

SUBSIDIARY LEGISLATION 549.85

**CONSERVATION OF WILD BIRDS (FRAMEWORK
FOR ALLOWING A DEROGATION FOR THE
CONTROL OF BIRDS IN THE INTEREST
OF AIR-SAFETY) REGULATIONS**

27th August, 2013

LEGAL NOTICE 255 of 2013, as amended by Legal Notice 65 of 2019.

1. (1) The title of these regulations is the Conservation of Wild Birds (Framework for Allowing a Derogation for the Control of Birds in the Interest of Air-Safety) Regulations, and these regulations shall be read and construed as one with the Conservation of Wild Birds Regulations, which shall hereinafter be referred to as the "Wild Birds Regulations".

Citation and
purpose.

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(2) The purpose of these regulations is to establish a framework for allowing a derogation for the control of birds in the interest of air safety, in terms of regulation 9(1)(b) of the Wild Birds Regulations.

2. Terms and expressions used in these regulations, unless the context otherwise requires, shall have the same meaning as given in the Wild Birds Regulations.

Interpretation.

3. For the purposes of the second proviso of regulation 10(6) of the Wild Birds Regulations and for the purposes of these regulations, the period for the control of birds in the interest of air safety shall be a maximum of twelve calendar months of the year for which the Minister may decide to allow the control of birds in the interest of air safety by means of a Notice declaring a derogation:

Declaration of
control period.

Provided that when allowing the control of birds in the interest of air safety, the Minister shall determine that there is no other satisfactory solution in terms of Article 9(1) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, to adequately disperse birds from within the perimeter of the area indicated as item (9) of Schedule V of the Wild Birds Regulations:

Provided further that the Minister shall establish the relevant bird species to be subject to control measures in the interest of air safety.

4. (1) The control of birds shall be prohibited except within the perimeter of the area indicated as item (9) of Schedule V of the Wild Birds Regulations, and by virtue of an Air Safety Bird Control licence issued in accordance with these regulations.

Air Safety Bird
Control licence.

(2) An Air Safety Bird Control licence shall only be issued in the interest of air-safety.

(3) For the purposes of these regulations, the Air Safety Bird Control licence shall be valid for a maximum of one year.

Licence contents.
Amended by:
L.N. 65 of 2019.

5. (1) Every Air Safety Bird Control licence shall:
- (a) indicate the period when the control of birds may occur;
 - (b) provide that the control of birds other than for the species mentioned in the licence shall be prohibited;
 - (c) require the licensee to carry on his person the Air Safety Bird Control licence and any other necessary permits whilst carrying out any bird control activity;
 - (d) specify that bird control activities shall only take place if the Malta International Airport, in consultation with the Wild Birds Regulation Unit, deems that the birds present on the airport runway and, or on the aircraft movement areas poses an air-safety hazard;
 - (e) provide that methods of dispersal, such as the use of distress calls, bio-acoustics or the firing of blanks shall be implemented prior to resorting to the relocation or culling of birds, which culling may only be authorised once all other practical non-lethal means of bird control have been exhausted;

Provided that the sites from where each bird relocated from the perimeter of the airport will be released shall be approved in advance by the Wild Birds Regulation Unit and any other relevant authority as applicable;
 - (f) provide that only fire-arms having a magazine capable of holding not more than two shots shall be allowed for culling and that the cartridges to be used are to be loaded with lead shots with a diameter of less than 3.3mm. Moreover, the use of the banned methods listed in regulation 7 of the Wild Birds Regulations shall also be prohibited, unless there is sufficient justification from an air safety point of view to depart from such prohibition, in which case the licence shall list such methods and specify that they shall only be used to avoid an air safety hazard and for no other purpose;
 - (g) require that for the purpose of culling, the person in possession of an Air Safety Bird Control licence holds a valid police permit to carry a firearm for the purpose of bird hunting on land and a valid general licence to hunt birds on land issued under the terms of the Conservation of Wild Birds Regulations;
 - (h) require that prior to the carrying out of a bird control operation, the licensee is to immediately inform Wild Birds Regulation Unit of his intention by means of an e-mail to the address indicated by the Director;
 - (i) provide that the Air Safety Bird Control licence and any other hunting licence or permit of the licensee

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shall not be issued to anyone convicted of an offence against Wild Birds Regulations and shall be immediately revoked and be without any effect should it transpire at any point in time that the licensee is, or has been, convicted of an offence against regulation 27 of the Wild Birds Regulations;

- (j) require that culled birds are not to be left on site but shall be collected and disposed of as indicated by the Wild Birds Regulation Unit;
- (k) require that any ring recoveries shall be reported by the licensee concerned to the Wild Birds Regulation Unit as soon as possible; and
- (l) require the licensee to submit a report to the Wild Birds Regulation Unit on the activities undertaken within one month from the expiry of the Air-Safety Bird Control licence.

(2) Should the Wild Birds Regulation Unit find the licensee in breach of any of the licence conditions, the licence may be immediately revoked.

6. (1) The Police shall carry out on-the-spot checks to ensure that all the conditions of the Air-Safety Bird Control licence and the provisions of the relevant regulations are being observed and in particular shall:

Police checks.
Amended by:
L.N. 65 of 2019.

- (a) ensure that a person is in possession of an Air Safety Bird Control licence whilst carrying out an activity involving the control of birds in the interest of air safety;
- (b) ensure that only the species specified in the licence have been, and are being, controlled.

(2) Should any police officer, in the course of a spot check in accordance with this regulation, find sufficient cause for proceedings to be taken against any person under these regulations or other relevant regulations, that officer shall forthwith seize from the possession of that person any equipment used during the control of birds, any firearm and ammunition, the Air Safety Bird Control licence and any other licence or permit issued under Wild Birds Regulations, and any bird found in possession of that person in violation of these regulations or other applicable regulations or in violation of the conditions of any licence or permit.

(3) In pursuance of their duties under sub-regulation (1), the Police may be assisted by officials appointed by the Wild Birds Regulation Unit for this purpose.

7. Offences under these Regulations shall be liable to penalties stipulated in article 27 of the Wild Birds Regulations.

Offences.

8. The provisions and conditions laid down in these regulations shall be without prejudice to the Wild Birds Regulations to the extent that the latter are not inconsistent with these regulations in which case, and to the extent of the

Saving.

inconsistency, these regulations shall prevail.
