

L.N. 39 of 2007

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

**CODE OF POLICE LAWS
(CAP. 10)**

Conservation of Wild Birds (Amendment) Regulations, 2007

BY VIRTUE of the powers conferred by articles 9 and 10 of the Environment Protection Act, and article 214 of the Code of Police Laws, the Minister for Rural Affairs and the Environment has made the following regulations:-

1. The title of these regulations is the Conservation of Wild Birds (Amendment) Regulations, 2007 and they shall be read and construed as one with the Conservation of Wild Birds Regulations, 2006, hereinafter referred to as "the principal regulations."

Citation.
L.N. 79 of 2006.

2. Regulation 2 of the principal regulations shall be amended as follows :-

Amends
regulation 2 of
the principal
regulations.

(a) for the definition "*carnet de chasse*" there shall be substituted the following :

" "*carnet de chasse*" means a permit issued in accordance with the criteria shown in Schedule IV, which permit also includes an annual census of birds hunted and, or taken from the wild in accordance with the provisions of these regulations;"

(b) for the definition "close ringed" there shall be substituted the following :

" "closed ring" means a full-circle ring without any cut or interruption therein and which cannot be placed on a bird's foot other than when such bird is of a very tender age, such ring being approved by the Director;"

(c) for the definition "finches" there shall be substituted the following:

" "fringillidae" means birds belonging to the following species:

Fringilla coelebs (chaffinch), *Serinus serinus*

(serin), *Carduelis chloris* (greenfinch), *Carduelis carduelis* (goldfinch), *Carduelis cannabina* (linnet), *Carduelis spinus* (siskin), *Coccothraustes coccothraustes* (hawfinch);";

(d) for the definition "lead shot" there shall be substituted the following definition:

" "lead shot" means projectiles made from lead, bismuth, tungsten or steel, or any other alloy or material, of whatever make and size, contained in a cartridge, excluding the gun powder and wad;"; and

(e) for the definition "open season" there shall be substituted the following definition:

" "open season" means, in respect of hunting and taking of birds, those periods as established by the Minister pursuant to regulation (10)6 during which hunting and taking shall be allowed;".

Amends
regulation 3 of
the principal
regulations.

3. Regulation 3 of the principal regulations shall be amended as follows:

(a) in the Maltese version of subregulations (1) and (2)(b) and (d) thereof for the words "abitat tagħhom" there shall be substituted the words "ambjent naturali tagħhom"; and

(b) in subregulation (5) thereof for the word "demarcating" there shall be substituted the word "delineating".

Amends
regulation 4 of
the principal
regulations.

4. Regulation 4 of the principal regulations shall be amended as follows:

(a) the present regulation shall be renumbered as subregulation (1) thereof; and

(b) immediately after subregulation (1) as renumbered there shall be added the following new subregulation:-

"(2) Whosoever intends to transfer or otherwise dispose of any bird referred to in subregulation (1)(e) shall do so upon request being made to the Director who shall, in his discretion, authorize in writing such alienation or disposal.".

Amends
regulation 5 of
the principal
regulations.

5. Immediately after subregulation (2) of regulation 5 of the principal regulations there shall be added the following new

subregulation:-

"(3) No person shall:

(a) hunt on land any bird other than those listed in Part A of Schedule II; or

(b) hunt at sea any bird other than those listed in Part B of Schedule II."

6. In paragraph (c) of subregulation (1) of regulation 7 of the principal regulations, the word "including" shall be substituted with the word "comprising".

Amends regulation 7 of the principal regulations.

7. Regulation 10 of the principal regulations shall be amended as follows:-

Amends regulation 10 of the principal regulations.

(a) in the Maltese text of subregulation (3) thereof -

(i) paragraph (c) shall be substituted by the following:

"(ċ) L-organizzazzjonijiet imsemmija fil-paragrafi (d) u (e) għandu jkollhom vot kull wieħed;"

(ii) paragraph (d) shall be substituted by the following:-

"(d) Il-membri l-oħra tal-Kumitat m'għandu jkollhom ebda vot;"

(iii) paragraph (e) shall be substituted by the following:-

"(e) Il-Ministru għandu jahtar persuna biex taġixxi bħala Segretarju tal-Kumitat."

(b) in subregulation (6) thereof -

(i) in paragraphs (a) and (b) thereof the word "six" shall be substituted with the word "four";

(ii) in the present proviso to the whole subregulation, after the word "Provided" there shall be added the word "further", and immediately before the present proviso there shall be added the following new proviso:-

"Provided that the Director may, as necessary, make a reference to the Ornithological Committee in relation to its functions listed in the paragraphs hereof for its consideration. The Ornithological Committee shall conclude its deliberations on such reference and make recommendations to the Director or the Minister as required within twenty-one days of the referral to the Committee by the Director."

Amends regulation 14 of the principal regulations.

8. In subregulation (1) of regulation 14 of the principal regulations, for the word "game" there shall be substituted the word "birds".

Amends regulation 15 of the principal regulations.

9. In regulation 15 of the principal regulations for the words "pursuit of game" there shall be substituted the words "pursuit of birds".

Amends regulation 16 of the principal regulations.

10. Regulation 16 of the principal regulations shall be amended as follows:

(a) in paragraph (a), the words ", in search for or pursuit," shall be deleted;

(b) in paragraph (b), the words "as permitted in accordance with these regulations" shall be deleted; and

(c) in the Maltese version of paragraph (b) thereof, the words "kemm-il darba ma jkollhiex fuqha l-karta ta' l-identità tagħha jew xi mezz iehor rikonoxxut ta' identifikazzjoni u l-liċenza adatta għal dik l-attività mahruġa lilu taht dawn ir-regolamenti jew taht xi liġi oħra:" are to be removed from the said paragraph (b) and placed as a separate paragraph immediately after the said paragraph (b).

Amends regulation 18 of the principal regulations.

11. Regulation 18 of the principal regulations shall be amended as follows:

(a) in paragraph (e) of subregulation (1) thereof, for the words "game hunting", there shall be substituted "taking birds";

(b) in subparagraph (i) of paragraph (f) of subregulation (1) thereof for the words "Schedule II", there shall be substituted the words "Part B of Schedule II";

(c) in subparagraph (vi) of paragraph (f) of subregulation (1) thereof for the words "Schedule II" there shall be substituted the words "Part B of Schedule II "; and

(d) in paragraph (a) of subregulation (2) thereof, immediately after the words "inhabited area" there shall be added the words "or any of the beaches listed in Schedule VII,".

12. In the Maltese text of subregulation (1) of regulation 19 of the principal regulations, for the words "persuna," there shall be substituted the word "persuna" and for the words "qabel inżul" there shall be substituted the words "wara nżul".

Amends
regulation 19 of
the principal
regulations.

13. In regulation 22 of the principal regulations, for the words "than 3.2mm" there shall be substituted the words "than 3.3mm".

Amends
regulation 22 of
the principal
regulations.

14. Regulation 27 of the principal regulations shall be amended as follows:

Amends
regulation 27 of
the principal
regulations.

(a) sub-paragraph (d) of subregulation (1) shall be substituted by the following:-

"(d) who conspires or attempts, or aids, abets, counsels or procures any other person to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under these regulations;"

(b) immediately at the end of sub-paragraph (d) of subregulation (1) there shall be added the words in a new paragraph "shall be guilty of an offence against these regulations.";

(c) subregulation (2) shall be substituted by the following:-

"(2) Any person who commits an offence against regulations 4(b), 15, 18 (1)(f)(ii)(aa), and 24 shall be liable:

(a) on a first conviction to a fine (*multa*) of not less than one hundred liri (Lm100) but not exceeding two thousand liri (Lm2,000) and the confiscation of the *corpus delicti*;

The Court shall also order the suspension of any licence or permit, issued under these regulations and under Part XV of the Code of Police Laws, for a period of not less than one year but not exceeding

three years;

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than two hundred liri (Lm200) but not exceeding four thousand liri (Lm4,000) or to imprisonment for a term of not less than two months but not exceeding two years, or to both such fine and imprisonment and also the confiscation of the *corpus delicti*.

The Court shall also order the permanent revocation of any licence or permit, issued under these regulations and under Part XV of the Code of Police Laws:

Provided that any person who commits an offence against any other regulation not mentioned in this subregulation, which offence involves any bird included in Schedule I, or hunts or attempts to hunt, takes or attempts to take birds in the beaches listed in Schedule VII, shall be liable to a punishment according the provisions of this subregulation."; and

(d) subregulation (3) shall be substituted by the following:-

"(3) Any person who commits an offence against any other regulation not mentioned in subregulation (2) and its proviso respectively, shall be liable:

(a) on a first conviction to a fine (*multa*) of not less than hundred Liri (Lm100) but not exceeding one thousand liri (Lm1,000);

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than two hundred liri (Lm200) but not exceeding two thousand liri (Lm2,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment as well as the confiscation of the *corpus delicti*:

Provided that the Court may also order the suspension of the licence or permit issued under these regulations and Part XV of the Code of Police Laws for a period of not less than one year but not exceeding three years:

Provided further that any person who hunts or attempts to hunt or takes or attempts to take birds without a valid licence shall be liable to the punishments contemplated under subregulation (2)(b) and where such licence has been permanently revoked in terms of subregulation (2)(b), upon conviction, shall be liable to a fine (*multa*) of not less than three thousand liri (Lm3,000) but not exceeding six thousand liri (Lm6,000) and to imprisonment for a term of not less than one year but not exceeding two years."

15. Regulation 29 of the principal regulations shall be amended as follows:

Amends regulation 29 of the principal regulations.

- (a) the first proviso shall be deleted; and
- (b) in the second proviso the word "further" shall be deleted.

16. For the words "SCHEDULE I" in Schedule I to the principal regulations, there shall be substituted the following:-

Amends Schedule I to the principal regulations.

"SCHEDULE I

Bird Species subject of special conservation measures concerning their habitat".

17. For Schedule II to the principal regulations there shall be substituted the following:-

Substitutes Schedule II to the principal regulations.

"SCHEDULE II

PART A

Birds that may be hunted or taken on land

GALLIFORMES

Phasianidae

Coturnix coturnix

GRUIFORMES

Rallidae

Rallus aquaticus

Gallinula chloropus

Fulica atra

CHARADRIIFORMES

Charadriidae

Pluvialis apricaria

Pluvialis squatarola

Vanellus vanellus

Scolopacidae

Philomachus pugnax

Lymnocryptes minimus

Gallinago gallinago

Scolopax rusticola

COLUMBIFORMES

Columbidae

Columba palumbus

Streptopelia turtur

PASSERIFORMES

Alaudidae

Alauda arvensis

Turdidae

Turdus merula

Turdus pilaris

Turdus philomelos

Turdus iliacus

Turdus viscivorus

Sturnidae

Sturnus vulgaris.

PART B

Birds that may be hunted at sea

ANSERIFORMES

Anatidae

*Anser fabalis**Anser anser**Anas penelope**Anas strepera**Anas crecca**Anas platyrhynchos**Anas acuta**Anas querquedula**Anas clypeata**Aythya ferina**Aythya fuligula**Mergus serrator*".

18. Schedule III to the principal regulations shall be amended as follows:-

Amends
Schedule III to
the principal
regulations.

(a) immediately after the words Schedule III(a) there shall be added the following:

"Bird Species for which the activities referred to in regulation 6(1) are permitted"; and

(b) immediately after the words Schedule III (b) there shall be added the following: -

"Bird Species for which the activities referred to in regulation 6(1) are to be regulated".

19. For Schedule IV to the principal regulations there shall be substituted the following:-

Substitutes
Schedule IV to
the principal
regulations.

"SCHEDULE IV**Carnet de Chasse**

1. The *Carnet de Chasse* is a document that shall be entitled *Carnet de Chasse* and will be specifically indicating the year in which it can be used.
2. The *Carnet de Chasse* will be issued each year.

3. The *Carnet de Chasse* shall contain the list of all bird species that may be hunted and, or taken.
4. The *Carnet de Chasse* shall contain the weeks and months, of that year for which the *Carnet de Chasse* has been issued, within which the persons licensed to hunt and, or to take birds have hunted and, or taken the birds specified within the list of species that may be hunted and, or taken.
5. The person licensed to hunt birds is to indicate, on the *Carnet de Chasse*, the total amount of birds hunted and, or taken within each week of every month in which hunting and, or taking is allowed and also the total of birds hunted and, or taken for the whole of that year.
6. Each person licensed to hunt and, or to take birds is to indicate on the *Carnet de Chasse* whether he hunts from land or at sea.
7. Each person licensed to hunt and, or to take birds is also to indicate appropriately in the eventuality that such person licensed to hunt and, or to take birds has not hunted and, or taken any bird throughout the specific year indicated on the *Carnet de Chasse*.
8. Each person licensed to hunt and, or to take birds is to note his full name and surname, together with the address of his residence and the identity card number on the same *Carnet de Chasse* for reference purposes."

Substitutes
Schedule VII to
the principal
regulations.

20. For Schedule VII to the principal regulations there shall be substituted the following:-

"SCHEDULE VII

Beaches protected under Regulation 18(2)(a)

1. All beaches and other swimming areas that fall within 200 metres from any town or village, or other inhabited area, or within a distance of 50 metres from main or arterial roads.
2. Without prejudice to the above, within the delineation of the following beaches and up to 50 metres outwards from the delineation lines as per site plans attached:

Malta:

- a. Armier bay, as per site plan attached hereto;
- b. Anchor bay, as per site plan attached hereto;

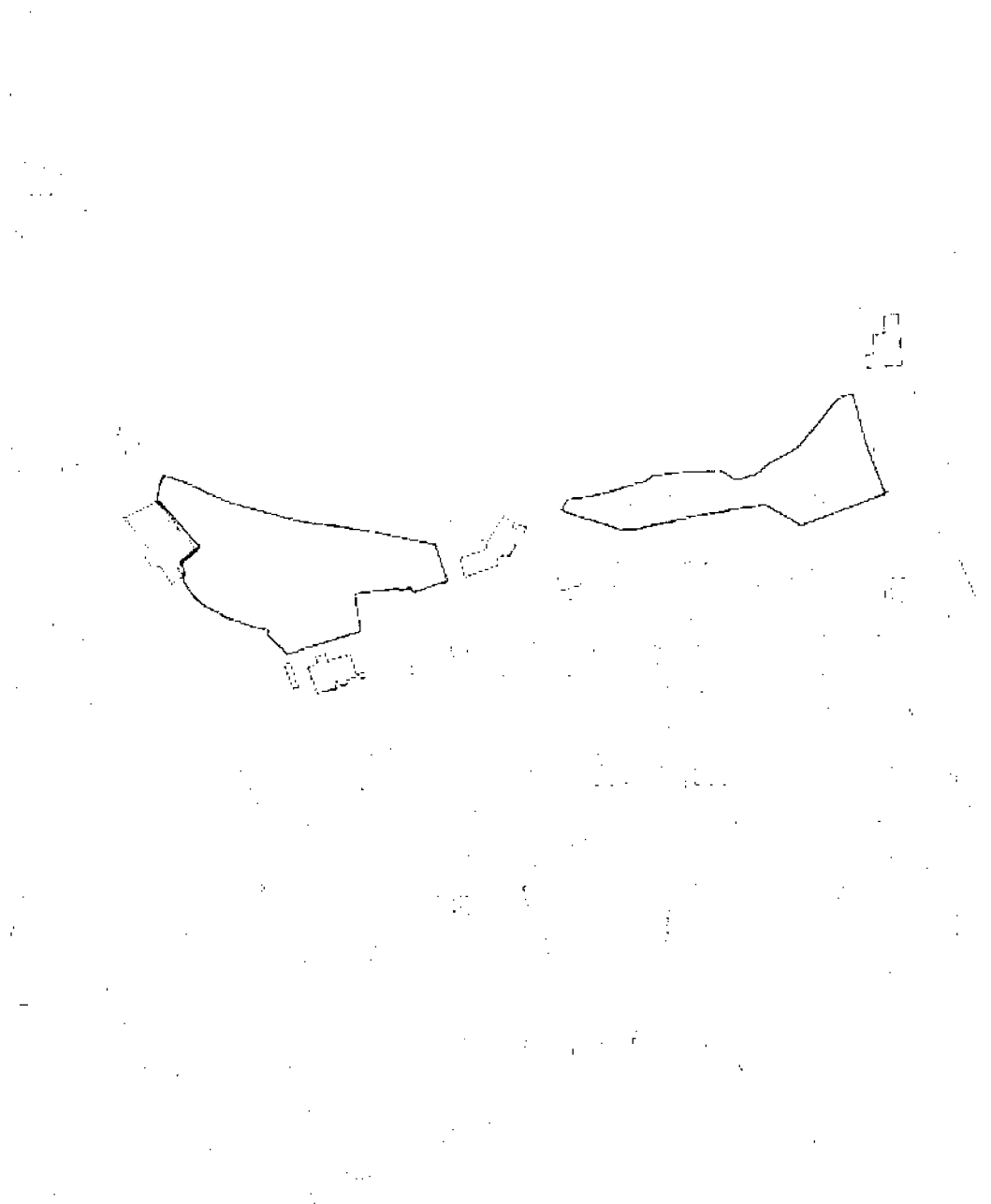
- c. Ghajn Tuffieha bay, as per site plan attached hereto;
- d. Paradise bay, as per site plan attached hereto;
- e. Ġnejna bay, as per site plan attached hereto;
- f. Golden bay, as per site plan attached hereto.

Gozo:

- a. Mgarr ix-Xini bay; as per site plan attached hereto;
- b. Ramla l-Hamra beach; as per site plan attached hereto;
- c. San Blas bay, as per site plan attached hereto;
- d. Xatt l-aħmar beach, as per site plan attached hereto;
- e. Xlendi bay, as per site plan attached hereto.

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Il-Bajja ta' l-Armier (Armier Bay)
S.S. Nos 4082,4083,4282,4283

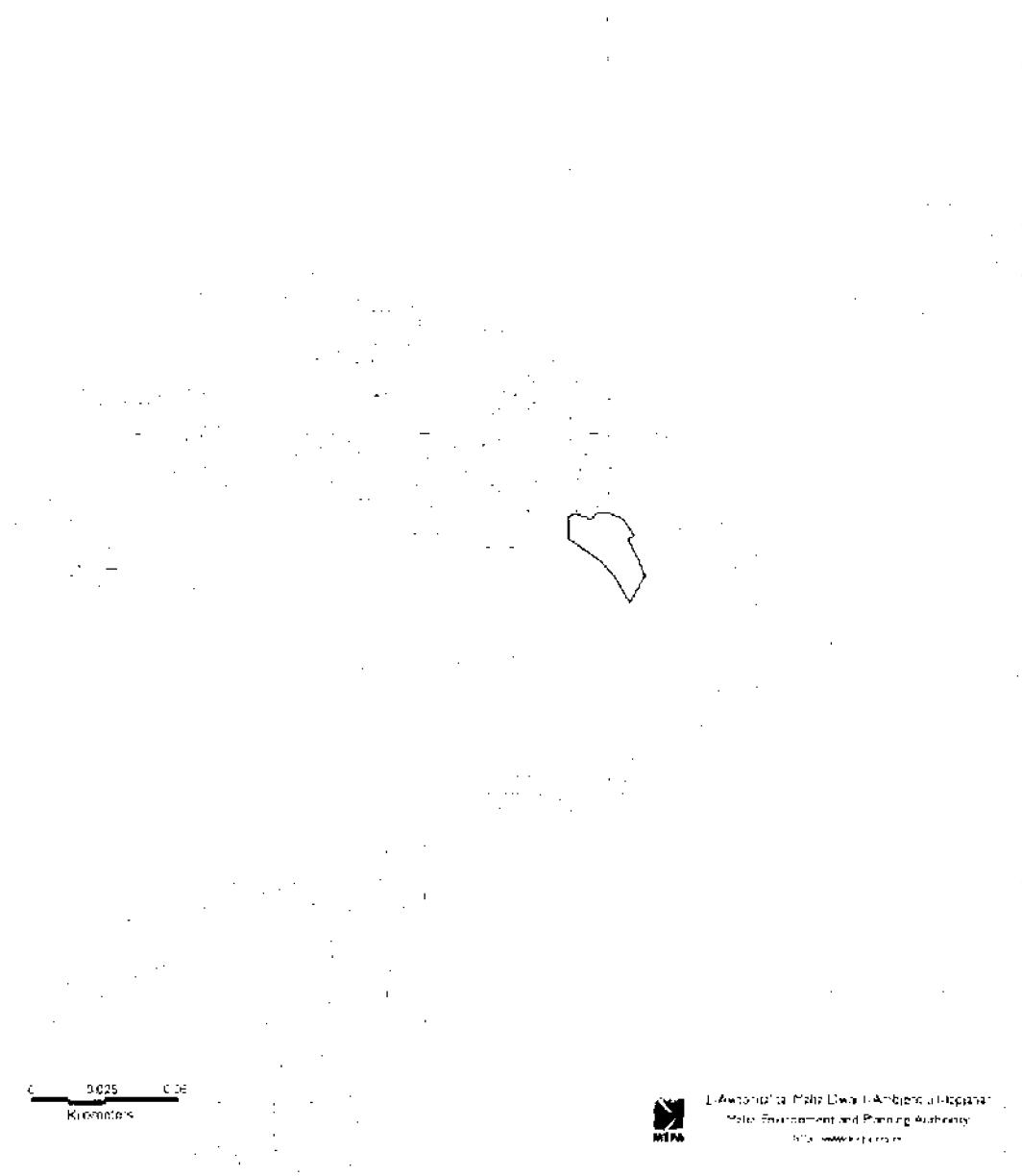


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Liżenzja ta' Malta (Licence of Malta)
Malta Environment and Planning Authority
<http://www.mepa.org.mt>

Il-Praxjet/Anchor Bay
S.S. Nos 4079, 4080



Ir-Ramla taq-Cirkewwa/Paradise Bay
S.S. Nos 3882, 4002



L-Awtorità ta' Moli Uwa L-Ambjent u l-Isplanar
Malta Environment and Planning Authority
<http://www.mepa.gov.mt>

Ir-Ramla ta' Ghajn Tulfieha/Ghajn Tulfieha Bay
S.S. Nos 4076



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Metres



Li-Awtorità ta' Malta L-wan li-Ambjent u l-ippjanar
Malta Environment and Planning Authority
<http://www.mepa.gov.mt>

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Il-Bajja tal-Gnejna/Gnejna Bay
S.S. Nos 4075

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Kilometers



Liżenzjat li jidher l-ambjent u l-ippjanar
Malta Environment and Planning Authority
www.mepa.gov.mt

Ir-Ramla tal-Muxquqa/Golden Bay
S.S. Nos 4076, 4077



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kilometers



L-Awtorità ta' l-Mezz Liewi l-Ambjentali u l-ippjanar
Malta Environment and Planning Authority
<http://www.mepa.gov.mt>

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Ir-Ramla l-Hamra
S.S. Nos 3490, 3491, 3690, 3691



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