

S.I. No. 8/1984 — Wildlife Act, 1976 (Birds of Prey) Regulations, 1984.

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I, PADDY O'TOOLE, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by sections 8 and 41 of the Wildlife Act, 1976 (No. 39 of 1976), as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978), hereby make the following Regulations (Regulation 11 of which is made with the consent of the Minister for Finance):

1. These Regulations may be cited as the Wildlife Act, 1976 (Birds of Prey) Regulations, 1984.

2. These Regulations shall come into operation on the 1st day of February, 1984.

3. In these Regulations—

"the Act" means the Wildlife Act, 1976 (No. 39 of 1976);

"authorised person" has the meaning assigned to it by section 2 (1) of the Act;

"bird of prey" means any eagle, hawk, falcon or other bird of the order *Falconiformes*;

"the Minister" means the Minister for Fisheries and Forestry.

4. (1) A person shall not, save under and in accordance with a licence granted in that behalf by the Minister, either engage in falconry or have in his possession or under his control any eagle, hawk or falcon or the young or eggs of any eagle, hawk or falcon.

(2) Where—

(*a*) the Minister revokes a licence granted by him for the purposes of this Regulation, or

(*b*) such a licence expires, the Minister may require the person to whom the licence was granted to dispose of, in such manner as the Minister shall specify in writing, any eagle, hawk or falcon or the young or eggs of any eagle, hawk or falcon of which the person was in possession pursuant to such licence immediately before its revocation or expiration.

(3) Where the Minister makes a requirement under paragraph (2) of this Regulation, the person of whom the requirement is made shall forthwith comply with the requirement.

5. (1) A person, other than a person to whom a licence for the purposes of section 41 of the Act has been granted and which is for the time being in force, shall not take a bird of prey for training to hawk for sport or for breeding in captivity.

(2) A person to whom a licence for the purposes of section 41 of the Act has been granted and which is for the time being in force shall, if he takes any bird of prey for training to hawk for sport, comply with each of the following conditions:

(*a*) a specimen shall only be taken if it is a nestling,

(*b*) the nest from which the specimen is taken shall, when the specimen is taken, contain not less than three nestlings (including the specimen to be taken), and

(*c*) in taking the specimen the said person shall do so in a manner which will minimise disturbance to the nest, its surroundings, the young and the parent birds.

6. A person, other than a person to whom a licence for the purposes of section 41 of the Act has been granted and which is for the time being in force, shall not engage in breeding birds of prey.

7. (1) A person who possesses, breeds, displays or exhibits any bird of prey shall comply with the following provisions:

(*a*) the bird shall be kept at all times in accommodation suitable as regards size, shelter, temperature, lighting, ventilation and cleanliness and, when caged, shall be kept only in a cage of sufficient dimensions to enable it to move and exercise freely;

(*b*) the bird shall be provided with adequate perches;

(*c*) the bird shall be supplied with a sufficient quantity of suitable food and drink;

(*d*) all reasonable precautions shall be taken to prevent the bird

contracting or spreading any infectious disease;

(e) the bird shall be adequately safeguarded against fire hazards and predators and shall be also be protected from undue disturbance;

(f) where accommodation is provided for two or more birds of prey, each of such birds shall be either tethered separately or separated from the other birds of prey by a partition, but where there is or are one or more pairs of such birds which, or all of which, is or are involved in a captive breeding project, as between the birds forming the pair or pairs, the provisions of this subparagraph shall not apply as regards such pair or pairs.

(2) The accommodation provided for a bird of prey pursuant to this Regulation may be inspected by an authorised person on a demand being made by him in that regard at any reasonable time.

8. Any appliance used for securing a bird of prey to a perch shall be of suitable strength, size and materials and be designed so as to hold the bird of prey securely on the perch without causing it injury.

9. Where an eagle, hawk or falcon to which a licence for the purposes of these Regulations relates is being flown free, any appliance attached to it shall be designed so that it will not catch or become entangled in any branch, bush, line, tree, wire or other obstruction.

10. A bird of prey shall not be trained in such a manner that its training causes or is likely to cause unnecessary cruelty to it.

11. The applicant for a licence referred to in these Regulations shall pay to the Minister a fee of £10 in respect of the licence.

GIVEN under my Official Seal, this 10th day of January, 1984.

PADDY O'TOOLE,

Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

These Regulations make the possession and use in falconry of birds of prey of the order *Falconiformes* subject to the granting of licences in that regard and provide for a charge for such licences. The Regulations also lay down the conditions under which a bird of the order *Falconiformes* may be taken from the wild or maintained.

Any person who fails to comply with these Regulations shall be guilty of an offence.

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