

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,577, 9 ta' April, 2010

Taqsimha B

A.L. 221 ta' l-2010

**ATT DWAR IL-HARSIEN TA' L-AMBJENT
(KAP. 435)**

**Regolamenti ta' l-2010 dwar il-Konservazzjoni ta'
Għasafar Selvaġġi**

**(Qafas Biex Tiġi Permess Deroga li Tiftaħ l-Istaġun
għall-Kaċċa tal-Gamien u s-Summien fir-Rebbiegħa)**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 9 u 10(2) ta' l-Att dwar il-Harsien ta' l-Ambjent, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin -

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2010 dwar il-Konservazzjoni ta' Għasafar Selvaġġi (Qafas Biex Tiġi Permess Deroga li Tiftaħ l-Istaġun għall-Kaċċa tal-Gamien u s-Summien fir-Rebbiegħa). Titolu.

2. Kliem u frażijiet użati f'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra, għandu jkollhom l-istess tifsir bħal dak mogħti fir-Regolamenti ta' l-2006 dwar il-Konservazzjoni ta' l-Għasafar Selvaġġi, hawnhekk iżjed 'il quddiem imsejħin "ir-Regolamenti tal-2006". Tifsir.

3. Għall-finijiet tat-tieni proviso tar-regolament 10(6) tar-Regolamenti tal-2006 u ta' dawn ir-regolamenti, il-perjodu għall-kaċċa fuq il-gamien u s-summien, aktar 'il quddiem f'dawn ir-regolamenti msejjaħ "l-istaġun tal-kaċċa fir-Rebbiegħa", għandu jkun massimu ta' tlett ġimgħat f'April tas-sena li dwarha l-Ministru jista jiddeċiedi li jiftaħ l-istaġun tal-kaċċa fir-Rebbiegħa permezz ta' avviż fil-Gazzetta. Staġun tal-kaċċa fir-Rebbiegħa.

4. (1) Il-kaċċa fuq il-gamien u s-summien matul l-istaġun tal-kaċċa fir-Rebbiegħa għandha tkun ipprojbata ħlief taħt Liċenza Għall-Kaċċa fir-Rebbiegħa maħruġa skond dawn ir-regolamenti. Liċenza Għall-Kaċċa fir-Rebbiegħa.

(2) In-numru ta' Liċenzi Għall-kaċċa fir-Rebbiegħa li jistgħu jinħarġu taħt dawn ir-regolamenti ma għandux ikun ta' aktar minn 2,500 u għandu jithallas dritt ta' mhux aktar minn ħamsin (50) euro għal kull liċenza.

(3) Meta n-numru ta' applikazzjonijiet għal Liċenza Għall-Kaċċa fir-Rebbiegħa jkun ta' aktar minn 2,500 il-liċenzi għandhom jingħataw kif stabbilit b'lotterija fost l-applikanti.

(4) Sabiex applikant ikun eligibbli għal Liċenza Għall-Kaċċa fir-Rebbiegħa, dak l-applikant irid ikollu fil-pussess tiegħu *carnet de chasse* validu.

Kontenut tal-Liċenza.

5. Kull Liċenza Għall-Kaċċa fir-Rebbiegħa għandha:

(a) tistabbilixxi l-kwota komplessiva għall-istaġun tal-kaċċa fir-Rebbiegħa għas-summien u għall-gamien bħala n-numru totali ta' għasafar li jistgħu jiġu kaċċati taħt l-awtorità tal-liċenzi kollha maħruġa meħudin flimkien. In-numru totali ta' summien u gamien li jistgħu jiġu kaċċati matul l-istaġun tal-kaċċa fir-Rebbiegħa f'sena partikolari għandu jiġi stabbilit mill-Ministru b'avviż fil-Gazzetta bl-użu tal-figuri li jidhru fl-Anness I ma' dawn ir-regolamenti bħala bażi;

(b) tistabbilixxi l-kwota ta' għasafar li jistgħu jinqabdu kuljum u l-kwota totali ta' għasafar li jistgħu jinqabdu matul l-istaġun tal-kaċċa fir-Rebbiegħa għal kull liċenza;

(ċ) teħtieġ lill-persuna li jkollha liċenza li tilbes faxxa tad-driegħ ta' identifikazzjoni li turi n-numru tal-liċenza u li ġgħorr fuq il-persuna tagħha il-Liċenza Għall-Kaċċa fir-Rebbiegħa waqt li tkun qiegħda tfittex jew iddur għall-għasafar;

(d) teħtieġ lill-persuna li jkollha liċenza sabiex, hekk kif għasfur jiġi maqtul b'xi tir, tinforma permezz ta' servizz ta' messaġġi bil-miktub (sms) fuq numru indikat mid-Direttur u sabiex timla l-*carnet de chasse* skond hekk qabel ma tħalli ż-żona tal-kaċċa;

(e) turi d-dati tal-istaġun għall-kaċċa fir-Rebbiegħa;

(f) tipprovdi li l-kaċċa ta' għasafar li ma jkunux gamien jew summien tkun projbita;

(g) tirriproduċi l-projbizzjonijiet maħsuba fir-regolamenti 4 u 18 tar-Regolamenti tal-2006 mingħajr preġudizzju għal kull projbizzjoni oħra stabbilita f'dawk ir-regolamenti;

(h) tipprovdi li l-kaċċa tista ssir biss mit-Tnejn sas-Sibt minn sagħtejn qabel tluġ ix-xemx sa' nofsinhar;

(i) tipprovdi li l-kaċċa l-Hadd u fi btajjel pubbliċi tkun projbita;

(j) tipprovdi li l-liċenza tiġi sospiza minnufih hekk kif il-persuna li jkollha liċenza tiġi imputata b'reat taħt regolament 27 tar-Regolamenti tal-2006;

(k) tipprovdi li l-liċenza u kull liċenza jew permess tal-kaċċa oħra tal-persuna li jkollha liċenza tiġi mħassra u tkun mingħajr effett hekk kif il-persuna li jkollha liċenza tiġi misjuba ħatja ta' reat bi ksur tar-regolament 27 tar-Regolamenti tal-2006;

(l) tipprovdi li l-validità tal-liċenza tiskadi u l-liċenza tiġi meqjusa bħala mħassra hekk kif il-Ministru permezz ta' avviż fil-Gazzetta jiddikjara li l-kwota komplessiva għall-istaġun tkun intlaħqet;

(m) tipprovdi li jekk il-kwota komplessiva għall-istaġun għal waħda mill-ispeċi, hawn aktar 'il quddiem "l-ispeċi relevanti", tkun intlaħqet qabel dik għall-ispeċi l-oħra il-validità tal-liċenza tiskadi u l-liċenza tiġi meqjusa bħala mħassra dwar l-ispeċi relevanti hekk kif il-Ministru permezz ta' avviż fil-Gazzetta jiddikjara li l-kwota komplessiva għall-ispeċi relevanti tkun intlaħqet.

6. (1) Il-Pulizija għandha tagħmel verifiki fuq il-post sabiex tiżgura li l-kondizzjonijiet kollha tal-liċenza u d-dispożizzjonijiet tar-regolamenti relevanti jkunu qed jiġu osservati u b'mod partikolari għandha:

Verifiki mill-Pulizija.

(a) tivverifika li l-*carnet de chasse* ikun qiegħed jinżamm skond ir-regolamenti;

(b) tiżgura li l-kaċċaturi jilbsu dejjem il-faxxa tad-driegħ ta' identifikazzjoni u li jkunu fil-pussess tal-liċenza tal-kaċċa fir-Rebbiegħa waqt li jkunu qed ifittxu jew iduru għall-ġhasafar matul l-istaġun;

(ċ) tiżgura li l-kwoti u r-restrizzjonijiet ta' ħin skond dawn ir-regolamenti u l-kondizzjonijiet tal-liċenza jkunu qed jiġu osservati;

(d) tiżgura li l-kaċċa tkun qed issir biss għall-gamien u għas-summien.

(2) Jekk xi uffiċjal tal-pulizija waqt li jkun jagħmel verifiki fuq il-post skond dan ir-regolament isib raġuni suffiċjenti sabiex jittieħdu proċedimenti kontra xi persuna taħt dawn ir-regolamenti, jew regolamenti oħra rilevanti, dak l-uffiċjal għandu minnufih jaqbad mill-pussess ta' dik il-persuna kull arma tan-nar u munizzjon u kull arma oħra għall-kaċċa, il-*carnet de chasse*, il-liċenza għall-kaċċa fir-Rebbiegħa u kull liċenza jew permess ieħor għall-kaċċa, il-faxxa tad-driegħ ta' identifikazzjoni, u kull għasfur li jinstab fil-pussess ta' dik il-persuna bi ksur ta' dawn ir-regolamenti jew ta' regolamenti oħra applikabbli jew bi ksur tal-kondizzjonijiet ta' xi liċenza jew permess.

(3) Fil-qadi ta' dmiriethom skond is-subregolament (1) il-Pulizija jistgħu ikollhom l-għajnuna ta' marixxalli tal-kaċċa appuntati għal dak il-għan mid-Direttur. Il-marixxalli tal-kaċċa hekk appuntati ikollhom l-istess doveri u setgħat mogħtija lill-Pulizija bis-subregolament (1).

Riżerva.

7. Id-disposizzjonijiet u l-kondizzjonijiet stabbiliti f'dawn ir-regolamenti għandhom ikunu mingħajr preġudizzju għar-Regolamenti ta' l-2006 sakemm dawn ta' l-aħħar ma jkunux inkonsistenti ma' dawn ir-regolamenti, f'liema każ, u sal-limitu ta' l-inkonsistenza, dawn ir-regolamenti għandhom jipprevalu.

ANNESS 1

Meta jkun qed jiġi stabbilit in-numru totali ta' summien u gamien li tista' ssir kaċċa għalihom matul l-istaġun tal-kaċċa fir-Rebbiegħa ta' xi sena partikolari l-Ministru għandu jistabbilixxi l-kwota komplessiva f'mhux iżjed minn 1% mir-rata ta' mortalità totali ta' kull sena ta' kull waħda mill-ispeċi rispettivament imma din m'għandhiex tkun teċċedi dawn in-numri li ġejjin:

12,000 summien

u

13,000 gamiem:

Iżda dawn iż-żewġ numri massimi jistgħu jiġu emendati mill-Ministru, b'avviż fil-Gazzetta, biex ikun hekk jista' jirrivedihom u jaġġornhom billi jqis kull bidla fl-istat ta' konservazzjoni taż-żewġ speċi.

L.N. 221 of 2010

**ENVIRONMENT PROTECTION ACT
(CAP. 435)**

Conservation of Wild Birds

**(Framework for Allowing a Derogation Opening a Spring
Hunting Season for Turtle Dove and Quail)
Regulations, 2010**

BY VIRTUE of the powers conferred by articles 9 and 10(2) of the Environment Protection Act, the Prime Minister has made the following regulations –

1. The title of these regulations is the Conservation of Wild Birds (Framework for Applying a Derogation Opening a Spring Hunting Season for Turtledove and Quail) Regulations, 2010. Title.

2. Terms and expressions used in these regulations, unless the context otherwise requires, shall have the same meaning as given to them in the Conservation of Wild Birds Regulations, 2006, hereinafter referred to as the “2006 Regulations”. Interpretation.

3. For the purposes of the second proviso to regulation 10(6) of the 2006 Regulations and for the purposes of these regulations, the period for the hunting of turtledove and quail, hereinafter in these regulations referred to as “the spring hunting season”, shall be a maximum of three weeks in April of the year for which the Minister may decide to open the spring hunting season by means of a notice in the Gazette. Spring hunting season.

4. (1) The hunting of turtledove and quail during the spring hunting season shall be prohibited except by virtue of a Spring Hunting Licence issued in accordance with these regulations. Spring Hunting Licence.

(2) The number of Spring Hunting Licences which may be issued under these regulations shall not exceed 2,500 and shall be against payment of a fee not exceeding fifty euro (€50) for each licence.

(3) Where the number of applications for a Spring Hunting Licence exceeds 2,500 the licences shall be assigned as determined by means of a lottery drawn from among the applicants.

(4) For an applicant to be eligible for a Spring Hunting Licence that applicant must be in possession of a valid carnet de chasse.

Licence contents.

5. (1) Every Spring Hunting Licence shall:

(a) set the overall bag limit for the spring hunting season for quail and for turtledoves as the total number of birds which may be hunted under the authority of all issued licences taken together. The total number of quail and turtledoves which may be hunted during the spring hunting season of a particular year shall be set by the Minister by notice in the Gazette, using as a basis the figures contained in Annex I to these regulations;

(b) set the daily bag limit of birds and the total spring hunting season bag limit per licence;

(c) require the licensee to wear an identification armband bearing the licence number and to carry on his person the Spring Hunting Licence while in search or in pursuit of birds;

(d) require the licensee, as soon as a bird is shot, to inform by means of a text messaging service (sms) to a number indicated by the Director and to fill in the carnet de chasse accordingly before leaving the hunting zone;

(e) indicate the dates of the spring hunting season;

(f) provide that the hunting of birds other than quail and turtledoves shall be prohibited;

(g) reproduce the prohibitions provided for in regulations 4 and 18 of the 2006 Regulations without prejudice to any other prohibition laid down in the same regulations;

(h) provide that hunting can only take place from Monday to Saturday from two hours before sunrise to noon;

(i) provide that hunting on Sundays and on public holidays is prohibited;

(j) provide that the licence shall be suspended

forthwith if the licensee is charged with an offence under regulation 27 of the 2006 Regulations;

(k) provide that the licence and any other hunting licence or permit of the licensee shall be revoked and be without any effect upon the licensee being convicted of an offence against regulation 27 of the 2006 Regulations;

(l) provide that the validity of the licence shall lapse and the licence shall be considered as revoked upon the Minister by notice in the Gazette declaring that the overall bag limit for the season has been reached;

(m) provide that if the overall bag limit for the season for one species, hereinafter in this paragraph “the relevant species”, has been reached before that for the other species the validity of the licence shall lapse and the licence shall be considered as revoked in respect of the relevant species as soon as the Minister by means of a notice in the Gazette declares that the overall bag limit for the relevant species has been reached.

6. The Police shall carry out on-the-spot checks to ensure that all the conditions of the licence and the provisions of the relevant regulations are being observed and in particular shall:

Police checks.

(a) verify that the carnet de chasse is in accordance with regulations;

(b) ensure that hunters always wear their identification armband and are in possession of their Spring hunting licence while in search or in pursuit of birds during the season;

(c) ensure that bag limits and time restrictions according to these regulations and the conditions of the licence are complied with;

(d) ensure that hunting is being carried out only on turtledoves and quail.

(2) Should any police officer in the course of a spot check in accordance with this regulation find sufficient cause for proceedings to be taken against any person under these regulations, or other relevant regulations, that officer shall forthwith seize from the possession of that person any firearm and ammunition and any

other weapon for hunting, the carnet de chasse, the Spring hunting licence and any other hunting licence or permit, the identification armband, and any bird found in the possession of that person in violation of these regulations or other applicable regulations or in violation of the conditions of any licence or permit.

(3) In pursuance of their duties under subregulation (1) the Police may be assisted by hunting marshals appointed for this purpose by the Director. The hunting marshals so appointed shall have the same duties and powers vested in the Police by subregulation (1).

Saving.

7. The provisions and conditions laid down in these regulations shall be without prejudice to the 2006 Regulations to the extent that the latter are not inconsistent with these regulations in which case, and to the extent of the inconsistency, these regulations shall prevail.

ANNEX 1

When setting the total number of quail and turtledoves which may be hunted during the spring hunting season of a particular year the Minister shall set the total bag limit at not more than 1% of the total annual mortality rate of each of the species respectively but shall not exceed the following numbers:

12,000 quail

and

13,000 turtledoves:

Provided that the above two maximum numbers may be amended by the Minister, by notice in the Gazette, in order to revise and update them by taking into consideration changes to the conservation status of the two species.

