

L.N. 280 of 2007

**ENVIRONMENT PROTECTION ACT
(CAP. 435)**

**Conservation of Wild Birds (Amendment) (No. 2)
Regulations, 2007**

BY VIRTUE of the powers conferred by articles 9 and 10 of the Environment Protection Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

Citation.

1. The title of these regulations is the Conservation of Wild Birds (Amendment) (No. 2) Regulations, 2007 and they shall be read and construed as one with the Conservation of Wild Birds Regulations, 2006, hereinafter referred to as “the principal regulations.”

L.N 79 of 2006.

Amends regulation 2 of the principal regulations.

2. Immediately after the definition of “closed season” in regulation 2 of the principal regulations, there shall be inserted the following definition:

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

Amends regulation 4 of the principal regulations.

3. Sub-regulation (1) of regulation 4 of the principal regulations shall be amended as follows:-

(a) in paragraph (e) thereof, immediately after the words “with these regulations” there shall be inserted the words “unless such bird has been declared and registered with the Competent Authority by the 31st May 2003 and such person has been given the permits, or certificates by the Competent Authority to keep such bird”; and

(b) immediately after paragraph (e) thereof there shall be inserted a new sub-paragraph (f):-

“(f) keep any bird, whether alive or dead, or part of any bird not mentioned in Schedule II or Schedule III to these regulations, unless such bird was taken in another Member State where it may be lawfully hunted or captured under the terms of Council Directive 79/409/EEC on the Conservation of Wild Birds and under the legislation of that other Member State and such bird has been brought into Malta after the 1st May, 2004:

Provided that such person shall retain in his possession and for such time as he remains in possession of the specimen as provided for in paragraphs (e) and (f) of this sub-regulation all permits, certificates and any other documents that prove to the satisfaction of the Competent Authority that such specimen was not obtained in contravention of these regulations.”.

4. Regulation 6 of the principal regulations shall be amended as follows:- Amends regulation 6 of the principal regulations.

(a) in the first proviso to sub-regulation (1) thereto, immediately after the words “Schedule III(a) to these regulations” there shall be inserted the words “or as provided for in paragraph (f) of subregulation (1) of regulation 4 hereof,”

(b) sub-regulation (3) thereof, shall be renumbered as sub-regulation (4); and

(c) immediately after sub-regulation (2) of regulation there shall be inserted a new sub-regulation (3):-

“(3) Whosoever is in possession of any bird, whether alive or dead, or part of any bird, pursuant to sub-regulation (1) hereof 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 Competent Authority that such specimen were not obtained in contravention of these regulations.”.

5. In the second proviso to sub-regulation (1) of regulation 8 of the principal regulations for the words “13.75 meters by 2.75 meters (45 feet by 9 feet)” there shall be substituted the words “37.81 square meters (405 square feet)”. Amends regulation 8 of the principal regulations.

6. In the proviso to paragraph (t) of sub-regulation (6) of regulation 10 of the principal regulations, the word “legal” shall be deleted. Amends regulation 10 of the principal regulations.

7. In the Maltese text of sub-regulation (1) of regulation 19 of the principal regulations, for the words “saghtejn qabel inżul ix-xemx” there shall be substituted the words “saghtejn wara nżul ix-xemx”. Amends regulation 19 of the principal regulations.

Amends Schedule II
Part A of the
principal regulations
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8. In Schedule II Part A of the principal regulations, immediately before the order “GALLIFORMES” there shall be inserted the following order:-

“ANSERIFORMES

Anatidae

Anser fabalis
Anser anser
Anas penelope
Anas strepera
Anas crecca
Anas platyrhynchos
Anas acuta
Anas querquedula
Anas clypeata
Aythya ferina
Aythya fuligula
Mergus serrator”.