

## **EUROPEAN COMMUNITIES (WILDLIFE ACT, 1976) (AMENDMENT) REGULATIONS 1986**

I, LIAM KAVANAGH, Minister for Tourism, Fisheries and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), for the purpose of giving effect to Council Directive No. 79/409/EEC of 2nd April, 1979, hereby make the following Regulations:  
10.J. No. L103/1, 25.4.79.

### **REG 1**

1. (1) These Regulations may be cited as the European Communities (Wildlife Act, 1976) (Amendment) Regulations, 1986.
- (2) These Regulations shall come into operation on the 21st day of July, 1986.

### **REG 2**

2. (1) In these Regulations—  
"authorised person" means a person who is appointed under Regulation 5 of these Regulations to be an authorised person for the purposes of these Regulations;  
"the Directive" means Council Directive of 2nd April, 1979 No. 79/409/EEC;  
10.J. No. L130/1, 25.4.79.  
"the Minister" means the Minister for Tourism, Fisheries and Forestry.
- (2) A word or expression that is used in these Regulations and is also used in the Directive shall, unless the contrary intention is expressed, have in these Regulations the meaning that it has in the Directive.

### **REG 3**

3. (1) Notwithstanding the provisions of the Wildlife Act, 1976 (No. 39 of 1976).  
(a) where the Minister is of the opinion that a species referred to in the First Schedule to these Regulations—  
(i) is a threat to public health or safety,  
(ii) is likely to cause serious damage to crops, livestock, fisheries or forestry,  
(iii) is likely to cause damage to flora and fauna,  
he may declare that for the purpose of preventing disease or injury the said species may be captured or killed in any part of the State or throughout the State by any of the means, arrangements or methods set out in the Second Schedule to these Regulations, during such period or periods specified in the declaration and by the person or persons or class of person or persons specified in the declaration,  
( b ) where the Minister is of the opinion that a species of wild bird is a threat to air safety he may declare that the said species may be captured or killed in any part of the State or throughout the State by any of the means, arrangements or methods set out in the Second Schedule to these Regulations during such

period or periods specified in the declaration and by the person or persons or class of person or persons specified in the declaration.

#### REG 4

4. Where the means of killing or capturing wild birds includes the laying or any poisons, the owner or occupier of land on which such poison is laid or caused to be laid shall comply with the provisions of subsections (2) to (5) of section 14 of the Protection of Animals (Amendment) Act, 1965 (No. 10 of 1965).

#### REG 5

5. (1) The Minister may appoint in writing a person to be an authorised person for the purposes of these Regulations.  
(2) An authorised person shall be furnished with a certificate of his appointment as an authorised person and when exercising any power conferred on an authorised person by these Regulations shall, if requested by any person affected, produce the certificate to such person.

#### REG 6

6. (1) An authorised person may, for the purposes of these Regulations—  
( a ) enter on and inspect any lands on which he reasonably believes that killing or capturing of wild birds has taken place,  
( b ) request the owner or occupier of any lands on which he reasonably believes that killing or capturing of wild birds has taken place to provide him with information about—  
(i) the number if any, of wild birds killed or captured on such lands,  
(ii) the means by which such wild birds have been killed or captured,  
(iii) any poisons which may have been laid to kill birds including but without prejudice to the generality of the aforesaid information about the quantity, type and frequency of laying of poisons.  
(2) A person who obstructs or interferes with an authorised person when he is exercising a power conferred by this Regulation or fails to comply with a request under paragraph 1(b) of this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

#### REG 7

7. (1) An offence under these Regulations may be prosecuted by the Minister.  
(2) Summary proceedings for an offence under these Regulations may be prosecuted by a person who is neither the Minister nor a member of the Garda Síochána with the consent of the Minister or an officer of the Minister, not below the rank of Assistant Secretary, nominated by the Minister for that purpose.

**FIRST SCHEDULE.**

Carrion Crow.

Hooded (Grey) Crow.

Magpie.

Rook.

Jackdaw.

Starling.

Herring Gull.

Greater Black-backed Gull.

Lesser Black-backed Gull.

Sparrow.

Pigeon, including Wood Pigeon, but not including Carrier Pigeons,  
Racing Homing Pigeons or Doves.

**SECOND SCHEDULE**

Shooting with rifle or shotgun.

Poisoned or anaesthetic bait.

Cage traps with or without live decoys.

Traps, snares or nets approved under the Wildlife Act, 1976

(Approved Traps, Snares and Nets) Regulations, 1977 (S.I. No. 307 of 1977).

GIVEN under my Official Seal this 11th day of July, 1986.

LIAM KAVANAGH,

Minister for Tourism,

Fisheries and Forestry.

**EXPLANATORY NOTE.**

These Regulations amend certain provisions of the Wildlife Act, 1976, which obtain to the control of species of wild bird which may cause damage or injury to specified interests. The Regulations empower the Minister for Tourism, Fisheries and Forestry to declare that any or all of the species of wild birds mentioned in the First Schedule thereto may be captured or killed by the means, arrangements or methods set out in the Second Schedule where they represent a threat to public health or safety or are likely to cause damage or injury to crops, livestock, fisheries, forestry or fauna. The Regulations also empower the Minister to declare that any species of wild bird may be captured or killed where he is of the opinion that such species may represent a threat to air safety.