

PEREGRINE FALCONS

Guidelines on Urban Nest Sites and the Law



Based on a document produced by the Metropolitan Police



Working for wild birds of prey and their habitats

INTRODUCTION

The Peregrine Falcon is by far the fastest creature on the planet. Claims of speeds reached vary from 150mph to over 200mph, but whatever the truth, this is an impressive and spectacular bird to watch in flight. Its speed and agility has made it a favourite in the falconry trade. Birds can fetch very high prices, particularly in the Middle East.

The rarity and value of such a bird makes them a target for criminals intending to supply the falconry trade, or egg collectors who take a personal pride in removing eggs from a rare species.

Earlier in the 20th century, the birds were persecuted almost to extinction in the UK. They suffered either directly, or through the accumulated effects of pesticides in their prey. Many pairs failed to breed successfully, and only about 360 pairs were left in the 1960s. (Source; Brian Unwin). Peregrines are beginning to recover, but are still considered endangered and as such receive protection in law.

Habitat for peregrines in the UK tends to be upland areas and coastal sites. Typical nest sites are crags, quarries and sea cliffs, although the use of man-made structures is not uncommon. Peregrines have colonised a number of cities in North America including New York, Chicago and Toronto. In the UK recent years have seen single pairs nesting in Exeter, Bath, Brighton, Birmingham, Edinburgh and Aberdeen.



PEREGRINES AND THE LAW¹

Peregrines and their nests are protected under the Wildlife and Countryside Act 1981.

The following are criminal offences:

- Killing, injuring or taking any wild bird
- Taking, damaging or destroying the nest of any wild bird whilst that nest is in use or being built
- Taking or destroying the egg of any wild bird
- Possessing any live or dead wild bird, or any part, or anything derived from such a bird
- Possessing an egg of a wild bird or any part of such an egg

There are few exceptions to the above, and a general licence that does not need to be applied for covers such exceptions. For example, the killing of wild birds to preserve air safety or prevent damage to crops. Species covered by these licences tend to be common birds that are sometimes considered as pests.

The following are criminal offences in relation to “Schedule 1” birds:

- Disturbing any Schedule 1 wild bird whilst it is building a nest or is in, on or near a nest containing eggs or young
- Disturbing dependent young of such a bird

Schedule 1 - Birds which are protected by Special Penalties.

- Peregrine (*Falco peregrinus*)

Workers and others that need to access areas in proximity to peregrine nest sites need to consider the effect of their activities. The level of protection afforded to peregrines extends to the adult birds near a nest

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containing eggs or young. There is no definition of “near” in the legislation. The adults will perch some distance from the nest, but in a position where they can see the nest and respond immediately to any perceived threat.

It is important that plans are put in place at sites known to be favoured by peregrines for nesting. Routine maintenance should be carried out before the likely nesting period of March to August. If for some unforeseen emergency access becomes a necessity it is important that Natural England is contacted before any work is carried out.

Any person disturbing a peregrines nest will quickly become aware of what they have done. Peregrines are noisy aggressive birds when threatened and will attack humans near the nest site.

Once it is apparent that a nest site or adult bird has been disturbed, the cause of the disturbance must cease immediately.

LEGISLATION²

The Wildlife and Countryside Act 1981

Section 1(5) Wildlife and Countryside Act states:

Subject to the provisions of this Part, if any person recklessly –

- a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- b) disturbs dependent young of such a bird.

He shall be guilty of an offence and liable to a special penalty.

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Section 4(2) Notwithstanding anything in the provisions of section 1 or any order made under section 3, a person shall not be guilty of an offence by reason of –

- c) any act made unlawful by those provisions if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

Section 69(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Schedule 1 - Birds which are protected by Special Penalties.

- Peregrine (*Falco peregrinus*)

The Serious Organised Crime and Police Act 2005 The Serious Organised Crime and Police Act 2005 provides powers of arrest for any offence.

The Control of Trade in Endangered Species (Enforcement) Regulations 1997

The peregrine is also included in Annex A of the EU regulation implementing the Convention on International Trade in Endangered Species. This is the highest level of protection and means that all trade in the species is banned. This ban is enforced in the UK by the Control of Trade in Endangered Species (Enforcement) Regulations 1997 as amended.



USEFUL CONTACTS

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DEFRA

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Tel: 0117 372 8746

RDS Wildlife Management Team

Wildlife Administration Unit
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Westbury-on-Trym
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Tel: 08456 014523 (local rate)

RSPB

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Metropolitan Police

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