

S.I. No. 291/1985 — European Communities (Conservation of Wild Birds) Regulations, 1985.

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I, PADDY O'TOOLE, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 79/409/EEC⁽¹⁾ of 2 April, 1979, hereby make the following regulations:

⁽¹⁾O.J. No. L103/1 25.4.79.

1. (1) These Regulations may be cited as the European Communities (Conservation of Wild Birds) Regulations, 1985.

(2) These Regulations shall come into operation on the 3rd day of September, 1985.

2. (1) In these Regulations—

"the Directive" means Council Directive of 2 April, 1979, No. 79/409/EEC⁽¹⁾;

⁽¹⁾O.J. No. L103/1 25.4.79.

"a special protection area" means an area which is classified as a special protection area by Article 3 of these Regulations;

"deleterious matter" means any substance (including an explosive substance) which, on entry or discharge into a special protection area, would be liable to cause death or injury to any species of fauna or to damage or destroy any species of flora or the habitat of any such species of fauna or flora and includes domestic and industrial waste, animal

excrement and slurry, bilge water, oil and any other form of petroleum.

(2) A word or expression that is used in these Regulations and is also used in the Directive shall, unless the contrary intention appears, have in these Regulations the meaning that it has in the Directive.

3. In order to ensure the survival and reproduction of the species to which Article 4 of the Directive relates and having taken account of the matters referred to in Article 4 of the said Directive each area specified in the Schedule to these Regulations is hereby classified as a special protection area.

4. (1) A person shall not dispose of, throw down, place or leave in any part of a special protection area—

(*a*) any food remnants, orange peel, banana skin or other organic matter (whether waste or dead animal), or

(*b*) any rubble, old metal, glass, china, earthen-ware, tin, carbon, paper, rags or other rubbish or

(*c*) any deleterious matter

so as to create or tend to create pollution or deterioration of habitats or any disturbance whatsoever affecting the species to which Article 4 of the Directive relates in so far as the pollution, deterioration or disturbance would be significant having regard to the objectives of Article 4 of the Directive.

(2) Nothing in paragraph (1) of this Article shall be construed as prohibiting the deposit by any person of any of the materials mentioned in subparagraph (*a*) and subparagraph (*b*) of this Article in any receptacle provided for the deposit of litter.

5. A person who contravenes a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

SCHEDULE

1. The area comprising the lands included in the nature reserve established by the Nature Reserve (Wexford Wildfowl Reserve) Establishment Order, 1981 (S.I. No. 205 of 1981).

2. The area formed by the islands situated in the townlands of Saltee Island Great and Saltee Island Little in the county of Wexford and known as Saltee Islands.
3. The area comprising the island situated in the townland of Puffin Island, in the county of Kerry and known as Puffin Island.
4. The area formed by islands situated in the townland of Inishkea North, in the county of Mayo and known as Inishkea Islands.

GIVEN under my Official Seal, this 26th day of August, 1985.

PADDY O'TOOLE,

Minister for Fisheries and Forestry.

EXPLANATORY NOTE.

EEC Directive No. 74/409 on the Conservation of Wild Birds provides for the conservation of populations of wild birds by, among other things, classifying important ornithological sites as special protection areas for them. The effect of these Regulations is to classify four sites as special protection areas and to provide that contravention of the provisions of these Regulations shall constitute an offence.
