

SUBSIDIARY LEGISLATION 549.90**PROTECTION OF WILD RABBIT REGULATIONS**

17th June, 2014

*LEGAL NOTICE 207 of 2014, as amended by Legal Notices 60 of 2015
133 of 2016*, 100 of 2019 and 85 of 2022.*

1. The title of these regulations is the Protection of Wild Rabbit Regulations. Citation.

2. For the purpose of these regulations and unless the context otherwise requires: Interpretation.
*Amended by:
L.N. 133 of 2016;
L.N. 100 of 2019.*

"the Act" means the Environment Protection Act; Cap. 549.

"air rifle" means a weapon which fires projectiles by means of compressed gas and, or air;

"closed season" means those periods which fall outside the open season during which no shooting or capturing of wild rabbit shall be allowed;

"Commissioner" means the Commissioner of Police;

"dog" means a dog trained or bred to assist a person in finding or retrieving wild game;

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

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

"open season" means the period as established in regulation 6, during which the shooting or capture of wild rabbit shall be allowed;

"organisation representing persons licensed to shoot or capture wild rabbit" means an organisation having paid-up members, a statute, a committee which is elected at least once every three years, is enrolled with the Commissioner for Voluntary Organisations and which has its accounts verified and certified by a qualified auditor and approved by the general meeting of the organisation;

"pellet" means a projectile designed to be fired from an air rifle;

"rabbit net" or "net" means a net used exclusively to capture wild rabbit and no other species whatsoever; such net shall have a mesh size not smaller than 40mm and is to be operated manually by the person licensed to capture or shoot wild rabbit;

* but see regulation 8 of Legal Notice 133 of 2016.

S.L. 549.42	"restricted area" means any of the Bird Sanctuaries and, or beaches listed in Schedules V and VII of the Conservation of Wild Birds Regulations, and, or within a distance of 50 metres from main or arterial roads, areas within 200 metres from towns, villages and other inhabited areas, as well as the area at Rdum tal-Madonna designated on site plan enclosed in Schedule III or any other area designated as such by the Minister through a notice in the Gazette; "shooting" means to hunt by using a fire-arm or any other weapon for hunting, which by burning propellant or by means of compressed air, fires a projectile or projectiles; "shot" means projectiles, contained in a cartridge, excluding the gun powder and wad; "shotgun" means a weapon which fires projectiles by burning propellant; "to capture" or "capturing" means to capture live specimens of wild rabbit using nets, dogs and, or ferrets and does not include to shoot, shooting and the use of firearms or air rifles; "to train" or "training" means the training of any dog and, or, ferret of the necessary skills to capture wild rabbit: Provided that this activity shall be exempt from the provisions of these regulations where the training is conducted without the use of any net, firearm, air rifle or any ammunition, and without the intention to capture or kill wild rabbit and that no such capture or killing of wild rabbit occurs, and that during such training any ferret shall be muzzled at all times; "weapon" means an air rifle or a shotgun;
S.L. 549.42	"Wild Birds Regulation Unit" means the Wild Birds Regulation Unit established in accordance with the Conservation of Wild Birds Regulations.
Protection of wild rabbit.	3. The wild rabbit (<i>Oryctolagus cuniculus</i>) is declared protected in Malta: Provided that the capture and shooting of wild rabbit shall be in accordance with the provisions of these regulations.
Restrictions on taking wild rabbit. Amended by: L.N. 133 of 2016; L.N. 100 of 2019.	4. Without prejudice to regulation 8, no person shall shoot, capture, kill or take, or attempt to shoot, capture, kill or take any specimen of wild rabbit: (a) unless such person is in possession of a general licence issued by the Commissioner and the Wild Birds Regulation Unit to shoot and, or capture wild rabbit; (b) during the closed season for the shooting and, or capture of wild rabbit; (c) by means and methods other than those allowed in the provisions of these regulations; (d) 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 (2) days he produces to the police such document at the place indicated to him by them.

5. (1) The general licence for shooting and, or the general licence for the capture of wild rabbit may be granted by the Commissioner and the Wild Birds Regulation Unit if an applicant satisfies the criteria set by both the Commissioner and the Wild Birds Regulation Unit.

General licences for the capture and shooting of wild rabbit.

*Amended by:
L.N. 60 of 2015;
L.N. 133 of 2016;
L.N. 100 of 2019;
L.N 85 of 2022.*

(2) For the purpose of sub-regulation (1), the Wild Birds Regulation Unit shall set exams to determine the knowledge of these regulations and the use and safe-carrying of fire-arms of those applicants, who have already satisfied the criteria set by the Commissioner, in accordance with the provisions of Part XV of the Code of Police Laws.

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(3) Re-sits will be set for those applicants who fail the exams established in sub-regulation (2).

(4) Sittings, including re-sits, for the exams established under the provisions of sub-regulations (2) and (3) shall be set against the payment of a fee, as prescribed in Schedule IV.

(5) The Commissioner shall be responsible for issuing the licences for the shooting and, or capture of wild rabbit to those applicants who pass the exams set by the Wild Birds Regulation Unit.

(6) No person shall be issued with a general licence or have his general licence renewed, unless such person:

- (a) has effected all the necessary payments as required by Schedule IV, including having paid for and obtained the necessary licences required under Part XV of the Code of Police Laws;
- (b) is a member of a recognised hunting organisation;
- (c) in the case of shooting, holds an insurance policy against third party risks to persons or damage to property;
- (d) in the case of general licence renewal, has paid the respective renewal fee to the Wild Birds Regulation Unit for the applicable licence as found in Schedule IV.

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

- (a) the licence to shoot wild rabbit;
- (b) the licence to capture wild rabbit.

(8) Subject to the provisions of sub-regulation (6), an individual may apply and obtain any one or more of the general licences referred to in sub-regulation (7).

(9) 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 upon payment of the licence fee stipulated in Schedule IV and if the Wild Birds Regulation Unit is satisfied that the criteria established in sub-regulation (6) are satisfied.

(10) 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 planned activity is regulated by any other regulations or by any provision under these regulations.

(11) Any person licensed to shoot and, or, capture wild rabbit under these regulations shall report to the Wild Birds Regulation Unit through the game reporting system, as may be prescribed, the following information:

- (a) before leaving the hunting area, the number of rabbits killed and the number of rabbits captured;
- (b) the geographical location where the rabbits were hunted or captured;

(c) any other matter which may be specified by the Wild Birds Regulation Unit from time to time.

(12) 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 12.

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(13) During the period of suspension of the relevant licence in accordance with sub-regulation (12), the licensee shall 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) of the Conservation of Wild Birds Regulations.

(14) 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 (12).

Open seasons and time restrictions.

6. (1) The open season for the shooting and, or capture of wild rabbit shall be from the 1st June till the 31st December, both days included:

Provided that, through a notice in the Gazette, the Minister may revoke or amend the duration of the open season when, on the basis of relevant scientific knowledge, there is concern on the conservation status of the wild rabbit and, or on the maintenance of the population of wild rabbit at a satisfactory level.

(2) During the period established in sub-regulation (1), the shooting of wild rabbit shall only be practised:

- (a) between two hours before sunrise and two hours after sunset from Monday to Saturday; and
- (b) between two hours before sunrise and one o'clock in the afternoon on Sundays and on public holidays:

Provided that the shooting of wild rabbit between 1st September and 31st December shall also be prohibited during such times when the hunting of wild birds is prohibited in terms of the Conservation of Wild Birds Regulations or any other subsidiary legislation connected therewith or related thereto: S.L. 549.42

Provided further that the prohibitions laid out in sub-regulation (2) shall not apply to the capture of wild rabbit.

7. (1) The shooting of wild rabbit can only be carried out using: Capture and shooting methods. Amended by: L.N. 100 of 2019.

- (a) shots of size smaller than or equivalent to 3.3mm in diameter for shotguns; and
- (b) pellets for air rifles.

(2) The capture of wild rabbit should be carried out by means of dogs, ferrets and, or rabbit nets only:

Provided that ferrets used in pursuit of the capturing activity shall at all times be muzzled:

Provided further that the use of any kind of vertical nets, mist nets or clap nets or any other net that can be used to capture any species other than wild rabbit is prohibited:

Provided further that the nets used for the capture of wild rabbits shall not be left unattended at any time:

Provided further that whilst practicing capturing activity during the night, licensed persons may use small sources of dimmed light only insofar as the use of light is necessary for the capturing activity using dogs and, or ferrets and nets, and insofar as the use of such light shall not cause disturbance to any species other than wild rabbit:

Provided further that any use of light in pursuit of wild rabbit with any gun is prohibited.

(3) No person shall sell, offer for sale, exhibit for sale, carry, be in possession of, use, import or manufacture devices other than those mentioned in the provisions of sub-regulation (1)(a) and (b) for the purpose of shooting and, or capture of wild rabbit.

(4) Without prejudice to the Conservation of Wild Birds Regulations, no person shall at any time keep or carry a firearm which is loaded, or with cartridges in its magazine, or out of its case, unless at the place where the shooting of wild rabbit is allowed. S.L.549.42

(5) No person shall be in possession of any firearm which is loaded or outside its case, or go in pursuit of wild rabbit, or shoot or attempt to shoot, capture or attempt to capture wild rabbit while in or on any motor vehicle.

(6) No person shall carry a firearm, whether loaded or not, that is not in its case, or discharge any firearm, while within 200 metres from any town or village, or other inhabited area, or any restricted area, or within a distance of 50 metres from main or arterial roads:

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

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

(7) No person licensed for shooting wild rabbit shall be in possession of any firearm which has a magazine capable of holding more than two rounds of ammunition at any time.

Exceptions.

8. The Wild Birds Regulation Unit may, for reasons of public health or safety, or any scientific reason, issue a permit for the shooting and, or capture of wild rabbit during the closed season:

Provided that in authorising such exceptions, the following shall be specified:

- (a) the means, arrangements or methods authorised for capture and killing;
- (b) the conditions of risk and the circumstances of time and place under which such exceptions may be granted; and
- (c) the controls which will be carried out.

Activities in restricted areas.

9. No person shall:

- (a) shoot and, or capture or attempt to shoot and, or capture wild rabbit in restricted areas:

Provided that, within the restricted area marked on the site plan in Schedule III, this prohibition shall only apply to the capture of wild rabbit;

- (b) at any time and by any means whatsoever, have in his possession or under his control any wild rabbit, in a restricted area:

Provided that the foregoing shall not apply to any person licensed to shoot and, or to capture wild rabbit 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 the capturing of wild rabbits while passing through the main roads of a bird sanctuary.

Entry into fields and tenements.

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

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

Offences and penalties.

11. (1) Any person who -

- (a) 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) contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

- (c) acts in contravention of any provision of these regulations; or
- (d) conspires or attempts to conspire, or aids or attempts to aid, abets or attempts to abet, counsels or attempts to counsel, procures or attempts to procure 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 the said regulations,

shall be guilty of an offence against these regulations.

(2) Any person who commits an offence against these regulations 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 (€5,000) 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*:

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

Provided further that the Court may also order the suspension of the 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 any person who commits an offence against these regulations without a valid licence shall be liable to the punishments contemplated under paragraph (b).

(3) Notwithstanding the provisions of section 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 as courts of criminal judicature. Cap. 9.

(4) 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. Cap. 9.

12. (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 II, where the Wild Birds Special procedure.
Substituted by:
L.N 85 of 2022.

Regulation Unit and, or, the Executive Police believe that a person has committed an offence against these regulations as found in Schedule II, the Executive Police 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 II, 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:

Cap. 490. 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.

(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 II, the offence or offences committed shall be punishable in terms of regulation 5(12):

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 II 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 and, the licensee shall remain subject to accumulation of penalty points for offences listed in Schedule II:

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 11. 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 II 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 II, and in such circumstances the provisions of regulation 11 shall automatically apply.

13. The provisions of these regulations shall be without any prejudice whatsoever to the provisions of the Majjistrat Nature and History Park Site Regulations.

Applicability.
S.L. 549.83.

Substituted by:
L.N. 133 of 2016;
L.N 85 of 2022.

SCHEDULE I General Licence Conditions

1. A general licence shall immediately cease to be valid and the licensee may not hunt, or attempt to hunt, or take, or attempt to take wild rabbit, unless such person -

- (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;
- (b) is a paid member of a recognised hunting organisation;
- (c) has paid any administrative fines imposed in accordance with regulation 12 as prescribed in Schedule II;
- (d) has paid necessary licence fees as prescribed in regulation 5 and as listed in Schedule IV.

2. In the case of general hunting licence, no person shall hunt unless he holds a duly paid insurance policy against third party risks to persons or damage to property

Amended by:
L.N. 133 of 2016.
Substituted by:
L.N.100 of 2019.

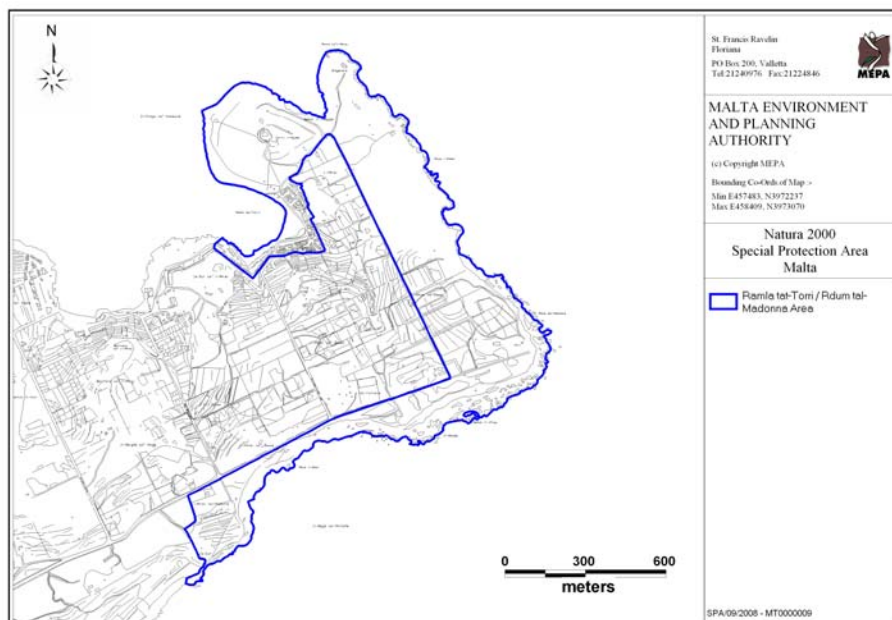
SCHEDULE II (Regulation 12) Administrative Fines

Regulation	Offence category	First offence	Second offence	Penalty points for each offence category
4(d)	Failure to produce the relevant licence/identity documentation to the Police within two (2) days. Provided that this fine shall not apply in the absence of a valid general licence to hunt or to take wild rabbit, in which case the offender shall be charged before the Court of Magistrates and the offence punishable in terms of regulation 11.	€250	€250	3
5(11)	Failure to declare every wild rabbit hunted or taken.	€50 per undeclared wild rabbit	€50 per undeclared wild rabbit	4
5(11)(c)	Failure to report any information which may be specified by the Wild Birds Regulation Unit.	€50	€50	3
7(2)	Use of unmuzzled ferrets during training or capturing of wild rabbit.	€100	€100	4

7(6) and 9	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 in a restricted area, excluding carrying of a firearm within the area marked on the site plan in Schedule III, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 11.	€250	€250	3
7(7)	Possession of any firearm which has a magazine capable of holding more than two (2) rounds of ammunition at any time.	€250	€250	4
10(1)	Trespassing of private property, unless such trespassing is an offence under any other law.	€250	€250	4

SCHEDULE III

Restricted area where capturing of wild rabbit is prohibited

SCHEDULE IV
Applicable Fees

Added by:
L.N. 60 of 2015.
Amended by:
L.N. 133 of 2016.

1. Examination fee: €30 per examination.
2. Re-Sit of examination fee: €10 for each re-sit session.
3. Licence to shoot, and, or to capture wild rabbit:
 - (a) issuance of new or renewal of five-year licence to shoot wild rabbit in accordance with regulation 5: €50
 - (b) issuance of new or renewal of five-year licence to capture wild rabbit in accordance with regulation 5: €25