

# Legal Considerations

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Here we provide an overview of the laws that regulate research and conservation of raptors, primarily the laws of the United States, Canada, and Europe (with an emphasis on Great Britain). Space limitations prevent us from detailing existing laws, which change frequently. We encourage researchers and managers to use the Internet and to consult with applicable government authorities to obtain detailed, current information on a case-by-case basis to ensure compliance with all applicable laws and regulations well in advance of initiating the work that may require permits or government authorizations. The list of issues described below provides a guide to researchers and managers in other countries, in their search for applicable laws and regulations.

## INTRODUCTION

Laws and regulations have played a major positive role in raptor conservation globally. Raptors are high-profile wildlife, and their position in society both as animals to be revered and, in some cases, despised, has led to conservation and to persecution and over-exploitation at various times and places throughout history. To protect raptors, many nations, states, and local governments have created laws that regulate capture or killing of birds of prey, ensure their proper care in captivity, and protect wild raptors and habitats, especially for species at risk. Although these laws have been successful at furthering the conservation of raptors, they can be challenging if researchers and conservationists are not familiar with them, or worse, choose to ignore them.

## INTERNATIONAL PERSPECTIVE

Many national conservation laws are based on international or regional obligations (e.g., international treaties). Because of this, the fundamental components of many wildlife laws are similar among countries. The prime example is the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed in 1973 in Washington, D.C., U.S.A., and implemented by 169 countries as of July 2006. CITES provides a uniform system of control on the international movement of CITES-listed species, including raptors (see [www.cites.org](http://www.cites.org)). Most countries have national laws that enact CITES-compliant movements of wildlife, including parts (e.g., tissues, feathers). Some species of raptors are listed in Appendix I as

endangered species; other Falconiformes and Strigiformes (except Cathartidae) are included under Appendix II or III as look-a-like or potentially at-risk species. Thus, the international movement of raptors usually requires CITES compliance. Under CITES, two permits are required to move a raptor listed in Appendix I: an import permit from the destination country and an export permit from the country of origin. The import permit is required before the export permit will be issued. For Appendix II and III species, only an export permit is required, unless a national law states that an import permit is required in the country of destination.

Other international conventions, such as the Convention on Wetlands (Ramsar) and Convention on Biological Diversity, also have an impact on raptors, particularly in conservation and research. The Convention on the Conservation of Migratory Species of Wild Animals lists certain species of birds of prey in its Appendices as being in need of conservation (see [www.biodiv.org/cooperation/joint.shtml](http://www.biodiv.org/cooperation/joint.shtml).)

## NATIONAL AND REGIONAL LAWS

Most countries have some regulations regarding raptors, though the extent and complexity of laws varies greatly. The variation in laws among countries is related to the stage of development, priorities, cultural attitudes, history and, in some cases, religion. Wildlife laws are designed primarily to protect free-living animals, but often they affect those in captivity and the process of taking or releasing them. Such laws frequently provide protection for specific species, for example, by prohibiting the killing, taking and injuring of an animal and extending protection to eggs, nests and young. In addition, many forms of exploitation are restricted. In many countries, hunting is regulated or prohibited, and where allowed, methods, seasons, and times of day when animals may be taken or controlled are specified.

This section of the chapter provides an overview of the most relevant areas of law in the U.S., Canada, and Great Britain. We provide Internet links to the most recent versions of the pertinent regulations, as well as to agency web sites with additional information (web site addresses were current as of 4 January 2007). Those working elsewhere can expect to find similar laws in many cases, and should consult with the wildlife management authority in the country of interest to ensure that necessary authorizations are obtained.

## RAPTOR LAWS IN THE UNITED STATES

Raptor conservation in the U.S. has its foundation in law. Many important conservation advances have resulted from legislation; for example, the cessation of the slaughter of migrant hawks, elimination of bounties to encourage lethal control, suspension of general use of DDT, and provision of funding for research and management of threatened and endangered raptors. Prior to 1900, the federal government's only involvement with birds of prey was through predator control. Between 1900 and 1950, conservation organizations, backed by scientific information showing the beneficial nature of raptors, succeeded in obtaining protection for some birds of prey in 42 states (Millsap 1987). It was not until 1972, however, that most raptors received full protection at the federal level.

The objectives of this section are to (1) briefly review some of the U.S. laws that provide protection to raptors that raptor researchers and managers need to be aware of, and (2) describe permit requirements and procedures for raptor research and management activities. Implementing regulations discussed in this chapter are contained in the Code of Federal Regulations Title 50 (50 C.F.R.), Migratory Bird Treaty Act (Parts 10 and 21), Bald and Golden Eagle Protection Act (Part 22), and Endangered Species Act (Parts 17 and 23). Because implementing regulations and permitting procedures are subject to frequent changes, we provide links to World Wide Web pages that are maintained by agencies responsible for implementing the regulations and permits. We suggest that researchers check these sites for the most current information. Detailed information on migratory bird and eagle permits can be found on the Internet at [www.fws.gov/permits/mbpermits/birdbasics.html](http://www.fws.gov/permits/mbpermits/birdbasics.html), and for endangered species at [www.fws.gov/endangered/permits/index.html](http://www.fws.gov/endangered/permits/index.html).

### Migratory Bird Treaty Act

Federal protection for migratory birds in the U.S. began when Congress enacted the Migratory Bird Act (MBA; 37 Stat. 878, ch. 45) in 1913. This act placed all migratory game and insectivorous birds under the protection of the U.S. government, and prohibited hunting of such species except pursuant to federal regulations (Bean 1983). The MBA was challenged successfully in federal court on the grounds that the property clause of the constitution granted states primary management authority over all wildlife (Bean 1983). In response, the State

Department concluded a treaty with Great Britain that protected birds migrating between the U.S. and Canada. That treaty was signed in March 1916, and implemented by the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–711) in 1918. The Supreme Court upheld the constitutionality of the MBTA in 1920, and subsequently migratory bird treaties were enacted with Mexico, Japan and Russia. The original treaties provided no protection to birds of prey, but raptors were added in a 1972 amendment of the treaty with Mexico (Bond 1974). Currently, the MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). The list of migratory birds covered by the MBTA includes all Falconiformes and Strigiformes that occur, other than accidentally, within the U.S.; the full list of species can be found at 50 C.F.R. 10.13 (<http://migratorybirds.fws.gov/intrnltr/mbta/mbtintro.html>). Implementing regulations provide for the issuance of permits that allow, among other things, banding and marking, scientific collecting, falconry, captive propagation, and control of depredating raptors (50 C.F.R. 21).

### Bald and Golden Eagle Protection Act

In response to public concern over the plight of the Bald Eagle (*Haliaeetus leucocephalus*), Congress enacted protective legislation in 1940 to reduce human-caused mortality. As originally written, the Bald Eagle Protection Act (BEPA; 16 V.S.C. 668–688d) prohibited the taking or possession of Bald Eagles, their eggs, and their nests without a permit. The act included several prohibitions not found in the MBTA, the most important relating to molestation or disturbance. The BEPA has since been amended several times, most importantly in 1962 (P.L. 87–844), when the Act's protective provisions were extended to include the Golden Eagle (*Aquila chrysaetos*). Currently, the BGEPA makes it illegal to import, export, take, sell, purchase, or barter any Bald Eagle or Golden Eagle, including feathers or other parts, nests, eggs, or products, except as allowed by permit for scientific research, religious use, animal damage control, and falconry. Permits also may be issued for the taking of inactive Golden Eagle nests during the course of a resource recovery operation (50 C.F.R. 22).

### Endangered Species Act

The Endangered Species Preservation Act (ESPA; P.L. 89–669) was passed by Congress in 1966. The ESPA directed the Secretary of the Interior to carry out a program to conserve, protect, restore, and propagate declining species of fish and wildlife. The scope of the ESPA was broadened in 1969 with passage of the Endangered Species Conservation Act (ESCA; P.L. 91–135), which expanded the land acquisition authority granted by the ESPA, directed the Secretary of the Interior to promulgate a list of wildlife species threatened with worldwide extinction, and prohibited importation of these species into the U.S. The ESCA also directed the Secretaries of State and Interior to convene an international ministerial meeting concerning the conservation of endangered species (Bean 1983). The international meeting was held on 3 March 1973, and led to the creation of CITES, as described previously.

The ESCA failed to provide the kinds of management tools necessary to conserve the majority of native endangered species. In particular, the ESCA contained no prohibitions on the taking of endangered species (this was left up to the states), and it did not adequately protect endangered wildlife from ongoing and proposed federal activities. To rectify this, Congress enacted the Endangered Species Act (ESA; 16 V.S.C. 1513–1543) in 1973. The ESA not only implements CITES, but it (1) defines species to include subspecies, as well as “distinct” populations; (2) formalizes the process for listing species as endangered or threatened (Section 4); (3) directs the Secretaries of the Interior and Agriculture to establish and implement a land conservation program for listed species (Section 5); (4) directs the Secretary of the Interior to cooperate with states by entering into management agreements and cooperative agreements with state agencies for the conservation of listed species, and authorizes the Secretary to provide financial assistance to states to carry out such agreements (Section 6); (5) directs all federal agencies to ensure that their actions and activities will not jeopardize the continued existence of any listed species, and formalizes a consultation process for making determinations of likely impacts (Section 7); (6) prohibits the import, export, taking, possession, transport, sale, and trade of any listed species (Section 9); (7) formalizes an exemption process, including provisions for permits that authorize activities prohibited under Section 9 (Section 10); and (8) prescribes civil and criminal penalties for violations of the Act (Section 11) (U.S. Congress 1983). The list of species protected

under ESA can be found at 50 C.F.R. 17.11 and 17.12 ([www.fws.gov/endangered/wildlife.html](http://www.fws.gov/endangered/wildlife.html)).

### When Are U.S. Federal Permits Required?

Biologists and managers working with birds of prey protected under MBTA, BGEPA, or ESA (including CITES, if export and import are involved) must obtain federal permits if their activities violate provisions of the laws. “Hands-on” research (e.g., banding and marking, scientific collecting) clearly requires federal permits, but more subtle activities also may violate these federal laws (e.g., entering occupied nests of endangered species to retrieve prey remains). Conflicts between the activities of biologists and the law generally involve the prohibitions included under the term “take” in each of these laws. Because of the importance of understanding the scope of the take prohibition, its definition in each pertinent statute is given below:

■ MBTA. — “Take means to pursue, hunt, shoot, wound, kill, trap, capture, or collect” (50 C.F.R. 10.12).

■ BGEPA. — “Take includes . . . pursue, trap, collect, molest or disturb” (U.S.C. 668c).

■ ESA. — “The term ‘take’ means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (U.S. Congress 1983:4). “Harass... means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding, or sheltering” (50 C.F.R. 17.3).

Many research and management techniques can result in violations of these prohibitions, especially as defined in the BGEPA and ESA where disturbance and harassment are prohibited acts. Biologists planning to work with species protected by these statutes should anticipate needing federal and state permits. When working with other species or when uncertain whether taking will occur, contact the state wildlife agency and the U.S. Fish and Wildlife Service’s (FWS) Migratory Bird Management regional migratory bird permit offices (for MBTA and BGEPA species; contact information can be found at [www.fws.gov/permits/mbpermits/addresses.html](http://www.fws.gov/permits/mbpermits/addresses.html)) or regional endangered species permit offices (for ESA protected species; contact infor-

mation is at [www.fws.gov/endangered/permits/permitscontacts.html](http://www.fws.gov/endangered/permits/permitscontacts.html)).

### Types of Federal Permits and Application Procedures

Raptor-research and management activities typically involve five types of federal permits — banding or marking, scientific collecting, raptor propagation, endangered or threatened species, or import/export. These five main permit types are discussed below.

**Banding or marking permit.** A banding or marking permit is required before any person may capture any bird species protected by the MBTA for banding, marking, or radio- or satellite-tagging purposes. The U.S. Geological Survey Bird Banding Laboratory (BBL) issues banding permits. Contact information and permitting requirements can be found at [www.pwrc.usgs.gov/BBL/default.htm](http://www.pwrc.usgs.gov/BBL/default.htm). The BBL also maintains and manages all banding data and researchers wishing to access banding and recovery data for analysis should address their request to the BBL.

**Scientific-collecting permit.** A scientific-collecting permit is required to take or possess a protected bird, bird egg, bird part, or to possess a protected bird nest for scientific purposes. Permit-application procedures and requirements are given at [www.fws.gov/forms/3-200-7.pdf](http://www.fws.gov/forms/3-200-7.pdf) for birds protected under MBTA, at [www.fws.gov/forms/3-200-14b.pdf](http://www.fws.gov/forms/3-200-14b.pdf) for species protected under the BGEPA, and [www.fws.gov/endangered/permits/index.html](http://www.fws.gov/endangered/permits/index.html) for threatened and endangered raptor permits. One will soon be able to apply on-line for federal permits for scientific collecting. State permits also generally are required, and you should contact the state wildlife management agency in the state where work will occur to determine state permitting requirements and procedures.

**Raptor-propagation permit.** A raptor-propagation permit is required before any person may take, possess, transport, sell, purchase, barter, or transfer any raptor, raptor egg, or raptor semen for propagation purposes. The raptor-propagation permit was developed, in part, to encourage the captive production of raptors for conservation purposes. Raptor-propagation permits also can authorize the taking of non-threatened and non-endangered raptors and raptor eggs from the wild for propagation purposes, providing the state in which the activity is to occur also gives written authorization. Federally endangered and threatened species may be taken for propagation purposes under special circum-

stances, but such activities require both propagation and endangered species permits (discussed later). Additional details on this permit and application procedures can be found at [www.fws.gov/forms/3-200-12.pdf](http://www.fws.gov/forms/3-200-12.pdf).

**Endangered and threatened species permits.** An endangered and threatened species permit may be issued by the director of the FWS for scientific research or for enhancing the propagation or survival of an endangered or threatened species. FWS regional offices typically issue these permits. General permit application instructions and application forms are available at [www.fws.gov/endangered/permits/index.html](http://www.fws.gov/endangered/permits/index.html).

**Import and export permits.** The FWS's Division of Management Authority issues import and export permits under CITES, except that import/export permits involving Bald Eagles and Golden Eagles are processed by migratory-bird permit offices. Application instructions, and links to other important CITES permit information sites are at [www.fws.gov/permits/](http://www.fws.gov/permits/); for eagles, go to [www.fws.gov/forms/3-200-69.pdf](http://www.fws.gov/forms/3-200-69.pdf).

There are several other types of permits available that authorize falconry, take of depredating migratory birds, and various forms of exhibition and education. Information and application instructions for these permits can be found at [www.fws.gov/permits/mbpermits/birdbasics.html](http://www.fws.gov/permits/mbpermits/birdbasics.html). In addition, many institutions now require researchers to develop animal-care protocols consistent with requirements of the Animal Welfare Act ([www.aphis.usda.gov/ac/info.html](http://www.aphis.usda.gov/ac/info.html)). Typically, Animal Use and Care Committees at each institution oversee application of the requirements of this Act, under broad oversight of the U.S. Department of Agriculture.

The MBTA notes that states may enact and enforce laws or regulations that provide additional protection to migratory birds, including raptors. Additionally, many states list species as endangered or threatened that are not listed federally; often, these listings carry with them additional state permitting requirements. Because state laws and regulations vary, it is not possible to discuss all such laws and requirements here. However, researchers or managers planning to work with raptors should contact the pertinent state wildlife agency during the planning phase of their project to determine whether additional permits are required.

### Timing of Permit Requests

The U.S. Fish and Wildlife Service and many state agencies require up to 3 months to process and issue permits, and especially complicated permits (or permits

with incomplete applications) can take longer. Researchers and managers should apply for permits as early as possible to ensure that they are in hand before work needs to start. The U.S. Fish and Wildlife Service soon will have the capability to receive applications for scientific collecting on-line, an improvement that should reduce processing time.

## RAPTOR LAWS IN CANADA

In Canada, raptors are not protected by any overarching federal legislation, as they are in the U.S. Rather, basic legal protection from disturbance and harassment is provided by provincial and territorial legislation. Raptors were not included in the Migratory Bird Convention with the U.S. in 1916, the enabling Canadian legislation in 1918, nor in any subsequent amendments to that Act. Consequently, each provincial and territorial government issues permits related to raptors. In 2003, the federal government did enact the Species at Risk Act (SARA), which protects all nationally listed raptors and requires permits for all research and conservation activities. In addition, international and inter-provincial movement of raptors is controlled under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPRITTA). All projects that disturb or handle raptors are subject to approval by Canadian Council on Animal Care Committee. In addition, any project on crown land, federal, provincial or territorial must have the approval of the appropriate government authority. Consequently, any raptor researcher or manager must have several permits from different levels of government before any project can commence.

### Migratory Bird Convention (MBC) Act

This act between Canada and the U.S., signed on 16 August 1916 and amended most recently on 14 December 1995, does not include raptors. Thus, the only part of the Canadian MBC Act (1917) that is relevant to raptors deals with banding permits. Raptor banders require a federal banding permit under this act to acquire and apply bands.

### Species At Risk Act (SARA)

Regulations under this recent act are still evolving, but at the time of writing, its impact on raptor research and

conservation is apparent. A few raptors are listed as endangered and threatened by the Act in Schedule 1 ([www.dfo-mpo.gc.ca/species-especes/species/species\\_e.asp](http://www.dfo-mpo.gc.ca/species-especes/species/species_e.asp)). The Act protects these listed raptors on federal lands and requires permits to be issued for any action that involves disturbance, including banding of the listed species, but only on federal lands. In National Parks the permits are issued by Parks Canada Agency. For all other federal lands, Environment Canada issues the permits under SARA. The Act does not apply to raptor research or conservation off federal lands, where provincial and territorial permits are required, nor does it apply to non-listed species of raptors on federal lands.

### Canada Wildlife Act (CWA)

This act does not specifically mention raptors; however it does provide regulations for activities on National Wildlife Refuges and Migratory Bird Sanctuaries (<http://laws.justice.gc.ca/en/w-9/265232.html>). Thus, any raptor-related activities on these two types of protected areas require permits under the CWA.

The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPRIITA) implements CITES in Canada and controls the inter-provincial and inter-territorial movement of raptors (<http://laws.justice.gc.ca/en/w-8.5/265187.html>). It came into force on 14 May 1996, when the Wild Animal and Plant Trade Regulations were announced. Any raptors or raptor parts that cross the international border require a CITES import/export permit (<http://laws.justice.gc.ca/en/W-8.5/SOR-96-263/index.html>). In addition, raptors and raptor parts that cross provincial borders require provincial or territorial permits usually for import and export. This second requirement needs special attention since most researchers would not realize that the inter-provincial transport of raptor parts require permits. Falconers are very aware of this somewhat onerous requirement to get import and export permits from all provinces if they want to move a falcon from their home province, even for a short visit.

### Canadian Council on Animal Care (CCAC)

The Canadian Council on Animal Care, a national, peer-review organization founded in Ottawa in 1968, reviews all projects that use animals ([www.ccac.ca/](http://www.ccac.ca/)). Its mandate is straightforward and concise. To wit, *“to work for the improvement of animal care and use on a Canada-wide basis.”* The mandate of the CCAC derives from

several federal and provincial laws. Basically any project approved by a local Animal Care Committee (ACC) has shown due diligence in respect to these laws. The Criminal Code of Canada, Section 446, Cruelty to Animals, forbids *“causing unnecessary suffering.”* The century-old (1892) Code states that: *“Everyone commits an offence who willfully causes or, being the owner, willfully permits to be caused unnecessary pain, suffering or injury to an animal or bird . . .”* The Federal Health of Animals Act, C-66 (June, 1990, rev. March, 1992); 38–39 Elizabeth II, Chapter 21 is aimed at protecting Canadian livestock from contagious diseases, and keeping out foreign diseases. The Act states that *“the Governor in Council may make regulations for the purpose of protecting human and animal health . . . including regulations . . . governing the manner in which animals are transported within, into or out of Canada.”* Some provincial acts also require ACC compliance. For example, in Saskatchewan, under the Veterinarians Act of 1987 (Chapter V-5.1) a person using an animal in research and employing procedures in studies approved by an Animal Care Committee (ACC) which includes a veterinarian, is exempt from the Act’s provision that only a member of the Saskatchewan Veterinary Medical Association *“shall engage . . . in the practice of veterinary medicine.”* The use of animals in a research facility in Ontario is governed by its Animals for Research Act (Revised Statutes of Ontario, 1980, Chapter 22 as amended by 1989, Chapter 72, s6 and Regulations 16,17,18,19. Revised Regulations of Ontario, 1980, March 1990), which is administered by the Ontario Ministry of Agriculture and Food, and requires annual registration of all research facilities in the province. It includes clauses requiring local ACCs, composed of a veterinarian and animal care authority, to assess and modify research projects in accordance with minimum standards for housing, procedures and care, and to inspect research premises. In addition, bird banding permits and provincial research permits require a project to be approved by an ACC.

### Provincial and Territorial Legislation

Since raptors are not included in the Migratory Bird Convention Act, raptor management is vested in provincial and territorial governments. All provinces and territories have wildlife legislation that affects raptor researchers. A researcher should check with the provincial or territorial wildlife act where the study is planned for specific permits and application procedures. Activi-

ties that are regulated under provincial laws include research, collections, salvage of found-dead raptors, trapping, banding, telemetry, falconry, transportation of raptors within the province, import and export of raptors across provincial boundaries, and control of raptors that are damaging property or livestock.

## Permit Requirements for Research and Management Activities in Canada

### *Federal and Provincial or Territorial banding permits.*

A federal bird banding permit is required to acquire and use bird bands that are issued by the Canadian Bird Banding office ([www.cws-scf.ec.gc.ca/nwrc-cnrf/default.asp?lang=en&n=208B0F0B](http://www.cws-scf.ec.gc.ca/nwrc-cnrf/default.asp?lang=en&n=208B0F0B)). However, to trap raptors a provincial permit also is required. Thus, a raptor bander must acquire a federal permit and a provincial or territorial permit for each jurisdiction where the research occurs. In addition, a requirement of these permits is that the trapping and banding activities must be reviewed and approved by a local Animal Care Committee. In some provinces the ACC proposal is built into the application form but can be left blank if the researcher attaches the approval of another ACC review (e.g., a university ACC).

### *Scientific-collection permits and research permits.*

Collecting and research permits for raptors are issued by provincial wildlife agencies. Each province has its own application process, and the researcher is encouraged to check with the provincial wildlife agency where the work will occur. Both trapping and banding are usually covered in these research permits.

**Transportation of raptors.** Some provinces require import and export permits for wildlife and wildlife parts moving across their provincial border, as well as a veterinarian inspection for live birds. Other provinces do not require permits. A researcher should determine the specific requirements of the provinces where the research occurs and the final destination of the specimens. In most cases, the permit requires a visit and inspection of specimens by a wildlife officer. Some provinces charge a fee for these permits. Some provinces also require that the collection permit be with the specimens while they are in transit within the province (each field staff should have a copy of the permit in their possession while they are collecting and moving specimens). If the specimens are transported across international borders, then CITES permits are required since most if not all Canadian raptors are listed in the appendices of CITES, whether at-risk or as look-alikes. Provincial permits may be required in

addition to CITES permits. International transport with a CITES permit must be made at designated ports with inspection facilities.

**Raptor propagation.** Provincial permits are required for the possession and propagation of raptors, and to sell or barter raptors or raptor parts. If the transfer of raptors is international, then the facility needs to be registered by the CITES authority and restrictions apply to the movement of live raptors (e.g., they must be seamless-banded and be F2 or higher progeny).

**Falconry.** The sport of falconry is regulated by provincial permits, whereas hunting game birds with raptors requires the same federal and provincial hunting permits as does gun hunting. A provincial permit is required to acquire and possess a raptor and some provinces issue permits allowing limited wild harvest of certain species. Anyone interested in taking up falconry should contact his or her local Canadian Wildlife Service office to determine what is required. In Alberta, falconers must belong to the provincial falconry association as well. Recreational falconry is not allowed in all Canadian jurisdictions and the rules vary considerably from one province to the next.

## RAPTOR LAWS IN EUROPE, WITH A FOCUS ON GREAT BRITAIN

Regional legislation has a major unifying influence on national legislation in the European Union (EU). The 25 Member States apply European Community (EC) directives and regulations (issued in 11 languages) on a wide range of matters that affect raptor management, such as conservation, animal health, health and safety at work, medicinal products and the veterinary profession. Directives (e.g., those on wild birds and on habitat protection) require implementation by national laws. Each Member State will, in its own way, provide legislation or administrative measures that will meet the requirements of the directive, such as which animals or plants are protected and the extent of protection provided. On the other hand, regulations take direct effect without further legislation on the part of the Member States, although the provision of enforcement (powers, offenses, and penalties) is a matter for national law. A prime example is the CITES regulations that provide uniform provisions in the EU for the importation and exportation of endangered species.

As a matter of terminology, many regulations and directives include "EC" or "EEC" in the title and are

referred to as “EC legislation” because they are issued by the EC, which is the sector of the European Union that has legislative powers.

The fields of EC law that affect raptors are:

- **CITES and trade:** The EC CITES Regulations and Directives can be found at [http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm). A portal to the EU countries’ CITES legislation is at [www.eu-wildlifetrade.org/pdf/en/2\\_national\\_legislation\\_en.pdf](http://www.eu-wildlifetrade.org/pdf/en/2_national_legislation_en.pdf).
- **Wildlife conservation:** The Birds Directive and the Habitat Directives set out provisions for species and habitat protection ([http://ec.europa.eu/environment/nature/biodiversity/current\\_biodiversity\\_policy/eu\\_biodiversity\\_legislation/habitats\\_birds\\_directives/index\\_en.htm](http://ec.europa.eu/environment/nature/biodiversity/current_biodiversity_policy/eu_biodiversity_legislation/habitats_birds_directives/index_en.htm)).
- **Other directives deal with welfare in transport, scientific research, animal health, the veterinary profession, medicines and health and safety at work.** EC legislation is available on EUR-lex: <http://eur-lex.europa.eu/en/index.htm>.

The Council of Europe (COE) is an entirely separate entity from the EU, having social and cultural aims and comprising 45 Member States in a much wider area of Europe than the EU. It also has produced conventions in fields relevant to raptors such as wildlife conservation, animal research, and welfare in transport of animals. States (including the EU) that ratify the Conventions incorporate the provisions in their national laws (see [www.coe.int/DEFAULTEN.asp](http://www.coe.int/DEFAULTEN.asp) and <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=104&CM=8&DF=21/09/2005&CL=ENG>).

As a rule, with the exception of CITES in the EU, the laws that affect a person working in raptor management in Europe will be the national law of the country where the work takes place. Although EU countries generally conform to the requirements of relevant directives, they will have separate legislation in national language(s). Most European countries should have legislation that implements the provisions of the EC legislation, the COE Conventions, or both.

Detailed regulation and attitudes vary from country to country. For example, Germany has extensive regulations on wildlife research and rehabilitation whereas British law allows any person to take even protected species of injured wildlife to tend and care for it until it is ready for release, although in some cases with raptors

it may be necessary to have the bird ringed and registered. Likewise, falconry is prohibited in some countries (e.g., Norway), but is hardly regulated at all in others (e.g., Britain, where it is only necessary to comply with more general rules that control the keeping of certain birds of prey, the taking of quarry species, recovery of lost or hacked birds, and general animal welfare and veterinary laws). Many countries have official government websites that may have information on legislation. A useful portal for EU Member States is [http://europa.eu.int/abouteuropa/index\\_en.htm](http://europa.eu.int/abouteuropa/index_en.htm). Below we provide more detailed information on laws in Great Britain (i.e., England, Wales and Scotland). The United Kingdom comprises Great Britain and Northern Ireland.

Activities that involve the management of raptors in captivity include falconry, rehabilitation, raptor-keeping, captive-breeding, and research. In British legislation, only the last is subject to its own specific statute, whereas all are affected by a variety of laws (Cooper [ME] 2002, Cooper 2003a,b). The latter has separate but similar laws relating to raptors as does Britain, but they are not discussed here. In this section the terms “bird of prey” and “raptor” are used interchangeably to cover both falconiform and strigiform species. “Free-living” indicates birds that are not in captivity (i.e., living in the wild), but the term “wild bird” is used for species that are found in the wild, despite the fact that individual birds may be kept in captivity (after Cooper [JE] 2002). A veterinarian is referred to in British veterinary legislation (and in that of countries that follow this model) as a “veterinary surgeon.”

It should be noted, in respect of British legislation, that since Devolution in 1999 and the transfer of some law-making powers to the Scottish Parliament and the Welsh Assembly, English, Welsh, and Scottish legislation are tending to diverge. Legislation since 1988 is available on the Internet at [www.opsi.gov.uk/legislation/about\\_legislation.htm](http://www.opsi.gov.uk/legislation/about_legislation.htm) [http://www.opsi.gov.uk/legislation/about\\_legislation.htm](http://www.opsi.gov.uk/legislation/about_legislation.htm). Welsh legislation is provided on: [www.wales-legislation.org.uk/scripts/home.php?lang=E](http://www.wales-legislation.org.uk/scripts/home.php?lang=E). Most of the national law discussed is based on EC or COE legislation.

## Wildlife Legislation

The Wildlife and Countryside Act 1981 (as substantially amended) (WCA) is the primary law relating to wildlife ([www.jncc.gov.uk/page-1377](http://www.jncc.gov.uk/page-1377), [www.jncc.gov.uk/page-3614](http://www.jncc.gov.uk/page-3614), and [www.rspb.org/policy/wildbirdslaw/birdsandlaw/wca/index.asp](http://www.rspb.org/policy/wildbirdslaw/birdsandlaw/wca/index.asp)). In Scotland the Nature



Conservation Act (Scotland) 2004 also applies ([www.opsi.gov.uk/legislation/scotland/acts2004/20040006.htm](http://www.opsi.gov.uk/legislation/scotland/acts2004/20040006.htm)). The government body primarily responsible for the WCA and other wildlife matters in England is the Department for Environment Farming and Rural Affairs (DEFRA).

The WCA provides legal protection for all birds (including raptors) that comprise a species that is resident in, or is a visitor to, the European territory of any EU member country in a wild state. It also affects the acquisition, disposition, and keeping of captive specimens of these species. The WCA makes it an offense to:

- Take, kill or injure any wild raptor,
- Take, damage or destroy a raptor's nest while it is being built or while it is in use,
- Disturb a Schedule 1 raptor when building its nest or when it is near a nest containing eggs or young,
- Disturb dependent young of a Schedule 1 raptor,
- Take or destroy a raptor egg,
- Possess a live or dead raptor or egg (including a part or derivative) unless it can be proved (by the possessor) to have been taken, killed or sold legally,
- Sell (other related activities such as advertise or transport for sale or barter) a live wild raptor,
- Use a wide range of methods to take or kill raptors,
- Keep any bird in a cage that does not allow it to spread its wings fully. This does not apply during transportation or when the bird is undergoing examination or treatment by a veterinary surgeon, or
- Release, intentionally, any non-indigenous (alien) raptor.

Additional protection and provisions in the WCA include:

- Offenses involving species listed on Schedule 1 receive higher penalties than those involving other species (around 12 of the rarer British raptors are listed under Schedule 1).
- Species listed on Schedule 4 originating from any source and kept in captivity for whatever purpose must be registered with DEFRA and ringed. These include a number of British raptors and some rare non-British species. However,

the provision does not apply to the most common species (i.e., the Common Buzzard (*Buteo buteo*), Common Kestrel (*Falco tinnunculus*), Eurasian Sparrowhawk (*Accipiter nisus*), and owls. Although this requirement arises as soon as the raptor is taken into possession, there is an exception that allows a veterinary surgeon to keep a sick or injured Schedule 4 bird for treatment for up to 6 weeks. For details of the current species affected and the registration and ringing requirements see [www.defra.gov.uk/wildlife-countryside/gwd/birdreg/index.htm](http://www.defra.gov.uk/wildlife-countryside/gwd/birdreg/index.htm).

■ Schedule 4 and Article 10 (see CITES below) are monitored by Wildlife Inspectors, appointed by DEFRA.

■ There is a range of exceptions from the basic provisions of the WCA outlined above whereby a license can be issued to authorize the taking of birds for scientific, educational, ringing (banding)/marking, re-introduction, falconry, or taxidermy purposes ([www.defra.gov.uk/corporate/regulat/forms/cons\\_man/index.htm](http://www.defra.gov.uk/corporate/regulat/forms/cons_man/index.htm)).

■ Other exceptions relate to public health and safety, disease control, pest control, and the protection of agriculture. In most cases, a license is required to authorize such activities ([www.defra.gov.uk/wildlife-countryside/vertebrates/default.htm](http://www.defra.gov.uk/wildlife-countryside/vertebrates/default.htm)).

**Other legal factors affecting free-living raptors.** If access is required to free-living raptors, it is likely that permission will be required to enter land, especially when it is a protected area (permit), a restricted (e.g., military) area (permit), or private land (owner's or occupier's permission).

## Trade in Raptors

Under the WCA, within Britain the sale (and the allied activities of barter, advertising) of protected raptors is illegal. Exceptions are made for captive-bred raptors (provided that both parents can be shown to have been held legally in captivity when the egg was laid) and captive-breeding authorized by general or individual licenses.

The general provisions under EU CITES law can be found at: [www.eu-wildlifetrade.org/html/en/wildlife\\_trade.asp](http://www.eu-wildlifetrade.org/html/en/wildlife_trade.asp), [www.ukcites.gov.uk/intro/leg\\_frame.htm#The%20Commission](http://www.ukcites.gov.uk/intro/leg_frame.htm#The%20Commission), [www.cites.org/](http://www.cites.org/), [www.eu-wildlife](http://www.eu-wildlife)

trade.org/pdf/en/6\_marking\_en.pdf, and [www.ukcites.gov.uk/pdf\\_files/GN1%20General%20guidance%20notes%20March06.pdf](http://www.ukcites.gov.uk/pdf_files/GN1%20General%20guidance%20notes%20March06.pdf).

The EC Regulations automatically form part of the law of EU countries. They are listed at [http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm) and [www.eu-wildlifetrade.org/pdf/en/1\\_international\\_legislation\\_en.pdf](http://www.eu-wildlifetrade.org/pdf/en/1_international_legislation_en.pdf). DEFRA is responsible for issuing permits, certificates and other authorization. It also is the CITES Management Authority in Great Britain. The main UK CITES website is at [www.ukcites.gov.uk/intro/leg\\_frame.htm](http://www.ukcites.gov.uk/intro/leg_frame.htm).

EU CITES provisions on external trade are as described for the U.S. and Canada. However, there also are additional requirements, and the EU status of many species has been upgraded from that of their Convention Appendices ([http://ec.europa.eu/environment/cites/pdf/diff\\_between\\_eu-cites.pdf](http://ec.europa.eu/environment/cites/pdf/diff_between_eu-cites.pdf)). There are four Annexes on which the CITES species are listed. All raptor species are listed on Annex A. This gives all falconiforms and strigiforms a status equivalent to that under Appendix I of CITES within the EU territory. The movement of parts and derivatives of CITES species in or out of the EU also is controlled. Thus, a permit is required to import or export diagnostic and other biological specimens, including tissues and feathers.

There is free movement of legally acquired CITES species within the countries of the EU. Proof that the birds were obtained legally, either within the EU or from outside (e.g., evidence of legal importation, taken from the wild under license, taken in Britain as a sick or injured specimen, or from lawful captive breeding) must be available at all times. In circumstances where a permit is not required for acquisition, it is essential to keep good records and evidence, sufficient to prove legal acquisition.

There is a provision for the registration of raptor captive breeding facilities with the CITES Management Authority ([www.eu-wildlifetrade.org/pdf/en/5\\_breeding\\_en.pdf](http://www.eu-wildlifetrade.org/pdf/en/5_breeding_en.pdf)). Any commercial use of an Annex A species requires specific authorization. Such authorizations are known as Article 10 Certificates (or, for zoos, Article 60). The sale of captive-bred raptors and owls follows the CITES Convention in that F2 generation captive-bred offspring can be sold under an Article 10 certificate. No authorization is required if there is no commercial element (e.g., a pure gift), but the transaction and origin of the bird should be documented carefully, together with any evidence that is required to prove that the bird was legally obtained. Any captive-bred raptor to be used for commercial purposes must be ringed with

a closed ring. If this is not possible due to physical or behavioral attributes of the bird, a microchip should be used ([www.ukcites.gov.uk/license/GN2%20Commercial%20Use%20Guidance\\_Nov%202005.doc](http://www.ukcites.gov.uk/license/GN2%20Commercial%20Use%20Guidance_Nov%202005.doc)). License information for bird of prey keepers can be found at [www.ukcites.gov.uk/pdf\\_files/Sep05GN6%20Birds%20of%20Prey%20Keepers.pdf](http://www.ukcites.gov.uk/pdf_files/Sep05GN6%20Birds%20of%20Prey%20Keepers.pdf).

Requirements for commercial uses of wild disabled birds are described at [www.ukcites.gov.uk/pdf\\_files/Sep05GN13%20Commercial%20use%20of%20wild%20disabled%20birds.pdf](http://www.ukcites.gov.uk/pdf_files/Sep05GN13%20Commercial%20use%20of%20wild%20disabled%20birds.pdf). An Article 10 or Article 60 certificate is required for any commercial exhibit of raptors, including display to the public and flying demonstrations. A summary of the permits available is provided at [www.eu-wildlifetrade.org/html/en/wildlife\\_trade.asp](http://www.eu-wildlifetrade.org/html/en/wildlife_trade.asp). Other related legal aspects, such as animal and human welfare and health, are summarized at: [www.eu-wildlifetrade.org/pdf/en/4\\_welfare\\_en.pdf](http://www.eu-wildlifetrade.org/pdf/en/4_welfare_en.pdf). Permit requirements can be found at [www.eu-wildlifetrade.org/pdf/en/3\\_permits\\_en.pdf](http://www.eu-wildlifetrade.org/pdf/en/3_permits_en.pdf).

## Law Enforcement

Enforcement powers for CITES are contained in The Control of Trade in Endangered Species (Enforcement Regulations) 1997 (amended 2005) (COTES). Customs legislation also provides enforcement powers. The enforcement provisions are covered in detail in the Partnership Against Wildlife Crime's (PAW) "Wildlife Law Enforcer's Factfile" at [www.defra.gov.uk/paw/publications/pdf/wildlifelaw-factfile-full.pdf](http://www.defra.gov.uk/paw/publications/pdf/wildlifelaw-factfile-full.pdf). The CITES, WCA, and other laws are enforced by the Police, DEFRA, Inland Revenue, Customs Service, and local authorities, singly or cooperatively. Voluntary bodies undertake some prosecutions and also provide expert advice or evidence during crime investigation and prosecutions. Recently there has been a steady growth in the enforcement of wildlife laws. Legislatively authorized inspection and enforcement power, along with the severity of penalties, have been increased. A National Wildlife Crime Intelligence Unit was set up in 2002, and there is a Wildlife Liaison officer on all police forces.

PAW is a consortium of enforcement agencies, government, and voluntary organizations that works towards the improvement of wildlife protection through meetings and working groups. The PAW website also has a list of literature on British wildlife law at [www.defra.gov.uk/paw/publications/default.htm](http://www.defra.gov.uk/paw/publications/default.htm).

## Captive Management of Raptors

**Falconry.** Little legislation is directed specifically at raptor keepers aside from the species-specific laws on wildlife and the trade law mentioned above. Legislation on keeping animals, such as general welfare and treatment and the licensing of facilities in which they are kept, can be found at [www.defra.gov.uk/wildlife-countryside/gwd/birdreg/02.htm#10](http://www.defra.gov.uk/wildlife-countryside/gwd/birdreg/02.htm#10) and [www.defra.gov.uk/wildlife-countryside/gwd/birdreg/index.htm](http://www.defra.gov.uk/wildlife-countryside/gwd/birdreg/index.htm).

There is no specific regulation of the sport of falconry or of the falconers themselves. However, the WCA and CITES have important indirect implications for falconers (Irving 2006a, 2006b). For example, there may be a need for a permit to take prey species when hawking or when using a trap to recover a lost falconry raptor that has returned to the wild. Schedule 4 ringing and registration applies to falconry birds. In addition to government legislation, there is a measure of self-regulation among British falconers. The British Falconers' Club has a code of conduct for its members, backed by a Disciplinary Committee ([www.britishfalconersclub.co.uk/code\\_conduct.htm](http://www.britishfalconersclub.co.uk/code_conduct.htm)). The Hawk Board and the Scottish Hawk Board represent individual raptor owners and bird of prey associations in dealings with the government (e.g., in matters of law, policy, and Schedule 4 of the WCA). It provides guidance for keepers and raptor displays ([www.hawkboard-cff.org.uk/index.htm](http://www.hawkboard-cff.org.uk/index.htm)).

**Rehabilitation.** Wild raptors acquired in Britain for rehabilitation are taken under the WCA provision that allows anyone to take a sick or injured wild bird and tend it until it has recovered. No license or special qualifications are required on the part of the rehabilitator. A facility only requires a permit if it desires to acquire some other legal status, such as a zoo. These provisions may change under pending new animal welfare legislation. Schedule 4 listed species must be ringed and registered, although veterinary surgeons may keep Schedule 4 species for treatment for up to 6 weeks without applying for registration. The WCA provides that birds held for rehabilitation must be released when they have recovered fully. It may be necessary to have the readiness of the bird for release assessed by an appropriately experienced veterinarian or other raptor specialist. This evaluation can provide a justification for retaining a bird that is unfit for release in captivity. Record-keeping is of the utmost importance to provide evidence of compliance with the legislation.

**Captive breeding.** Occasionally, licenses are provided under the WCA to take raptors from the wild for

captive breeding. EC-CITES provisions discussed above apply in these cases.

**Raptor research.** Scientific research that may cause harm requires authorization and veterinary supervision under the Animals (Scientific Procedures) Act 1986. This applies to “*any experimental or other scientific procedure . . . which may have the effect of causing that animal pain, suffering distress or lasting harm.*” This includes causing “*death, disease, injury, physical or psychological stress, significant discomfort or any disturbance to normal health whether immediate or in the longer term.*” Scientific studies on raptors that fall within this definition require licenses for the researcher, the project, and the premise(s) where the work is carried out. A cost–benefit analysis, justification for the animals used, and ethical review must be conducted. This applies to work in the field with wild raptors as well as research using captive raptors. Acquisition of raptors for research is subject to the wildlife and trade laws described previously. It may be possible to obtain raptors from the wild for scientific, conservation, or other purposes under a WCA license. Any take from the wild or, the use of a trapping method, other than for sick and injured animals, is subject to permit. The study of raptors in the wild requires a WCA permit if disturbance of a Schedule 1 species at the nest will occur, or if other prohibited offenses will result. The field study of raptors in the wild usually requires access to property. Entering or crossing land requires the landowner's or occupier's permission. Authorization is required if the land is a protected area or military zone.

**Public display.** If a raptor facility provides public access for viewing its birds on 7 or more days in a year, whether or not for payment, it falls within the definition of a zoo and must be licensed under the Zoo Licensing Act 1981 (as amended in 2002 to comply with EC legislation). Zoos must be licensed and are subject to regular inspection. They must conform to the Secretary of State's Standards of Modern Zoo Practice and demonstrate that the collection contributes to public education, conservation and science. The zoo must provide for the behavioral needs of its animals as well as veterinary care and record keeping (See: [www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#direct](http://www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#direct), [www.defra.gov.uk/wildlife-countryside/gwd/govt-circular022003.pdf](http://www.defra.gov.uk/wildlife-countryside/gwd/govt-circular022003.pdf), [www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#stand](http://www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#stand)). A CITES Article 60 certificate is required to authorize the display of Annex A species for commercial purposes. Flying demonstrations often are a feature of raptor centers and sometimes are given at special events such as fairs and

agricultural shows. These require a CITES Article 10 certificate unless they are entirely non-commercial.

**Animal health and welfare.** Those keeping raptors are responsible for their welfare. Animal welfare is a strong issue in Britain and new legislation for England and Wales that passed through the Westminster Parliament during 2006 should now be in force ([www.defra.gov.uk/animalh/welfare/bill/index.htm](http://www.defra.gov.uk/animalh/welfare/bill/index.htm)). The use of live prey to feed or train raptors (outside authorized hawk-ing) is unlikely to be acceptable on ethical or animal-welfare grounds in Britain. The Welfare of Animals (Transport) Order 1997 (to be replaced in 2007 by EU Regulation 1 of 2005) provides that animals must be fit to travel and must not be caused unnecessary suffering or injury during transportation ([www.defra.gov.uk/animalh/welfare/farmed/transport/summarywato.htm](http://www.defra.gov.uk/animalh/welfare/farmed/transport/summarywato.htm)). This law also gives legal status to the CITES Guidelines on Transport (1980) and the International Air Transport Association Regulations which apply to raptors in transit.

The Veterinary Surgeon's Act 1966 requires that the diagnosis, medical and surgical treatment (whether for payment or not) of raptors (free-living or wild) must be carried out by a registered veterinary surgeon. There are some exceptions relevant to raptor management, including (1) research procedures licensed under ASPA are exempted from the Act, (2) first aid in an emergency may be carried out by anyone, (3) that the owner of a raptor may carry out minor medical treatment (making it therefore important that ownership is clearly determined in the case of raptors accepted for rehabilitation), and (4) that veterinary nurses and veterinary students may carry out limited procedures under supervision. There are extensive veterinary ethical and practice requirements and standards ([www.rcvs.org.uk/](http://www.rcvs.org.uk/)).

The prescription, supply and administration of veterinary medicinal products are strictly governed by The Veterinary Medicines Regulations 2005 ([www.rcvs.org.uk/shared\\_asp\\_files/uploadedfiles/8013AA6B-EEF3-4F54-A911-3CDBA703A56B\\_rcvsnews\\_nov05\\_pg6.pdf](http://www.rcvs.org.uk/shared_asp_files/uploadedfiles/8013AA6B-EEF3-4F54-A911-3CDBA703A56B_rcvsnews_nov05_pg6.pdf), [www.rcvs.org.uk/Templates/Internal.asp?NodeID=94060](http://www.rcvs.org.uk/Templates/Internal.asp?NodeID=94060), and [www.opsi.gov.uk/si/si2005/ukxi\\_20052745\\_en.pdf](http://www.opsi.gov.uk/si/si2005/ukxi_20052745_en.pdf)). Veterinary surgeons may only prescribe "POM-V" (veterinary prescription only) medicines for animals under their care and in accordance with the marketing authorization for a given drug. Since the range of medicines approved for use in birds is limited, the veterinary surgeon is likely to have to prescribe in accordance with the "cascade" which indicates the order of selection of drugs that are not specifically licensed for use in the given species or for the particu-

lar condition to be treated. The informed consent of the client should be obtained, preferably in writing for the use of this "off label" prescription. See ([www.rcvs.org.uk/Templates/Internal.asp?NodeID=92574#choice](http://www.rcvs.org.uk/Templates/Internal.asp?NodeID=92574#choice) and [www.vmd.gov.uk/General/VMR/vmg\\_notes/VMNote15.pdf](http://www.vmd.gov.uk/General/VMR/vmg_notes/VMNote15.pdf)).

The import of raptors from outside the EU usually requires pre-departure quarantine, a license, health certification, and quarantine in approved premises on arrival. The import or export of diagnostic and biological samples may require authorization if they fall within the controls on pathogens (see [www.defra.gov.uk/animalh/diseases/pathogens/index.htm](http://www.defra.gov.uk/animalh/diseases/pathogens/index.htm)). In-country legislation includes powers to control outbreaks of avian diseases such as psittacosis, Newcastle disease, and avian influenza (see [www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/wildbirds/index.htm#licence](http://www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/wildbirds/index.htm#licence), [www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/keptbirds/index.htm](http://www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/keptbirds/index.htm), [www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/policy/index.htm#3](http://www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/policy/index.htm#3), and [www.defra.gov.uk/animalh/diseases/notifiable/disease/avianinfluenza.htm](http://www.defra.gov.uk/animalh/diseases/notifiable/disease/avianinfluenza.htm)).

Raptor facilities that employ five or more staff are subject to health and safety at work (occupational health and safety) legislation. This legislation imposes a duty upon the employer to provide for the health welfare and safety of employees, volunteers, students, and visitors to premises (and the employer). Following EU legislation on the subject, the British law requires a risk assessment and codes of practice for the workplace. There are additional provisions for first aid, the reporting of accidents, and dealing with dangerous substances. The provision of information, training, and use of protective clothing are an integral part of health and safety provisions (see [www.hse.gov.uk/pubns/hsc13.pdf](http://www.hse.gov.uk/pubns/hsc13.pdf) and [www.hse.gov.uk/pubns/leaflets.htm](http://www.hse.gov.uk/pubns/leaflets.htm)).

## LITERATURE CITED

- BEAN, M.J. 1983. The evolution of national wildlife law: revised and expanded edition. Praeger Publishers, New York, NY U.S.A.
- BRITISH FALCONRY CLUB. 2005. The British Falconers' Club rule book. The British Falconers' Club, Tamworth, United Kingdom.
- BOND, F.M. 1974. The law and North American raptors. Pages 1-3 in F.M. Hamerstrom, Jr., B.E. Harrell, and R.R. Olendorff [Eds.], Management of raptors. Raptor Research Reports 2.
- BRITISH FIELD SPORTS SOCIETY FALCONRY COMMITTEE AND THE HAWK BOARD. Undated. Code of welfare and husbandry of birds of prey and owls. British Field Sports Society, London, United Kingdom.
- CHITTY, J. 2006. The injured bird of prey: part 1: legal and logistical

- issues. *UK Vet* 11:88–94.
- COOPER, J.E. 2002. *Birds of prey: health and disease*, 3rd Ed. Blackwell Publishing, Oxford, United Kingdom.
- COOPER, M.E. 2002. Legislation and codes of practice relevant to working with raptors. Pages 284–293 in J.E. Cooper, *Birds of prey: health and disease*, 3rd Ed. Blackwell Publishing, Oxford, United Kingdom.
- . 2003a. Legislation for bird-keepers. Pages 96–105 in J.E. Cooper [ED.], *Captive birds in health and disease*. World Pheasant Association, Fordingbridge, United Kingdom and Hancock House Publishers, Surrey, British Columbia, Canada.
- . 2003b. The law affecting British wildlife casualties. Pages 42–48 in E. Mullineaux, D. Best, and J.E. Cooper [EDS.], *BSAVA manual of wildlife casualties*. British Small Animal Veterinary Association, Quedgeley, Gloucester, United Kingdom.
- GAUNT, A.S. AND L.W. ORING [EDS.]. 1999. *Guidelines to the use of wild birds in research*. The Ornithological Council, Washington, DC U.S.A.
- IRVING, G. 2006. Legislation and its [sic] place in falconry. British Falconers' Club bi-annual newsletter, Issue 32, March 2006, 14–17. British Falconers' Club, Tamworth, United Kingdom.
- . 2006. Possession, movement, and registration of chicks and eggs of birds listed in schedule 4 to the wildlife and countryside act [sic]. British Falconers' Club Bi-annual Newsletter, Issue 32, March 2006, 18–19. British Falconers' Club, Tamworth, United Kingdom.
- MILLSAP, B.A. 1987. Introduction to federal laws and raptor management. Pages 23–33 in B.A. Giron Pendleton, B.A. Millsap, K.W. Cline, and D.M. Bird [EDS.], *Raptor management techniques manual*. National Wildlife Federation, Washington, DC U.S.A.
- UNITED STATES CONGRESS. 1983. *The Endangered Species Act amended by Public Law 97-304 (the Endangered Species Act amendments of 1982)*. U.S. Government Printing Office, Washington, DC U.S.A.