Crex crex</i>
Crake, Spotted	<i>Porzana porzana</i>
Crane, Common	<i>Grus grus</i>
Crossbills (all species)	<i>Loxia</i>
Curlew	<i>Numenius arquata</i>
Dipper	<i>Cinclus cinclus</i>
Dove, Turtle	<i>Streptopelia turtur</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Egret, Little	<i>Egretta garzetta</i>
Falcons (all species)	Falconidae
Flycatcher, Spotted	<i>Muscicapa striata</i>
Gadwall	<i>Anas strepera</i>
Garganey	<i>Anas querquedula</i>
Geese (all species)	<i>Anser and Branta</i>
Goshawk	<i>Accipiter gentilis</i>
Grebe, Little	<i>Tachybaptus ruficollis</i>
Harriers (all species)	<i>Circus</i>
Heron, Purple	<i>Ardea purpurea</i>

Kingfisher	<i>Alcedo atthis</i>
Kite, Black	<i>Milvus migrans</i>
Kite, Red	<i>Milvus milvus</i>
Lapwing	<i>Vanellus vanellus</i>
Martin, Sand	<i>Riparia riparia</i>
Nightjar	<i>Caprimulgus europaeus</i>
Osprey	<i>Pandion haliaetus</i>
Ouzel, Ring	<i>Turdus torquatus</i>
Owl (all species)	Strigiformes
Petrel, Storm	<i>Hydrobates pelagicus</i>
Pintail	<i>Anas acuta</i>
Pipit, Tree	<i>Anthus trivialis</i>
Plover, Golden	<i>Pluvialis apricaria</i>
Plover, Little Ringed	<i>Charadrius dubius</i>
Plover, Ringed	<i>Charadrius hiaticula</i>
Quail, Common	<i>Coturnix coturnix</i>
Redstart, Black	<i>Phoenicurus ochruros</i>
Redstart, Common	<i>Phoenicurus phoenicurus</i>
Sandpiper, Common	<i>Actitis hypoleucos</i>
Scaup	<i>Aythya marila</i>
Shag	<i>Phalacrocorax aristotelis</i>
Shearwater, Manx	<i>Puffinus puffinus</i>
Shelduck	<i>Tadorna tadorna</i>
Shoveler	<i>Anas clypeata</i>
Skylark	<i>Alauda arvensis</i>
Snipe, Jack	<i>Lymnocyrtus minimus</i>
Sparrow, House	<i>Passer domesticus</i>
Sparrow, Tree	<i>Passer montanus</i>
Sparrowhawk	<i>Accipiter nisus</i>
Spoonbill	<i>Platalea eucorodia</i>
Starling	<i>Sturnus vulgaris</i>
Swan, Bewick's	<i>Cygnus bewickii</i>
Swan, Whooper	<i>Cygnus cygnus</i>
Swift	<i>Apus apus</i>
Tern (all species)	Sternidae

Thrush, Song	<i>Turdus philomelos</i>
Tit, Bearded	<i>Panurus biarmicus</i>
Twite	<i>Carduelis flavirostris</i>
Warbler, Grasshopper	<i>Locustella naevia</i>
Water Rail	<i>Rallus aquaticus</i>
Whinchat	<i>Saxicola rubetra</i>
Yellowhammer	<i>Emberiza citrinella</i>

PART II DURING THE CLOSE SEASON

	<i>Common name</i>	<i>Scientific name</i>
Teal		<i>Anas crecca</i>
Snipe		<i>Gallinago gallinago</i>
Woodcock		<i>Scolopax rusticola</i>

NOTE: The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

Schedule 2
Birds which may be Killed or Taken

PART I
OUTSIDE THE CLOSE SEASON

<i>Common name</i>	<i>Scientific name</i>
Mallard	<i>Anas platyrhynchos</i>
Snipe	<i>Gallinago gallinago</i>
Teal	<i>Anas crecca</i>
Wigeon	<i>Anas penelope</i>
Woodcock	<i>Scolopax rusticola</i>

PART II
BY AUTHORISED PERSONS AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
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(b) for Schedule 7 there shall be substituted –

Schedule 7
Plants which are protected

<i>Common name</i>	<i>Scientific name</i>
Agrimony	<i>Agrimonia eupatoria</i>
Alpine clubmoss	<i>Diphasiastrum alpinum</i>
Beech fern	<i>Phegopteris connectilis</i>
Blunt-leaved pondweed	<i>Potamogeton obtusifolius</i>
Brackish water crowfoot	<i>Ranunculus baudotii</i>
Burnet saxifrage	<i>Pimpinella saxifraga</i>
Carlina thistle	<i>Carlina vulgaris</i>
Celery-leaved buttercup	<i>Ranunculus sceleratus</i>
Common bladderwort	<i>Utricularia vulgaris</i>
Common cow-wheat	<i>Melampyrum pratense</i>
Common sea lavender	<i>Limonium vulgare</i>
Common wintergreen	<i>Pyrola minor</i>
Cranberry	<i>Vaccinium oxycoccus</i>
Dioecious sedge	<i>Carex dioica</i>
Dodder	<i>Cuscuta epithymum</i>
Dune fescue	<i>Vulpia fasciculata</i>
Eelgrass	<i>Zostera marina</i>
Fennel pondweed	<i>Potamogeton pectinatus</i>
Few-flowered spike rush	<i>Eleocharis quinqueflora</i>
Field gentian	<i>Gentianella campestris</i>
Floating burr-reed	<i>Sparganium natans</i>
Floating club-rush	<i>Eleogiton fluitans</i>
Grass-leaved orache	<i>Atriplex littoralis</i>
Greater broomrape	<i>Orobanche rapum-genistae</i>
Greater spearwort	<i>Ranunculus lingua</i>
Hare's-foot clover	<i>Trifolium arvense</i>
Hay-scented buckler-fern	<i>Dryopteris aemula</i>
Horned pondweed	<i>Zannichellia palustris</i>

Iceland cress	<i>Rorippa islandica</i>
Isle of Man cabbage	<i>Coincya monensis monensis</i>
Ivy-leaved bellflower	<i>Wahlenbergia hederacea</i>
Juniper	<i>Juniperus communis</i>
Killarney filmy fern	<i>Trichomanes speciosum</i>
Least willow	<i>Salix herbacea</i>
Lesser clubmoss	<i>Selaginella selaginoides</i>
Lesser tussock-sedge	<i>Carex diandra</i>
Lesser water-plantain	<i>Baldellia ranunculoides</i>
Maidenhair fern	<i>Adiantum capillus veneris</i>
Marsh hawk's-beard	<i>Crepis paludosa</i>
Marsh stitchwort	<i>Stellaria palustris</i>
Mountain pansy	<i>Viola lutea</i>
Narrow buckler-fern	<i>Dryopteris carthusiana</i>
Narrow-leaved water-plantain	<i>Alisma lanceolatum</i>
Nodding bur-marigold	<i>Bidens cernua</i>
Orchid (all species)	Orchidaceae
Oyster plant	<i>Mertensia maritima</i>
Pale butterwort	<i>Pinguicula lusitanica</i>
Pale sedge	<i>Carex pallescens</i>
Parsley fern	<i>Cryptogramma crispa</i>
Parsley water-dropwort	<i>Oenanthe lachenalii</i>
Pennyroyal	<i>Mentha pulegium</i>
Pillwort	<i>Pilularia globulifera</i>
Pink water speedwell	<i>Veronica catenata</i>
Portland spurge	<i>Euphorbia portlandica</i>
Rock sea lavenders	<i>Limonium binervosum</i> agg.
Saltmarsh flat-sedge	<i>Blysmus rufus</i>
Sea-purslane	<i>Atriplex portulacoides</i>
Sea wormwood	<i>Seriphidium maritimum</i>
Shepherd's cress	<i>Teesdalia nudicaulis</i>
Slender spike-rush	<i>Eleocharis uniglumis</i>
Smooth cat's-ear	<i>Hypochaeris glabra</i>

Spring sandwort	<i>Minuartia verna</i>
Stagshorn club moss	<i>Lycopodium clavatum</i>
Strawberry clover	<i>Trifolium fragiferum</i>
Tubular water-dropwort	<i>Oenanthe fistulosa</i>
Viper's bugloss	<i>Echium vulgare</i>
Western clover	<i>Trifolium occidentale</i>
White sedge	<i>Carex curta</i>
Wilson's filmy fern	<i>Hymenophyllum wilsonii</i>
Wood fescue	<i>Festuca altissima</i>
Wood melick	<i>Melica uniflora</i>
Wood small-reed	<i>Calamagrostis epigejos</i>
Wood speedwell	<i>Veronica montana</i>
Wood vetch	<i>Vicia sylvatica</i>
Yellow waterlily	<i>Nuphar lutea</i>

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MADE 17th February 2004

Minister for Agriculture, Fisheries and Forestry

EXPLANATORY NOTE

(This note is not part of the Scheme)

The Order varies Schedules 1, 2 and 7 to the Wildlife Act 1990 by substituting the lists contained in the Order for the existing Schedules 1, 2 and 7.

The names of eight species of birds have been deleted from Part II of Schedule 1. The eight species are birds which may become an agricultural pest. They could formerly be killed or taken by authorised persons at all times. However, they are now generally protected in the same way as other wild birds.

Section 16 of the Wildlife Act 1990 makes provision for permitting the killing or taking of wild birds for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or fisheries, and for other purposes, if it is done under and in accordance with the terms of a licence granted by the Department.