

SUBSIDIARY LEGISLATION 549.42**CONSERVATION OF WILD BIRDS REGULATIONS**

29th March, 2006

LEGAL NOTICE 79 of 2006, as amended by Legal Notices 39, 280 and 426 of 2007, 30 of 2009, 283 of 2010, 82 and 421 of 2011, 267 and 426 of 2012, 341 and 403 of 2013, 110 and 252 of 2014, 281 of 2015 69 of 2016, 368 of 2018, 367 of 2020, 86, 107 and 255 of 2022, 150 and 209 of 2023, 299 of 2024 and 251 of 2025.*

1. The title of these regulations is the Conservation of Wild Birds Regulations.

Title.

2. In these regulations, unless the context otherwise requires:

Definitions.

"the Act" means the Environment Protection Act;

Amended by:

"bird" means any species of naturally occurring avifauna in the wild state in the European territory of the Member States of the European Union, with the exception of Greenland;

*L.N. 39 of 2007;
L.N. 280 of 2007;
L.N. 267 of 2012;
L.N. 341 of 2013;
L.N. 403 of 2013;
L.N. 252 of 2014;
L.N. 281 of 2015;
L.N. 69 of 2016;
L.N. 367 of 2020;
L.N. 150 of 2023;
L.N. 209 of 2023.
L.N. 251 of 2025.
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"bird ringing scheme" means an accredited program or a scientific institution responsible for the training of bird ringers, the management of a bird-ringing database, and the facilitation of data sharing to support research, conservation, and population monitoring efforts;

"bird sanctuaries" means the areas listed in Schedule V;

"captive bred" means a bird which is hatched and bred from legally acquired parental stock in a human-controlled environment and which:

- (a) in the case of a European territory bird is fitted with a closed ring or, in exceptional circumstances where the Wild Birds Regulation Unit is satisfied that the physical or behavioural properties of the bird prevent the use of a closed ring, is fitted with a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E);
- (b) in the case of a non-European territory bird belonging to any of the species listed in Annex A of Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, is marked in accordance with Article 66 of Commission Regulation (EC) No 865/

*The amendments introduced by Legal Notice 69 of 2016 are subject to the following provision:

"16. These regulations shall enter into force immediately upon their publication in the Gazette subject to the following provisos, namely:

Provided that the provisions of regulations 2, 11, 12, 13, Schedule IV, Schedule VI, Schedule VIII and Schedule X of the principal regulations shall remain in force in the same manner as prior to being amended by these regulations exclusively in regard to those licensees who would have not handed in their *carte de chasse* in accordance with regulation 12(5)(a) of the principal regulations or in regard to those persons who are in any other way in breach of the regulations specified in this proviso and such persons shall still be liable to the punishments stipulated for breaches of these specified regulations as were in force prior to the publication of these amending regulations:

Provided further that regulation 2 of these regulations shall also enter into force in the same manner as specified in the proviso above."

2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97, and in accordance with any other applicable requirements pursuant to the Trade in Species of Fauna and Flora Regulations;

"closed ring" means a seamless closed leg-ring or leg-band in a continuous circle, without any break or join, which has not been tampered with in any way, which is of an appropriate size for the species concerned and commercially manufactured for that purpose and for the species concerned, and which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life:

Provided that when a ring that is larger than the appropriate size for the species concerned cannot be removed due to a swelling on the bird's leg or any other condition on the bird's leg that requires medical treatment, such bird shall not be deemed as captive bred;

"close season" means, in respect of the hunting and taking of birds, those periods which fall outside the open season during which no taking or hunting shall be allowed;

"the Commissioner" means the Commissioner of Police or his representative;

"general licence" means a permit issued in accordance with these regulations and which satisfies the criteria listed in Schedule IV and, or, other conditions which may be stipulated by the Wild Birds Regulation Unit from time to time in accordance with these regulations;

"hunt" and "hunting" means to hunt or use a fire-arm or any other weapon for hunting, and "hunting at sea" means hunting from seacraft;

"import or export" means import and export from and to countries outside the customs territory of the European Community;

"inhabited area" means any area in which there is an aggregation of houses that are inhabited or capable of being inhabited by more than one hundred persons;

"lead shot" means projectiles made from lead, bismuth, tungsten or steel, or any other alloy or material, of whatever make and size, contained in a cartridge, excluding the gun powder and wad;

"licensee" means a natural person aged 18 years or over who is in possession of a valid licence issued under these regulations;

"live-capturing site" or "site" means the area clearly outlined on a site plan which is approved for that purpose by the Wild Birds Regulation Unit and registered with the Commissioner of Police which contains only one (1) live-capturing station per licence;

"live-capturing station" means the footprint area within the live-capturing site containing not more than two pairs of horizontal clap-nets per live-capturing station, with each net having an area not larger than that stipulated in the relevant framework regulations

pertaining to live-capturing derogations, which live-capturing station may be registered on one or more licensee and each pair of clap-nets clearly outlined on the approved site plan;

"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;

"the Minister" means the minister responsible for the environment;

"open season" means, in respect of hunting and taking of birds, those periods as established by the Minister pursuant to regulation (10)6 during which hunting and taking shall be allowed;

"Ornis Committee" means the Committee established under regulation 10;

"organization representing persons knowledgeable in, or working for, the protection of avifauna" means any organization, which is a member of an international organization which has an observer status within the European Union Ornis Committee, and which is enrolled with the Commissioner of Voluntary Organisations under the Voluntary Organisations Act, and that has more than two thousand paid-up members, a statute, a committee which is elected at least once every three years, and which has its accounts verified and certified by a qualified auditor and approved by a general meeting of the organization;

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"organization representing persons licensed to hunt and, or take" means an organization, which is a member of an international organization which has an observer status within the European Union Ornis Committee, and which is enrolled with the Commissioner of Voluntary Organisations under the Voluntary Organisations Act, and that has more than two thousand paid-up members, a statute, a committee which is elected at least once every three years, and which has its accounts verified and certified by a qualified auditor and approved by a general meeting of the organization:

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Provided that the requirement for membership of an international organisation which has an observer status within the European Union Ornis Committee, and the requirement to have more than two thousand paid-up members shall only apply for an organisation represented on the Ornis Committee established under regulation 10;

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"organization representing taxidermists" means an organization, which is enrolled with the Commissioner of Voluntary Organisations under the Voluntary Organisations Act, and that has more than eighty (80) paid up members, a statute and a committee which is elected at least once every three (3) years;

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"protected area" or "protected areas" means areas where live-capturing is prohibited under the Conservation of Wild Birds Regulations; the areas within Natura 2000 sites containing natural habitat types bearing codes 1150, 1210, 1240, 1310, 1410, 1420, 1510, 2110, 2210, 2220, 3140, 3170, 5230, 5330, 5410, 5420, 5430, 6220, 8210, 92A0, 92D0, 9320, 9340, 9540 and 9570 as listed in Schedule I of the Flora, Fauna and Natural Habitats Protection Regulations; and, areas outside Natura 2000 sites that support natural habitats, including Scheduled Level 1 and Level 2 Areas of Ecological Importance and Sites of Scientific Importance, provided that such prohibition shall not apply to cultivated agricultural land located within the boundaries of the above protected areas and officially registered with the Department of Agriculture; provided further that no live-capturing can take place on any site that has either not been registered with the Commissioner of Police prior to the end of December 2012, or that is not identifiable as a live-capturing site on aerial photographs published prior to end of December 2012; provided further that the exemption of registered cultivated agricultural land would not apply to areas where live-capturing is prohibited under these regulations;

"scientific bird-ringer" means a person who is licensed by the Wild Birds Regulation Unit to perform scientific bird ringing and geo-tagging activities in accordance with regulation 23;

"scientific bird ringing" means a research method based on the individual marking of wild birds with a view to providing data on species' survival rates, migration, movement and dispersal patterns, population dynamics and ecological processes for conservation purposes, which involves:

- (a) the capture and handling of wild birds using nets and/or pre-recorded bird calls;
- (b) the attachment of an individually marked scientific ring on a wild bird to enable individual identification and/or the attachment of a geo-tag to record its precise movements;
- (c) the taking of various biometric and morphometric measurements such as size, weight, conditions of feather moult and indications of age and sex of the specimen;
- (d) the recording of the scientific ring identification number and biometric information through a special scientific database accessible to scientific bird-ringers and researchers in other regions or countries; and
- (e) the immediate release of the birds caught back into the wild after performing the necessary measurements and attachment of scientific rings and/or geo-tags, or after recording the necessary information from bird specimens already fitted with a scientific ring and/or

geo-tag;

"to capture" means to take;

"to take" and "taking" means live-capturing of wild birds, in accordance with the provisions of these regulations;

"Wild Birds Regulation Unit" shall mean the Wild Birds Regulation Unit established within the Ministry responsible for the environment.

PART I

3. (1) The bird species referred to in Schedule I shall be the subject of special conservation measures concerning their habitat including in particular the designation of special protection areas.

Special
conservation
measures.
*Amended by:
L.N. 39 of 2007.*

(2) For the purposes of sub-regulation (1), account shall be taken of -

- (a) species in danger of extinction;
- (b) species vulnerable to specific changes in their habitat;
- (c) species considered rare because of small populations or restricted local distribution;
- (d) other species requiring particular attention for reasons of the specific nature of their habitat.

(3) Similar measures shall also be established for regularly occurring migratory species not listed in Schedule I, as regards their breeding, moulting and wintering areas and staging posts along their migration routes, bearing in mind their need for protection in the geographical sea and land area of Malta.

(4) The Ornithological Committee shall make recommendations to the Minister on the adoption of measures under this regulation in accordance with the provisions of regulation 10(6)(i).

(5) The Minister shall, by notice in the Gazette, publish the sites classified as special protection areas in accordance with the provisions of this regulation, together with the maps delineating these areas.

4. (1) All species of naturally occurring wild birds are protected. Without prejudice to the provisions of regulations 5, 8 and 9, no person shall:

Prohibitions.
*Amended by:
L.N. 39 of 2007;
L.N. 280 of 2007;
L.N. 341 of 2013;
L.N. 281 of 2015;
L.N. 69 of 2016;
L.N. 367 of 2020;
L.N. 107 of 2022.*

- (a) hunt or attempt to hunt, take or attempt to take any bird which is protected under these regulations, other than in accordance with these regulations and with the conditions of any licence granted thereunder;
- (b) hunt or attempt to hunt, take or attempt to take, destroy, damage or remove by any means, any bird nest and eggs;
- (c) take the eggs in the wild of any bird which is protected under these regulations and keep these eggs even if empty;
- (d) deliberately disturb any bird which is protected under these regulations during the period of breeding and rearing;

- (e) be in possession or in control of or keep any specimen of any bird not listed in Schedule II and/or any specimen of any Non-European territory bird, whether alive or dead, or any recognisable parts or derivatives thereof, unless he proves that such specimen:
 - (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 6(1)(b); 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:

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 paragraph (e) 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 paragraph (e) 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.

(2) *Deleted by Legal Notice 107 of 2022.*

Hunting
restrictions.
Amended by:
L.N. 39 of 2007.

5. (1) Without prejudice to the provisions of regulation 9, no person shall hunt or attempt to hunt any birds other than those referred to in Schedule II:

Provided that such hunting, including falconry if practiced, as carried out in accordance with the provisions of these regulations shall be subject to any conditions and rules as may be established pursuant to regulation 10(6), in particular paragraph (a) thereof, and shall be in accordance with the principles of wise use and ecologically balanced control of the species of birds which are referred to in Schedule II and be compatible with the requirement of maintaining the population of these species, in particular as regards migratory species:

Provided further that there shall be no hunting of birds which are referred to in Schedule II during the rearing season or

during the various stages of reproduction of these species.

(2) As regards migratory species which are referred to in Schedule II, there shall also be no hunting of such species during their period of reproduction or during their return to their rearing grounds.

(3) No person shall:

- (a) hunt on land any bird other than those listed in Part A of Schedule II; or
- (b) hunt at sea any bird other than those listed in Part B of Schedule II.

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.

Import etc.
restriction.
Amended by:
L.N. 280 of 2007.
Substituted by:
L.N. 281 of 2015.

(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.

Banned methods.
Amended by:
L.N. 39 of 2007;
L.N. 368 of 2018;
L.N. 367 of 2020.

7. (1) Without prejudice to the provisions of regulations 8 and 9, no person shall hunt or attempt to hunt, take or attempt to take any bird by making use or be in possession of any of the following methods:

- (a) snares, limes including birdlime, poisonous or stupefying bait, hooks or any similar substances or methods;
- (b) any electrocuting devices;
- (c) any artificial light sources, mirrors, devices for illuminating targets or any night vision devices comprising an electronic image magnifier or image converter;
- (d) any gas, or any electric or electronic device, especially the use of pre-recorded bird calls;
- (e) nets, including those known as ranja, mist-nets, and any type of vertical net;
- (f) any kind of cage-trap, whether with a net or not;
- (g) decoy live birds which are blind or mutilated;
- (h) decoy live birds held by any means except those held by cotton string and swivel;
- (i) decoys of protected birds;
- (j) explosives; and
- (k) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition:

Provided that the prohibition in sub-regulation (1) shall be without prejudice to the provisions of regulation 23(2)(f):

Provided further that the prohibition in paragraph (d) referring to electric or electronic devices shall not apply to battery-

operated artificial bird decoys including motorised rotating decoys, flapping decoys and those that mimic bird movement, including flight:

Provided further that such artificial bird decoys shall not include or incorporate within or with them any pre-recorded bird calls or any other method prohibited under this regulation.

(2) No person shall sell, offer for sale, exhibit for sale or keep any device the use of which, is prohibited by sub-regulation (1):

Provided that, subject to the other provisions of these regulations and subject also to the provisions of any law for the time being in force in Malta, in as far as any device referred to in sub-regulation (1) may be used for purposes other than those to which these regulations refer, the same, offering for sale, exhibition for sale, or keeping of any such device shall not be prohibited solely on the basis of this regulation.

8. (1) Any live-capturing of wild birds by any means whatsoever is prohibited except by virtue of derogations authorised in terms of regulation 9.

Live-capturing.
Amended by:
L.N. 280 of 2007;
L.N. 341 of 2013.
Substituted by:
L.N. 252 of 2014.
Amended by:
L.N. 281 of 2015;
L.N. 367 of 2020.

(2) Notwithstanding the provisions of regulation 4(1)(a) and (e) and regulation 7, and without prejudice to the provisions of regulation 9, certain birds may be deliberately captured in accordance with the parameters established by the relevant framework regulations pertaining to live-capturing derogations and under the terms of any special live-capturing licences issued thereunder:

Provided that the licensee shall only use traditional manually-operated selective clap-nets, consisting of two parallel nets spread flat on the ground which capture birds by clapping over each other on the ground, and which are armed and operated solely by human intervention without the use of any external power means including electrical, electronic, or mechanical means:

Provided further that such live-capturing may only take place in live-capturing sites within the area clearly outlined on a site plan which is approved for that purpose by the Wild Birds Regulation Unit and registered with the Commissioner of Police, and which contains only one (1) live-capturing station per licence holder:

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.

9. (1) Derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 may be authorized where there is no other satisfactory solution, for the following reasons:

Derogations.
Amended by:
L.N. 341 of 2013;
L.N. 281 of 2015;
L.N. 86 of 2022.

- (a) in the interests of public health and safety;
- (b) in the interests of air safety;
- (c) to prevent serious damage to crops, livestock, forests, fisheries and water;

- (d) for the protection of flora and fauna;
- (e) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
- (f) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers:

Provided that in authorizing any derogations, the following must be specified:

- (a) the species which are subject to the derogations;
- (b) the means, arrangements or methods authorized for capture or killing;
- (c) the conditions of risk and the circumstances of time and place under which such derogations may be granted;
- (d) the controls which will be carried out.

(2) The Ornithology Committee established under regulation 10 shall make recommendations to the Minister on the authorization of such derogations where it determines that the required conditions for authorizing any such derogations are in place.

(3) In making any such recommendations, the Ornithology Committee established under regulation 10 shall act in accordance with the provisions of this regulation.

(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.

Ornithology Committee.
Amended by:
L.N. 39 of 2007;
L.N. 280 of 2007;
L.N. 82 of 2011;
L.N. 421 of 2011;
L.N. 341 of 2013;
L.N. 403 of 2013;
L.N. 281 of 2015.

10. (1) There shall be a committee to be known as the Ornithology Committee.

(2) The Ornithology Committee shall be composed of not less than nine members and not more than eleven members who shall be appointed by the Minister for a term of one year, as follows:

- (a) a Chairman;
- (b) the Director, or his representative, of the Environment Protection Directorate within the Environment and Resources Authority or his successor in title;
- (c) three persons known for their integrity who are independent from any organization related to bird conservation and, or hunting;
- (d) two members to be nominated by an organization representing persons licensed to hunt and, or, to take;
- (e) two members to be nominated by an organization which represents persons knowledgeable in, or working for, the protection of avifauna;
- (f) a person with knowledge of, and experience in avifauna;

- (g) a person with knowledge of and experience in hunting and taking of birds:

Provided that where there is more than one organization which qualifies under regulation 2, to be appointed as is referred to in either paragraph (d) or (e) of this sub-regulation, then there shall be two members appointed in terms of each paragraph (d) and (e), in which case the two members appointed under the paragraph where there is more than one organization will be appointed as follows:

One member nominated by the organization having the most members and one member nominated by the organization having the next higher number of members.

- (3) (a) The committee shall be properly constituted and may function notwithstanding any failure to nominate any or all of the members mentioned in sub-regulation (2)(d) and (e);
- (b) The members referred to in sub-regulation (2)(a), (b), (c), (d) and (e) shall each have one vote;
- (c) The organizations referred to in sub-regulation (2)(d) and (e) shall hold one vote per organization;
- (d) The other members of the Committee shall have no vote;
- (e) The Minister shall appoint a person to act as Secretary of the Committee.
- (4) The quorum of the Ornithology Committee shall consist of the Chairman and not less than half the number of voting members, provided that where any members representing the organizations referred to in sub-regulation (2)(d) and (e) are not nominated, the Chairman shall act on his own, after consulting with the persons mentioned in sub-regulation (2)(c).
- (5) Subject to the provisions of sub-regulation (4), the Chairman shall have an original vote and, where the votes are equally divided, a second or casting vote.
- (6) The functions of the Ornithology 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 Ornis 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 Ornithological 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.

(7) The Ornithology Committee may, with the Minister's consent, delegate to the Wild Birds Regulation Unit any of such functions as are referred to in sub-regulation (6):

Provided that in exercising any of the functions so delegated, the Wild Birds Regulation Unit shall act in accordance with the provisions of these regulations.

(8) The Ornithology Committee shall inform the Minister about its deliberations and decisions and shall transmit to him a copy of the minutes of the meetings.

Wild Birds
Regulation Unit.
Substituted by:
L.N. 341 of 2013.
Amended by:
L.N. 281 of 2015;
L.N. 69 of 2016;
L.N. 86 of 2022.

11. (1) The Wild Birds Regulation Unit shall be established by the Minister and shall be charged with implementing the recommendations of the Ornithology Committee and Minister's decisions concerning implementation of these regulations. The Wild Birds Regulation Unit shall also act as Secretariat to the Committee established under regulation 10 and shall assist this Committee in the performance and in the carrying out of its functions:

Provided that in exercising any of its functions under these regulations, the Wild Birds Regulation Unit shall act in accordance with the provisions of these regulations.

(2) The Wild Birds Regulation Unit shall be responsible for the issuing of licences under these regulations, so however that the Commissioner may, on grounds of public policy and, or, of law and order, inform the Wild Birds Regulation Unit that an individual should not be issued with such licence.

(3) The Wild Birds Regulation Unit will not issue or renew a general licence where the Commissioner provides the advice in terms of sub-regulation (2), and, or, where the criteria established in Schedule VI are not satisfied.

(4) Without prejudice to the provisions of sub-regulation (3), whosoever feels aggrieved by the decision of the Wild Birds Regulation Unit not to issue or renew a particular licence, may appeal to the Ornithology Committee within fifteen working days from the date when such decision is communicated to the applicant.

(5) Such appeal shall be lodged with the Secretary of the Committee in writing, who shall acknowledge such receipt of the

appeal within fifteen days of its receipt in writing.

(6) In determining such appeal, the Ornis Committee may regulate its own procedure and shall give an opportunity to both the Wild Birds Regulation Unit and the appellant to present their views orally or in writing. The decisions of the Ornis Committee shall be final and conclusive.

(7) The decision taken by the Ornis Committee as provided for in sub-regulation (6) shall, without prejudice to sub-regulation (2) or of any other law, be binding on the Wild Birds Regulation Unit and any other person entrusted with the implementation of these regulations.

(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 the Environment Protection Act.

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(9) The Wild Birds Regulation Unit, assisted by the Executive Police, shall immediately suspend the relevant general licence for a period of one (1) year whenever a licensee accumulates in aggregate twelve (12) penalty points or more during a two (2) year period, in accordance with regulation 27A.

(10) During the period of suspension of the relevant licence in accordance with sub-regulation (9), the licensee shall be rendered ineligible to apply for a special licence associated with the relevant general licence that has been suspended, which special licence is issued under the terms of the relevant Framework Regulations, and shall also be rendered ineligible to apply for a licence or permit to participate in any research activity provided for in accordance with the first proviso to regulation 23(1).

(11) The Wild Birds Regulation Unit shall return the relevant general licence to the licensee following termination of the suspension period in accordance with sub-regulation (9).

12. (1) Without prejudice to the provisions of any other law no person shall hunt or attempt to hunt, take or attempt to take by any means any birds as permitted in accordance with the provisions of these regulations, unless such person is in possession of a valid licence as applicable, issued by the Wild Birds Regulation Unit, and such person satisfies all the conditions specified in the licence and in any other law:

General licence.
Amended by:
L.N. 82 of 2011;
L.N. 341 of 2013;
L.N. 403 of 2013;
L.N. 252 of 2014;
L.N. 281 of 2015;
L.N. 69 of 2016;
L.N. 367 of 2020.

Provided that any such licence shall be issued in accordance with and subject to the provisions of these regulations and of any policies and conditions as may be established pursuant to regulation 10(6):

Provided further that any such licence shall be issued against a fee stipulated in Schedule X.

(2) Any person who applies for a licence may be asked to sit for a practical examination to determine his knowledge on the use and safe carrying of fire-arms and his ability to identify birds and his knowledge of regulations for the conservation of wild birds:

Provided that such examination shall be held against a fee stipulated in Schedule X:

Provided further that, without prejudice to the requirements of any other law or regulation, persons who successfully passed an examination on their ability to identify birds and their knowledge of regulations for the conservation of wild birds as established in this sub-regulation shall not be required to sit for another such examination for that licence category for which they are licensed during the period of validity of such licences in terms of sub-regulation (7), or upon due renewal of such licences in accordance with these regulations within one year from the end of the validity period of that licence.

(3) Unless the Commissioner and, or the Wild Birds Regulation Unit has valid reasons to the contrary, and subject to the provisions of these regulations, whosoever is included in the register of persons who had a licence for the live-capturing of birds valid at any time during the period from December 2002 up to the end of December 2011, but has since not renewed his license in accordance with the provisions of these regulations, may opt to apply for a provisional live-capturing licence, which shall be issued after effecting relevant fees stipulated in the second proviso to sub-regulation (1) and in the proviso of sub-regulation (2), and after the live-capturing station has been approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police in terms of regulation 8(2):

Provided that such provisional licence shall be automatically terminated within a period of twelve months from the date of issuance, unless the holder successfully passes the examination in accordance with sub-regulation (2) within twelve months from the date of issuance of the provisional licence.

(4) The Wild Birds Regulation Unit shall ensure that before a licence is granted or renewed under these regulations, the applicant shall have complied with the conditions listed in Schedule VI.

(5) The Wild Birds Regulation Unit may issue the following general licences in terms of these regulations:

- (a) the general licence to hunt birds on land;
- (b) the general licence to hunt birds at sea;
- (c) the general live-capturing licence to take birds:

Provided that no general licence to hunt and, or to take (live-capture) birds shall be valid unless the general licence holder renews his membership with an organization representing persons licensed to hunt and, or take and, for this purpose, the organisation shall stamp the membership booklet issued by the Wild Birds

Regulation Unit and issue a membership card for that year during which the licensee will practice hunting and, or taking of birds:

Provided further that, in the case of hunting, no general licence to hunt shall be valid unless the general licence holder has also paid insurance policy against third party risks to persons or damage to property, and paid all relevant Police permits to carry a firearm for the purpose of bird hunting for that year during which the licensee shall practice hunting.

(6) Subject to the provisions of regulation 11(3), an individual may apply and obtain any one or more of the above general licences or any combination of general licences.

(7) Without prejudice to the provisions of these regulations, the licence issued in accordance with these regulations shall remain valid for a period of five years and may be renewed for further periods of five years subject to fulfilment of the criteria stipulated in Schedule VI.

(8) A licensee in possession of a general licence issued in terms of these regulations shall not be exempt from obtaining any other licence which may be required where his activity is regulated by any other regulation made under these regulations or by any provision under these regulations or under any other law or regulation.

(9) A licensee in possession of a general licence issued in terms of these regulations shall use the game reporting system indicated by the Wild Birds Regulation Unit to effect the reporting required under Schedule IV.

13. No person shall hunt and, or, take birds unless he has effected the relative payments stipulated under these regulations, including any payments due as prescribed by Schedule VIII and Schedule X, and the relative licences have been issued in his favour, in accordance with the conditions stipulated under Schedule VI.

Payment of general licence fees and other dues.
Amended by:
L.N. 82 of 2011;
L.N. 341 of 2013.
Substituted by:
L.N. 69 of 2016.

14. (1) No person in search or in pursuit of birds shall enter any field, land, tenement or other enclosure belonging to or occupied by third parties against their consent.

Entry restrictions.
Amended by:
L.N. 39 of 2007.

(2) It shall be presumed that there is this prohibition with regards to any field, land, tenement or other enclosure which is sown or planted or in which there are vegetables or fruits that are yet unpicked or unplucked.

15. Unless the contrary is proved, any person who between two hours before sunrise and two hours after sunset, or during any close season, is found in the open countryside, whether on his own land or on land belonging to some other person, or outside such land, or is found at sea carrying a fire-arm or ammunition for taking game, shall be deemed to be in the actual search for or pursuit of birds.

Prohibited times and seasons.
Amended by:
L.N. 39 of 2007;
L.N. 341 of 2013.

16. No person shall -

(a) carry a fire-arm or hunt or attempt to hunt any bird as permitted in accordance with these regulations, or

Person to carry documents while hunting, taking.
Amended by:
L.N. 39 of 2007;
L.N. 426 of 2012.

(b) take or attempt to take any bird,

unless he is carrying with him his legally valid identification document or any other recognized means of identification and the proper licence for the activity issued to him under these regulations or any other law:

Provided that where any such person is not carrying such documents with him, he shall be freed of any liability arising from such omission if within two days he produces to the police such document at the place indicated to him by them.

Fire-arm to be loaded etc., only on hunting ground.

17. No person shall at any time keep or carry a fire-arm which is loaded, or with cartridges in its magazine, or out of its case, unless at a place where shooting of game is allowed.

Further prohibitions.
Amended by:
L.N. 39 of 2007;
L.N. 341 of 2013;
L.N. 341 of 2013;
L.N. 367 of 2020.

18. (1) Without prejudice to regulation 9, no person shall:

(a) during the closed season for the hunting of birds on land, hunt or attempt to hunt any bird, or carry ammunition or a fire-arm outside its case:

Provided that during both the open season and closed season for the hunting of birds on land, authorisation to hunt released captive-bred birds for the purpose of training of hunting dogs may be given after an application is submitted to and approved for this purpose by the Wild Birds Regulation Unit, and in accordance with the conditions established in the same authorisation which, *inter alia*, shall include:

- (i) a prohibition on immediate shooting as soon as the birds are released;
- (ii) a prohibition on the use of a method known as "*tal-kaxxa*" or any other method that leads to the immediate shooting of the birds on their release, as prohibited in terms of regulation 20(b);
- (iii) a requirement to submit a list of participants by not later than two (2) working days from termination of the training activity, which list shall indicate the name, surname and identity card number of each participant who took part in the activity; and
- (iv) a requirement to declare, by not later than two (2) working days from termination of the activity, the total number of captive-bred birds of each species hunted during the same activity:

Provided further that such authorisation shall only be given if the captive-bred birds pertain to species in the order 'Galliformes', as listed in Schedule II and that the release of captive-bred common quail (*Coturnix coturnix*) for this purpose shall not be permitted during the months of March, April and May of each year:

Provided further that the application shall be submitted at least two (2) weeks prior to the activity by an organization

representing persons licensed to hunt, and shall include:

- (i) written consent from the landowner or leaseholder of the site where the activity shall take place;
 - (ii) copies of all necessary permits obtained from the Police and from any other authority as may be required under other applicable laws or regulations;
 - (iii) the dates and times when the activity is proposed to take place;
 - (iv) the site where the activity will take place clearly marked on an A4 site plan;
 - (v) details of the species and the amount of captive-bred birds from each species that will be released; and
 - (vi) a health certificate from a licensed veterinarian confirming that the specimens are healthy and free of parasites and disease;
- (b) during the open season for the hunting of birds not at sea, hunt or attempt to hunt any bird not included in Schedule II;
- (c) during the close season for the taking of birds as may be permitted in accordance with these regulations, take or attempt to take any bird;
- (d) during the open season for the taking of birds as may be permitted in accordance with these regulations, take or attempt to take any bird at sea;
- (e) during the close season for the hunting of birds at sea, carry while at sea (other than while crossing between Malta and Gozo by public transport), any ammunition or any fire-arm licensed for taking birds;
- (f) during the open season for the hunting of birds at sea:
- (i) hunt or attempt to hunt, at sea, any bird which is not included in Part B of Schedule II;
 - (ii) hunt or attempt to hunt at sea:
 - (aa) within, or less than, three kilometres from the coastline, from a boat or any sea-craft, or
 - (bb) beyond three kilometres from the coast from a boat or sea-craft which is being driven at more than 5 kilometres per hour:
- Provided that on the open sea, for safety reasons, the use of a boat or sea-craft with a maximum speed of 18 kilometres per hour may be authorized for hunting;
- (iii) carry at sea, within a distance of three kilometres from the coastline, a fire-arm licensed for hunting game which is loaded, or

- has cartridges in the magazine, or is out of its case;
- (iv) hunt or attempt to hunt from any sea-craft which is not registered with the competent authorities;
- (v) hunt or attempt to hunt from any sea-craft unless in possession of a licence for that purpose from the Commissioner;
- (vi) be in possession, while at sea, of any bird, dead or alive, or part of any bird, not included in Part B of Schedule II and any person who is found in possession of any bird or part of any bird not included in Part B of Schedule II will be presumed to have hunted, caught or taken such bird in violation of these regulations, unless the contrary is proved;
- (vii) launch, and haul on land, sea-craft used for hunting birds at sea other than from those places indicated in the licence mentioned in subparagraph (v);
- (g) no person shall, while in or on any motor vehicle or aircraft, be in possession of any fire-arm which is loaded or outside its case, or go in pursuit of any bird, or hunt or attempt to hunt, take or attempt to take any bird.
- (2) (a) No person shall carry a fire-arm, whether loaded or not, that is not in its case, or discharge any fire-arm, while within 200 meters from any town or village, or other inhabited area, or any of the beaches listed in Schedule VII and within 50 metres from their delineation, or within a distance of 50 meters from main or arterial roads:

Provided that this distance of 50 meters shall not apply in the case of secondary roads and country lanes:

Provided further that the fire-arm is not aimed in the direction of the road, whether main, arterial, secondary or a country lane.

- (b) No person shall be in possession of any fire-arm, licensed for hunting game, which has a magazine capable of holding more than two shots at any time.
- (c) No person shall take or attempt to take any bird while within any of the beaches listed in Schedule VII.

Time restrictions.
Amended by:
L.N. 252 of 2014;
L.N. 281 of 2015.

19. (1) No person shall, between two hours after sunset and two hours before sunrise of the next following day, hunt or attempt to hunt, take or attempt to take any bird by any means, or carry a fire-arm which is loaded, or out of its case.

(2) No person shall hunt or attempt to hunt any bird by any means on Sundays and Public Holidays after 1 o'clock in the afternoon (1.00 p.m).

(3) The hunting of birds on land shall be permitted between the 1st September of any given year and the 31st January of the following year, between two hours before sunrise and two hours after sunset on any day between Monday and Saturday, and between two hours before sunrise and 1 o'clock in the afternoon (1:00 pm) on Sundays and Public Holidays:

Provided that hunting of birds on land between the 15th September and the 7th October of any year shall not be permitted from Monday to Saturday between 7:00 pm and two hours before sunrise of the following day.

(4) The hunting of birds at sea shall be permitted between the 1st October of any given year and the 31st January of the following year:

Provided that hunting at sea between the 1st October and 7th of October of any given year shall not be permitted from Monday to Saturday between 7:00 pm and two hours before sunrise of the following day:

Provided further that hunting of birds at sea between 8th October of any given year and 31st January of the following year shall be allowed between two hours before sunrise and two hours after sunset on any day between Monday and Saturday, and between two hours before sunrise and 1 o'clock in the afternoon (1:00 p.m) on Sundays and public holidays.

(5) The Minister may, by means of notice in the Gazette, revise the parameters of the hunting season in any given year at any time on the basis of relevant latest scientific advice concerning conservation status and maintenance of the population of bird species at satisfactory level, or any other reason which the Minister deems to be of sufficient gravity:

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.

20. No person shall:

- (a) keep or confine any bird whatsoever in any cage or other receptacle which is less than 250mm in height, 250mm in length and 150mm in breadth, and which, considering the size of the bird, is not large enough to permit the bird to stretch its wings freely:

Provided that this paragraph shall not apply to poultry or to the keeping or confinement of any bird -

- (i) while such bird is undergoing treatment by a veterinary surgeon;
 - (ii) during the open live-capturing season when the cage should not be smaller than the dimensions provided for in the relevant framework regulations pertaining to any live-capturing derogations for that species for which a particular derogation applies;
- (b) promote, permit, assist or take part in any event

Space restrictions.
Amended by:
L.N. 252 of 2014;
L.N. 367 of 2020.

whatsoever in the course of which captive birds are liberated for the purpose of being shot at immediately on their release.

Taxidermy.
Amended by:
L.N. 426 of 2012;
L.N. 341 of 2013.
Substituted by:
L.N. 281 of 2015.
Amended by:
L.N. 69 of 2016;
L.N. 367 of 2020;
L.N. 150 of 2023;
L.N. 299 of 2024.

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 purposes of preservation, any bird or non-European territory bird for commercial purposes without a valid membership with an organisation representing taxidermists and without a taxidermist's licence issued by the Wild Birds Regulation Unit:

Provided 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 the requirement of a taxidermist's licence 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
- (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 practicing taxidermy to possess any stuffed birds 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 Environment and Resources 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 Environment and Resources 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 or its predecessor. No action shall be taken with respect to those specimens -

- (a) that have been issued with a certificate;
- (b) that are found, in the course of an inspection by the Wild Birds Regulation Unit or its predecessor, to taxonomically correspond to the specimens declared by the holder to the Environment and Resources Authority prior to 31st May 2003, notwithstanding that such specimens may not have been tagged with an identification device at the time of the inspection:

Provided that any certificate issued for the purposes of this regulation by the Director of the Environment Protection

Directorate within the Environment and Resources Authority, or his successor in title, shall remain valid:

Provided further that the certificate 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 or that it is based on false information:

Provided further that where it results that the applicant provided false or misleading information, or made a false or fraudulent declaration, the certificate shall be immediately revoked and criminal proceedings shall be taken against the perpetrator in of the Criminal Code.

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(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 Environment and Resources Authority or its predecessor by the 31st May 2003 unless authorised in writing by the Wild Birds Regulation Unit:

Provided that if an application to transfer was submitted to the Wild Birds Regulation Unit or its predecessor by 30th September 2020, and such application has not yet been processed, no action shall be taken with respect to those specimens listed in the pending application that were transferred without written authorisation by the Wild Birds Regulation Unit or its predecessor until the following verifications are carried out:

(a) each transferred specimen, as listed in the pending application to transfer submitted by 30th September 2020, taxonomically corresponds to the specimen declared to the Malta Environment and Planning Authority or its predecessor prior to 31st May 2003, by the transferor and such specimen had not been disposed;

(b) in the case of transfers of the same specimen from one individual to another, that specimen is traced back to the original holder or to its successor in title by virtue of an authorisation in writing for transfer and such specimen had not been disposed;

(c) if a specimen was transferred by the original

holder, or by its successor in title by virtue of a written authorised transfer, to two (2) or more individuals, only the first request for transfer of that specimen as submitted to the Wild Birds Regulation Unit or its predecessor by 30th September 2020, shall be considered as valid:

Provided further that after the verifications referred to in this sub-regulation are carried out, written authorisation to transfer shall be issued, after all cross-verified specimens have been taxonomically identified and marked with an identification device by the Wild Birds Regulation Unit:

Provided further that without prejudice to the provisions of this sub-regulation, the transfer of any bird or Non-European territory bird which has been declared with the Environment and Resources Authority or its predecessor by the 31st May 2003, which has been taxonomically identified and marked with an identification device by the Wild Birds Regulation Unit or its predecessor, may be carried out following the submission of a transfer notification form issued for this purpose by the Wild Birds Regulation Unit:

Provided further that following submission of the transfer notification form of the specimen that has been taxonomically identified and marked with an identification device by the Wild Birds Regulation Unit or its predecessor, the Wild Birds Regulation Unit, after having made all the necessary verifications, shall issue a certificate in accordance with the provisions of sub-regulations (6) and (7):

Provided further that notwithstanding the provisions of this sub-regulation, legal action shall still be taken against individuals found in possession of specimens obtained by transfer, where it is evident that such specimens were obtained in violation of these regulations.

(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.

22. No person shall sell, offer for sale, carry, be in possession of, hunt or use, import or manufacture any cartridge loaded with lead shots of any size greater than 3.3mm in diameter:

Lead shot size.
Amended by:
L.N. 39 of 2007;
L.N. 69 of 2016.

Provided that the provisions of this regulation shall not apply to persons who are licensed by the Commissioner to sell, offer for sale, carry, be in possession of, use, import or manufacture any cartridge loaded with lead shots of any size greater than 3.3mm in diameter for purposes other than hunting.

Scientific bird
ringing.
Amended by:
L.N. 341 of 2013.
Substituted by:
L.N. 367 of 2020.
Amended by:
L.N. 86 of 2022;
L.N. 150 of 2023;
L.N. 251 of 2025.

23. (1) Notwithstanding the provisions of regulation 4(1)(a) and 4(1)(e), scientific bird-ringers may capture any bird for the purposes of scientific bird ringing and/or geo-tagging:

Provided that without prejudice to any research Framework Regulations, a person who is not licensed as a bird-ringer in accordance with regulation 23(2)(a), may capture certain birds for the purpose of geo-tagging, followed by their immediate release back into the wild, insofar as that person satisfies the following requirements:

- (a) the submission of an application to the Wild Birds Regulation Unit, not later than two (2) months prior to the commencement of the geo-tagging activity, which application must be accompanied by the following information:
 - (i) a detailed explanation of the objectives of the proposed research and the reasons thereof;
 - (ii) the alternatives considered;
 - (iii) the proposed quantity per species to be captured for the purpose of geo-tagging;
 - (iv) the proposed methodology;
 - (v) the location of the sites where geo-tagging is proposed to be carried out in the format prescribed in paragraph (c) of sub-regulation (3);
 - (vi) details of the persons who will be entrusted with handling birds and the management of the geo-tags' software, including data collection and analysis;
 - (vii) the proposed research dates for geo-tagging;
 - (viii) the proposed duration of the data collection and analysis; and
 - (ix) the date when the report on the outcome of the research is expected to be submitted to the Wild Birds Regulation Unit;
- (b) the submission, together with the application referred to in paragraph (a), of a signed declaration, either:
 - (i) by the applicant, confirming that he has proven experience in bird-handling and affixing geo-tags on avian species, including knowledge of the geo-tags' software, data collection, management and analysis if the data will also be managed by the same applicant, supported by a biography that lists his previous ornithological research conducted by means of geo-tagging, including the research period, outcome of the research and a link to each publication in peer-reviewed scientific journals; or
 - (ii) by the applicant's trainer, who has proven experience in bird-handling and affixing geo-tags on avian species, as supported by the

trainer's biography, which shall be submitted together with the declaration and shall contain all the information specified in sub-paragraph (i), confirming that he has trained the applicant who is knowledgeable about all aspects related to geo-tagging, including affixing of geo-tags on the target avian species proposed in the application referred to in paragraph (a) and, if the data will also be managed by the same applicant, a confirmation that he is conversant with the geo-tags' software, including data collection, management and analysis;

- (c) the inclusion, in the proposed methodology as referred to in paragraph (a) of sub-regulation (1), of a bird-ringing component as provided for in sub-regulation (2), for all species not listed in Schedule II:

Provided that if the geo-tagging activity involves species listed in Schedule II, the proposed methodology should preferably also include a bird-ringing component as provided for in sub-regulation (2);

- (d) the recommendations and conditions of the Ornithological Committee, in accordance with regulation 10(6); and
- (e) the conditions specified in the licence issued for the purpose of geo-tagging by the Wild Birds Regulation Unit, including reporting obligations and the submission of a detailed report on the outcome of the geo-tagging activity to the Wild Birds Regulation Unit:

Provided that the Wild Birds Regulation Unit shall present the report as referred to in paragraph (e) to the Ornithological Committee in terms of the proviso to regulation 10(6)(c):

Provided further that in the event that the applicant fails to submit the report as referred to in paragraph (e) within the deadline stipulated by the Wild Birds Regulation Unit in the licence conditions, the applicant shall be rendered ineligible to apply for any other research permit or renewal.

(2) Scientific bird-ringers may only capture birds subject to the following conditions:

- (a) no person shall act as a scientific bird-ringer without a licence from the Wild Birds Regulation Unit issued to him in accordance with the provisions of these regulations;
- (b) no person other than a licensed scientific bird-ringer shall capture any bird for the purpose of scientific bird ringing;
- (c) scientific bird-ringers shall not capture any bird from the wild for any purpose whatsoever other than for the

purpose of research;

- (d) a scientific bird-ringer shall only use rings approved for this purpose by a bird ringing scheme;
- (e) a scientific bird-ringer may capture any bird for research purposes at any time throughout the year and inside any site:

Provided that the sites where bird ringing and geo-tagging will be practiced shall be pre-notified to the Wild Birds Regulation Unit in accordance with regulation 23(3)(c);

- (f) without prejudice to regulation 9 and notwithstanding the provisions of regulation 7(1)(d), (e) and (f), a scientific bird-ringer who captures a bird exclusively for scientific bird ringing purposes may, for this purpose, also use pre-recorded bird calls, nets, and live-decoys of specimens pertaining to the targeted species, including their mules and hybrids;
- (g) a scientific bird-ringer shall immediately release birds caught into the wild after performing the necessary measurements and attachment of rings and/or geo-tags, or after reading of the necessary information from the previously fitted rings and/or geo-tags in the event of recapture of bird specimens previously ringed or fitted with a geo-tag;
- (h) scientific bird-ringers who are also in possession of a hunting licence shall not engage in scientific bird ringing activities at the same time as practicing hunting;
- (i) before the scientific bird-ringer leaves the bird ringing and, or geo-tagging site, all nets, including mist-nets, shall either be removed, furled or completely covered in such a way that no bird or other fauna can get caught.

(3) In order to be eligible for the licence mentioned in sub-regulation 23(2)(a) an applicant shall, by the date of application:

- (a) have obtained a training certificate, which is granted after the applicant has successfully completed the necessary training and gained field experience with a qualified trainer who is part of a bird ringing scheme;
- (b) have the approval for a licence from a bird ringing scheme; and
- (c) submit A4 site plans to the Wild Birds Regulation Unit showing the precise boundary of the sites delineated in red ink where scientific bird ringing and geo-tagging is intended to be carried out.

(4) The bird ringing scheme shall, on an annual basis and by not later than 1st February of each year, submit to the Wild Birds Regulation Unit a written report on bird ringing and geo-tagging activities performed during the previous calendar year, as follows:

- (a) the number of birds per species fitted with a scientific ring and/or geo-tag during the reporting year; and
- (b) any other information on bird ringing and geo-tagging activities as may be required by the Wild Birds Regulation Unit.

24. Except as provided for in regulation 23, no person:

Bird sanctuaries.

Amended by:

L.N. 30 of 2009;

L.N. 367 of 2020.

- (a) shall hunt, injure, take or try to hunt, injure or take any bird in a bird sanctuary;
- (b) shall, at any time and by any means whatsoever, have in his possession or under his control any bird, dead or alive, or part of a bird, in a bird sanctuary;
- (c) shall have in his possession or under his control, any fire-arm, ammunition, decoys, net or any other means to hunt, or take any bird in a bird sanctuary:

Provided that the foregoing shall not apply to any person licensed to hunt or to take in accordance with the provisions of these regulations, who, while on a moving vehicle, is carrying a fire-arm which is unloaded and without any cartridges in the magazine, and inside its case, or who has nets for taking birds while passing through the main roads of a bird sanctuary:

Provided further that the Minister may, in accordance with the provisions of regulation 9(1)(b), by notice in the Gazette, authorize a derogation from the provisions of this regulation in respect to items (8) and (9) of Schedule V, in the interests of air safety. In cases of urgency, the Minister may act without the recommendation of the Ornithological Committee in terms of these regulations.

25. The Wild Birds Regulation Unit may order the owner, tenant or other person who is making use of, or is in possession of land on which any hide or other hiding place intended to be used for shooting or taking of birds has been constructed or built, to demolish, within such time as the Wild Birds Regulation Unit may determine, any such hide or other hiding place if it has been so constructed or built in a bird sanctuary, or within the limits indicated in regulation 18(2)(a).

Demolition of
hides.

Amended by:

L.N. 341 of 2013.

26. Nothing in these regulations is intended to affect clay-pigeon shooting organized by shooting clubs registered with the Commissioner and held according to a licence and conditions laid down by the Commissioner, provided that all participants are in possession of a licence to carry a fire-arm.

Exclusion of clay-
pigeon shooting.

PART II

Offences and penalties.

Amended by:

L.N. 39 of 2007;

L.N. 426 of 2007;

L.N. 341 of 2013;

L.N. 110 of 2014;

L.N. 281 of 2015;

L.N. 367 of 2020;

L.N. 86 of 2022.

27. (1) Any person -

- (a) who fails to comply with any provision of these regulations or with any order lawfully given in terms of any provision of these regulations; or
- (b) who contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (c) who acts in contravention of any provision of these regulations; or
- (d) who conspires or attempts, or aids, abets, counsels or procures any other person to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under these regulations,

shall be guilty of an offence against these regulations.

(2) Any person who commits an offence against regulations 4, 6, 18, 19, 21, 23 and 24 shall be liable:

- (a) on a first conviction to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding five thousand euro (€5,000) and the confiscation of the *corpus delicti*.

The Court shall also order the suspension of the relevant licence or permit, issued under these regulations and under Part XV of the Code of Police Laws, for a period of not less than two years but not exceeding five years;

- (b) on a second or subsequent conviction, to a fine (*multa*) of not less than one thousand euro (€1,000) but not exceeding ten thousand euro (€10,000) or to imprisonment for a term of not less than six months but not exceeding two years, or to both such fine and imprisonment and also the confiscation of the *corpus delicti*.

The Court shall also order the permanent revocation of the relevant licence or permit, issued under these regulations and under Part XV of the Code of Police Laws:

Provided that the Court may, in its discretion, impose a Community Service Order on the offender in terms of the Probation Act:

Provided further that any person who commits an offence against any other regulation not mentioned in this sub-regulation, which offence involves any bird included in Schedule I or in Schedule IX, or hunts or attempts to hunt, takes or attempts to take birds in the beaches listed in Schedule VII, shall be liable to a punishment according to the provisions of this sub-regulation:

Provided further that notwithstanding the provisions of this sub-regulation, any person who hunts or attempts to hunt or takes or attempt to take any of the birds included in Schedule I or in Schedule IX, but not included in Schedule II, shall be liable:

- (a) on a first conviction to a fine (*multa*) of five thousand euro (€5,000) or to imprisonment for one year, or to both such fine and imprisonment and to the permanent revocation of the relevant licence or permit, issued under these regulations and under Part XV of the Code of Police Laws, and the confiscation of the *corpus delicti*; Cap. 10.
- (b) on a second or subsequent conviction to a fine (*multa*) of ten thousand euro (€10,000) or to imprisonment for two years, or to both such fine and imprisonment and the confiscation of the *corpus delicti*. This provision shall also apply to persons who were previously convicted of an offence involving hunting or taking, or attempting to hunt and or take any birds listed in Schedule I or Schedule IX, but not included in Schedule II, prior to the entry into force of this paragraph; and, in the case of such prior conviction where the relevant permit or licence was previously not revoked, the Court shall order the permanent revocation of the relevant permit or licence issued under these regulations and under Part XV of the Code of Police Laws upon the second conviction: Cap. 10.

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.

(3) Any person who commits an offence against any other regulation not mentioned in sub-regulation (2) and its proviso respectively, shall be liable:

- (a) on a first conviction to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding two thousand and five hundred euro (€2,500), and the confiscation of the *corpus delicti*;
- (b) on a second or subsequent conviction, to a fine (*multa*) of not less than one thousand euro (€1,000) but not exceeding five thousand euro (€5000) or to

imprisonment for a term not exceeding two years, or to both such fine and imprisonment as well as the confiscation of the *corpus delicti*:

Cap. 446. Provided that the Court may, in its discretion, impose a Community Service Order on the offender in terms of the Probation Act:

Cap. 10. Provided further that the Court shall also order the suspension of the relevant licence or permit issued under these regulations and Part XV of the Code of Police Laws for a period of not less than two years but not exceeding five years:

Cap. 10. Provided further that, without prejudice to the provisions of the third proviso of sub-regulation (2), any person who hunts or attempts to hunt or takes or attempts to take birds without a valid licence shall be liable to the punishments contemplated under sub-regulation (2)(b) and the Courts shall also order that the convicted person shall be disqualified from obtaining the relevant licence or permit under these regulations and under Part XV of the Code of Police Laws for life and where such licence has been permanently revoked in terms of sub-regulation (2)(b) or the Court has already ordered the disqualification from obtaining the relevant licence or permit for life, such person shall, upon conviction, be liable to a fine (*multa*) of not less than seven thousand euro (€7,000) but not exceeding fifteen thousand euro (€15,000) and to imprisonment for a term of not less than one year but not exceeding two years.

Cap. 9. (4) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts of criminal judicature.

Cap. 9. (5) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Special
procedures.
Added by:
L.N. 341 of 2013.
Amended by:
L.N. 281 of 2015.
Substituted by
L.N. 86 of 2022.

27A. (1) Notwithstanding anything contained in these regulations for the trial and punishments of offences and subject to the provisions of this regulation and of Schedule VIII, where the Wild Birds Regulation Unit and, or, the Executive Police believe that a person has committed an offence against these regulations as found in Schedule VIII, the Executive Police shall confiscate the *corpus delicti* as specified in Schedule VIII and shall inform the Wild Birds Regulation Unit which shall, within thirty (30) days from such information, give notice in writing to such person describing the offence of which the person is accused, including the penalty points for each offence in terms of Schedule VIII, the steps to be taken to remedy the offence and the administrative penalty which he is required to pay in respect of that offence:

Cap. 9. Provided that this regulation shall be without prejudice to the powers granted to the Executive Police under the Criminal

Code:

Provided further that any person served with the notice who feels aggrieved by a decision of the Wild Birds Regulation Unit under this sub-regulation, may appeal to the Administrative Review Tribunal established under the Administrative Justice Act for a revocation or modification of such administrative penalty, and the return of the *corpus delicti* confiscated in terms of this regulation.

Cap. 490.

(2) If at any time during a two (2) year period a person accumulates in aggregate twelve (12) penalty points or more as specified in Schedule VIII, the offence or offences committed shall be punishable in terms of sub-regulation 11(9) and the immediate confiscation of the *corpus delicti* as specified in Schedule VIII:

Provided that the accumulated points shall revert back to zero and the two (2) year period shall be reset if the licensee does not commit other offences listed in Schedule VIII within two (2) years from the date of last offence:

Provided further that in all cases, following reversion to zero points and resetting of the two (2) year period, the licensee shall remain subject to accumulation of penalty points for offences listed in Schedule VIII:

Provided further that, should the licensee appeal to the Administrative Review Tribunal and until the Tribunal decides whether or not to revoke or modify the administrative penalty, the two (2) year period shall continue to apply and the penalty points related to the offence in question shall remain valid and shall be added to any penalty points that the accused may have subsequently accumulated, and shall only be deducted from his total if he is acquitted of the charges brought against him.

(3) Where a notice under this regulation has been given, the person named in the notice may, within twenty-one (21) days of the service of the notice, accept responsibility for the offence specified in the notice and within the same period, remedy the offence and pay the penalty indicated in the notice:

Provided that where the person to whom notice is given under sub-regulation (1) does not accept or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, ordinary criminal proceedings shall be taken against him in accordance with regulation 27. The two (2) year period shall continue to apply and the penalty points relating to the offence in question shall remain valid and shall be added to any penalty points that the accused may have accumulated, and shall only be deducted from his total if he is acquitted of the charges brought against him.

(4) The provisions of this regulation shall not apply in any case where the offence listed in Schedule VIII is accompanied by any offence which is not listed in the same Schedule including where the offence is committed in conjunction with any other offence

under these regulations, with the exception of the administrative offences listed in Schedule VIII, and in such circumstances the provisions of regulation 27 shall automatically apply.

(5) Where a person holding a special licence issued in terms of the relevant Framework Regulations has committed an offence in terms of this regulation during the period of a derogation, the special licence obtained shall not be suspended:

Provided that when such person accumulates the twelve (12) penalty points, in terms of the provisions of sub-regulation (2), during the period of a derogation or is charged or accused under regulation 27 in lieu of this regulation, such special licence shall be automatically revoked.

PART III

Omissions by
responsible
persons.

28. Where any person or body responsible for the performance of these regulations fails to perform any tasks or functions as are assigned to it under these regulations within the prescribed time period, if any, the Minister may proceed to take action as he may deem expedient, without prejudice to the possibility of making any charges upon the performance by such person or body of the tasks or functions assigned to it.

Saving of
provisions of
Protection of Birds
and Wild Rabbit
Regulations.
Amended by:
L.N. 39 of 2007;
L.N. 341 of 2013;
L.N. 341 of 2013.
S.L. 549.90

29. The definition of "close season" and the provisions regulating the wild rabbit in the Protection of Birds and Wild Rabbit Regulations (revoked by these regulations) are hereby saved:

Provided that, with the exception of regulation 2B(6), (7) and (8) of the Protection of Birds and Wild Rabbit Regulations, where in any provision regulating the wild rabbit in the Protection of Birds and Wild Rabbit Regulations, there is a reference to the Ornithology Committee, any such reference shall be construed as a reference to the Wild Birds Regulation Unit:

Provided also that notwithstanding its repeal -

- (a) anything that has lawfully been done by virtue of the Protection of Birds and Wild Rabbit Regulations shall remain in force, except insofar as it is inconsistent with any of the provisions of these regulations;
- (b) any liability to any penalty under any of the provisions of the Protection of Birds and Wild Rabbit Regulations shall continue to subsist notwithstanding the repeal of the said regulations.

Other licences.
Added by:
L.N. 341 of 2013.

30. The provisions and conditions laid down in these regulations shall not exempt any person from the requirement of obtaining:

- (a) an Autumn live-capturing licence for the capturing of relevant species during a potential Autumn live-capturing season; and, or
- (b) a Spring Hunting Licence for the hunting of the relevant species during a potential spring hunting

season;

- (c) any other license as may be required under these regulations.

31. (1) The Minister shall set up a fund, hereinafter referred to as the Conservation of Wild Birds Fund.

Conservation of
Wild Birds Fund.

Added by:

L.N. 69 of 2016.

Amended by:

L.N. 368 of 2018.

(2) The Conservation of Wild Birds Fund shall be used to finance activities, projects, programmes and schemes related to the implementation of the aims and objectives of these regulations, including activities organised by non-governmental organizations.

(3) The Conservation of Wild Birds Fund shall be administered by the Wild Birds Regulation Unit.

(4) There shall be paid into the Conservation of Wild Birds Fund:

- (a) any sums appropriated by Parliament for the purpose;
- (b) any donations or grants made to the Conservation of Wild Birds Fund by individuals or institutions;
- (c) sums received by the Wild Birds Regulation Unit for the purpose of being placed in the Conservation of Wild Birds Fund;
- (d) such other sums or monies as may from time to time be provided by, or collected under this or any other law or regulations.

(5) The Conservation of Wild Birds Fund shall keep a proper account of its revenue and expenditure and the Wild Birds Regulation Unit shall, every financial year, deliver to the Minister a copy of its balance sheet together with a report of its activities during the previous financial year.

(6) The revenue of the Conservation of Wild Birds Fund shall not be subject to tax under the Income Tax Act and the Conservation of Wild Birds Fund shall not be liable to tax under the Duty on Documents and Transfers Act.

Cap. 123.

Cap. 364.

(7) The Wild Birds Regulation Unit may make proposals, for endorsement by the Minister, concerning the procedures to be followed in the functioning of the Conservation of Wild Birds Fund.

Amended by:
L.N. 39 of 2007.
Substituted by:
L.N. 283 of 2010.

SCHEDULE I

Bird Species subject of special conservation measures concerning their habitat

GAVIIFORMES

Gaviidae

Gavia stellata

Gavia arctica

Gavia immer

PODICIPEDIFORMES

Podicipedidae

Podiceps auritus

PROCELLARIIFORMES

Procellariidae

Pterodroma madeira

Pterodroma feae

Bulweria bulwerii

Calonectris diomedea

Puffinus puffinus mauretanicus (*Puffinus mauretanicus*)

Puffinus yelkouan

Puffinus assimilis

Hydrobatidae

Pelagodroma marina

Hydrobates pelagicus

Oceanodroma leucorhoa

Oceanodroma castro

PELECANIFORMES

Pelecanidae

Pelecanus onocrotalus

Pelecanus crispus

Phalacrocoracidae

Phalacrocorax aristotelis desmarestii

Phalacrocorax pygmeus

CICONIIFORMES

Ardeidae

Botaurus stellaris

Ixobrychus minutus

Nycticorax nycticorax

Ardeola ralloides

Egretta garzetta

Egretta alba (*Ardea alba*)

Ardea purpurea

Ciconiidae

Ciconia nigra

Ciconia ciconia

Threskiornithidae

Plegadis falcinellus

Platalea leucorodia

PHOENICOPTERIFORMES

Phoenicopteridae

Phoenicopterus ruber

ANSERIFORMES

Anatidae

Cygnus bewickii (*Cygnus columbianus bewickii*)

Cygnus cygnus

Anser albifrons flavirostris

Anser erythropus

Branta leucopsis

Branta ruficollis

Tadorna ferruginea

Marmaronetta angustirostris

Aythya nyroca

Polysticta stelleri

Mergus albellus (*Mergellus albellus*)

Oxyura leucocephala

FALCONIFORMES

Pandionidae

Pandion haliaetus

Accipitridae

Pernis apivorus

Elanus caeruleus

Milvus migrans

Milvus milvus

Haliaeetus albicilla

Gypaetus barbatus

Neophron percnopterus

Gyps fulvus

Aegypius monachus

Circaetus gallicus

Circus aeruginosus

Circus cyaneus

Circus macrourus

Circus pygargus

Accipiter gentilis arrigonii

Accipiter nisus granti

Accipiter brevipes

Buteo rufinus

Aquila pomarina

Aquila clanga

Aquila heliaca

Aquila adalberti

Aquila chrysaetos

Hieraaetus pennatus

Hieraaetus fasciatus

Falconidae

Falco naumanni

Falco vespertinus

Falco columbarius

Falco eleonora

Falco biarmicus

Falco cherrug

Falco rusticolus

Falco peregrinus

GALLIFORMES

Tetraonidae

Bonasa bonasia

Lagopus mutus pyrenaicus

Lagopus mutus helveticus

Tetrao tetrix tetrix

Tetrao urogallus

Phasianidae

*Alectoris graeca**Alectoris barbara**Perdix perdix italica**Perdix perdix hispaniensis*

GRUIFORMES

Turnicidae

Turnix sylvatica

Gruidae

Grus grus

Rallidae

*Porzana porzana**Porzana parva**Porzana pusilla**Crex crex**Porphyrio porphyrio**Fulica cristata*

Otididae

*Tetrax tetrax**Chlamydotis undulata**Otis tarda*

CHARADRIIFORMES

Recurvirostridae

*Himantopus himantopus**Recurvirostra avosetta*

Burhinidae

Burhinus oedicnemus

Glareolidae

*Cursorius cursor**Glareola pratincola*

Charadriidae

*Charadrius alexandrinus**Charadrius morinellus (Eudromias morinellus)**Pluvialis apricaria**Hoplopterus spinosus*

Scolopacidae

*Calidris alpina schinzii**Philomachus pugnax**Gallinago media**Limosa lapponica**Numenius tenuirostris**Tringa glareola**Xenus cinereus (Tringa cinerea)**Phalaropus lobatus*

Laridae

*Larus melanocephalus**Larus genei**Larus audouinii**Larus minutus*

Sternidae

*Gelochelidon nilotica (Sterna nilotica)**Sterna caspia**Sterna sandvicensis**Sterna dougallii**Sterna hirundo**Sterna paradisaea**Sterna albifrons**Chlidonias hybridus**Chlidonias niger*

Alcidae

Uria aalge ibericus

PTEROCLIFORMES

Pteroclididae

*Pterocles orientalis**Pterocles alchata*

COLUMBIFORMES

Columbidae

*Columba palumbus azorica**Columba trocaz**Columba bollii**Columba junoniae*

STRIGIFORMES

Strigidae

*Bubo bubo**Nyctea scandiaca**Surnia ulula**Glaucidium passerinum**Strix nebulosa**Strix uralensis**Asio flammeus**Aegolius funereus*

CAPRIMULGIFORMES

Caprimulgidae

Caprimulgus europaeus

APODIFORMES

Apodidae

Apus caffer

CORACIIFORMES

Alcedinidae

Alcedo atthis

Coraciidae

Coracias garrulus

PICIFORMES

Picidae

*Picus canus**Dryocopus martius**Dendrocopos major canariensis**Dendrocopos major thanneri**Dendrocopos syriacus**Dendrocopos medius**Dendrocopos leucotos**Picoides tridactylus*

PASSERIFORMES

Alaudidae

*Chersophilus duponti**Melanocorypha calandra**Calandrella brachydactyla**Galerida theklae*

Lullula arborea

Motacillidae

Anthus campestris

Troglodytidae

Troglodytes troglodytes fridariensis

Muscicapidae (Turdinae)

Luscinia svecica

Saxicola dacotiae

Oenanthe leucura

Oenanthe cypriaca

Oenanthe pleschanka

Muscicapidae (Sylviinae)

Acrocephalus melanopogon

Acrocephalus paludicola

Hippolais olivetorum

Sylvia sarda

Sylvia undata

Sylvia melanothorax

Sylvia rueppelli

Sylvia nisoria

Muscicapidae (Muscicapinae)

Ficedula parva

Ficedula semitorquata

Ficedula albicollis

Paridae

Parus ater cypriotes

Sittidae

Sitta krueperi

Sitta whiteheadi

Certhiidae

Certhia brachydactyla dorotheae

Laniidae

Lanius collurio

Lanius minor

Lanius nubicus

Corvidae

Pyrrhonorax pyrrhonorax

Fringillidae (Fringillinae)

*Fringilla coelebs ombriosa**Fringilla teydea*

Fringillidae (Carduelinae)

*Loxia scotica**Bucanetes githagineus**Pyrrhula murina (Pyrrhula pyrrhula murina)*

Emberizidae (Emberizinae)

*Emberiza cineracea**Emberiza hortulana**Emberiza caesia*

SCHEDULE II

PART A

Birds that may be hunted or taken on land

Substituted by:
L.N. 39 of 2007.
Amended by:
L.N. 280 of 2007.
Substituted by:
L.N. 283 of 2010.
Amended by:
L.N. 69 of 2016.

ANSERIFORMES

Anatidae

*Anser fabalis**Anser anser**Branta canadensis**Anas penelope**Anas strepera**Anas crecca**Anas platyrhynchos**Anas acuta**Anas querquedula**Anas clypeata**Aythya ferina**Aythya fuligula*

GALLIFORMES

Tetraonidae

*Lagopus lagopus hibernicus**Lagopus lagopus scoticus**Lagopus mutus*

Phasianidae

*Alectoris graeca**Alectoris rufa**Coturnix coturnix**Perdix perdix**Phasianus colchicus*

GRUIFORMES

Rallidae

*Rallus aquaticus**Gallinula chloropus**Fulica atra*

CHARADRIIFORMES

Charadriidae

*Pluvialis apricaria**Pluvialis squatarola**Vanellus vanellus*

Scolopacidae

*Philomachus pugnax**Lymnocyptes minimus**Gallinago gallinago**Scolopax rusticola*

COLUMBIFORMES

Columbidae

*Columba livia**Columba palumbus**Streptopelia turtur*

PASSERIFORMES

Aluadidae

Alauda arvensis

Turdidae

*Turdus merula**Turdus pilaris*

Turdus philomelos

Turdus iliacus

Turdus viscivorus

Sturnidae

Sturnus vulgaris.

PART B

Birds that may be hunted at sea

ANSERIFORMES

Anatidae

Anser fabalis

Anser anser

Branta canadensis

Anas penelope

Anas strepera

Anas crecca

Anas platyrhynchos

Anas acuta

Anas querquedula

Anas clypeata

Aythya ferina

Aythya fuligula.

SCHEDULE III

Schedule III (a)

*Amended by:
L.N. 39 of 2007.*

Bird Species for which the activities referred to in regulation 6(1) are permitted

ANSERIFORMES

Anatidae

Anas platyrhynchos

GALLIFORMES

Tetraonidae

Lagopus lagopus lagopus, scoticus et hibernicus

Phasianidae

Alectoris rufa

Alectoris barbara

Perdix perdix

Phasianus colchicus

COLUMBIFORMES

Columbidae

Columba palumbus

Schedule III (b)

Bird Species for which the activities referred to in regulation 6(1) are to be regulated

ANSERIFORMES

Anatidae

Anser albifrons albifrons

Anser anser

Anas penelope

Anas crecca

Anas acuta

Anas clypeata

Aythya ferina

Aythya fuligula

Aythya marila

Somateria mollissima

Melanitta nigra

GALLIFORMES

Tetraonidae

Lagopus mutus

Tetrao tetrix britannicus

Tetrao urogallus

GRUIFORMES

Rallidae

Fulica atra

CHARADRIIFORMES

Charadriidae

Pluvialis apricaria

Scolopacidae

Limnocryptes minimus

Gallinago gallinago

Scolopax rusticola

SCHEDULE IV
Reporting Obligations

*Substituted by:
L.N. 39 of 2007.
Amended by:
L.N. 82 of 2011;
L.N. 426 of 2012.
Substituted by:
L.N. 341 of 2013.
Amended by:
L.N. 403 of 2013.
Substituted by:
L.N. 69 of 2014.
Amended by:
L.N. 367 of 2020.*

1. It shall be the duty of any person licensed to hunt and, or, take birds under these regulations to report to the Wild Birds Regulation Unit the following information, as prescribed by the Wild Birds Regulation Unit:

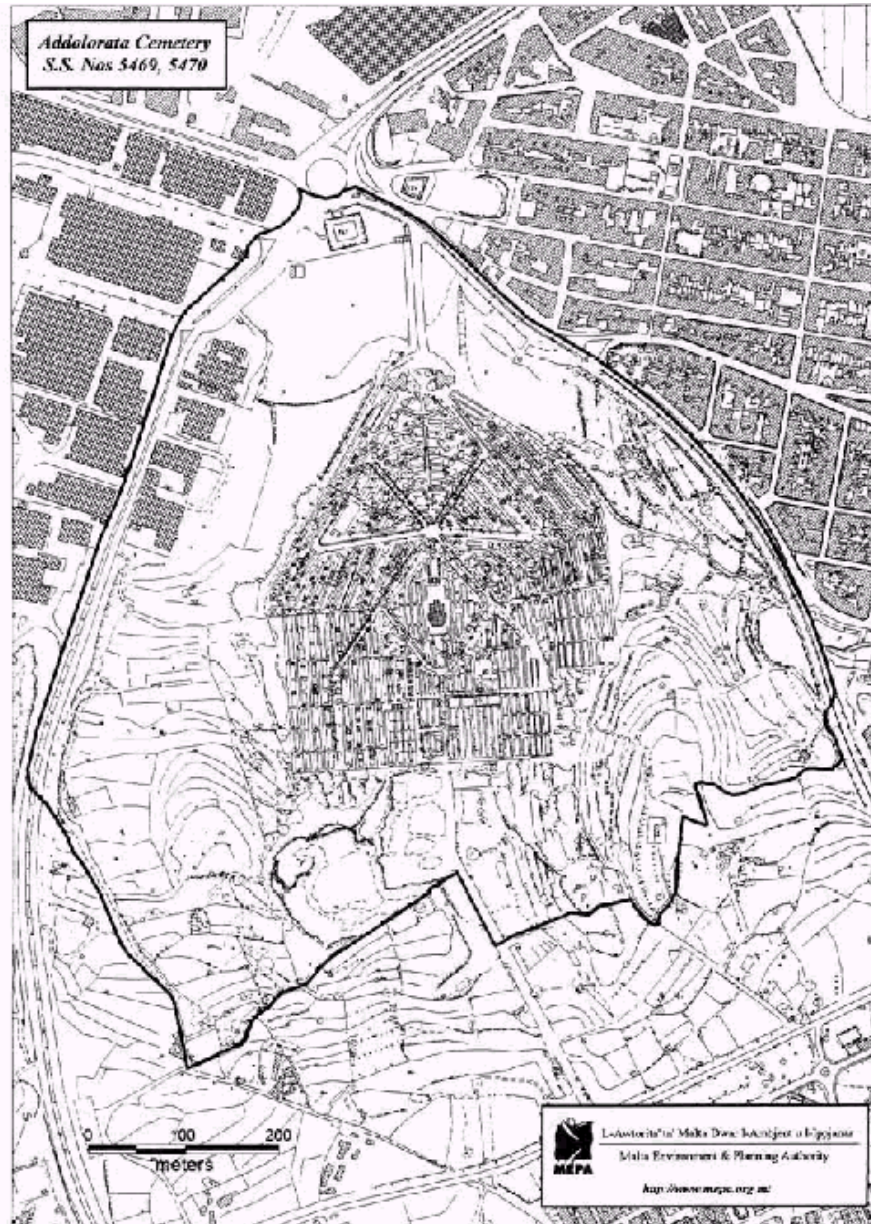
- (a) prior to leaving the hunting area, any bird hunted including the species and corresponding quantity; provided that in the case hunting and, or taking that takes place under the terms of any derogation, the above reporting obligation shall apply immediately upon making a catch;
- (b) the geographical location where the birds were hunted and, or, taken;
- (c) any other information which may be specified by the Wild Birds Regulation Unit from time to time.

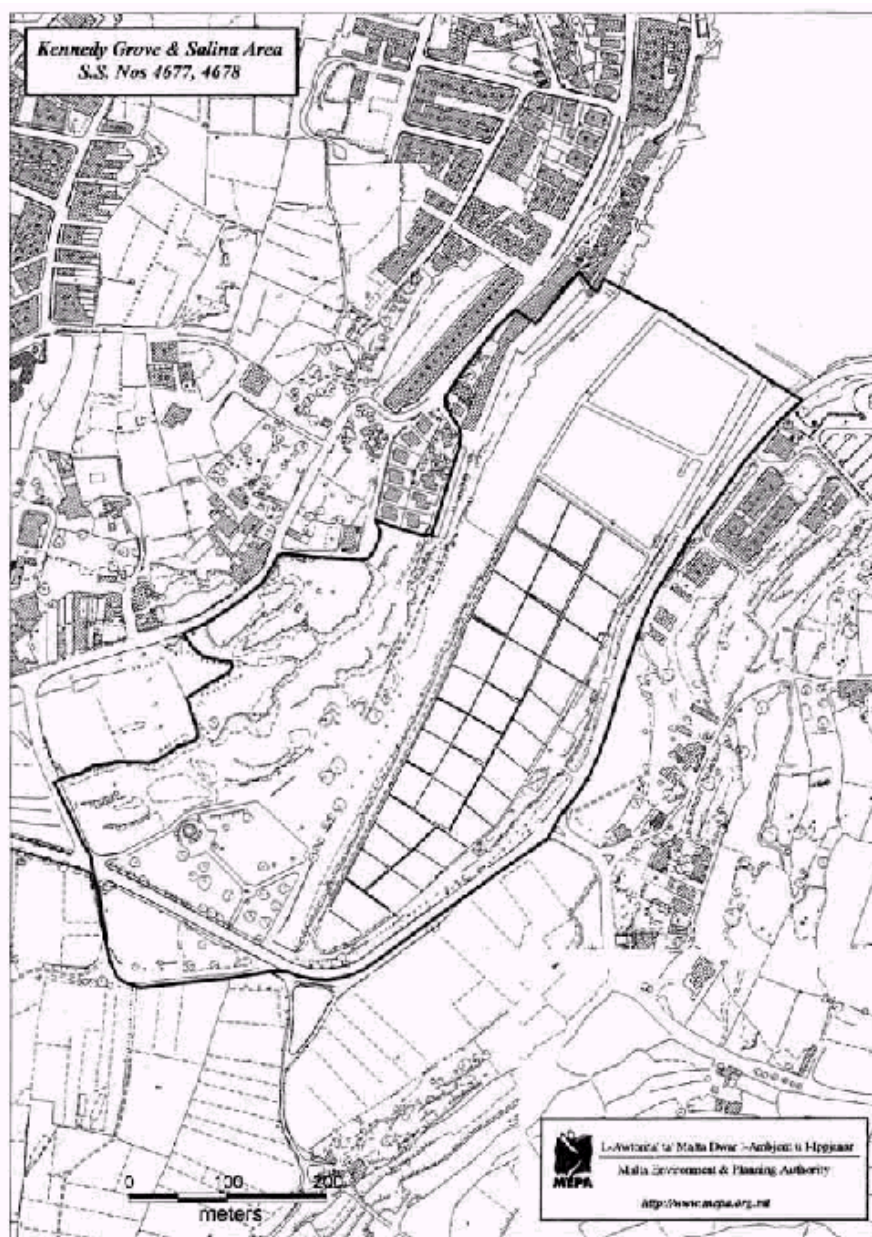
SCHEDULE V

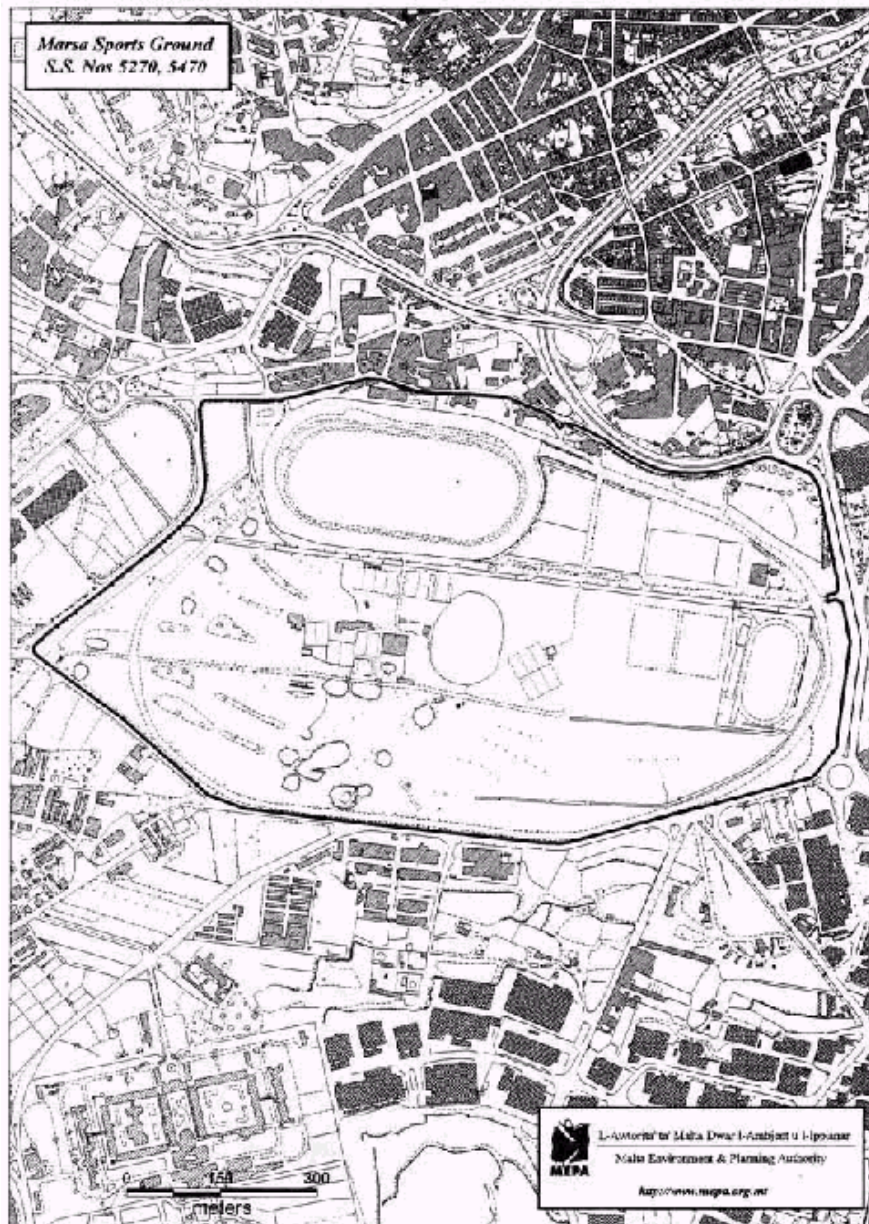
Bird Sanctuaries

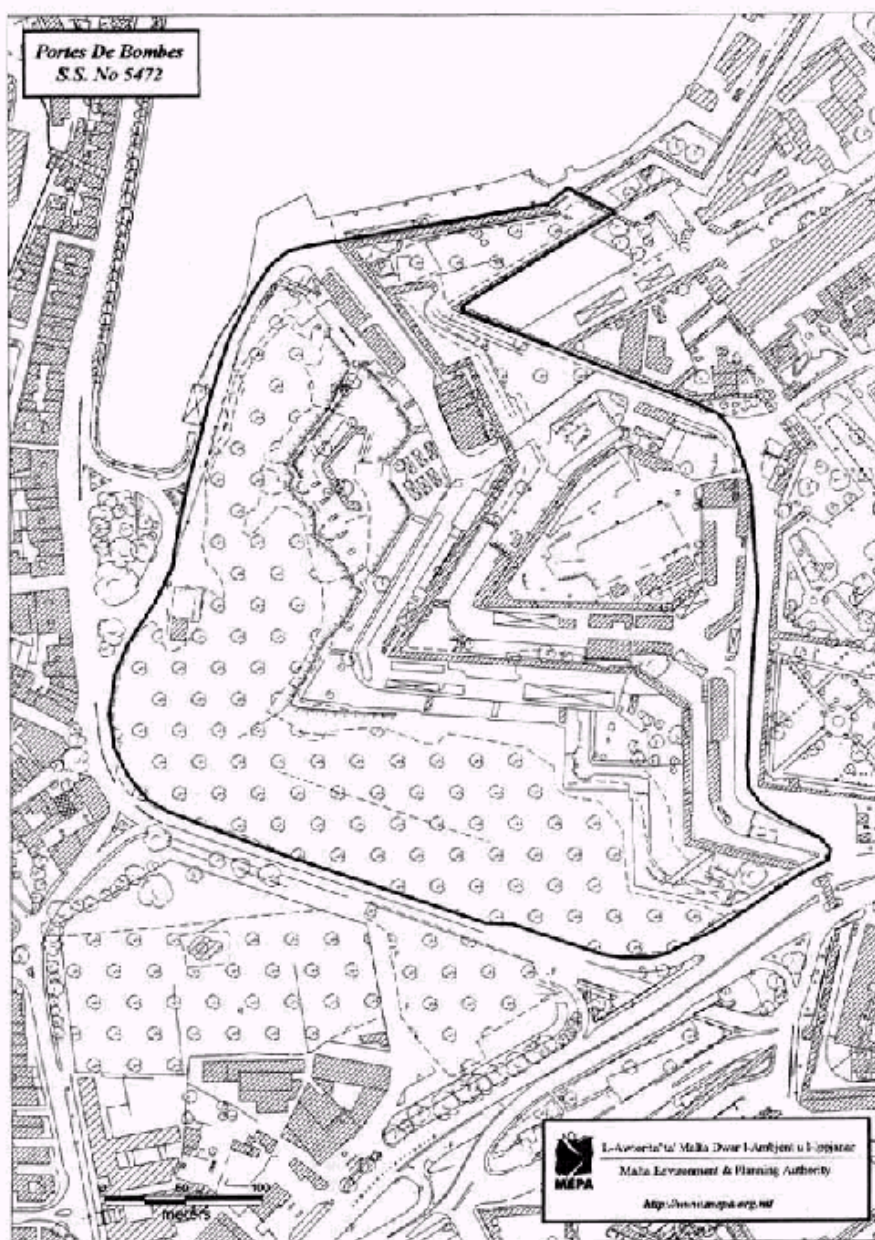
- 1. The surroundings of the Addolorata Cemetery as per site plan attached to these regulations and within 50 metres of any other cemetery in Malta and Gozo.
- 2. The surroundings of Kennedy Grove and Salina area, as per site plan attached to these regulations.
- 3. Marsa Sports Ground, as per site plan attached to these regulations.
- 4. San Anton Gardens and all other public Gardens in Malta and Gozo.
- 5. Portes-des-Bombes area including surrounding bastions, as per site plan attached to these regulations.
- 6. Manoel Island.
- 7. The surroundings of Għadira, at Mellieha Bay, as per site plan attached to these regulations.
- 8. The Heliport at Ta' Lambert, limits of Għajnsielem and Xewkija, Gozo, and the surrounding areas up to 200 metres, as per site plan attached to these regulations.
- 9. Within 200 metres from Luqa Airport and within 50 metres of the approach lights indicating the runways.
- 10. The island of Comino.
- 11. The islet of Filfla.

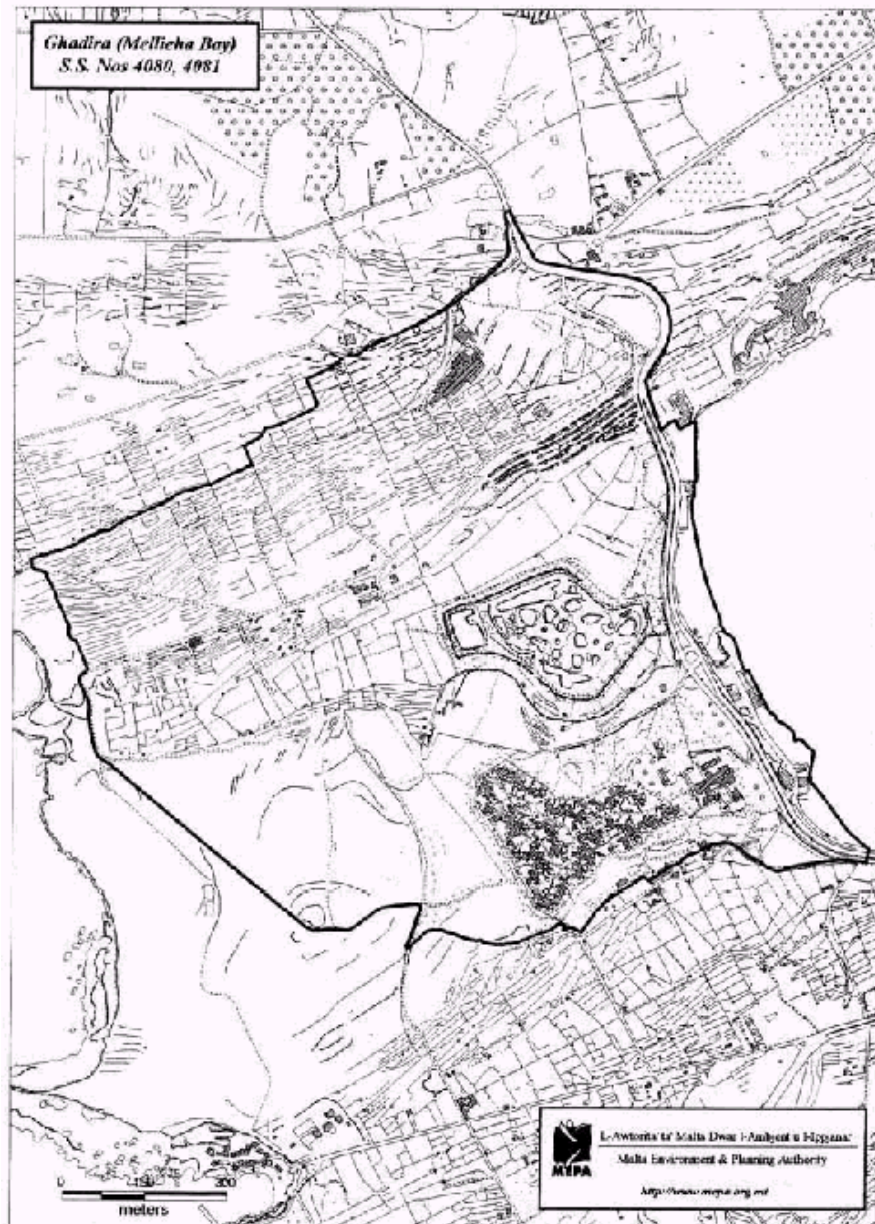
12. The surroundings of Buskett gardens and Verdala Palace, as per site plan attached to these regulations.
 13. The area on the heights of Ta' Ċenċ Cliffs, Gozo, as per site plan attached to these regulations.
 14. Ta' Qali complex, including the area formerly used as areodrome and its adjacent land, as per site plan attached to these regulations.
 15. Within 50 metres of the Radio stations operated by the Department of Civil Aviation at:
 - (a) Benghajsa, limits of Birżebbuġa;
 - (b) Dingli Heights, limits of Dingli;
 - (c) Wied Rini, limits of Rabat;
 - (d) Non-directional Beacon, Fort St. Rocco, limits of Rinella;
 - (e) VOR Station, it-Tafal, limits of Kerċem, Gozo.
 16. The surroundings of Simar, at Pwales Bay, St. Paul's Bay, as per site plan attached to these regulations.
 17. The surroundings of the Salt Marsh at il-Ballut, Marsaxlokk, as per site plan attached to these regulations.
 18. St. Paul's Islands.
 19. Girgenti, as per site plan attached to these regulations.
 20. Wied Għolliqqa, as per site plan attached to these regulations.
 21. Il-Qawra, Gozo, as per site plan attached to these regulations.
 22. Għammar Hill, Gozo, as per site plan attached to these regulations.
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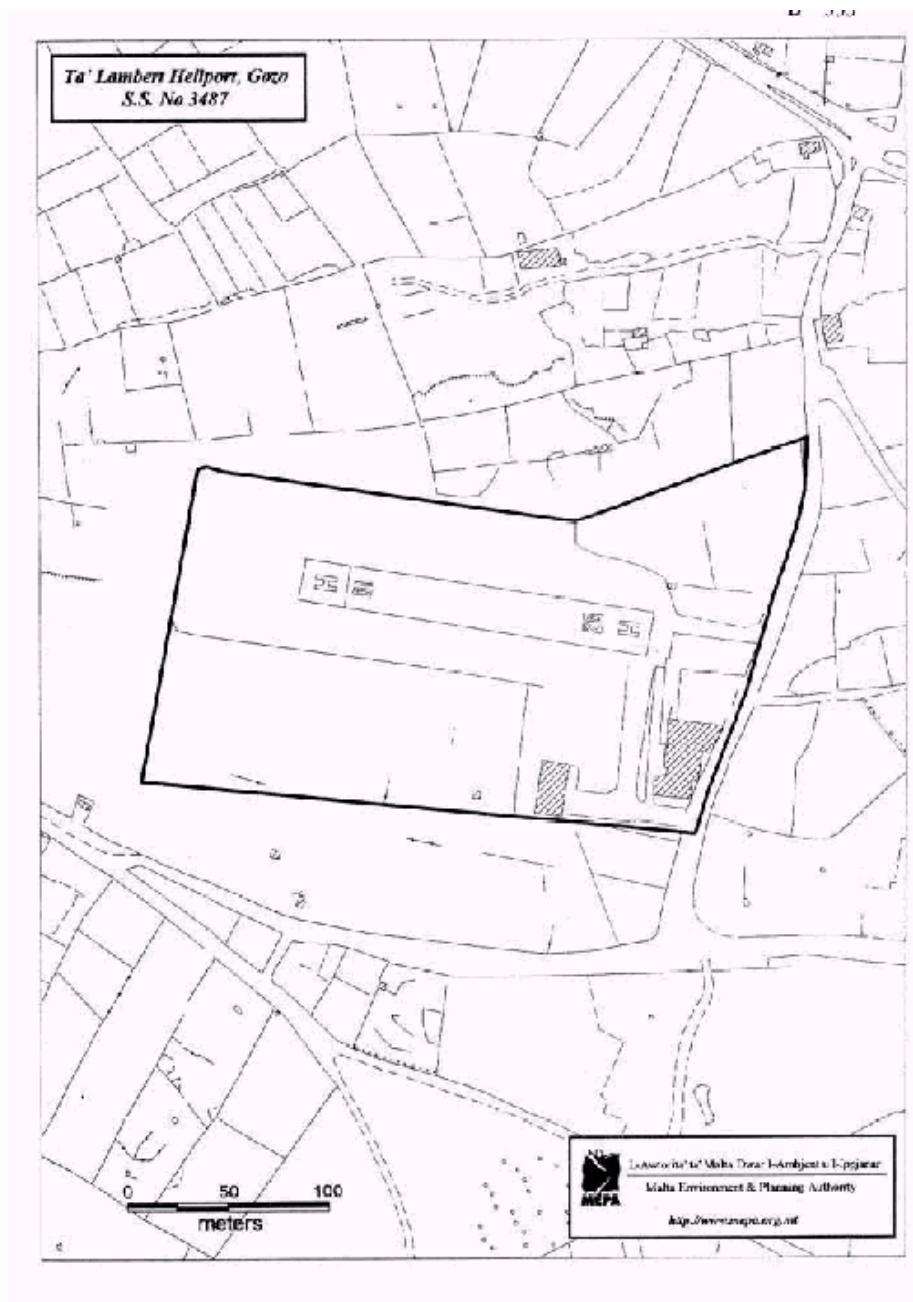






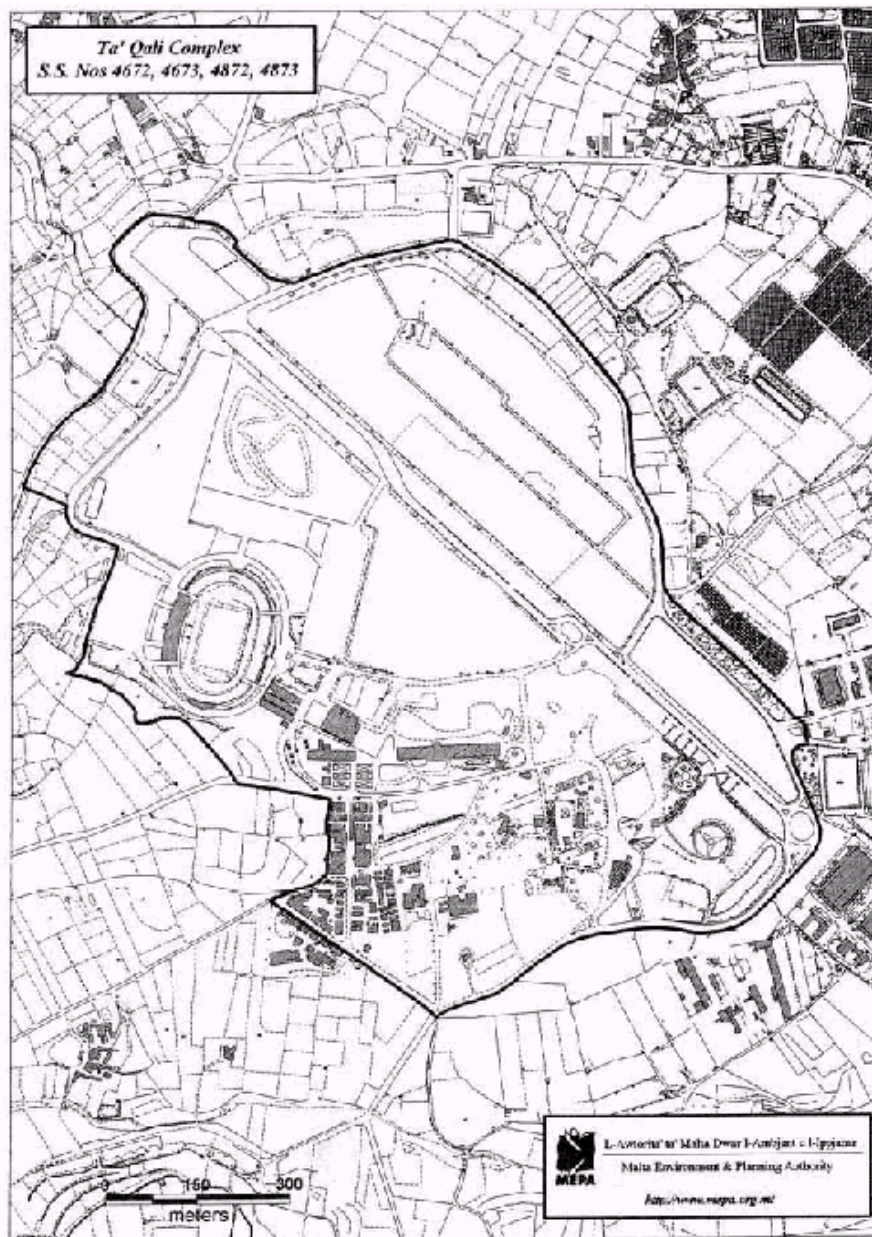




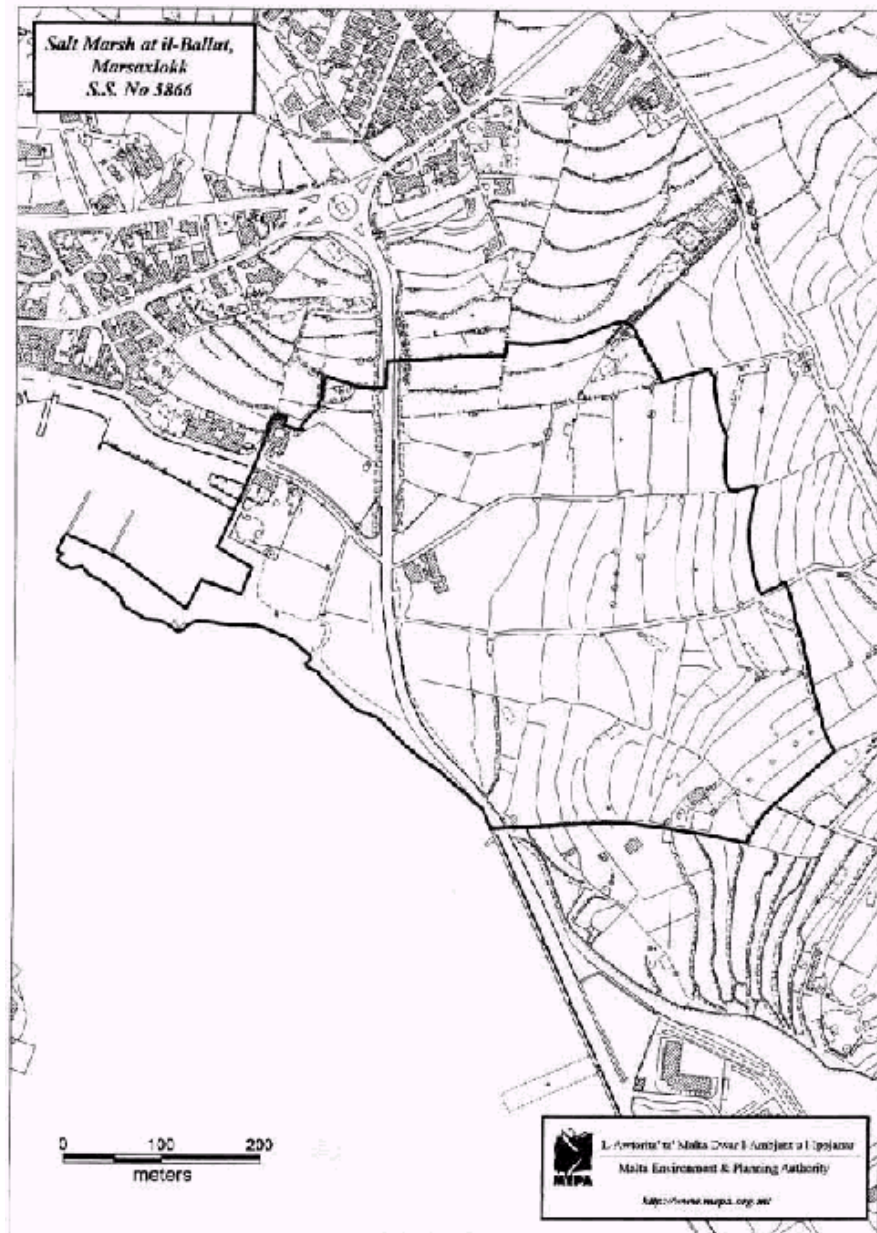


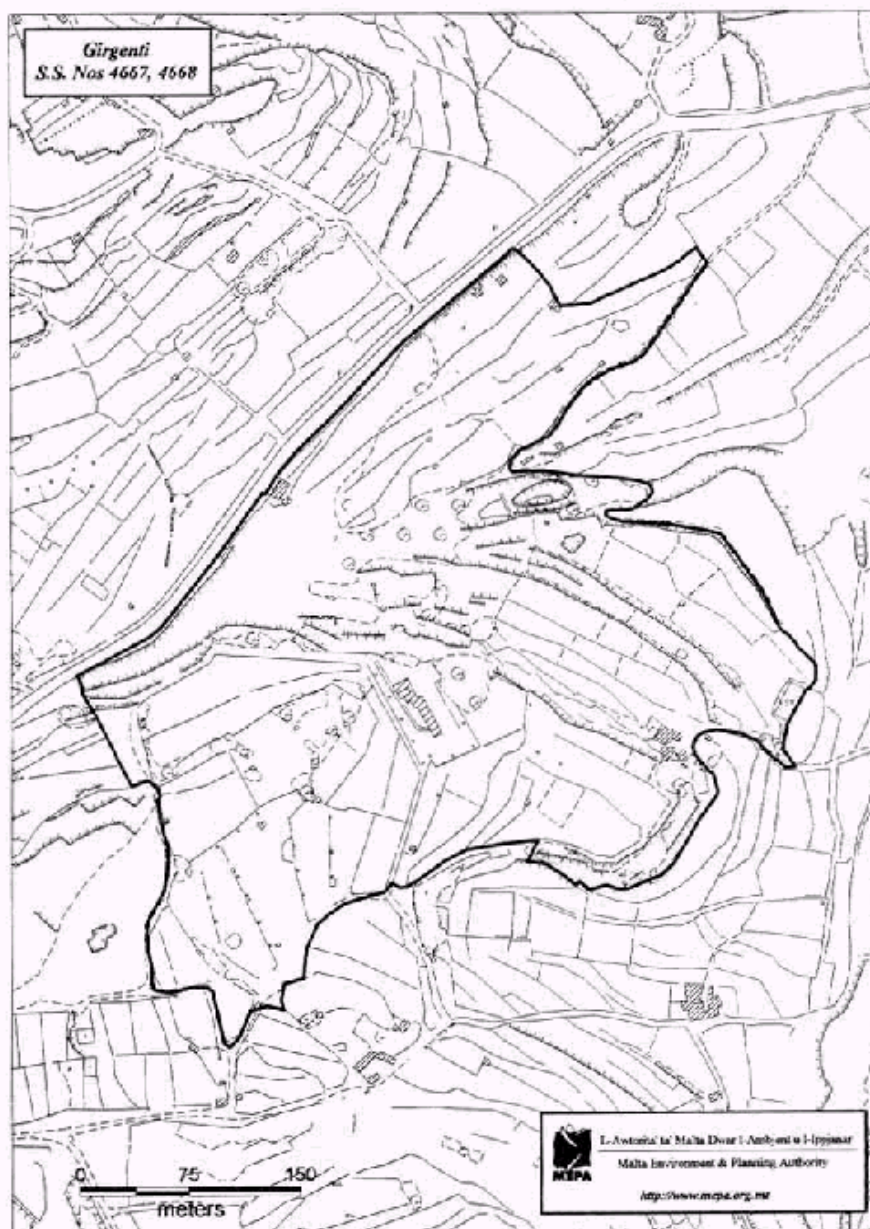




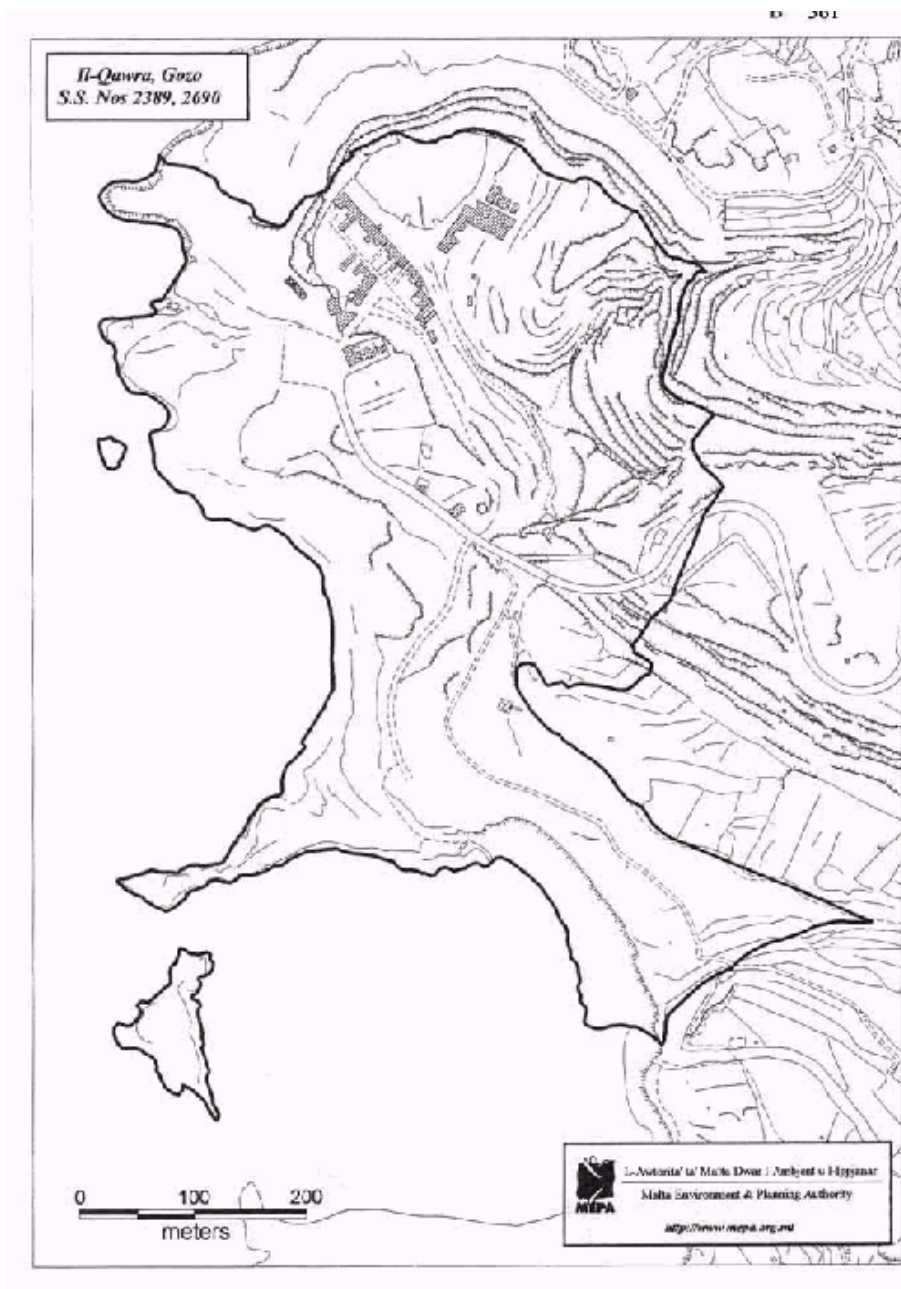


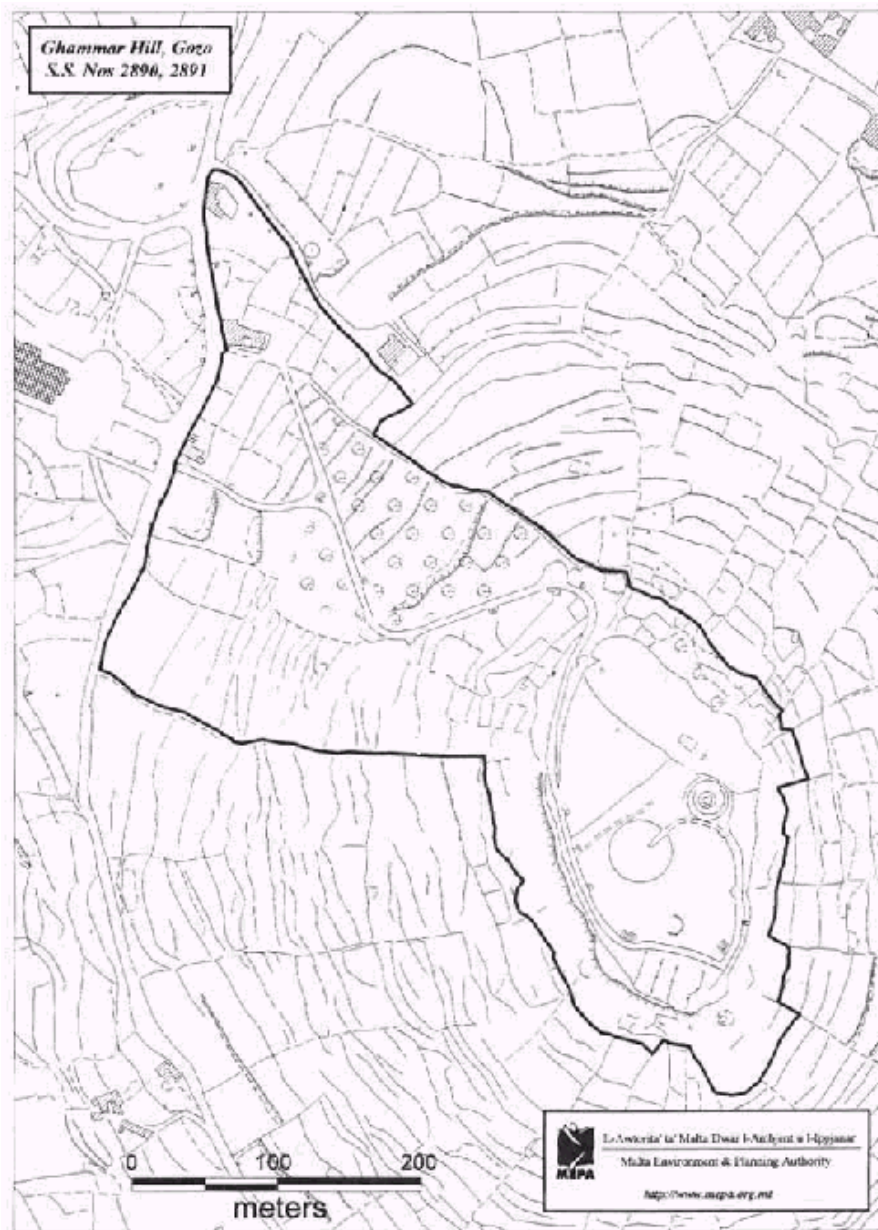












*Substituted by:
L.N. 341 of 2013;
L.N. 69 of 2016.*

SCHEDULE VI
General Licence Conditions

1. A general licence shall not be issued, unless the person concerned:
 - (a) has paid for and obtained the necessary licences required under Part XV of the Code of Police Laws and, or, paid for and obtained the necessary Police licences to hunt and, or take birds as may be applicable;
 - (b) is a paid member of an organization representing persons who are licensed to hunt and, or to take;
 - (c) in the case of general hunting licences, holds a duly paid insurance policy against third party risks to persons or damage to property;
 - (d) has paid necessary licence fees as prescribed in regulations 12 and 13 of these regulations and other applicable fees as listed in Schedule X;
 - (e) has successfully passed an examination established under regulations 11(3) and 12(2) of these regulations;
 - (f) has provided to the Wild Birds Regulation Unit the relevant personal details including a personal photo identification and any other information that may be requested in the format prescribed by the Wild Birds Regulation Unit.
2. A general licence shall not be renewed for a further five-year period, unless the person concerned:
 - (a) has paid for and obtained the necessary licences required under Part XV of the Code of Police Laws and, or, paid for and obtained the necessary Police licences to hunt and, or take birds as may be applicable;
 - (b) is a paid member of an organization representing persons who are licensed to hunt and, or to take;
 - (c) in the case of general hunting licences, holds a duly paid insurance policy against third party risks to persons or damage to property;
 - (d) has paid any administrative fines imposed in accordance with regulation 27A of these regulations, as prescribed in Schedule VIII;
 - (e) has paid necessary licence fees as prescribed in regulations 12 and 13 of these regulations and as listed in Schedule X;
 - (f) has faithfully complied with the reporting obligations found in Schedule IV;
 - (g) has provided to the Wild Birds Regulation Unit the relevant personal details including a personal photo identification and any other information that may be requested in the format prescribed by the Wild Birds Regulation Unit;
 - (h) has submitted his application for the renewal of his licence to the Wild Birds Regulation Unit within one year from the date of expiry of his licence.
3. The general licence shall immediately cease to be valid and the person shall not hunt or attempt to hunt or take or attempt to take birds during such time that the person concerned is in default of any of the requirements stipulated in paragraph 2 of this Schedule during the five-year validity period of the licence:

Provided that where the person concerned rectifies his default as referred in this paragraph during the five year period of validity of his licence, the validity of the licence would be reinstated.

SCHEDULE VII

Beaches protected under regulation 18(2)(a) and (c)

Substituted by:
L.N. 39 of 2007.
Amended by:
L.N. 341 of 2013.

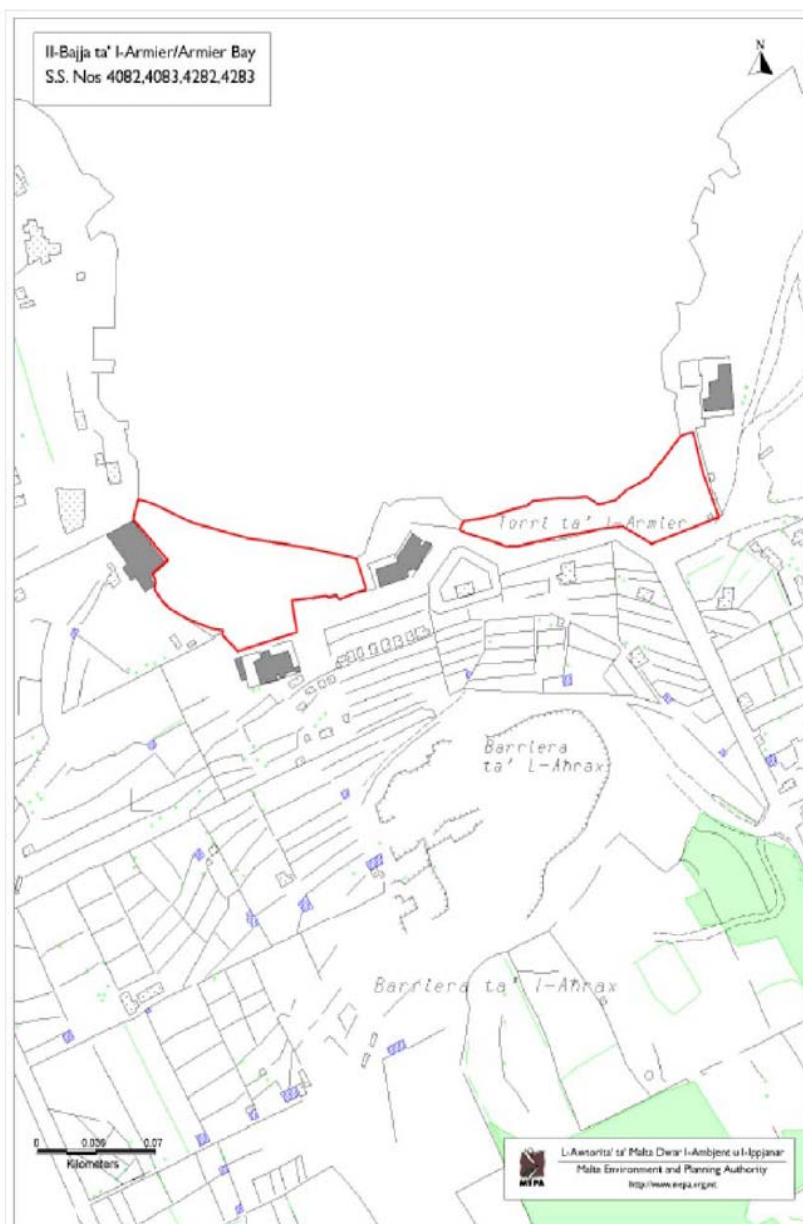
1. The delineation of the following beaches and up to 50 metres outwards from the delineation lines as per site plans attached:

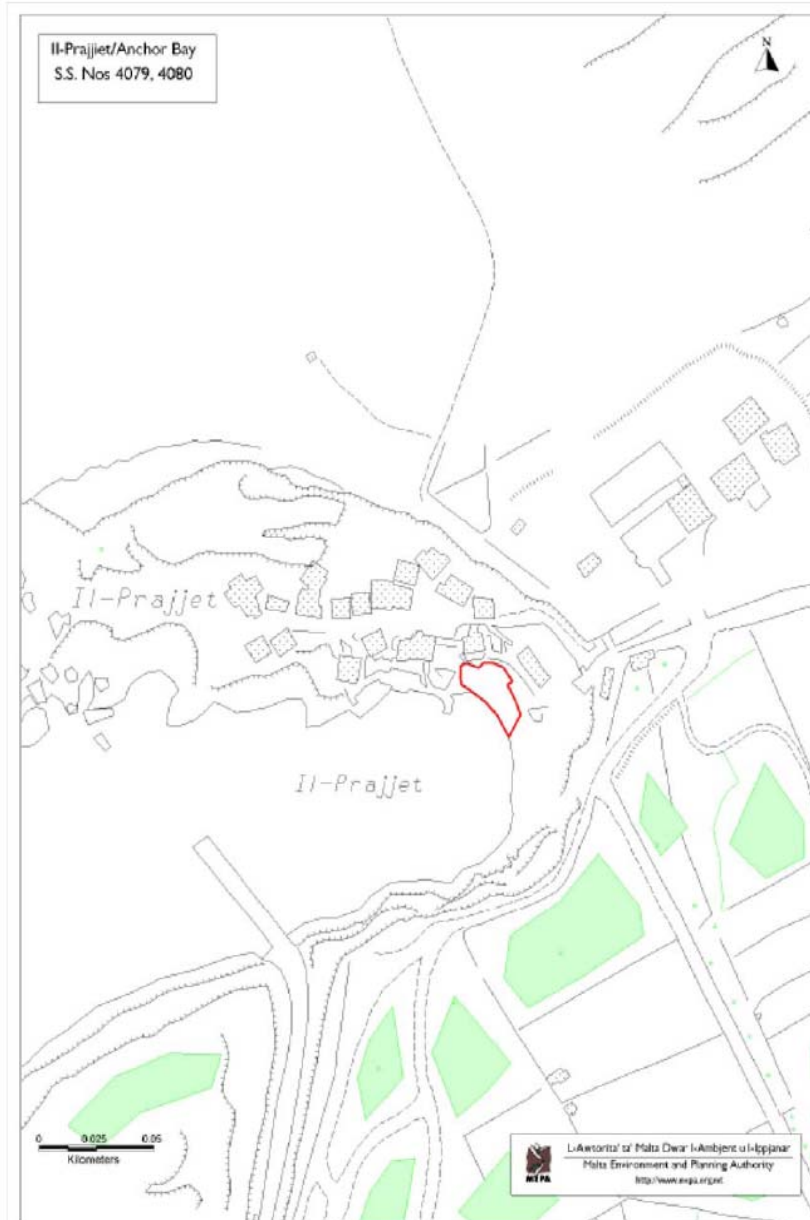
Malta:

- a.* Armier bay, as per site plan attached hereto;
- b.* Anchor bay, as per site plan attached hereto;
- c.* Ġħajn Tuffieħa bay, as per site plan attached hereto;
- d.* Paradise bay, as per site plan attached hereto;
- e.* Ġnejna bay, as per site plan attached hereto;
- f.* Golden bay, as per site plan attached hereto.

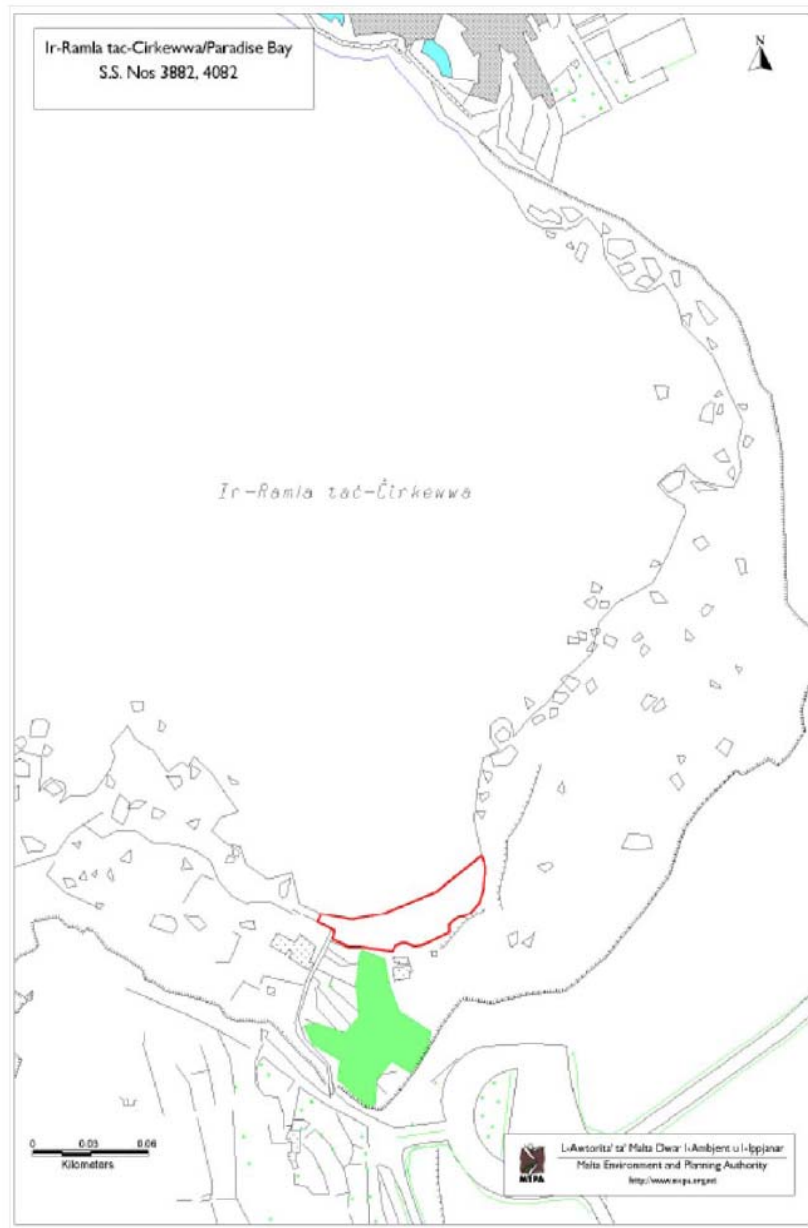
Gozo:

- a.* Mġarr ix-Xini bay; as per site plan attached hereto;
 - b.* Ramla l-Hamra beach; as per site plan attached hereto;
 - c.* San Blas bay, as per site plan attached hereto;
 - d.* Xatt l-aħmar beach, as per site plan attached hereto;
 - e.* Xlendi bay, as per site plan attached hereto.
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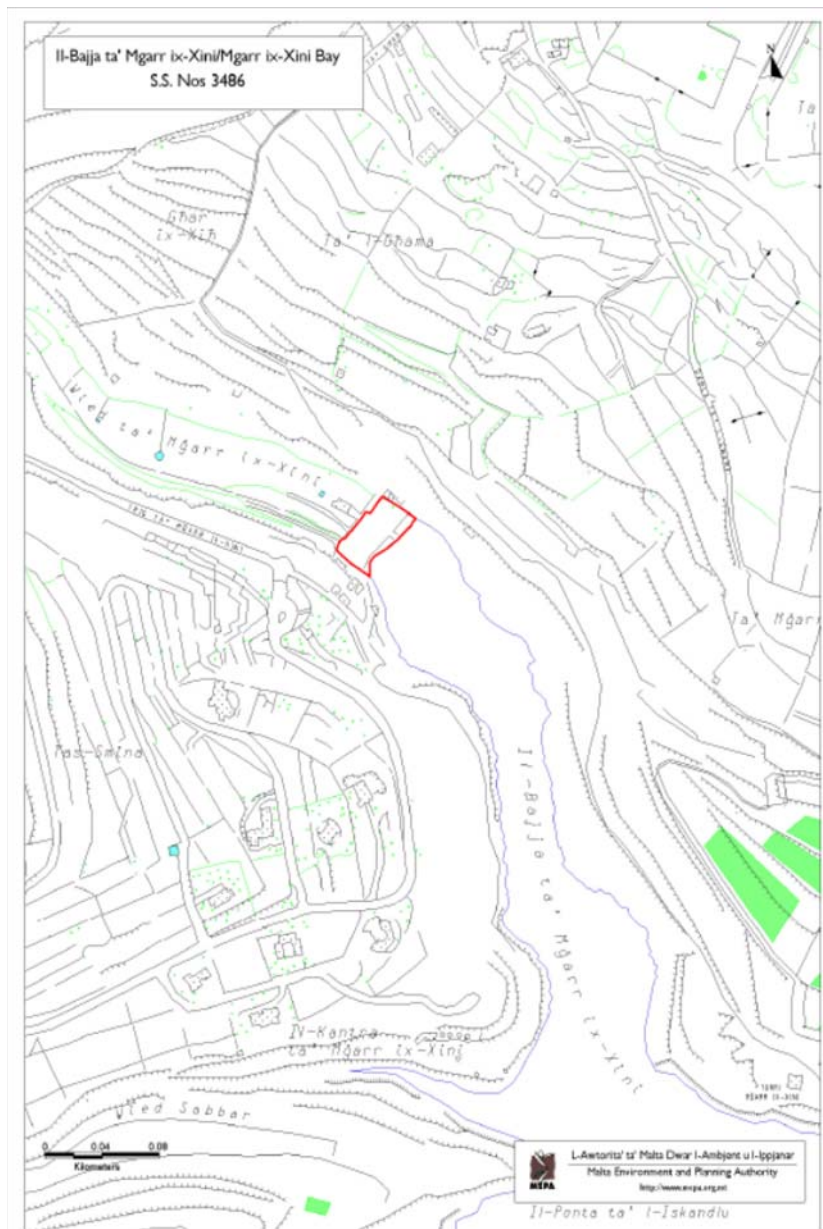


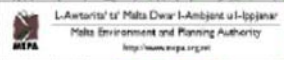


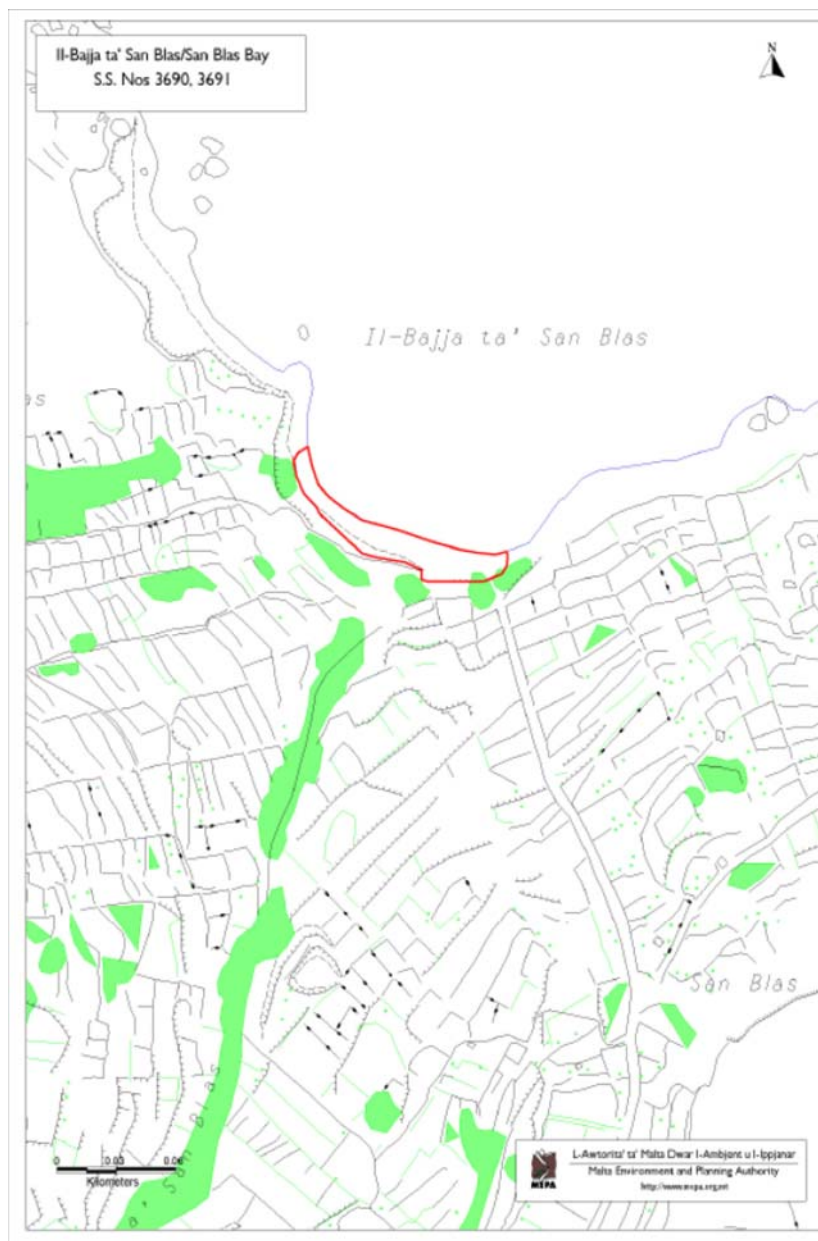




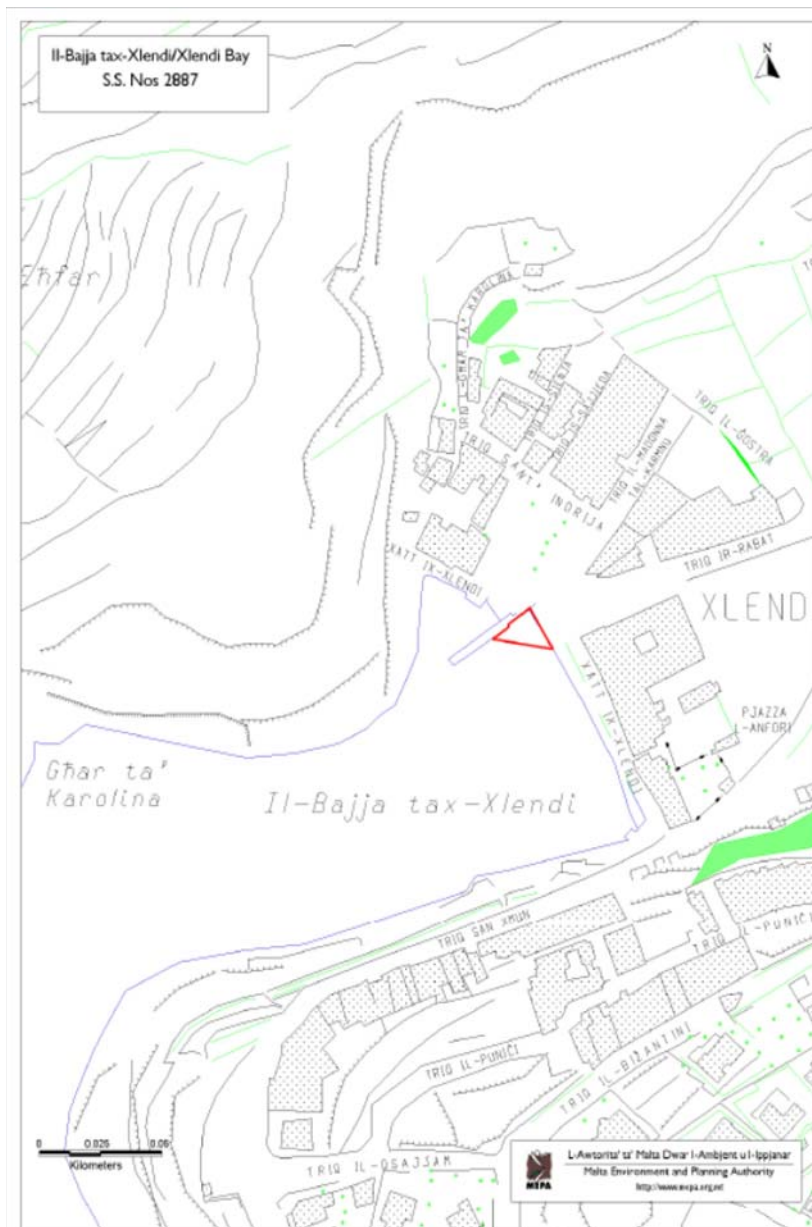












SCHEDULE VIII
Administrative Fines
Regulation 27A

Added by:
L.N. 341 of 2013;
Amended by:
L.N. 252 of 2014;
L.N. 281 of 2015;
L.N. 69 of 2016;
L.N. 368 of 2018.
Substituted by:
L.N. 86 of 2022.

Regulation	Offence category	First offence	Second offence	Penalty points for each offence category
7(1)(d)	Use or possession of any electric or electronic device, use or possession of bird caller: Provided that where the offence is carried out during any closed season or during prohibited hours or within any Bird Sanctuary listed in Schedule V or Protected Beach listed in Schedule VII, or where the pre-recorded bird calls correspond to species not listed in Schedule II, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27 and immediate confiscation of the <i>corpus delicti</i>.	€250 and confiscation of the <i>corpus delicti</i>	€250 and confiscation of the <i>corpus delicti</i>	4
7(1)(f)	Use of any kind of portable cage-trap during any time of the year, whether with a net or not, which does not exceed the length of 60cm on any of its sides: Provided that when the use of a portable cage-trap is combined with the use of live-decoys, within or in the surrounding area of the cage-trap, irrespective of whether the live-decoys are located in cages or in an aviary, this offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.	€250 and confiscation of the <i>corpus delicti</i>	€250 and confiscation of the <i>corpus delicti</i>	3

8(2)	Live-decoys in excess of the limit permitted by virtue of a live-capturing special licence.	€50 for each live-decoy in excess of the permitted limit	€50 for each live-decoy in excess of the permitted limit	3
8(2) 20(a)(ii)	Failure to comply with the minimum cage dimensions as specified in the special licence for the relevant species.	€50 for each cage smaller than the minimum dimensions	€50 for each cage smaller than the minimum dimensions	2
Schedule IV(1)(c) 7(p) of S.L.549.74	Failure to report birds fitted with a scientific ring to the Wild Birds Regulation Unit and/or failure to immediately release them back into the wild after the details of the scientific ring have been recorded.	€50 for each specimen not reported or released back into the wild and confiscation of the specimens not released into the wild	€50 for each specimen not reported or released back into the wild and confiscation of the specimens not released into the wild	4
12(6)	Failure to declare every bird hunted or taken: Provided that if the failure consists in more than five (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 such limits are imposed, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.	€50 per undeclared bird up to a maximum of €250	€50 per undeclared bird up to a maximum of €250	4
12(9)	Failure to submit the information as required in paragraph 1(c) of Schedule IV of these regulations.	€50	€50	3
14(1)	Trespassing of private property, unless such trespassing is an offence under any other law.	€250	€250	4

16(a) and (b)	Hunting and, or taking without the relevant licence / identity documentation and failure to produce such documentation to the Police within two days: Provided that this fine shall not apply in the absence of a valid licence to hunt or to take, or to hunting and/or taking during the period of a derogation, in which case the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.	€250	€250	3
18(2)(a)	Carrying a firearm, whether loaded or not, that is not in its case while within 200 metres from any town or village, or other inhabited area: Provided that where the carrying of a firearm, whether loaded or not, that is not in its case occurs within less than 150 metres from any town or village, or other inhabited area or of any of the beaches listed in Schedule VII, or within distance of 50 metres from main or arterial roads the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.	€250	€250	3
18(2)(b) and 7(1)(k)	Magazine capable of more than two shots.	€250	€250	4

Added by:
L.N. 341 of 2013.
Substituted by:
L.N. 281 of 2015.
Amended by:
L.N. 368 of 2018.

SCHEDULE IX

[Regulation 27(2)]

Non-Schedule I species subject to special protection

ANSERIFORMES

Anatidae

<i>Cygnus olor</i>	Ĉinju Mutu	Mute Swan
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CHARADRIIFORMES

Haematopodidae

<i>Haematopus ostralegus</i>	Gallina tal-Baħar	Eurasian Oystercatcher
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FALCONIFORMES

Accipitridae

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

Falconidae

<i>Falco concolor</i>	Žumbrell Ġħarbi	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
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PELECANIFORMES

Ardeidae

<i>Ardea cinerea</i>	Russett Griž	Grey Heron
<i>Bubulcus ibis</i>	Agrett tal-Bhejjem	Cattle Egret
<i>Egretta gularis</i>	Agrett tax-Xatt	Western Reef-egret

Threskiornithidae

<i>Geronticus eremita</i>	Velleran Eremita	Northern Bald Ibis
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PHOENICOPTERIFORMES

Phoenicopteridae

<i>Phoeniconaias minor</i> (<i>Phoenicopterus minor</i>)	Fjamingu	Lesser Flamingo
<i>Phoenicopterus roseus</i>	Fjamingu	Greater Flamingo

STRIGIFORMES

Strigidae

<i>Asio otus</i>	Qattus	Long-eared Owl
<i>Athene noctua</i>	Kokka tat-Tikki	Little Owl
<i>Otus scops</i>	Kokka	European Scops Owl

Tytonidae

<i>Tyto alba</i>	Barbagann	Barn Owl
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SULIFORMES

Sulidae

<i>Morus bassanus</i>	Sula	Northern Gannet
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Added by:
L.N. 252 of 2014.
Amended by:
L.N. 281 of 2015;
L.N. 69 of 2016;
L.N. 255 of 2022.

SCHEDULE X
Administrative Fees

Service	Fee
Examination fee in accordance with regulation 12(2)	€30 per examination
Re-sits of examinations referred to in regulation 12(2)	€10 per re-sit of examination
Taxidermist's license issued in terms of regulation 21(1)	€300 per three-year licence
Registration or effecting of changes to site plans approved by the Wild Birds Regulation Unit in terms of the fourth proviso to regulation 8(2)	€10 per approved site plan registered / changed
Provision of a copy of the site plan approved by the Wild Birds Regulation Unit in terms of the fourth proviso of regulation 8(2)	€2 per copy of the site plan
New application or renewal of the general licence to hunt birds on land	€50 for a validity period of 5 years
New application or renewal of the general licence to hunt birds at sea	€50 for a validity period of 5 years
New application or renewal of the general licence to take birds	€50 for a validity period of 5 years
Replacement of a lost general licence document (licence card)	€20 for any replacement licence document (licence card) issued
Submission of documents or applications, or compliance with any payment obligation after the deadline stipulated in writing by the Wild Birds Regulation Unit: Provided that this shall not apply to fines (<i>multi</i>) that are not paid within the stipulated deadline	€150 for each late submission or late payment in addition to the original amount, if due