**L.N. 269 of 2019**

**ENVIRONMENT PROTECTION ACT**
**(CAP. 549)**

# Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2019

BY VIRTUE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Sustainable Development and Climate Change in conjunction with the Parliamentary Secretary for Agriculture, Fisheries and Animal Rights and after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

**1.** The title of these regulations is the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2019, and these regulations shall be read and construed as one with the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations hereinafter referred to as "the principal regulations".

S.L. 549.74.

Amends regulation 3 of the principal regulations.

**2.** Regulation 3 of the principal regulations shall be amended as follows:

(a) sub-regulation (2) thereof shall be substituted by the following:

"(2) Where a licensee is in possession of a live-capturing special licence issued in terms of these regulations, such licensee shall not use any nets with a mesh size that is less than 35mm x 35mm exclusively for live-capturing of Song Thrush and less than 45mm x 45mm exclusively for live-capturing of Golden Plover:

Provided that when the licensee is live-capturing Song Thrush only or both Song Thrush and Golden Plover from the same clap-net pair, the mesh size shall not be less than 35mm x 35mm and the total footprint of each net shall not exceed 38 square metres:

Provided further that as soon as the overall (national) bag limit of either the Golden Plover or Song Thrush has been

reached, the licensee shall ensure that he only makes use of nets with maximum area and minimum mesh size associated with the other species for which the season is still open."; and

(b) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulation:

"(3) All specimens from the relevant species caught during the live-capturing season shall be fitted with a single-use ring as specified by the Wild Birds Regulation Unit and in the special live-capturing licence:

Provided that in the event that the licence holder fails to comply with any written instruction that he may receive from the Wild Birds Regulation Unit for such purpose, he will be rendered ineligible to apply for a live-capturing special licence the following year.".

Amends regulation 4 of the principal regulations.

**3.** In regulation 4 of the principal regulations, the words "seventy-three (73) days from October to December of the same year" shall be substituted by the words "seventy-three (73) days for Song Thrush and seventy-one (71) days for Golden Plover".

Amends regulation 7 of the principal regulations.

**4.** Regulation 7 of the principal regulations shall be amended as follows:

(a) paragraph (e) thereof, shall be substituted by the following:

"(e) specify that each Special Licence holder is only authorised to use one (1) live-capturing station registered with the Wild Birds Regulation Unit and that such live-capturing station shall not contain more than two (2) pairs of clap-nets from one (1) hide:

Provided that if only one clap-net pair is approved, the setting up of an additional clap-net pair is prohibited:

Provided further that subdivision of a hide into two or more hides to make use of more than two clap-net pairs from the original hide is prohibited.";

(b) in paragraph (k) thereof, the words ", irrespective of the number of live-decoys within the live-capturing station" shall be substituted by the words ", irrespective of the number of licensees present at the same station;"; and

(c) paragraph (t) thereof, shall be substituted by the following:

"Provisions of regulations 3 and 6.

(t) reproduce the provisions of regulations 3 and 6;".

Amends regulation 8 of the principal regulations.

**5.** Sub-regulation (6) of regulation 8 of the principal regulations shall be substituted by the following:

"NGOs to cooperate with police.

(6) Whenever the police request such assistance, representatives of non-governmental organisations may assist the Executive Police and marshals appointed under sub-regulation (3) during spot-checks relevant to these regulations.".

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