L.N. 68 of 1980

CODE OF POLICE LAWS (CAP. 13)

Protection of Birds and Wild Rabbits Regulations, 1980

IN exercise of the powers conferred by section 195 of the Code of Police Laws, the Prime Minister has made the following regulations:—

Citation.

1. These regulations may be cited as the Protection of Birds and Wild Rabbits Regulations, 1980.

Interpretation.

2. In these regulations —

"Commissioner" means the Commissioner of Police;

"to take" includes to trap but does not include to shoot at;

"close season" means —

(a) in respect of birds, any time between the 22nd day of May and the 31st day of August of any year; and

(b) in respect of wild rabbits, any time between the 1st day of January and the 31st day of May of any year.

Sporting licence.

3. No person shall shoot at or attempt to shoot at, take or attempt to take, by any means whatsoever, any game unless licensed by the Police and subject to compliance with any conditions specified in the licence and with the provisions of these regulations.

Protection of birds.

4. No person shall —

(a) during the close season shoot at or attempt to shoot at, take or attempt to take any bird;

(b) outside the close season shoot at or attempt to shoot at any bird other than a bird included in the First Schedule to these regulations;

(c) outside the close season take or attempt to take any bird other than a bird included in the Second Schedule to these regulations.

Firing in harbours, etc.

5. No person in search for or in pursuit of game shall discharge any gun or other firearm while afloat within three kilometres from any foreshore, or while within 200 metres of any inhabited area or 50 metres of any street or road which is or may be used by any motor vehicle, other than a country lane or minor road which is intended principally for use as access to fields.

Shooting etc. from motor vehicles.

6. No person shall, while in or on any motor vehicle, shoot at or go in pursuit of any bird.

Carriage of licence.

7. No person shall carry a firearm unless he carries also the relative licence.

Carriage of loaded gun.

8. No person shall, at any time, keep or carry a firearm which is loaded or out of its case unless he is at a place where shooting for game is allowed.

Taking of birds.

9. (1) No person shall take or attempt to take any bird unless he is in possession of the relative police licence.

(2) The taking of birds shall be carried out only by means of a clap-net, flap wire cage trap, a laid out net, or a vertical net, known as "xibka wieqfa għall-imlieżeż".

Birds' nest.

10. No person shall shoot at, attempt to shoot at, take or disturb any birds' nest or its young.

Birds in captivity.

11. No person shall keep in captivity any bird other than a bird included in the Second Schedule to these regulations unless he proves that such bird was lawfully imported or was bred in captivity.

Cruel practices.

12. (1) No person shall resort to cruel practices in taking birds or in attempting to take birds.

(2) For the purposes of paragraph (1) of this regulation, "cruel practices" shall include —

(a) the use of poisonous or stupefying bait, hooks, birdlime, or any like substance;

(b) any electrical device or any gas;

(c) netting, known as "ranja" and mist-nests;

(d) net-cage trap; and

(e) decoy live birds which are blind.

(3) No person shall sell, offer or expose for sale or keep any device as is referred to in paragraph (2) of this regulation.

Taking of birds by mist-net.

13. No person shall, between one hour after sunset of one day and one hour before sunrise of the next following day, take, or attempt to take, any bird by the use of artificial lights or mist-net.

Type of licence.

14. A licence granted under section 188 of the Code of Police Laws shall be either in respect of shooting at birds or in respect of shooting at wild rabbits.

Presumption to pursuing birds.

15. Where any person is, at any time, found to be in any field or in any part of the open country in possesison of a loaded firearm, in circumstances which give rise to suspicion that he is not in pursuit of wild rabbits, he shall, unless the contrary is proved, be presumed to be in pursuit of birds.

Protection of captive birds.

16. No person shall —

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

Provided that this sub-paragraph shall not apply to poultry nor to the keeping or confining of any bird —

(i) while that bird is in the course of conveyance whether by land, air or water; or

(ii) while that bird is being shown for the purpose of any public exhibition or competition for a period not exceeding seventy-two hours; or

(iii) while that bird is undergoing treatment by a veterinary surgeon or other veterinary practitioner;

(b) promote, permit, assist or take part in any event whatsoever in the course of which captive birds are liberated for the purpose of being shot at on their release.

Restriction of taxidermy.

17. No taxidermist shall stuff or mount any bird other than a bird included in the First and Second Schedules to these regulations.

Non-renewal of licence.

18. A taxidermy licence whose holder is convicted of any cruel practice to birds, shall not be renewed.

Taking of birds for ringing or marking.

19. (1) No person, other than a licensed ringer, shall take any bird for the purpose of ringing or marking it.

(2) Any licensed ringer who takes a bird for the purpose of ringing or marking it shall release such bird immediately after it has been ringed or marked.

(3) Any licensed ringer who takes a bird for the purpose of ringing or marking it, or of examining any ring or mark thereon, may use —

(a) any form of artificial light;

(b) any rocket propelled or cannon net for taking birds on the ground; or

(c) any type of net.

Ring to be with official mark.

20. No person may use on any bird any ring other than a ring approved by the Commissioner.

Bird sanctuaries.

21. (1) The places and areas specified in the Third Schedule to these regulations are bird sanctuaries.

(2) No person shall at any time, by any means whatsoever, kill, injure, take or attempt to kill, injure or take, any bird within the boundaries of any bird sanctuary.

(3) It shall not be lawful for any person to have in his possession or control any firearm, ammunition, trap-net or any other device for taking birds, within the boundaries of any bird sanctuary.

Hiding place in prohibited places.

22. (1) The Commissioner may order the owner, tenant or other person in possession of the land on which any hiding place intended to be used for shooting or taking of birds has been constructed or built, to demolish, within such time as the Commissioner may determine, any such hiding place if it has been so constructed or built within any place or area specified in the Third Schedule to these regulations.

(2) If any such owner, tenant or possessor fails to comply with any such order, the Commissioner may demolish the hiding place at the expense of the said owner, tenant or possessor, as the case may be.

Clay pigeon shooting.

23. Nothing in these regulations shall make clay pigeon shooting organised by shooting clubs registered with the Commissioner and held on the enclosure of any such club unlawful. The expression "enclosure" shall include any plot of land so enclosed as to prevent danger to life and property, and conspicuously marked as a danger area.

General exception.

24. The Commissioner may, for any scientific or other similar purpose, give authority to shoot at or to take any bird or authorise the performance of any act which would otherwise be unlawful under these regulations.

Protection of wild rabbits.

25. No person shall, during the close season for wild rabbits, shoot at or take, or attempt to shoot at or take, any wild rabbit, or for such purpose use any dog, ferret or net.

26. Where any person is at any time, found to be in any field or in any other part of the open country in possession of a loaded firearm, in circumstances which give rise to suspicion that he is not in pursuit of birds, he shall, unless the contrary is proved, be presumed to be in pursuit of wild rabbits. Presumption to pursuing wild rabbits.

27. No person shall — Prohibited shots.

(a) shoot with, or use any cartridge loaded with shot of any size above 3.2 mm in diameter, or

(b) use any repeater gun or other firearm which has more than four cartridges in the magazine at any one time.

28. Any police officer may stop and search any person whom he reasonably suspects of having contravened or of being about to contravene any of the provisions of these regulations, as also any vehicle being used by such person, and he may arrest such person if the latter fails to identify himself, and may also seize and detain for the purposes of investigating the suspected offence any bird, firearm, missile or other thing capable of killing or injuring birds or wild rabbits, which may be in such person's possession or control. Enforcement.

29. The Protection of Birds Regulations, 1937, are hereby revoked. Revokes G.N. 7 of 1937.

SCHEDULES

FIRST SCHEDULE

1. Collared Dove
2. Curlews
3. Dotterel
4. Egrets
5. Golden Plover
6. Herons
7. Lapwing
8. Nightjar
9. Quail
10. Rails, crakes, coots
11. Skylark
12. Snipes
13. Spanish Sparrow
14. Starling
15. Stock Dove
16. Stone Curlew
17. Thrush (except Blue Rock Thrush)
18. Turtle Dove
19. Woodcock
20. Wood Pigeon
21. Wild Duck

SECOND SCHEDULE

1. Chaffinch
2. Golden Plover
3. Goldfinch
4. Greenfinch
5. Hawfinch
6. Linnet
7. Ortolan Bunting
8. Quail
9. Serin
10. Siskin
11. Skylark
12. Spanish Sparrow
13. Starling
14. Thrush (except Blue Rock Thrush)
15. Turtle Dove

THIRD SCHEDULE

1. Within 200 metres of the Addolorata Cemetery and within 50 metres of any other cemetery in Malta and Gozo
2. Within 200 metres of Kennedy Grove at Salina
3. Marsa Sports Ground
4. San Anton Gardens and all other public gardens in Malta and Gozo
5. Portes-des-Bombes area
6. Manoel Island
7. Within 500 metres of the pool at Għadira, Mellieħa Bay.
8. Within 500 metres of the Radio Transmitting Station at Xrobb l-Għaġin
9. Within 200 metres of the Luqa Airport, and within 50 metres of the approach lights indicating the runways
10. Within one kilometre of Comino Island
11. Within one kilometre of Filfla Island
12. Within 200 metres of Buskett Gardens and Verdala Palace.
13. Within 50 metres from the edge of Ta' Ċenċ Cliffs, Gozo
14. Ta' Qali Complex, including the area formerly used as aerodrome and its adjacent land
15. Within 50 metres of the radio stations operated by the Department of Civil Aviation at —
    (a) Bengħajsa, limits of Birzebbugia
    (b) Dingli Heights, limits of Dingli
    (c) Tas-Silg Fortress, limits of Delimara
    (d) Wied Rini, limits of Rabat
    (e) Non-directional Beacon, Fort St Rocco, limits of Rinella
    (f) VOR Station, It-Tafal, limits of Kercem, Gozo.

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