

L.N. 281 of 2015

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

Conservation of Wild Birds (Amendment) Regulations, 2015

BY VIRTUE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change has made the following regulations:-

1. The title of these regulations is the Conservation of Wild Birds (Amendment) Regulations, 2015, and these regulations shall be read and construed as one with the Conservation of Wild Birds Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 504.71

2. Regulation 2 of the principal regulations shall be amended as follows:

Amends
regulation 2 of
the principal
regulations.

(a) for the definition "the Act" there shall be substituted the following:

" "the Act" means the Environment and Development Planning Act;"

(b) in the definition " "bird" and "birds" " for the words "naturally occurring bird or birds in the wild state" there shall be substituted the words "naturally occurring avifauna in the wild state"; and in the Maltese version of the proviso thereto for the words "fil-maqful" there shall be substituted the words "fil-magħluq";

(c) for the definition "captive bred" there shall be substituted the following:

" "captive bred" means hatched and bred from legally acquired parental stock in a human controlled environment, and in the case of European territory birds it is either close-ringed or micro-chipped;"

(d) for the definition "closed ring" there shall be substituted the following:

" "closed ring" means a ring or band in a continuous circle, without any break or join, which has not

been tampered with in any way, of a size which cannot be removed from a bird specimen hatched and bred from legally acquired parental stock in a human controlled environment when its leg is fully grown after having been applied in the first days of the specimen's life, and which has been approved by the Wild Birds Regulation Unit;"

(e) the definition "fringillidae" shall be deleted; and

(f) immediately after the definition "live-capturing station" there shall be added the following new definitions:

" "micro-chipped" means hatched and bred from legally acquired parental stock in a human controlled environment and bearing a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E) instead of a closed ring and shall only be used in those cases where the Wild Birds Regulation Unit is satisfied that closed ringing is not an appropriate marking method because of the physical or behavioural properties of the species;

"Non-European territory bird" or "Non-European territory birds" means any bird species which, although naturally occurring in the wild state in any territory outside the territory of the Member States of the European Union, does not naturally occur in any territory of the Member States of the European Union;"

Amends
regulation 4 of
the principal
regulations.

3. Regulation 4 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be amended as follows:

(i) for the words "Without prejudice to the provisions of regulations 5, 8 and 9, no person shall:" there shall be substituted the words "All species of naturally occurring wild birds are protected. Without prejudice to the provisions of regulations 5, 8 and 9, no person shall:"

(ii) for paragraph (e) thereof there shall be substituted the following:

"(e) be in possession or in control of or keep any specimen of any bird, whether alive or dead, or any recognisable parts or derivatives of any such bird not listed in Schedule II or Schedule

III, unless he proves that such bird:

(i) has been declared with the Malta Environment and Planning Authority or its predecessor by the 31st May 2003 and such person is in possession of the permits, or certificates of registration by the Malta Environment and Planning Authority or its predecessor or by the Wild Birds Regulation Unit to keep such bird in accordance with regulation 21; or

(ii) is lawfully imported in accordance with regulation 6(1)(a); or

(iii) is taken in a Member State where it was lawfully hunted or captured or otherwise lawfully acquired under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

(iv) is captive bred;";

(iii) for paragraph (f) thereof there shall be substituted the following:

"(f) be in possession or in control of or keep any live specimen of a Non-European territory bird, unless he proves that such bird:

(i) is lawfully imported in accordance with regulation 6(1)(b); or

(ii) is lawfully acquired in a Member State under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

(iii) is captive bred;";

(iv) immediately after paragraph (f) there shall be added the following new paragraph:

"(g) be in possession or in control of or

keep any carcass or part or derivative thereof of a Non-European territory bird, unless he proves that such bird:

(i) is lawfully imported in accordance with regulation 6(1)(b); or

(ii) is lawfully acquired in a Member State under the legislation of that Member State; or

(iii) is captive bred:"; and

(v) for the proviso thereof there shall be substituted the following:

"Provided that such person shall retain in his possession and for such time as he remains in possession of the specimen as provided for in paragraphs (e), (f) and (g) all licences, permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations:

Provided further that the prohibitions provided for in paragraphs (e), (f) and (g) shall not apply where the person in possession of the specimen is the Director of Veterinary Services or any other person authorized by the Director of Veterinary Services and where such possession is required for the rehabilitation, veterinary or other treatment or culling of the specimen on veterinary grounds."; and

(b) in sub-regulation (2) thereof, for the words "sub-regulation (1)(e)" there shall be substituted the words "sub-regulation (1)(e), (f) or (g)".

Substitutes
regulation 6 of
the principal
regulations.

4. Regulation 6 of the principal regulations shall be substituted by the following:

"6. (1) Without prejudice to the provisions of regulation 9 and any other legislation, no person shall:

(a) import or export any bird specimen, whether alive or dead, or any part or derivative thereof, unless it was legally acquired in its country of origin or is captive

bred, and in both cases the export of which has been authorised by the competent authorities responsible for the species' protection in the country of origin;

(b) import or export any Non-European territory bird specimen whether alive or dead, or any part or derivative thereof unless it was legally acquired in its country of origin or is captive bred, and in all cases the export of which has been authorised by the competent authority responsible for the species' protection in the country of origin;

(c) sell, transport for sale, keep for sale and offer for sale any live or dead specimen of a Non-European territory bird or any part or derivative thereof unless he proves that such specimen was lawfully imported in accordance with the provisions of these regulations or was captive bred;

(d) sell, transport for sale, keep for sale and offer for sale any live specimen of a bird not listed in Schedule III (a) and III (b) unless such bird is captive bred;

(e) sell, transport for sale, keep for sale and offer for sale any dead bird specimen or any part or derivative thereof of birds not listed in Schedule III (a) and III (b) unless such bird is captive bred;

(f) sell, transport for sale, keep for sale and offer for sale any live or dead bird specimen or any part or derivative thereof of birds listed in Schedule III (a) unless such birds have been lawfully killed or captured or otherwise legally acquired;

(g) sell, transport for sale, keep for sale and offer for sale any live or dead bird specimen or any part or derivative thereof of birds listed in Schedule III (b) unless authorized in accordance with the provisions of regulation 10 and such birds have been lawfully killed or captured or otherwise legally acquired.

(2) Following the granting of any authorization pursuant to sub-regulation (1)(g), the Committee established under regulation 10 shall verify at regular intervals that the conditions governing the granting of such authorization continue to be fulfilled and shall make recommendations, as necessary, to the Minister in connection therewith.

(3) Whosoever is in possession of any specimen of any bird or any Non-European territory bird, whether alive or dead, or part of any specimen, pursuant to sub-regulation (1) shall retain in his possession and for such time as he remains in possession of the specimen, as applicable, all permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations.

(4) The importation or exportation of species of birds and non-European territory birds shall be in accordance with the provisions of these regulations and without prejudice to any other existing laws and regulations."

Amends
regulation 8 of
the principal
regulations.

5. Sub-regulation (2) of regulation 8 of the principal regulations shall be amended as follows:

(a) in the second proviso thereto, the words "in terms of regulation 5(4)" shall be deleted; and

(b) immediately after the third proviso thereto, there shall be added the following new proviso:

"Provided further that copies of the site plans approved by the Wild Birds Regulation Unit may be given, or the registration or changes to the approved site plans can be effected, against an administrative fee prescribed in Schedule X."

Amends
regulation 9 of
the principal
regulations.

6. Sub-regulation (4) of regulation 9 of the principal regulations shall be substituted by the following:

"(4) The Wild Birds Regulation Unit shall draw up a report on the implementation of this regulation. This report shall be submitted to the Minister for his consideration by the end of July of every year."

Amends
regulation 10 of
the principal
regulations.

7. Sub-regulation (6) of regulation 10 of the principal regulations shall be substituted by the following:

"(6) The functions of the Ornithological Committee shall be to -

(a) recommend to the Minister, for the species referred to in Schedule II and in accordance with the provisions of regulation 5, the open seasons during which hunting may be allowed; such recommendation shall be submitted to the Minister at least four weeks prior to the

proposed start of the open season during which hunting may be allowed:

Provided that in exceptional circumstances determined in conjunction with the Minister, the recommendation shall be submitted to the Minister at least two weeks prior to the proposed start of the open season during which hunting may be allowed;

(b) recommend to the Minister, in accordance with the provisions of applicable regulations, and without prejudice to the provisions of regulations 8 and 9, the open season during which taking may be allowed; such recommendation shall be submitted to the Minister at least four weeks prior to the proposed start of the open season during which taking may be allowed:

Provided that in exceptional circumstances determined in conjunction with the Minister, the recommendation shall be submitted to the Minister at least two weeks prior to the proposed start of the open season during which taking may be allowed;

(c) make recommendations to the Minister on the authorization of derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 where necessary in accordance with the provisions of regulation 9 and subject to the conditions specified therein:

Provided that following any such decisions the Ornithological Committee shall verify at regular intervals that the conditions governing the granting of such authorization or authorisations continue to be fulfilled;

(d) make recommendations to the Minister on the establishment of policies and conditions in relation to the renewal of licences for the hunting of birds and the issuing of new licences for the hunting of birds, in accordance with the provisions of these regulations;

(e) make recommendations to the Minister on the establishment of policies and conditions on the confirmation of licences to take and on the issuing of new licences to take as may be necessary in application of regulations 8 and 9, and in accordance with the provisions of these regulations;

(f) make recommendations to the Minister on the establishment of policies relating to the enforcement of regulations;

(g) make recommendations to the Minister on plans for the management of areas for the hunting and taking of birds in accordance with the provisions of these regulations;

(h) make recommendations to the Minister on the establishment of policies relating to awareness programmes associated with any matter concerning these regulations;

(i) recommend to the Minister the adoption of special measures for the conservation of the bird species referred to in Schedule I and for regularly occurring migratory species not included in Schedule I in accordance with the provisions of regulation 3, taking into account their protection requirements in the geographical sea and land area of Malta;

(j) recommend to the Minister, as may be necessary, the adoption of national lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution;

(k) recommend to the Minister, as may be necessary, the drawing up of listings and ecological descriptions of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds;

(l) recommend to the Minister, as may be necessary, listings of data on the population levels of migratory species as shown by ringing;

(m) recommend to the Minister, as may be necessary, ecological methods for preventing any type of damage caused by birds;

(n) determine, as necessary, the role of certain species as indicators of pollution and make recommendations to the Minister in connection therewith;

(o) study, where necessary, the adverse effect of chemical pollution on population levels of bird species and

make recommendations to the Minister in connection therewith;

(p) recommend measures to the Minister to control and monitor the introduction of any bird species not occurring naturally in the wild state in the European territory of the Member States of the European Union;

(q) recommend and, or commission, as necessary, regular studies and, or assessments relating to the status of the birds;

(r) prepare reports related to any matter arising from these regulations;

(s) recommend to the Minister the revision of any parameters of any hunting or taking season at any time on the basis of latest scientific advice concerning conservation status and maintenance of the population of bird species at satisfactory level, and or on the basis of the assessment of any other factors the Committee deems relevant:

Provided that in exercise of its functions, the Ornis committee may draw upon assistance of the Wild Birds Regulation Unit where this is required:

Provided further that the Committee may, with the consent of the Minister, delegate specific functions prescribed in this sub-regulation to the Wild Birds Regulation Unit:

Provided further that should there be a period when the Committee is not constituted, the Minister may, by notice in the Gazette, temporarily delegate the functions of the Committee to the Wild Birds Regulation Unit until such time that the new Committee is appointed:

Provided further that as regards paragraphs (a), (b) and (c), the Minister shall, after having given due consideration to the recommendations submitted by the Committee and exercising his own discretion, by notice in the Gazette -

(i) establish the open seasons during which hunting shall be allowed;

(ii) establish the open seasons during which taking shall be allowed;

(iii) decide on whether or not to authorize derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 and the conditions under which any such derogations are to be exercised:

So however that if, when in acting under this proviso, there exists substantial divergence between the recommendations of the Committee and the decision or decisions taken by the Minister, the Minister shall state in writing to the Committee the reasons for his decision within three weeks from the publication of such decisions in the Gazette."

Amends
regulation 11 of
the principal
regulations.

8. Regulation 11 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, for the words "The Wild Birds Regulation Unit shall be established by the Minister and shall be charged with implementing the decisions of the Ornithological Committee." there shall be substituted the words "The Wild Birds Regulation Unit shall be established by the Minister and shall be charged with implementing the recommendations of the Ornithological Committee and Minister's decisions concerning implementation of these regulations.";

(b) in sub-regulation (3) thereof, for the words "the previous season." there shall be substituted the words "the previous season:" and immediately thereafter, there shall be added the following new proviso:

"Provided that the Wild Birds Regulation Unit shall waive the administrative penalty due for the late return of the license as established by Schedule VIII, where the licensee returns the license within thirty days from the end of the previous season and provides, to the satisfaction of the Wild Birds Regulation Unit, documentary evidence that the licensee was unable to return the license within the ten day period stipulated in this sub-regulation due to any of the following reasons:

(a) hospitalisation or medical incapacitation of the licensee during the entire period when the license had to be returned to the Wild Birds Regulation Unit; or

(b) incarceration of the licensee during the entire period when the license had to be returned to the Wild Birds Regulation Unit; or

(c) by reason that the licensee was abroad during the entire period when the license had to be returned to the Wild Birds Regulation Unit."; and

(c) immediately after sub-regulation (7) thereof, there shall be added the following new sub-regulation:

"(8) The Wild Birds Regulation Unit shall be responsible for the implementation, compliance and enforcement of these regulations. In exercising such functions, the Wild Birds Regulation Unit may designate officers to assist the Executive Police and any other authority or department in the conduct of any inspections related to the scope of these regulations, or assist in the prosecution of any suspected breaches of these regulations. In the exercise of their functions, the designated officers shall act in accordance with these regulations and shall have all the powers stipulated in Part VI of the Environment and Development Planning Act."

Cap. 504.

9. In sub-regulation (6) of regulation 12 of the principal regulations immediately after the words "before leaving the hunting or taking site" there shall be added the words "in accordance with the provisions of Schedule IV"; and for the words "census or study." there shall be substituted the words "census or study:" and immediately thereafter there shall be added the following new proviso:

Amends regulation 12 of the principal regulations.

"Provided that in addition to filling in the *carnet de chasse* in accordance with this sub-regulation and the provisions of Schedule IV, every licensed person shall report hunting or taking activity through the format specified for this purpose by the Wild Birds Regulation Unit immediately upon making a catch and before leaving the hunting or live-capturing area."

10. In sub-regulation (5) of regulation 19 of the principal regulations, for the words "at satisfactory level." there shall be substituted the words "at satisfactory level, or any other reason which the Minister deems to be of sufficient gravity:" and immediately thereafter there shall be added the following new proviso:

Amends regulation 19 of the principal regulations.

"Provided that, in its recommendation as found in regulation 10(6)(s), the Ornithology Committee may also consider any reason which it deems to be of sufficient gravity."

Substitutes
regulation 21 of
the principal
regulations.

11. Regulation 21 of the principal regulations shall be substituted by the following:

"21. (1) No person shall stuff or mount any bird or Non-European territory bird or act as a taxidermist or in any manner process for the purpose of preservation any bird or Non-European territory bird for commercial purposes without a licence issued by the Wild Birds Regulation Unit:

Provided that any licences issued by the Director of the Environment Protection Directorate within the Malta Environment and Planning Authority, or his successor in title, shall remain valid until a new licence is issued by the Wild Birds Regulation Unit:

Provided further that any licenses referred to in this sub-regulation shall be issued for a term not exceeding three (3) years against payment of a fee stipulated in Schedule X:

Provided further that this sub-regulation shall not apply in the case of small scale taxidermy where not more than thirty specimens are preserved in any given year exclusively for personal use and not as a service provided on a commercial basis.

(2) Without prejudice to the provisions of regulation 9, no person shall mount or stuff or in any manner process for the purpose of preservation or taxidermy:

- (a) any bird unless:
 - (i) it is included in Schedule II or Schedule III; or
 - (ii) it was lawfully imported in accordance with regulation 6(1)(a); or
 - (iii) it was taken in a Member State where it was lawfully hunted or captured or otherwise lawfully acquired under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

- (iv) it is captive bred and closed ringed;
- (b) any Non-European territory bird unless:
 - (i) it was lawfully imported in accordance with regulation 6(1)(b); or
 - (ii) it is captive bred:

Provided that such person shall retain in his possession, and for such time as he remains in possession of the specimen, all licences, permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations.

(3) Any person who keeps any bird or Non-European territory bird to be stuffed or in any manner processed for the purpose of preservation or taxidermy shall keep a register in which he shall clearly indicate against the date of entry of every specimen, the name of the owner of the specimen and his address and a legally valid identification document number, and the species of the specimen, which details are to be endorsed by the owner of the specimen himself.

(4) Any bird or non-European territory bird that is found being kept by any person to be stuffed or to be in any manner processed for the purpose of preservation or taxidermy in contravention of sub-regulation (3) shall be deemed to be the sole property of such person.

(5) Without prejudice to the provisions of regulation 9, it shall not be lawful for any person to possess any stuffed bird of a species that is not included in Schedules II or III or a Non-European territory bird unless such person retains in his possession, and for such time as he remains in possession of the specimen, all licences, permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations, and unless:

(a) it has been declared with the Malta Environment and Planning Authority or its predecessor by the 31st May 2003 and such person has been given the permits, or certificates of registration by the Wild Birds Regulation Unit to keep such bird in accordance with the provisions of this regulation; or

(b) it was lawfully imported; or

(c) it was taken in a Member State where it was lawfully hunted or captured or otherwise lawfully acquired under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

(d) it is captive bred.

(6) Any person who had in his possession any stuffed bird or Non-European territory bird that was declared by virtue of an application to the Malta Environment and Planning Authority or its predecessor by the 31st May 2003 shall have his application processed by the Wild Birds Regulation Unit, which may issue an official certificate listing the stuffed specimens in the applicant's possession.

(7) The certificate shall only be issued after all the specimens that are in the applicant's possession have been taxonomically identified and marked with an identification device by the Wild Birds Regulation Unit and, without prejudice to any other law or regulation, no action shall be taken under these regulations, with respect to those specimens that have been issued with a certificate:

Provided that the certificate, permit or authorization issued in accordance with these regulations may be amended or revoked where it results that it has been issued in error or that it contains an error:

Cap. 9.

Provided further that where it results that the applicant provided false or misleading information, or made a false or fraudulent declaration, the certificate, permit or authorisation shall be immediately revoked and the perpetrator shall be liable to criminal proceedings in accordance with terms of the Criminal Code:

Provided further that any permit, certificate or authorisation issued for the purposes of this regulation by the Director of the Environment Protection Directorate within the Malta Environment and Planning Authority, or his successor in title, shall remain valid until a new permit, certificate or authorisation is issued by the Wild Birds Regulation Unit.

(8) No person may falsify, modify, deface, destroy, dispose of, remove or in any manner tamper with any identification device made by the Wild Birds Regulation Unit or its predecessor, relating to any stuffed bird or Non-European territory bird, for the purposes of this regulation unless the removal of such identification device has been ordered by the Wild Birds Regulation.

(9) No person may be in possession of any specimen which has been afforded an identification device by the Wild Birds Regulation Unit or its predecessor for the purposes of this regulation and which identification device is false, modified, defaced, or in any manner tampered with or which has been destroyed, disposed of, or removed unless the removal of such identification device has been ordered by the Wild Birds Regulation Unit.

(10) No person may transfer or otherwise dispose of any bird or Non-European territory bird that was declared by virtue of an application to the Malta Environment and Planning Authority or its predecessor by the 31st May 2003 unless authorised in writing by the Wild Birds Regulation Unit.

(11) Any person who has been issued with an identification device in relation to any bird or Non-European territory bird certified by the Wild Birds Regulation Unit or its predecessor for the purposes of this regulation or such person's successor in title shall return such identification device as directed by the Wild Birds Regulation Unit prior to the issuance of a disposal permit."

Amends
regulation 27 of
the principal
regulations.

12. Sub-regulation (2) of regulation 27 of the principal regulations shall be amended as follows:

(a) for the words "Any person who commits an offence against regulations 4(b), 18(1)(a), 18(1)(c), 18(1)(e), 18(1)f(ii)(aa), 19 and 24 shall be liable:" there shall be substituted the words "Any person who commits an offence against regulations 4, 6, 18, 19, 21, and 24 shall be liable."; and

(b) immediately after the third proviso thereto, there shall added the following new proviso:

"Provided further that without prejudice to the provisions of this sub-regulation, in determining the gravity of the offence, the Court may consider, amongst others, the following factors:

(a) the impact that the offence has on the conservation status of the affected species;

(b) the legal or administrative protection status of the area where the offence took place;

(c) the possible damage to the ecological balance or to the habitat as a consequence of the offence;

(d) the impact of the offence on the general public by nature of the time, place, species affected or any other similar consideration inherent to the nature of the offence;

(e) intrinsic value of wildlife;

(f) the socio-economic benefits of wildlife;

(g) public interest; and

(h) potential quantum of the illegal gain."

13. Sub-regulation (4) of regulation 27A of the principal regulations shall be substituted by the following:

Amends
regulation 27A
of the principal
regulations.

S.L. 504.94 "(4) Where a person holding a special
license in terms of the Framework for Allowing
a Derogation Opening a Spring Hunting Season
for Turtle Dove and Quail Regulations and, or
S.L. 504.113 the Conservation of Wild Birds (Framework for
Allowing a Derogation Opening an Autumn
Live-Capturing Season for Song Thrush and
Golden Plover) Regulations and, or the
S.L. 504.124 Conservation of Wild Birds (Framework for
Allowing a Derogation Opening an Autumn
Live-Capturing Season for Finches) Regulations
has committed an offence in terms of this
regulation during the period of a derogation, the
special license obtained shall not be suspended:

Provided that where such person is charged
or accused under regulation 27 in lieu of this
regulation, such special licence shall be
automatically suspended, and or subsequently
S.L. 504.94 revoked, in terms of the Framework for
Allowing a Derogation Opening a Spring
Hunting Season for Turtle Dove and Quail
S.L. 504.113 Regulations and, or the Conservation of Wild
Birds (Framework for Allowing a Derogation
Opening an Autumn Live-Capturing Season for
Song Thrush and Golden Plover) Regulations
S.L. 504.124 and, or the Conservation of Wild Birds
(Framework for Allowing a Derogation Opening
an Autumn Live-Capturing Season for Finches)
Regulations."

14. Schedule VIII to the principal regulations, shall be amended as follows:

Amends
Schedule VIII to
the principal
regulations.

(a) under the column entitled "Regulation", for the figure "13(2)" there shall be substituted the figure "12(6)";

(b) under the column entitled "Penalty", for the words "€75 where such delay does not exceed 30 days from the end of period. Where the delay exceeds 30 days, the provisions of regulation 27 shall apply" there shall be substituted the words "€75 where such delay does not exceed 21 days from the date of service of the notice of administrative fine issued under the

terms of regulation 27A. Where the delay exceeds 21 days from the date of service of the notice of administrative fine, the provisions of regulation 27 shall apply";

(c) under the column entitled "Offence", for the words:

"Provided that if the failure consists in more than 5 undeclared birds the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27:

Provided further that where the undeclared bird(s) is not included in Schedule II, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27."

there shall be substituted the words:

"Provided that if the failure consists in more than 5 undeclared birds or, during the period of any derogation, more than the number of birds allowed as daily bag limit or more than the number of birds allowed as seasonal bag limit if a daily bag limit is not imposed, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27."

Substitutes
Schedule IX of
the principal
regulations.

15. Schedule IX to the principal regulations shall be substituted by the following:

"SCHEDULE IX

Regulation 27 (2)

Species subject to special protection

ANSERIFORMES

Anatidae

Cygnus olor

Činju Mutu

Mute Swan

CHARADRIIFORMES

Haematopodidae

Haematopus ostralegus

Gallina tal-Baħar

Eurasian
Oystercatcher

FALCONIFORMES

Accipitridae

<i>Accipiter gentilis</i>	Falkun	Goshawk
<i>Accipiter nisus</i>	Sparvier	Eurasian Sparrowhawk
<i>Buteo buteo</i>	Kuċċarda prima	Common Buzzard
<i>Buteo lagopus</i>	Kuċċarda tal-Kalzetti	Rough-legged Buzzard

Falconidae

<i>Falco concolor</i>	Żumbrell Għarbi	Sooty Falcon
<i>Falco subbuteo</i>	Seqer tal-Ħannieqa	Eurasian Hobby
<i>Falco tinnunculus</i>	Spanjulett	Common Kestrel

GRUIFORMES

Rallidae

<i>Porphyrio alleni</i>	Faġan tal-Baħar Afrikan	Allen's Gallinule
-------------------------	-------------------------	-------------------

PELECANIFORMES

Ardeidae

<i>Ardea cinerea</i>	Russett Griż	Grey Heron
<i>Bubulcus ibis</i>	Agrett tal-Bhejjem	Cattle Egret
<i>Egretta alba</i> (<i>Ardea alba</i>)	Russett Abjad	Great White Heron
<i>Egretta gularis</i>	Agrett tax-Xatt	Western Reef-egret

PHOENICOPTERIFORMES

Phoenicopteridae

<i>Phoeniconaias minor</i>	Fjamingu	Lesser
----------------------------	----------	--------

(*Phoenicopterus minor*) Flamingo

Phoenicopterus roseus Fjamingu Greater Flamingo

STRIGIFORMES

Strigidae

Asio otus Qattus Long-eared Owl

Athene noctua Kokka tat-Tikki Little Owl

Otus scops Kokka European Scops Owl

Tytonidae

Tyto alba Barbagann Barn Owl

SULIFORMES

Sulidae

Morus bassanus Sula Northern Gannet".

Amends
Schedule X of
the principal
regulations.

16. In Schedule X of the principal regulations, immediately after the words:

"Examination fee in accordance with €30 per examination" regulation 12(2)

there shall be added the following:

"Re-sits of examinations referred to in €10 per re-sit of regulation 12(2) examination

Taxidermist's license issued in terms of €300 per three-year regulation 21(1) licence

Registration or effecting of changes to €10 per approved site site plans approved by the Wild Birds plan registered / Regulation Unit in terms of the fourth changed proviso to regulation 8(2)

Provision of a copy of the site plan €2 per copy of the site approved by the Wild Birds Regulation plan".

Unit in terms of the fourth proviso of regulation 8(2)

