STATUTORY INSTRUMENTS

1984 No. 1471

WILDLIFE

The Berry Head and Berry Head (Southern Redoubt) (Areas of Special Protection) Order 1984

Made - - - -	*12th September* 1984
Coming into Operation	*21st September* 1984

The Secretary of State, in exercise of the powers conferred upon him by section 3(1) of the Wildlife and Countryside Act 1981(**a**) and all other powers enabling him in that behalf, after complying with the requirements of sections 3(4) and (5) and 26(4) of the said Act, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Berry Head and Berry Head (Southern Redoubt) (Areas of Special Protection) Order 1984 and shall come into operation on 21st September 1984.

(2) In this Order—

"the Act" means the Wildlife and Countryside Act 1981;

"the Berry Head Area of Special Protection" means the area specified in paragraph 1 of the Schedule hereto;

"the Berry Head (Southern Redoubt) Area of Special Protection" means the area specified in paragraph 2 of the Schedule hereto; and

"the deposited map" means the map marked "Map referred to in the Berry Head and Berry Head (Southern Redoubt) (Areas of Special Protection) Order 1984" and signed by an Under Secretary in the Department of the Environment, which has been prepared in duplicate and of which one duplicate has been deposited, and is available for inspection, at the offices of the Torbay Borough Council and the other has been deposited and is available for inspection at the offices of the Secretary of State for the Environment.

Areas of special protection

2. The areas specified in the Schedule to this Order shall be areas of special protection for wild birds, and the following provisions of this Order shall have effect with respect thereto.

(**a**) 1981 c. 69.

Offences

3. Subject to the provisions of the Act, any person who, within the Berry Head Area of Special Protection or the Berry Head (Southern Redoubt) Area of Special Protection, at any time intentionally—

(i) kills, injures or takes any wild bird;

(ii) takes, damages or destroys the nest of such a bird while that nest is in use or being built;

(iii) takes or destroys an egg of such a bird;

(iv) disturbs such a bird while it is building a nest or is in, on or near a nest containing eggs or young; or

(v) disturbs dependent young of such a bird,

shall be guilty of an offence under section 3 of the Act and liable to a special penalty.

4. Subject to the provisions of the Act, any person who enters into the Berry Head (Southern Redoubt) Area of Special Protection between 15th March and 31st July in any year, shall be guilty of an offence under section 3 of the Act and liable to a special penalty.

SCHEDULE

1. The area within the County of Devon known as Berry Head (and lying between National Grid references SX 936558 and SX 948568) and which is shown enclosed by a black line and cross hatched black on the deposited map.

2. The area within the County of Devon known as Berry Head (Southern Redoubt) (and lying between National Grid references SX 942559 and SX 944565) and which is shown enclosed by a black line, hatched and coloured pink on the deposited map.

Signed by authority of the
Secretary of State.
12th September 1984.

T. R. Hornsby,
An Under Secretary in the
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes Berry Head and Berry Head (Southern Redoubt) in the County of Devon as areas of special protection for wild birds under section 3 of the Wildlife and Countryside Act 1981 ("the 1981 Act"). The Order does not affect the exercise of rights by owners, lessees or occupiers of any land in the areas or of rights granted by virtue of a licence or agreement.

Articles 3 and 4 of the Order make the acts described in those articles offences under section 3 of the 1981 Act and offenders liable to special penalties in accordance with section 21 of the 1981 Act.

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