

**L.N. 107 of 2022**

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

**Conservation of Wild Birds (Amendment No. 2) Regulations, 2022**

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Climate Change and Planning in conjunction with the Minister for Gozo, and after consultation with the Environment and Resources Authority, has made the following regulations:-

1. The title of these regulations is the Conservation of Wild Birds (Amendment No. 2) Regulations, 2022 and these regulations shall be read and construed as one with the Conservation of Wild Birds Regulations, hereinafter referred to as "the principal regulations". Citation.  
S.L. 549.42.
2. Sub-regulation (2) of regulation 4 of the principal regulations shall be deleted. Amends  
regulation 4 of  
the principal  
regulations.
3. In sub-regulation (10) of regulation 21 of the principal regulations, the words "the Wild Birds Regulation Unit." shall be substituted by the words "the Wild Birds Regulation Unit:" and immediately thereafter there shall be added the following new provisos: Amends  
regulation 21 of  
the principal  
regulations.

"Provided that if an application to transfer was submitted to the Wild Birds Regulation Unit or its predecessor by 30th September 2020, and such application has not yet been processed, no action shall be taken with respect to those specimens listed in the pending application that were transferred without written authorisation by the Wild Birds Regulation Unit or its predecessor until the following verifications are carried out:

  - (a) each transferred specimen, as listed in the pending application to transfer submitted by 30th September 2020, taxonomically corresponds to the specimen declared to the Malta Environment and Planning Authority or its predecessor prior to 31st May 2003, by the transferor and such specimen had not been disposed;
  - (b) in the case of transfers of the same specimen from one individual to another, that specimen is traced back to the original holder or to its successor in title by virtue of an

authorisation in writing for transfer and such specimen had not been disposed;

(c) if a specimen was transferred by the original holder, or by its successor in title by virtue of a written authorised transfer, to two (2) or more individuals, only the first request for transfer of that specimen as submitted to the Wild Birds Regulation Unit or its predecessor by 30th September 2020, shall be considered as valid:

Provided further that after the verifications referred to in this sub-regulation are carried out, written authorisation to transfer shall be issued, after all cross-verified specimens have been taxonomically identified and marked with an identification device by the Wild Birds Regulation Unit:

Provided further that notwithstanding the provisions of this sub-regulation, legal action shall still be taken against individuals found in possession of specimens obtained by transfer, where it is evident that such specimens were obtained in violation of these regulations."

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