CONSERVATION OF WILD BIRDS

SUBSIDIARY LEGISLATION 549.42

CONSERVATION OF WILD BIRDS REGULATIONS

29th March, 2006


Title.

1. The title of these regulations is the Conservation of Wild Birds Regulations.

2. In these regulations, unless the context otherwise requires:
   "the Act" means the Environment Protection Act;
   "bird" and "birds" means any species of naturally occurring avifauna in the wild state in the European territory of the Member States of the European Union, with the exception of Greenland:
   Provided that these regulations shall not apply to birds born and reared in captivity;
   "bird sanctuaries" means the areas listed in Schedule V;
   "captive bred" means hatched and bred from legally acquired parental stock in a human controlled environment, and in the case of European territory birds it is either close-ringed or micro-chipped;
   "closed ring" means a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from a bird specimen hatched and bred from legally acquired parental stock in a human controlled environment when its leg is fully grown after having been applied in the first days of the specimen’s life, and which has been approved by the Wild Birds Regulation Unit;
   "close season" means, in respect of the hunting and taking of birds, those periods which fall outside the open season during which no taking or hunting shall be allowed;
   "the Commissioner" means the Commissioner of Police or his representative;

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*The amendments introduced by Legal Notice 69 of 2016 are subject to the following provision:
16. These regulations shall enter into force immediately upon their publication in the Gazette subject to the following provisos, namely:
Provided that the provisions of regulations 2, 11, 12, 13, Schedule IV, Schedule VI, Schedule VIII and Schedule X of the principal regulations shall remain in force in the same manner as prior to being amended by these regulations exclusively in regard to those licensees who would have not handed in their carnet de chasse in accordance with regulation 12(5)(a) of the principal regulations or in regard to those persons who are in any other way in breach of the regulations specified in this proviso and such persons shall still be liable to the punishments stipulated for breaches of these specified regulations as were in force prior to the publication of these amending regulations.
Provided further that regulation 2 of these regulations shall also enter into force in the same manner as specified in the proviso above.".

Definitions.
Amended by:
L.N. 39 of 2007;
L.N. 280 of 2007;
L.N. 267 of 2012;
L.N. 341 of 2013;
L.N. 403 of 2013;
L.N. 252 of 2014;
L.N. 281 of 2015;
L.N. 69 of 2016.
Cap. 549.
"general licence" means a permit issued in accordance with these regulations and which satisfies the criteria listed in Schedule IV and, or, other conditions which may be stipulated by the Wild Birds Regulation Unit from time to time in accordance with these regulations;

"hunt" and "hunting" means to hunt or use a fire-arm or any other weapon for hunting, and "hunting at sea" means hunting from seacraft;

"import or export" means import and export from and to countries outside the customs territory of the European Community;

"inhabited area" means any area in which there is an aggregation of houses that are inhabited or capable of being inhabited by more than one hundred persons;

"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;

"licensee" means a natural person aged 18 years or over who is in possession of a valid licence issued under these regulations;

"live-capturing site" or "site" means the area clearly outlined on a site plan which is approved for that purpose by the Wild Birds Regulation Unit and registered with the Commissioner of Police which contains not more than two (2) live-capturing stations per licensee;

"live-capturing station" means the footprint area within the live-capturing site containing not more than two pairs of horizontal clap-nets per live-capturing station, with each net having an area not larger than that stipulated in the relevant framework regulations pertaining to live-capturing derogations, which live-capturing station may be registered on one or more licensee and each pair of clap-nets clearly outlined on the approved site plan;

"micro-chipped" means hatched and bred from legally acquired parental stock in a human controlled environment and bearing a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784: 1996 (E) and 11785: 1996 (E) instead of a closed ring and shall only be used in those cases where the Wild Birds Regulation Unit is satisfied that closed ringing is not an appropriate marking method because of the physical or behavioural properties of the species;

"Non-European territory bird" or "Non-European territory birds" means any bird species which, although naturally occurring in the wild state in any territory outside the territory of the Member States of the European Union, does not naturally occur in any territory of the Member States of the European Union;

"the Minister" means the minister responsible for the environment;

"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;
"Ornis Committee" means the Committee established under regulation 10;

"organization representing persons knowledgeable in, or working for, the protection of avifauna" means any organization, which is a member of an international organization which has an observer status within the European Union Ornis Committee, and which is enrolled with the Commissioner of Voluntary Organisations under the Voluntary Organisations Act, and that has more than two thousand paid-up members, a statute, a committee which is elected at least once every three years, and which has its accounts verified and certified by a qualified auditor and approved by a general meeting of the organization;

"organization representing persons licensed to hunt and, or take" means an organization, which is a member of an international organization which has an observer status within the European Union Ornis Committee, and which is enrolled with the Commissioner of Voluntary Organisations under the Voluntary Organisations Act, and that has more than two thousand paid-up members, a statute, a committee which is elected at least once every three years, and which has its accounts verified and certified by a qualified auditor and approved by a general meeting of the organization:

Provided that the requirement for membership of an international organisation which has an observer status within the European Union Ornis Committee, and the requirement to have more than two thousand paid-up members shall only apply for an organisation represented on the Ornis Committee established under regulation 10;

"protected area" or "protected areas" means areas where live-capturing is prohibited under the Conservation of Wild Birds Regulations; the areas within Natura 2000 sites containing natural habitat types bearing codes 1150, 1210, 1240, 1310, 1410, 1420, 1510, 2110, 2210, 2220, 3140, 3170, 5230, 5330, 5410, 5420, 5430, 6220, 8210, 92A0, 92D0, 9320, 9340, 9540 and 9570 as listed in Schedule I of the Flora, Fauna and Natural Habitats Protection Regulations; and, areas outside Natura 2000 sites that support natural habitats, including Scheduled Level 1 and Level 2 Areas of Ecological Importance and Sites of Scientific Importance, provided that such prohibition shall not apply to cultivated agricultural land located within the boundaries of the above protected areas and officially registered with the Department of Agriculture prior to end of July 2014; provided further that no live-capturing can take place on any site that has either not been registered with the Commissioner of Police prior to the end of December 2012, or that is not identifiable as a live-capturing site on aerial photographs published prior to end of December 2012; provided further that the exemption of registered cultivated agricultural land would not apply to areas where live-capturing is prohibited under these regulations;

"to capture" means to take;

"to take" and "taking" means live-capturing of wild birds, in accordance with the provisions of these regulations;

"Wild Birds Regulation Unit" shall mean the Wild Birds Regulation Unit established within the Ministry responsible for the environment.
PART I

3. (1) The bird species referred to in Schedule I shall be the subject of special conservation measures concerning their habitat including in particular the designation of special protection areas.

(2) For the purposes of subregulation (1), account shall be taken of -

(a) species in danger of extinction;
(b) species vulnerable to specific changes in their habitat;
(c) species considered rare because of small populations or restricted local distribution;
(d) other species requiring particular attention for reasons of the specific nature of their habitat.

(3) Similar measures shall also be established for regularly occurring migratory species not listed in Schedule I, as regards their breeding, moulting and wintering areas and staging posts along their migration routes, bearing in mind their need for protection in the geographical sea and land area of Malta.

(4) The Ornis Committee shall make recommendations to the Minister on the adoption of measures under this regulation in accordance with the provisions of regulation 10(6)(i).

(5) The Minister shall, by notice in the Gazette, publish the sites classified as special protection areas in accordance with the provisions of this regulation, together with the maps delineating these areas.

4. (1) All species of naturally occurring wild birds are protected. Without prejudice to the provisions of regulations 5, 8 and 9, no person shall:

(a) hunt or attempt to hunt, take or attempt to take any bird which is protected under these regulations, other than in accordance with these regulations and with the conditions of any licence granted thereunder;
(b) hunt or attempt to hunt, take or attempt to take, destroy, damage or remove by any means, any bird nest and eggs;
(c) take the eggs in the wild of any bird which is protected under these regulations and keep these eggs even if empty;
(d) deliberately disturb any bird which is protected under these regulations during the period of breeding and rearing;
(e) be in possession or in control of or keep any specimen of any bird, whether alive or dead, or any recognisable parts or derivatives of any such bird not listed in Schedule II or Schedule III, unless he proves that such bird:

(i) has been declared with the Environment and Resources Authority or its predecessor by the
31st May 2003 and such person is in possession of the permits, or certificates of registration by the Environment and Resources Authority or its predecessor or by the Wild Birds Regulation Unit to keep such bird in accordance with regulation 21; or

(ii) is lawfully imported in accordance with regulation 6(1)(a); or

(iii) is taken in a Member State where it was lawfully hunted or captured or otherwise lawfully acquired under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

(iv) is captive bred:

Provided that such person shall retain in his possession and for such time as he remains in possession of the specimen as provided for in paragraph (e) all licences, permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations:

Provided further that the prohibitions provided for in paragraph (e) shall not apply where the person in possession of the specimen is the Director of Veterinary Services or any other person authorized by the Director of Veterinary Services and where such possession is required for the rehabilitation, veterinary or other treatment or culling of the specimen on veterinary grounds.

(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 Wild Birds Regulation Unit which shall, in its discretion, authorize in writing such alienation or disposal.

5. (1) Without prejudice to the provisions of regulation 9, no person shall hunt or attempt to hunt any birds other than those referred to in Schedule II:

Provided that such hunting, including falconry if practiced, as carried out in accordance with the provisions of these regulations shall be subject to any conditions and rules as may be established pursuant to regulation 10(6), in particular paragraph (a) thereof, and shall be in accordance with the principles of wise use and ecologically balanced control of the species of birds which are referred to in Schedule II and be compatible with the requirement of maintaining the population of these species, in particular as regards migratory species:

Provided further that there shall be no hunting of birds which are referred to in Schedule II during the rearing season or during the various stages of reproduction of these species.

(2) As regards migratory species which are referred to in Schedule II, there shall also be no hunting of such species during their period of reproduction or during their return to their rearing grounds.
(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. (1) Without prejudice to the provisions of regulation 9 and any other legislation, no person shall:

(a) import or export any bird specimen, whether alive or dead, or any part or derivative thereof, unless it was legally acquired in its country of origin or is captive bred, and in both cases the export of which has been authorised by the competent authorities responsible for the species’ protection in the country of origin;

(b) import or export any Non-European territory bird specimen whether alive or dead, or any part or derivative thereof unless it was legally acquired in its country of origin or is captive bred, and in all cases the export of which has been authorised by the competent authority responsible for the species’ protection in the country of origin;

(c) sell, transport for sale, keep for sale and offer for sale any live or dead specimen of a Non-European territory bird or any part or derivative thereof unless he proves that such specimen was lawfully imported in accordance with the provisions of these regulations or was captive bred;

(d) sell, transport for sale, keep for sale and offer for sale any live specimen of a bird not listed in Schedule III (a) and III (b) unless such bird is captive bred;

(e) sell, transport for sale, keep for sale and offer for sale any dead bird specimen or any part or derivative thereof of birds not listed in Schedule III (a) and III (b) unless such bird is captive bred;

(f) sell, transport for sale, keep for sale and offer for sale any live or dead bird specimen or any part or derivative thereof of birds listed in Schedule III (a) unless such birds have been lawfully killed or captured or otherwise legally acquired;

(g) sell, transport for sale, keep for sale and offer for sale any live or dead bird specimen or any part or derivative thereof of birds listed in Schedule III (b) unless authorized in accordance with the provisions of regulation 10 and such birds have been lawfully killed or captured or otherwise legally acquired.

(2) Following the granting of any authorization pursuant to sub-regulation (1)(g), the Committee established under regulation 10 shall verify at regular intervals that the conditions governing the granting of such authorization continue to be fulfilled and shall make recommendations, as necessary, to the Minister in connection
(3) Whosoever is in possession of any specimen of any bird or any Non-European territory bird, whether alive or dead, or part of any specimen, pursuant to sub-regulation (1) shall retain in his possession and for such time as he remains in possession of the specimen, as applicable, all permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations.

(4) The importation or exportation of species of birds and non-European territory birds shall be in accordance with the provisions of these regulations and without prejudice to any other existing laws and regulations.

7. (1) Without prejudice to the provisions of regulations 8 and 9, no person shall hunt or attempt to hunt, take or attempt to take any bird by making use of any of the following methods:

(a) snares, limes including birdlime, poisonous or stupefying bait, hooks or any similar substances or methods;

(b) any electrocuting devices;

(c) any artificial light sources, mirrors, devices for illuminating targets or any sighting devices for night shooting comprising an electronic image magnifier or image converter;

(d) any gas, or any electric or electronic device, especially the use of pre-recorded bird calls;

(e) nets, including those known as ranja, mist-nets, and any type of vertical net;

(f) any kind of cage-trap, whether with a net or not;

(g) decoy live birds which are blind or mutilated;

(h) decoy live birds held by any means except those held by cotton string and swivel;

(i) decoys of protected birds;

(j) explosives; and

(k) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition:

Provided that the prohibition in subregulation (1) shall be without prejudice to the provisions of regulation 23(2)(f).

(2) No person shall sell, offer for sale, exhibit for sale or keep any device the use of which, is prohibited by subregulation (1):

Provided that, subject to the other provisions of these regulations and subject also to the provisions of any law for the time being in force in Malta, in as far as any device referred to in subregulation (1) may be used for purposes other than those to which these regulations refer, the same, offering for sale, exhibition for sale, or keeping of any such device shall not be prohibited...
8. (1) Any live-capturing of wild birds by any means whatsoever is prohibited except by virtue of derogations authorised in terms of regulation 9.

(2) Notwithstanding the provisions of regulation 4(1)(a) and (e) and regulation 7, and without prejudice to the provisions of regulation 9, certain birds may be deliberately captured by traditional nets known as clap-nets exclusively for the purpose of keeping them in captivity in accordance with the parameters established by the relevant framework regulations pertaining to live-capturing derogations and under the terms of any special live-capturing licences issued thereunder:

Provided that the licensee shall only use traditional manually-operated selective clap-nets, consisting of two parallel nets spread flat on the ground which capture birds by clapping over each other on the ground, and which are armed and operated solely by human intervention without the use of any external power means including electrical, electronic, or mechanical means:

Provided further that such live-capturing may only take place in live-capturing sites within the area clearly outlined on a site plan which is approved for that purpose by the Wild Birds Regulation Unit and registered with the Commissioner of Police, and which contains not more than two (2) live-capturing stations per licensee:

Provided further that each live-capturing station shall consist of the footprint area within the live-capturing site containing not more than two pairs of horizontal clap-nets per live-capturing station, with each net having an area not larger than that stipulated in the relevant framework regulations pertaining to live-capturing derogations, which live-capturing station may be registered on one or more licensee and each pair of clap-nets clearly outlined on the site plan:

Provided further that copies of the site plans approved by the Wild Birds Regulation Unit may be given, or the registration or changes to the approved site plans can be effected, against an administrative fee prescribed in Schedule X.

9. (1) Derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 may be authorized where there is no other satisfactory solution, for the following reasons:

(a) in the interests of public health and safety;
(b) in the interests of air safety;
(c) to prevent serious damage to crops, livestock, forests, fisheries and water;
(d) for the protection of flora and fauna;
(e) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
(f) to permit, under strictly supervised conditions and on a
selective basis, the capture, keeping or other judicious use of certain birds in small numbers:

Provided that in authorizing any derogations, the following must be specified:

(a) the species which are subject to the derogations;

(b) the means, arrangements or methods authorized for capture or killing;

(c) the conditions of risk and the circumstances of time and place under which such derogations may be granted;

(d) the controls which will be carried out.

(2) The Ornis Committee established under regulation 10 shall make recommendations to the Minister on the authorization of such derogations where it determines that the required conditions for authorizing any such derogations obtain.

(3) In making any such recommendations, the Ornis Committee established under regulation 10 shall act in accordance with the provisions of this regulation.

(4) The Wild Birds Regulation Unit shall draw up a report on the implementation of this regulation. This report shall be submitted to the Minister for his consideration by the end of July of every year.

10. (1) There shall be a committee to be known as the Ornis Committee.

(2) The Ornis Committee shall be composed of not less than nine members and not more than eleven members who shall be appointed by the Minister for a term of one year, as follows:

(a) a Chairman;

(b) the Director, or his representative, of the Environment Protection Directorate within the Environment and Resources Authority or his successor in title;

(c) three persons known for their integrity who are independent from any organization related to bird conservation and, or hunting;

(d) two members to be nominated by an organization representing persons licensed to hunt and, or, to take;

(e) two members to be nominated by an organization which represents persons knowledgeable in, or working for, the protection of avifauna;

(f) a person with knowledge of, and experience in avifauna;

(g) a person with knowledge of and experience in hunting and taking of birds:

Provided that where there is more than one organization which qualifies under regulation 2, to be appointed as is referred to in either paragraph (d) or (e) of this subregulation, then there shall
be two members appointed in terms of each paragraph (d) and (e), in which case the two members appointed under the paragraph where there is more than one organization will be appointed as follows:

One member nominated by the organization having the most members and one member nominated by the organization having the next higher number of members.

(3) (a) The committee shall be properly constituted and may function notwithstanding any failure to nominate any or all of the members mentioned in subregulation (2)(d) and (e);

(b) The members referred to in subregulation (2)(a), (b), (c), (d) and (e) shall each have one vote;

(c) The organizations referred to in subregulation (2)(d) and (e) shall hold one vote per organization;

(d) The other members of the Committee shall have no vote;

(e) The Minister shall appoint a person to act as Secretary of the Committee.

(4) The quorum of the Ornis Committee shall consist of the Chairman and not less than half the number of voting members, provided that where any members representing the organizations referred to in subregulation (2)(d) and (e) of are not nominated, the Chairman shall act on his own, after consulting with the persons mentioned in subregulation (2)(c).

(5) Subject to the provisions of subregulation (4), the Chairman shall have an original vote and, where the votes are equally divided, a second or casting vote.

(6) The functions of the Ornis Committee shall be to -

(a) recommend to the Minister, for the species referred to in Schedule II and in accordance with the provisions of regulation 5, the open seasons during which hunting may be allowed; such recommendation shall be submitted to the Minister at least four weeks prior to the proposed start of the open season during which hunting may be allowed:

Provided that in exceptional circumstances determined in conjunction with the Minister, the recommendation shall be submitted to the Minister at least two weeks prior to the proposed start of the open season during which hunting may be allowed;

(b) recommend to the Minister, in accordance with the provisions of applicable regulations, and without prejudice to the provisions of regulations 8 and 9, the open season during which taking may be allowed; such recommendation shall be submitted to the Minister at least four weeks prior to the proposed start of the open season during which taking may be allowed:

Provided that in exceptional circumstances determined
in conjunction with the Minister, the recommendation shall be submitted to the Minister at least two weeks prior to the proposed start of the open season during which taking may be allowed;

\( (c) \) make recommendations to the Minister on the authorization of derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 where necessary in accordance with the provisions of regulation 9 and subject to the conditions specified therein:

Provided that following any such decisions the Ornis Committee shall verify at regular intervals that the conditions governing the granting of such authorization or authorisations continue to be fulfilled;

\( (d) \) make recommendations to the Minister on the establishment of policies and conditions in relation to the renewal of licences for the hunting of birds and the issuing of new licences for the hunting of birds, in accordance with the provisions of these regulations;

\( (e) \) make recommendations to the Minister on the establishment of policies and conditions on the confirmation of licences to take and on the issuing of new licences to take as may be necessary in application of regulations 8 and 9, and in accordance with the provisions of these regulations;

\( (f) \) make recommendations to the Minister on the establishment of policies relating to the enforcement of regulations;

\( (g) \) make recommendations to the Minister on plans for the management of areas for the hunting and taking of birds in accordance with the provisions of these regulations;

\( (h) \) make recommendations to the Minister on the establishment of policies relating to awareness programmes associated with any matter concerning these regulations;

\( (i) \) recommend to the Minister the adoption of special measures for the conservation of the bird species referred to in Schedule I and for regularly occurring migratory species not included in Schedule I in accordance with the provisions of regulation 3, taking into account their protection requirements in the geographical sea and land area of Malta;

\( (j) \) recommend to the Minister, as may be necessary, the adoption of national lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution;

\( (k) \) recommend to the Minister, as may be necessary, the drawing up of listings and ecological descriptions of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds;
(l) recommend to the Minister, as may be necessary, listings of data on the population levels of migratory species as shown by ringing;

(m) recommend to the Minister, as may be necessary, ecological methods for preventing any type of damage caused by birds;

(n) determine, as necessary, the role of certain species as indicators of pollution and make recommendations to the Minister in connection therewith;

(o) study, where necessary, the adverse effect of chemical pollution on population levels of bird species and make recommendations to the Minister in connection therewith;

(p) recommend measures to the Minister to control and monitor the introduction of any bird species not occurring naturally in the wild state in the European territory of the Member States of the European Union;

(q) recommend and, or commission, as necessary, regular studies and, or assessments relating to the status of the birds;

(r) prepare reports related to any matter arising from these regulations;

(s) recommend to the Minister the revision of any parameters of any hunting or taking season at any time on the basis of latest scientific advice concerning conservation status and maintenance of the population of bird species at satisfactory level, and or on the basis of the assessment of any other factors the Committee deems relevant:

Provided that in exercise of its functions, the Ornis committee may draw upon assistance of the Wild Birds Regulation Unit where this is required:

Provided further that the Committee may, with the consent of the Minister, delegate specific functions prescribed in this sub-regulation to the Wild Birds Regulation Unit:

Provided further that should there a be a period when the Committee is not constituted, the Minister may, by notice in the Gazette, temporarily delegate the functions of the Committee to the Wild Birds Regulation Unit until such time that the new Committee is appointed:

Provided further that as regards paragraphs (a), (b) and (c), the Minister shall, after having given due consideration to the recommendations submitted by the Committee and exercising his own discretion, by notice in the Gazette -

(i) establish the open seasons during which hunting shall be allowed;

(ii) establish the open seasons during which taking shall be allowed;

(iii) decide on whether or not to authorize
derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 and the conditions under which any such derogations are to be exercised:

So however that if, when in acting under this proviso, there exists substantial divergence between the recommendations of the Committee and the decision or decisions taken by the Minister, the Minister shall state in writing to the Committee the reasons for his decision within three weeks from the publication of such decisions in the Gazette.

(7) The Ornis Committee may, with the Minister’s consent, delegate to the Wild Birds Regulation Unit any of such functions as are referred to in subregulation (6):

Provided that in exercising any of the functions so delegated, the Wild Birds Regulation Unit shall act in accordance with the provisions of these regulations.

(8) The Ornis Committee shall inform the Minister about its deliberations and decisions and shall transmit to him a copy of the minutes of the meetings.

11. (1) The Wild Birds Regulation Unit shall be established by the Minister and shall be charged with implementing the recommendations of the Ornis Committee and Minister’s decisions concerning implementation of these regulations. The Wild Birds Regulation Unit shall also act as Secretariat to the Committee established under regulation 10 and shall assist this Committee in the performance and in the carrying out of its functions:

Provided that in exercising any of its functions under these regulations, the Wild Birds Regulation Unit shall act in accordance with the provisions of these regulations.

(2) The Wild Birds Regulation Unit shall be responsible for the issuing of licences under these regulations, so however that the Commissioner may, on grounds of public policy and, or, of law and order, inform the Wild Birds Regulation Unit that an individual should not be issued with such licence.

(3) The Wild Birds Regulation Unit will not issue or renew a general licence where the Commissioner provides the advice in terms of sub-regulation (2), and, or, where the criteria established in Schedule VI are not satisfied.

(4) Without prejudice to the provisions of sub-regulation (3), whosoever feels aggrieved by the decision of the Wild Birds Regulation Unit not to issue or renew a particular licence, may appeal to the Ornis Committee within fifteen working days from the date when such decision is communicated to the applicant.

(5) Such appeal shall be lodged with the Secretary of the Committee in writing, who shall acknowledge such receipt of the appeal within fifteen days of its receipt in writing.

(6) In determining such appeal, the Ornis Committee may regulate its own procedure and shall give an opportunity to both the Wild Birds Regulation Unit and the appellant to present their views orally or in writing. The decisions of the Ornis Committee shall be
(7) The decision taken by the Ornis Committee as provided for in sub-regulation (6) shall, without prejudice to sub-regulation (2) or of any other law, be binding on the Wild Birds Regulation Unit and any other person entrusted with the implementation of these regulations.

(8) The Wild Birds Regulation Unit shall be responsible for the implementation, compliance and enforcement of these regulations. In exercising such functions, the Wild Birds Regulation Unit may designate officers to assist the Executive Police and any other authority or department in the conduct of any inspections related to the scope of these regulations, or assist in the prosecution of any suspected breaches of these regulations. In the exercise of their functions, the designated officers shall act in accordance with these regulations and shall have all the powers stipulated in the Environment Protection Act.

12. (1) Without prejudice to the provisions of any other law no person shall hunt or attempt to hunt, take or attempt to take by any means any birds as permitted in accordance with the provisions of these regulations, unless such person is in possession of a valid licence as applicable, issued by the Wild Birds Regulation Unit, and such person satisfies all the conditions specified in the licence and in any other law:

Provided that any such licence shall be issued in accordance with and subject to the provisions of these regulations and of any policies and conditions as may be established pursuant to regulation 10(6):

Provided further that any such licence shall be issued against a fee stipulated in Schedule X.

(2) Any person who applies for a licence may be asked to sit for a practical examination to determine his knowledge on the use and safe carrying of fire-arms and his ability to identify birds and his knowledge of regulations for the conservation of wild birds:

Provided that such examination shall be held against a fee stipulated in Schedule X:

Provided further that, without prejudice to the requirements of any other law or regulation, persons who successfully passed an examination on their ability to identify birds and their knowledge of regulations for the conservation of wild birds as established in this sub-regulation shall not be required to sit for another such examination for that licence category for which they are licensed during the period of validity of such licences in terms of sub-regulation (7), or upon due renewal of such licences in accordance with these regulations within one year from the end of the validity period of that licence.

(3) Unless the Commissioner and, or the Wild Birds Regulation Unit has valid reasons to the contrary, and subject to the provisions of these regulations, whosoever is included in the register of persons who had a licence for the live-capturing of birds valid at any time during the period from December 2002 up to the end of
December 2011, but has since not renewed his license in accordance with the provisions of these regulations, may opt to apply for a provisional live-capturing licence, which shall be issued after effecting relevant fees stipulated in the second proviso to sub-regulation (1) and in the proviso of sub-regulation (2), and after the live-capturing station(s) have been approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police in terms of regulation 8(2):

Provided that such provisional licence shall be automatically terminated within a period of twelve months from the date of issuance, unless the holder successfully passes the examination in accordance with sub-regulation (2) within twelve months from the date of issuance of the provisional licence.

(4) The Wild Birds Regulation Unit shall ensure that before a licence is granted or renewed under these regulations, the applicant shall have complied with the conditions listed in Schedule VI.

(5) The Wild Birds Regulation Unit may issue the following general licences in terms of these regulations:

(a) the general licence to hunt birds on land;
(b) the general licence to hunt birds at sea;
(c) the general licence to take birds.

(6) Subject to the provisions of regulation 11(3), an individual may apply and obtain any one or more of the above general licences or any combination of general licences.

(7) Without prejudice to the provisions of these regulations, the licence issued in accordance with these regulations shall remain valid for a period of five years and may be renewed for further periods of five years subject to fulfilment of the criteria stipulated in Schedule VI.

(8) A licensee in possession of a general licence issued in terms of these regulations shall not be exempt from obtaining any other licence which may be required where his activity is regulated by any other regulation made under these regulations or by any provision under these regulations or under any other law or regulation.

(9) A licensee in possession of a general licence issued in terms of these regulations shall use the game reporting system indicated by the Wild Birds Regulation Unit to effect the reporting required under Schedule IV.

13. No person shall hunt and, or, take birds unless he has effected the relative payments stipulated under these regulations, including any payments due as prescribed by Schedule VIII and Schedule X, and the relative licences have been issued in his favour, in accordance with the conditions stipulated under Schedule VI.

14. (1) No person in search or in pursuit of birds shall enter any field, land, tenement or other enclosure belonging to or occupied by third parties against their consent.

(2) It shall be presumed that there is this prohibition with
regards to any field, land, tenement or other enclosure which is sown or planted or in which there are vegetables or fruits that are yet unpicked or unplucked.

15. Unless the contrary is proved, any person who between two hours before sunrise and two hours after sunset, or during any close season, is found in the open countryside, whether on his own land or on land belonging to some other person, or outside such land, or is found at sea carrying a fire-arm or ammunition for taking game, shall be deemed to be in the actual search for or pursuit of birds.

16. No person shall -

(a) carry a fire-arm or hunt or attempt to hunt any bird as permitted in accordance with these regulations, or

(b) take or attempt to take any bird, unless he is carrying with him his legally valid identification document or any other recognized means of identification and the proper licence for the activity issued to him under these regulations or any other law:

Provided that where any such person is not carrying such documents with him, he shall be freed of any liability arising from such omission if within two days he produces to the police such document at the place indicated to him by them.

17. No person shall at any time keep or carry a fire-arm which is loaded, or with cartridges in its magazine, or out of its case, unless at a place where shooting of game is allowed.

18. (1) Without prejudice to regulation 9, no person shall:

(a) during the close season for the hunting of birds not at sea, hunt or attempt to hunt any bird, or carry ammunition or a fire-arm outside its case;

(b) during the open season for the hunting of birds not at sea, hunt or attempt to hunt any bird not included in Schedule II;

(c) during the close season for the taking of birds as may be permitted in accordance with these regulations, take or attempt to take any bird;

(d) during the open season for the taking of birds as may be permitted in accordance with these regulations, take or attempt to take any bird at sea;

(e) during the close season for the hunting of birds at sea, carry while at sea (other than while crossing between Malta and Gozo by public transport), any ammunition or any fire-arm licensed for taking birds;

(f) during the open season for the hunting of birds at sea:

(i) hunt or attempt to hunt, at sea, any bird which is not included in Part B of Schedule II;

(ii) hunt or attempt to hunt at sea: (aa) within, or less than, three kilometers from the coastline, from a boat or any
(bb) beyond three kilometers from the coast from a boat or sea-craft which is being driven at more than 5 kilometers per hour:

Provided that on the open sea, for safety reasons, the use of a boat or sea-craft with a maximum speed of 18 kilometers per hour may be authorized for hunting;

(iii) carry at sea, within a distance of three kilometers from the coastline, a fire-arm licensed for hunting game which is loaded, or has cartridges in the magazine, or is out of its case;

(iv) hunt or attempt to hunt from any sea-craft which is not registered with the competent authorities;

(v) hunt or attempt to hunt from any sea-craft unless in possession of a licence for that purpose from the Commissioner;

(vi) be in possession, while at sea, of any bird, dead or alive, or part of any bird, not included in Part B of Schedule II and any person who is found in possession of any bird or part of any bird not included in Part B of Schedule II will be presumed to have hunted, caught or taken such bird in violation of these regulations, unless the contrary is proved;

(vii) launch, and haul on land, sea-craft used for hunting birds at sea other than from those places indicated in the licence mentioned in subparagraph (v);

(g) no person shall, while in or on any motor vehicle or aircraft, be in possession of any fire-arm which is loaded or outside its case, or go in pursuit of any bird, or hunt or attempt to hunt, take or attempt to take any bird.

(2) (a) No person shall carry a fire-arm, whether loaded or not, that is not in its case, or discharge any fire-arm, while within 200 meters from any town or village, or other inhabited area, or any of the beaches listed in Schedule VII, or within a distance of 50 meters from main or arterial roads:

Provided that this distance of 50 meters shall not apply in the case of secondary roads and country lanes:

Provided further that the fire-arm is not aimed in the direction of the road, whether main, arterial, secondary or a country lane.

(b) No person shall be in possession of any fire-arm, licenced for hunting game, which has a magazine capable of holding more than two shots at any time.
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CONSERVATION OF WILD BIRDS

(c) No person shall take or attempt to take any bird while within any of the beaches listed in Schedule VII.

19. (1) No person shall, between two hours after sunset and two hours before sunrise of the next following day, hunt or attempt to hunt, take or attempt to take any bird by any means, or carry a fire-arm which is loaded, or out of its case.

(2) No person shall hunt or attempt to hunt any bird by any means on Sundays and Public Holidays after 1 o’clock in the afternoon (1.00 p.m).

(3) The hunting of birds on land shall be permitted between the 1st September of any given year and the 31st January of the following year, between two hours before sunrise and two hours after sunset on any day between Monday and Saturday, and between two hours before sunrise and 1 o’clock in the afternoon (1:00 pm) on Sundays and Public Holidays:

Provided that hunting of birds on land between the 15th September of any year and the 7th October of any year shall not be permitted from Monday to Saturday between 7:00 pm and two hours before sunrise of the following day.

(4) The hunting of birds at sea shall be permitted between the 1st October of any given year and the 31st January of the following year:

Provided that hunting at sea between the 1st October and 7th of October of any given year shall not be permitted from Monday to Saturday between 7:00 pm and two hours before sunrise of the following day:

Provided further that hunting of birds at sea between 8th October of any given year and 31st January of the following year shall be allowed between two hours before sunrise and two hours after sunset on any day between Monday and Saturday, and between two hours before sunrise and 1 o’clock in the afternoon (1:00 p.m) on Sundays and public holidays.

(5) The Minister may, by means of notice in the Gazette, revise the parameters of the hunting season in any given year at any time on the basis of relevant latest scientific advice concerning conservation status and maintenance of the population of bird species at satisfactory level, or any other reason which the Minister deems to be of sufficient gravity:

Provided that, in its recommendation as found in regulation 10(6)(s), the Ornis Committee may also consider any reason which it deems to be of sufficient gravity.

20. No person shall:

(a) keep or confine any bird whatsoever in any cage or other receptacle which is less than 250mm in height, 250mm in length and 150mm in breadth, and which, considering the size of the bird, is not large enough to permit the bird to stretch its wings freely:

Provided that this paragraph shall not apply to poultry.
or to the keeping or confinement of any bird -

(i) while such bird is undergoing treatment by a veterinary surgeon;

(ii) during the open live-capturing season when the cage should not be smaller than the dimensions provided for in the relevant framework regulations pertaining to any live-capturing derogations for that species for which a particular derogation applies;

(b) promote, permit, assist or take part in any event whatsoever in the course of which captive birds are liberated for the purpose of being shot at on their release.

21. (1) No person shall stuff or mount any bird or Non-European territory bird or act as a taxidermist or in any manner process for the purpose of preservation any bird or Non-European territory bird for commercial purposes without a licence issued by the Wild Birds Regulation Unit:

Provided that any licences issued by the Director of the Environment Protection Directorate within the Environment and Resources Authority, or his successor in title, shall remain valid until a new licence is issued by the Wild Birds Regulation Unit:

Provided further that any licenses referred to in this sub-regulation shall be issued for a term not exceeding three (3) years against payment of a fee stipulated in Schedule X:

Provided further that this sub-regulation shall not apply in the case of small scale taxidermy where not more than thirty specimens are preserved in any given year exclusively for personal use and not as a service provided on a commercial basis.

(2) Without prejudice to the provisions of regulation 9, no person shall mount or stuff or in any manner process for the purpose of preservation or taxidermy:

(a) any bird unless:

(i) it is included in Schedule II or Schedule III; or

(ii) it was lawfully imported in accordance with regulation 6(1)(a); or

(iii) it was taken in a Member State where it was lawfully hunted or captured or otherwise lawfully acquired under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

(iv) it is captive bred and closed ringed;

(b) any Non-European territory bird unless:

(i) it was lawfully imported in accordance with regulation 6(1)(b); or

(ii) it is captive bred:
Provided that such person shall retain in his possession, and for such time as he remains in possession of the specimen, all licences, permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations.

(3) Any person who keeps any bird or Non-European territory bird to be stuffed or in any manner processed for the purpose of preservation or taxidermy shall keep a register in which he shall clearly indicate against the date of entry of every specimen, the name of the owner of the specimen and his address and a legally valid identification document number, and the species of the specimen, which details are to be endorsed by the owner of the specimen himself.

(4) Any bird or non-European territory bird that is found being kept by any person to be stuffed or to be in any manner processed for the purpose of preservation or taxidermy in contravention of sub-regulation (3) shall be deemed to be the sole property of such person.

(5) Without prejudice to the provisions of regulation 9, it shall not be lawful for any person practicing taxidermy to possess any stuffed birds of a species that is not included in Schedules II or III or a Non-European territory bird unless such person retains in his possession, and for such time as he remains in possession of the specimen, all licences, permits, certificates and any other documents that prove to the satisfaction of the Wild Birds Regulation Unit that such specimen was not obtained in contravention of these regulations, and unless:

(a) it has been declared with the Environment and Resources Authority or its predecessor by the 31st May 2003 and such person has been given the permits, or certificates of registration by the Wild Birds Regulation Unit to keep such bird in accordance with the provisions of this regulation; or

(b) it was lawfully imported; or

(c) it was taken in a Member State where it was lawfully hunted or captured or otherwise lawfully acquired under the terms of Directive 2009/147/EC of the European Parliament and of the Council on the Conservation of Wild Birds and under the legislation of that Member State; or

(d) it is captive bred.

(6) Any person who had in his possession any stuffed bird or Non-European territory bird that was declared by virtue of an application to the Environment and Resources Authority or its predecessor by the 31st May 2003 shall have his application processed by the Wild Birds Regulation Unit, which may issue an official certificate listing the stuffed specimens in the applicant’s possession.

(7) The certificate shall only be issued after all the specimens that are in the applicant’s possession have been taxonomically
identified and marked with an identification device by the Wild Birds Regulation Unit or its predecessor. No action shall be taken with respect to those specimens -

(a) that have been issued with a certificate;

(b) that are found, in the course of an inspection by the Wild Birds Regulation Unit or its predecessor, to taxonomically correspond to the specimens declared by the holder to the Environment and Resources Authority prior to 31st May 2003, notwithstanding that such specimens may not have been tagged with an identification device at the time of the inspection:

Provided that any certificate issued for the purposes of this regulation by the Director of the Environment Protection Directorate within the Environment and Resources Authority, or his successor in title, shall remain valid:

Provided further that the certificate issued in accordance with these regulations may be amended or revoked where it results that it has been issued in error or that it contains an error or that it is based on false information:

Provided further that where it results that the applicant provided false or misleading information, or made a false or fraudulent declaration, the certificate shall be immediately revoked and criminal proceedings shall be taken against the perpetrator in of the Criminal Code.

(8) No person may falsify, modify, deface, destroy, dispose of, remove or in any manner tamper with any identification device made by the Wild Birds Regulation Unit or its predecessor, relating to any stuffed bird or Non-European territory bird, for the purposes of this regulation unless the removal of such identification device has been ordered by the Wild Birds Regulation.

(9) No person may be in possession of any specimen which has been afforded an identification device by the Wild Birds Regulation Unit or its predecessor for the purposes of this regulation and which identification device is false, modified, defaced, or in any manner tampered with or which has been destroyed, disposed of, or removed unless the removal of such identification device has been ordered by the Wild Birds Regulation Unit.

(10) No person may transfer or otherwise dispose of any bird or Non-European territory bird that was declared by virtue of an application to the Environment and Resources Authority or its predecessor by the 31st May 2003 unless authorised in writing by the Wild Birds Regulation Unit.

(11) Any person who has been issued with an identification device in relation to any bird or Non-European territory bird certified by the Wild Birds Regulation Unit or its predecessor for the purposes of this regulation or such person’s successor in title shall return such identification device as directed by the Wild Birds Regulation Unit prior to the issuance of a disposal permit.
22. No person shall sell, offer for sale, carry, be in possession of, hunt or use, import or manufacture any cartridge loaded with lead shots of any size greater than 3.3mm in diameter:

Provided that the provisions of this regulation shall not apply to persons who are licensed by the Commissioner to sell, offer for sale, carry, be in possession of, use, import or manufacture any cartridge loaded with lead shots of any size greater than 3.3mm in diameter for purposes other than hunting.

23. (1) Notwithstanding the provisions of regulation 4(a) and (e), bird-ringers may take any bird for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes.

(2) Bird-ringers may only take birds subject to the following conditions:

(a) no person shall act as a bird-ringer without a licence from the Wild Birds Regulation Unit issued to him in accordance with the provisions of these regulations;

(b) no person other than a bird-ringer shall take any bird for the purpose of ringing or marking it;

(c) no person may use any ring on any bird other than a ring approved by the Wild Birds Regulation Unit;

(d) a bird-ringer may take any bird for ringing or marking at any time of the day or of the year, and may also take such bird for such purpose in a bird sanctuary;

(e) a bird-ringer who takes a bird to ring or mark it shall release it immediately he has so ringed or marked it and taken the necessary information;

(f) notwithstanding the provisions of regulation 7(1)(d) and (e), a bird-ringer who takes a bird to ring or mark it, or to examine any ring or mark on the bird, may, for this purpose, use mist-nets, pre-recorded bird calls or any other means, arrangements or methods as may be authorized in accordance with the provisions of regulation 10(6)(c).

(3) Mist-nets are to be imported with the approval of the Wild Birds Regulation Unit, which shall keep a record of bird-ringers who use them, as well as the number of mist-nets in their possession.

(4) No bird-ringer can use live birds as decoys.

(5) Besides the licence mentioned in subregulation (2)(a), an applicant shall:

(a) have a training certificate from a ringing scheme which is accepted by EURING - The European Union for Bird Ringing;

(b) have the approval for a licence from a bird ringing scheme recognized by EURING;

(c) not be in possession of a licence to hunt and, or, to take.
24. Except as provided in regulation 23(2)(d), no person:

(a) shall hunt, injure, take or try to hunt, injure or take any bird in a bird sanctuary;

(b) shall, at any time and by any means whatsoever, have in his possession or under his control any bird, dead or alive, or part of a bird, in a bird sanctuary;

(c) shall have in his possession or under his control, any fire-arm, ammunition, decoys, net or any other means to hunt, or take any bird in a bird sanctuary:

Provided that the foregoing shall not apply to any person licensed to hunt or to take in accordance with the provisions of these regulations, who, while on a moving vehicle, is carrying a fire-arm which is unloaded and without any cartridges in the magazine, and inside its case, or who has nets for taking birds while passing through the main roads of a bird sanctuary:

Provided further that the Minister may, in accordance with the provisions of regulation 9(1)(b), by notice in the Gazette, authorize a derogation from the provisions of this regulation in respect to items (8) and (9) of Schedule V, in the interests of air safety. In cases of urgency, the Minister may act without the recommendation of the Ornis Committee in terms of these regulations.

25. The Wild Birds Regulation Unit may order the owner, tenant or other person who is making use of, or is in possession of land on which any hide or other hiding place intended to be used for shooting or taking of birds has been constructed or built, to demolish, within such time as the Wild Birds Regulation Unit may determine, any such hide or other hiding place if it has been so constructed or built in a bird sanctuary, or within the limits indicated in regulation 18(2)(a).

26. Nothing in these regulations is intended to affect clay-pigeon shooting organized by shooting clubs registered with the Commissioner and held according to a licence and conditions laid down by the Commissioner, provided that all participants are in possession of a licence to carry a fire-arm.

PART II

27. (1) Any person -

(a) who fails to comply with any provision of these regulations or with any order lawfully given in terms of any provision of these regulations; or

(b) who contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) who acts in contravention of any provision of these regulations; or

(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,

shall be guilty of an offence against these regulations.

(2) Any person who commits an offence against regulations 4, 6, 18, 19, 21, and 24 shall be liable:

(a) on a first conviction to a fine (multa) of not less than five hundred euro (€500) but not exceeding five thousand euro (€5,000) 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 two years but not exceeding five years;

(b) on a second or subsequent conviction, to a fine (multa) of not less than one thousand euro (€1,000) but not exceeding ten thousand euro (€10,000) or to imprisonment for a term of not less than six 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 the Court may, in its discretion, impose a Community Service Order on the offender in terms of the Probation Act:

Provided further 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 in Schedule IX, 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:

Provided further that notwithstanding the provisions of this subregulation, any person who hunts or attempts to hunt or takes or attempt to take any of the birds included in Schedule I or in Schedule IX, but not included in Schedule II, shall be liable:

(a) on a first conviction to a fine (multa) of five thousand euro (€5,000) or to imprisonment for one year, or to both such fine and imprisonment and to the permanent revocation of any license or permit granted under these regulations and the confiscation of the corpus delicti;

(b) on a second or subsequent conviction to a fine (multa) of ten thousand euro (€10,000) or to imprisonment for two years, or to both such fine and imprisonment and the confiscation of the corpus delicti. This provision shall also apply to persons who were previously convicted of an offence involving hunting or taking, or attempting to hunt and or take any birds listed in Schedule I or Schedule IX, but not included in Schedule II, prior to the entry into force of this
paragraph; and, in the case of such prior conviction where any permit or license was previously not revoked, the Court shall order the permanent revocation of any permit or license issued under these regulations upon the second conviction:

Provided further that without prejudice to the provisions of this sub-regulation, in determining the gravity of the offence, the Court may consider, amongst others, the following factors:

(a) the impact that the offence has on the conservation status of the affected species;
(b) the legal or administrative protection status of the area where the offence took place;
(c) the possible damage to the ecological balance or to the habitat as a consequence of the offence;
(d) the impact of the offence on the general public by nature of the time, place, species affected or any other similar consideration inherent to the nature of the offence;
(e) intrinsic value of wildlife;
(f) the socio-economic benefits of wildlife;
(g) public interest; and
(h) potential quantum of the illegal gain.

(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 (\textit{multa}) of not less than five hundred euro (€500) but not exceeding two thousand and five hundred euro (€2,500), and the confiscation of the \textit{corpus delicti};
(b) on a second or subsequent conviction, to a fine (\textit{multa}) of not less than one thousand euro (€1,000) but not exceeding five thousand euro (€5,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment as well as the confiscation of the \textit{corpus delicti}:

Provided that the Court may, in its discretion, impose a Community Service Order on the offender in terms of the Probation Act:

Provided further that the Court shall 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 two years but not exceeding five years:
Provided further that, without prejudice to the provisions of the third proviso of subregulation (2), 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 the Courts shall also order that the convicted person shall be disqualified from obtaining a licence under these regulations and under Part XV of the Code of Police Laws for life and where such licence has been permanently revoked in terms of subregulation (2)(b) or the Court has already ordered the disqualification from obtaining a hunting licence for life, such person shall, upon conviction, be liable to a fine (multa) of not less that seven thousand euro (€7,000) but not exceeding fifteen thousand euro (€15,000) and to imprisonment for a term of not less than one year but not exceeding two years.

(4) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts of criminal judicature.

(5) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

27A. (1) Notwithstanding anything contained in these regulations for the trial and punishments of offences and subject to the provisions of this regulation and of Schedule VIII, where the Wild Birds Regulation Unit and, or, the Executive Police believe that a person has committed an offence against these regulations as found in Schedule VIII, the Executive Police shall confiscate the corpus delicti in terms of the Schedule and shall inform the Wild Birds Regulation Unit which shall, within thirty days from such information, give notice in writing to such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and the administrative penalty which he is required to pay in respect of that offence:

Provided that this regulation shall be without prejudice to the powers granted to the Executive Police under the Criminal Code:

Provided further that any person served with the notice who feels aggrieved by a decision of the Wild Birds Regulation Unit under this sub-regulation, may appeal to the Administrative Review Tribunal established under the Administrative Justice Act for a revocation or modification of such administrative penalty, and the return of the corpus delicti confiscated in terms of this regulation.

(2) Where a notice under this regulation has been given, the person named in the notice may, within twenty-one days of the service of the notice, accept responsibility for the offence specified in the notice and within the same period, remedy the offence and pay, or undertake in writing to pay, the penalty indicated in the
notice:

Provided that where the person to whom notice is given under sub-regulation (1) does not accept or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, ordinary criminal proceedings shall be taken against him in accordance with regulation 27.

(3) The provisions of sub-regulations (1) and (2) shall not apply in any case where the offence listed in Schedule VIII is accompanied by any offence which is not listed in the same Schedule including where the offence is committed in conjunction with any other offence under these regulations, with the exception of the administrative offences listed in Schedule VIII, and in such circumstances the provisions of regulation 27 shall automatically apply.

(4) Where a person holding a special license in terms of the Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail Regulations and, or the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations and, or the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) Regulations has committed an offence in terms of this regulation during the period of a derogation, the special license obtained shall not be suspended:

Provided that where such person is charged or accused under regulation 27 in lieu of this regulation, such special licence shall be automatically suspended, and or subsequently revoked, in terms of the Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail Regulations and, or the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations and, or the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) Regulations.

PART III

28. Where any person or body responsible for the performance of these regulations fails to perform any tasks or functions as are assigned to it under these regulations within the prescribed time period, if any, the Minister may proceed to take action as he may deem expedient, without prejudice to the possibility of making any charges upon the performance by such person or body of the tasks or functions assigned to it.

29. The definition of "close season" and the provisions regulating the wild rabbit in the Protection of Birds and Wild Rabbit Regulations (revoked by these regulations) are hereby saved:

Provided that, with the exception of regulation 2B(6), (7) and (8) of the Protection of Birds and Wild Rabbit Regulations, where in any provision regulating the wild rabbit in the Protection of Birds and Wild Rabbit Regulations, there is a reference to the...
Ornis Committee, any such reference shall be construed as a reference to the Wild Birds Regulation Unit:

Provided also that notwithstanding its repeal -

(a) anything that has lawfully been done by virtue of the Protection of Birds and Wild Rabbit Regulations shall remain in force, except insofar as it is inconsistent with any of the provisions of these regulations;

(b) any liability to any penalty under any of the provisions of the Protection of Birds and Wild Rabbit Regulations shall continue to subsist notwithstanding the repeal of the said regulations.

30. The provisions and conditions laid down in these regulations shall not exempt any person from the requirement of obtaining:

(a) an Autumn live-capturing licence for the capturing of relevant species during a potential Autumn live-capturing season; and, or

(b) a Spring Hunting Licence for the hunting of relevant species during a potential spring hunting season;

(c) any other license as may be required under these regulations.

31. (1) The Minister shall set up a fund, hereinafter referred to as the Conservation of Wild Birds Fund.

(2) The Conservation of Wild Birds Fund shall be used to finance activities, projects, programmes and schemes related to the implementation of the aims and objectives of these regulations, including activities organised by non-governmental organizations.

(3) The Conservation of Wild Birds Fund shall be administered by the Wild Birds Regulation Unit.

(4) There shall be paid into the Conservation of Wild Birds Fund:

(a) any sums appropriated by Parliament for the purpose;
(b) any donations or grants made to the Conservation of Wild Birds Fund by individuals or institutions;
(c) sums received by the Wild Birds Regulation Unit for the purpose of being placed in the Conservation of Wild Birds Fund;
(d) such other sums or monies as may from time to time be provided by, or collected under this or any other law or regulations.

(5) The Conservation of Wild Birds Fund shall keep a proper account of its revenue and expenditure and the Wild Birds Regulation Unit shall, every financial year, deliver to the Minister a copy of its balance sheet together with a report of its activities during the previous financial year.
(6) The revenue of the Conservation of Wild Birds Fund shall not be subject to tax under the Income Tax Act and the Environment Fund shall not be liable to tax under the Duty on Documents and Transfers Act.

(7) The Wild Birds Regulation Unit may make proposals, for endorsement by the Minister, concerning the procedures to be followed in the functioning of the Conservation of Wild Birds Fund.
Bird Species subject of special conservation measures concerning their habitat

GAVIIFORMES

Gaviidae
- *Gavia stellata*
- *Gavia arctica*
- *Gavia immer*

PODICIPEDIFORMES

Podicipedidae
- *Podiceps auritus*

PROCELLARIIFORMES

Procellariidae
- *Pterodroma madeira*
- *Pterodroma feae*
- *Bulweria bulwerii*
- *Calonectris diomedea*
- *Puffinus puffinus mauretanicus (Puffinus mauretanicus)*
- *Puffinus yelkouan*
- *Puffinus assimilis*

Hydrobatidae
- *Pelagodroma marina*
- *Hydrobates pelagicus*
- *Oceanodroma leucorhoa*
- *Oceanodroma castro*

PELECANIFORMES

Pelecanidae
- *Pelecanus onocrotalus*
- *Pelecanus crispus*

Phalacrocoracidae
- *Phalacrocorax aristotelis desmarestii*
- *Phalacrocorax pygmeus*

CICONIIFORMES

Ardeidae
- *Botaurus stellaris*
- *Ixobrychus minutus*
Nycticorax nycticorax
Ardeola ralloides
Egretta garzetta
Egretta alba (Ardea alba)
Ardea purpurea

Ciconiidae
Ciconia nigra
Ciconia ciconia

Threskiornithidae
Plegadis falcinellus
Platalea leucorodia

PHOENICOPTERIFORMES
Phoenicopteridae
Phoenicopterus ruber

ANSERIFORMES
Anatidae
Cygnus bewickii (Cygnus columbianus bewickii)
Cygnus cygnus
Anser albifrons flavirostris
Anser erythropus
Branta leucopsis
Branta ruficollis
Tadorna ferruginea
Marmaronetta angustirostris
Aythya nyroca
Polysticta stelleri
Mergus albellus (Mergellus albellus)
Oxyura leucocephala

FALCONIFORMES
Pandionidae
Pandion haliaetus

Accipitridae
Pernis apivorus
Elanus caeruleus
Milvus migrans
Milvus milvus
Haliaeetus albicilla
Gypaetus barbatus
Neophron percnopterus
Gyps fulvus
Aegypius monachus
Circaetus gallicus
Circus aeruginosus
Circus cyaneus
Circus macrourus
Circus pygargus
Accipiter gentilis arrigonii
Accipiter nisus granti
Accipiter brevipes
Buteo rufinus
Aquila pomarina
Aquila clanga
Aquila heliaca
Aquila adalberti
Aquila chrysaetos
Hieraaetus pennatus
Hieraaetus fasciatus

Falconidae
Falco naumanni
Falco vespertinus
Falco columbarius
Falco eleonoraite
Falco biarmicus
Falco cherrug
Falco rusticolus
Falco peregrinus

GALLIFORMES

Tetraonidae
Bonasa bonasia
Lagopus mutus pyrenacus
Lagopus mutus helveticus
Tetrao tetrix tetrix
Tetrao urogallus

Phasianidae
Alectoris graeca
Alectoris barbara
Perdix perdix italic
Perdix perdix hispaniensis

GRUIFORMES
Turnicidae
Turnix sylvatica

Gruidae
Grus grus

Rallidae
Porzana porzana
Porzana parva
Porzana pusilla
Crex crex
Porphyrio porphyrio
Fulica cristata

Otidae
Tetrao tetrix
Chlamydotis undulata
Otis tarda

CHARADRIIFORMES
Recurvirostridae
Himantopus himantopus
Recurvirostra avosetta

Burhinidae
Burhinus oedicnemus

Glareolidae
Cursorius cursor
Glareola pratincola

Charadriidae
Charadrius alexandrinus
Charadrius morinellus (Eudromias morinellus)
Pluvialis apricaria
Hoplopterus spinosus

Scolopacidae
Calidris alpina schinzii
Philomachus pugnax
Gallinago media
Limosa lapponica
Numenius tenuirostris
Tringa glareola
Xenus cinereus (Tringa cinerea)
Phalaropus lobatus

Laridae
Larus melanocephalus
Larus genei
Larus audouinii
Larus minutus

Sternidae
Gelochelidon nilotica (Sterna nilotica)
Sterna caspia
Sterna sandvicensis
Sterna dougallii
Sterna hirundo
Sterna paradisaea
Sterna albifrons
Chlidonias hybrida
Chlidonias niger

Alcidae
Uria aalge ibericus

PTEROCLIFORMES
Pteroclidae
Pterocles orientalis
Pterocles alchata

COLUMBIFORMES
Columbidae
Columba palumbus azorica
Columba trocáz
Columba bollii
Columba junontiae

STRIGIFORMES
Strigidae
Bubo bubo
Nyctea scandiaca
Surnia ulula
Glaucidium passerinum
Strix nebulosa
Strix uralensis
Asio flammeus
Aegolius funereus

CAPRIMULGIFORMES
Caprimulgidae
  Caprimulgus europaeus

APODIFORMES
Apodidae
  Apus caffer

CORACIIFORMES
Alcedinidae
  Alcedo atthis
Coraciidae
  Coracias garrulus

PICIFORMES
Picidae
  Picus canus
  Dryocopus martius
  Dendrocopos major canariensis
  Dendrocopos major thanneri
  Dendrocopos syriacus
  Dendrocopos medius
  Dendrocopos leucotos
  Picoides tridactylus

PASSERIFORMES
Alaudidae
  Chersophilus duponti
  Melanocorypha calandra
  Calandrella brachydactyla
  Galerida theklae
  Lullula arborea
Motacillidae
  Anthus campestris
Troglodytidae
Troglodytes troglodytes fridariensis

Muscicapidae (Turdinae)

Luscinia svecica
Saxicola dacotiae
Oenanthe leucura
Oenanthe cypriaca
Oenanthe pleschanka

Muscicapidae (Sylviinae)

Aerocephalus melanopogon
Aerocephalus paludicola
Hippolais olivetorum
Sylvia sarda
Sylvia undata
Sylvia melanotorax
Sylvia rueppelli
Sylvia nisoria

Muscicapidae (Muscicapinae)

Ficedula parva
Ficedula semitorquata
Ficedula albicollis

Paridae

Parus ater cypriotes

Sittidae

Sitta krueperi
Sitta whiteheadi

Certhiidae

Certhia brachydactyla dorotheae

Laniidae

Lanius collurio
Lanius minor
Lanius nubicus

Corvidae

Pyrrhocorax pyrrhocorax

Fringillidae (Fringillinae)

Fringilla coelebs ombriosa
Fringilla teydea

Fringillidae (Carduelinae)
Loxia scotica
Bucanetes githagineus
*Pyrrhula murina (Pyrrhula pyrrhula murina)*

Emberizidae (Emberizinae)
- Emberiza cineracea
- Emberiza hortulana
- Emberiza caesia

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**SCHEDULE II**

**PART A**

Birds that may be hunted or taken on land

**ANSERIFORMES**

Anatidae
- *Anser fabalis*
- *Anser anser*
- *Branta canadensis*
- *Anas penelope*
- *Anas strepera*
- *Anas crecca*
- *Anas platyrhynchos*
- *Anas acuta*
- *Anas querquedula*
- *Anas clypeata*
- *Aythya ferina*
- *Aythya fuligula*

**GALLIFORMES**

Tetraonidae
- *Lagopus lagopus hibernicus*
- *Lagopus lagopus scoticus*
- *Lagopus mutus*

Phasianidae
- *Alectoris graeca*
- *Alectoris rufa*
**CONSERVATION OF WILD BIRDS**

Coturnix coturnix  
Perdix perdix  
Phasianus colchicus

**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 livia  
Columba palumbus  
Streptopelia turtur

**PASSERIFORMES**

Alaudidae  
Alauda arvensis

Turdidae  
Turdus merula  
Turdus pilaris  
Turdus philomelos  
Turdus philomelos  
Turdus iliacus  
Turdus viscivorus

**Sturnidae**  
Sturnus vulgaris.

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**PART B**

Birds that may be hunted at sea

**ANSERIFORMES**
CONSERVATION OF WILD BIRDS

Anatidae
  Anser fabalis
  Anser anser
  Branta canadensis
  Anas penelope
  Anas strepera
  Anas crecca
  Anas platyrhynchos
  Anas acuta
  Anas querquedula
  Anas clypeata
  Aythya ferina
  Aythya fuligula.

SCHEDULE III
Schedule III (a)

Bird Species for which the activities referred to in regulation 6(1) are permitted
ANSERIFORMES
Anatidae
  Anas platyrhynchos
GALLIFORMES
Tetraonidae
  Lagopus lagopus lagopus, scoticus et hibernicus
Phasianidae
  Alectoris rufa
  Alectoris barbara
  Perdix perdix
  Phasianus colchicus
COLUMBIFORMES
Columbidae
  Columba palumbus

Amended by:

Schedule III (b)

Bird Species for which the activities referred to in regulation 6(1) are to be regulated
ANSERIFORMES
Anatidae
Anser albifrons albifrons
Anser anser
Anas penelope
Anas crecca
Anas acuta
Anas clypeata
Aythya ferina
Aythya fuligula
Aythya marila
Somateria mollissima
Melanitta nigra

GALLIFORMES
Tetraonidae
Lagopus mutus
Tetrao tetrix britannicus
Tetrao urogallus

GRUIFORMES
Rallidae
Fulica atra

CHARADRIIFORMES
Charadriidae
Pluvialis apricaria
Scolopacidae
Lymnocryptes minimus
Gallinago gallinago
Scolopax rusticola
1. It shall be the duty of any person licensed to hunt and, or, take birds under these regulations to report to the Wild Birds Regulation Unit the following information, through game reporting system prescribed by the Wild Birds Regulation Unit:

(a) prior to leaving the hunting area, any bird hunted including the species and corresponding quantity; provided that in the case hunting and, or taking that takes place under the terms of any derogation, the above reporting obligation shall apply immediately upon making a catch;

(b) the geographical location where the birds were hunted and, or, taken;

(c) any other information which may be specified by the Wild Birds Regulation Unit from time to time.

SCHEDULE V
Bird Sanctuaries

1. The surroundings of the Addolorata Cemetery as per site plan attached to these regulations and within 50 metres of any other cemetery in Malta and Gozo.

2. The surroundings of Kennedy Grove and Salina area, as per site plan attached to these regulations.

3. Marsa Sports Ground, as per site plan attached to these regulations.

4. San Anton Gardens and all other public Gardens in Malta and Gozo.

5. Portes-des-Bombes area including surrounding bastions, as per site plan attached to these regulations.

6. Manoel Island.

7. The surroundings of Ghadira, at Mellieha Bay, as per site plan attached to these regulations.

8. The Heliport at Ta’ Lambert, limits of Ghajnsielem and Xewkija, Gozo, and the surrounding areas up to 200 metres, as per site plan attached to these regulations.

9. Within 200 metres from Luqa Airport and within 50 metres of the approach lights indicating the runways.

10. The island of Comino.

11. The islet of Filfla.

12. The surroundings of Buskett gardens and Verdala Palace, as per site plan
13. The area on the heights of Ta’ Ċenċ Cliffs, Gozo, as per site plan attached to these regulations.
14. Ta’ Qali complex, including the area formerly used as aerodrome and its adjacent land, as per site plan attached to these regulations.
15. Within 50 metres of the Radio stations operated by the Department of Civil Aviation at:
   (a) Benghajsa, limits of Birżebbuġa;
   (b) Dingli Heights, limits of Dingli;
   (c) Wied Rini, limits of Rabat;
   (d) Non-directional Beacon, Fort St. Rocco, limits of Rinella;
   (e) VOR Station, it-Tafal, limits of Kerċem, Gozo.
16. The surroundings of Simar, at Pwales Bay, St. Paul’s Bay, as per site plan attached to these regulations.
17. The surroundings of the Salt Marsh at il-Ballut, Marsaxlokk, as per site plan attached to these regulations.
19. Girgenti, as per site plan attached to these regulations.
20. Wied Ghollieqa, as per site plan attached to these regulations.
21. Il-Qawra, Gozo, as per site plan attached to these regulations.
22. Ghammar Hill, Gozo, as per site plan attached to these regulations.
CONSERVATION OF WILD BIRDS
CONSERVATION OF WILD BIRDS
A general licence shall not be issued, unless the person concerned:

(a) has paid for and obtained the necessary licences required under Part XV of the Code of Police Laws and, or, paid for and obtained the necessary Police licences to hunt and, or take birds as may be applicable;

(b) is a paid member of an organization representing persons who are licensed to hunt and, or to take;

(c) in the case of general hunting licences, holds a duly paid insurance policy against third party risks to persons or damage to property;

(d) has paid necessary licence fees as prescribed in regulations 12 and 13 of these regulations and other applicable fees as listed in Schedule X;

(e) has successfully passed an examination established under regulations 11(3) and 12(2) of these regulations;

(f) has provided to the Wild Birds Regulation Unit the relevant personal details including a personal photo identification and any other information that may be requested in the format prescribed by the Wild Birds Regulation Unit.

2. A general licence shall not be renewed for a further five-year period, unless the person concerned:

(a) has paid for and obtained the necessary licences required under Part XV of the Code of Police Laws and, or, paid for and obtained the necessary Police licences to hunt and, or take birds as may be applicable;

(b) is a paid member of an organization representing persons who are licensed to hunt and, or to take;

(c) in the case of general hunting licences, holds a duly paid insurance policy against third party risks to persons or damage to property;

(d) has paid any administrative fines imposed in accordance with regulation 27A of these regulations, as prescribed in Schedule VIII;

(e) has paid necessary licence fees as prescribed in regulations 12 and 13 of these regulations and as listed in Schedule X;

(f) has faithfully complied with the reporting obligations found in Schedule IV;

(g) has provided to the Wild Birds Regulation Unit the relevant personal details including a personal photo identification and any other information that may be requested in the format prescribed by the Wild Birds Regulation Unit;

(h) has submitted his application for the renewal of his licence to the Wild Birds Regulation Unit within one year from the date of expiry of his licence.

Provided that where the person concerned rectifies his default as referred in
this paragraph during the five year period of validity of his licence, the validity of
the licence would be reinstated.

SCHEDULE VII

Beaches protected under regulation 18(2)(a) and (c)

1. 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. Gnejna 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-ahmar beach, as per site plan attached hereto;
   e. Xlendi bay, as per site plan attached hereto.
### SCHEDULE VIII

**Regulation 27A**

**Administrative Fines**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Offence</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>7(1)(d)</td>
<td>Use of any electric or electronic device, use of bird caller:</td>
<td>€250</td>
</tr>
<tr>
<td></td>
<td>Provided that the Executive Police shall confiscate the corpus delicti used in the commission of the offence:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provided further that where the offence consists in the use of gas, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provided further that where the offence is carried out during any close season or within any bird sanctuary listed in Schedule V or beach listed in Schedule VII, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.</td>
<td></td>
</tr>
<tr>
<td>7(1)(f)</td>
<td>Use of any kind of portable cage-trap, whether with a net or not, which does not exceed the length of 60cm on any of its sides:</td>
<td>€250</td>
</tr>
<tr>
<td></td>
<td>Provided that the Executive Police shall confiscate the corpus delicti used in the commission of the offence.</td>
<td></td>
</tr>
<tr>
<td>12(6)</td>
<td>Failure to declare every bird hunted or taken:</td>
<td>€50 per undeclared bird up to a maximum of €250</td>
</tr>
<tr>
<td></td>
<td>Provided that if the failure consists in more than 5 undeclared birds or, during the period of any derogation, more than the number of birds allowed as daily bag limit or more than the number of birds allowed as seasonal bag limit if a daily bag limit is not imposed, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.</td>
<td></td>
</tr>
<tr>
<td>12(9)</td>
<td>Failure to declare and report all the information as required by Schedule IV of these regulations.</td>
<td>€50</td>
</tr>
<tr>
<td>14(1)</td>
<td>Trespassing of private property, unless such trespassing is an offence under any other law.</td>
<td>€250</td>
</tr>
</tbody>
</table>
**ANSERIFORMES**

Anatidae

*Cygnus olor*  Ĉinju Mutu  Mute Swan

**CHARADRIIFORMES**

Haematopodidae

*Haematopus ostralegus*  Gallina tal-Bahar  Eurasian Oystercatcher

**FALCONIFORMES**

Accipitridae

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>16(a) and (b)</td>
<td>Hunting and, or taking without the relevant licence / identity documentation and failure to produce such documentation to the Police within two days; however this fine shall not apply in the absence of a valid licence to hunt or to take, in which case the offender shall be charged and, or accused before the Court.</td>
<td>€250</td>
</tr>
<tr>
<td></td>
<td>Provided that this provision shall also apply to hunting and, or taking, during the period of a derogation.</td>
<td></td>
</tr>
<tr>
<td>18(2)(a)</td>
<td>Carrying a firearm, whether loaded or not, that is not in its case while within 200 meters from any town or village, or other inhabited area:</td>
<td>€250</td>
</tr>
<tr>
<td></td>
<td>Provided that where the carrying of a firearm, whether loaded or not, that is not in its case occurs within less than 150 meters from any town or village, or other inhabited area or of any of the beaches listed in Schedule VII, or within a distance of 50 meters from main or arterial roads the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.</td>
<td></td>
</tr>
<tr>
<td>18(2)(b) and 7(1)(k)</td>
<td>Magazine capable of more than two shots</td>
<td>€250</td>
</tr>
</tbody>
</table>

*Added by:* L.N. 341 of 2013.  
*Substituted by:* L.N. 281 of 2015.

SCHEDULE IX

Non-Schedule I species subject to special protection

ANSERIFORMES

Anatidae

*Cygnus olor*  Ĉinju Mutu  Mute Swan

CHARADRIIFORMES

Haematopodidae

*Haematopus ostralegus*  Gallina tal-Bahar  Eurasian Oystercatcher

FALCONIFORMES

Accipitridae


<table>
<thead>
<tr>
<th>Genus</th>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Accipiter gentilis</em></td>
<td></td>
<td>Falkun</td>
</tr>
<tr>
<td><em>Accipiter nisus</em></td>
<td></td>
<td>Sparvier</td>
</tr>
<tr>
<td><em>Buteo buteo</em></td>
<td></td>
<td>Kučċarda prima</td>
</tr>
<tr>
<td><em>Buteo lagopus</em></td>
<td></td>
<td>Kučċarda tal-Kalzetti</td>
</tr>
<tr>
<td><strong>Falconidae</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Falco concolor</em></td>
<td></td>
<td>Żumbrell Għarbi</td>
</tr>
<tr>
<td><em>Falco subbuteo</em></td>
<td></td>
<td>Seqer tal-Hannieqa</td>
</tr>
<tr>
<td><em>Falco tinnunculus</em></td>
<td></td>
<td>Spanjulett</td>
</tr>
<tr>
<td><strong>GRUIFORMES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rallidae</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Porphyrio alleni</em></td>
<td></td>
<td>Faġan tal-Baħar Afrikan</td>
</tr>
<tr>
<td><strong>PELECANIFORMES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ardeidae</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Ardea cinerea</em></td>
<td></td>
<td>Russett Griż</td>
</tr>
<tr>
<td><em>Bubulcus ibis</em></td>
<td></td>
<td>Agrett tal-Bhejjem</td>
</tr>
<tr>
<td><em>Egretta alba</em></td>
<td></td>
<td>Russett Abjad</td>
</tr>
<tr>
<td><em>(Ardea alba)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Egretta gularis</em></td>
<td></td>
<td>Agrett tax-Xatt</td>
</tr>
<tr>
<td><strong>PHOENICOPTERIFORMES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Phoenicopeteridae</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Phoeniconaias minor</em></td>
<td></td>
<td>Fjamingu</td>
</tr>
<tr>
<td><em>(Phoenicopterus minor)</em></td>
<td></td>
<td>Lesser Flamingo</td>
</tr>
<tr>
<td><em>Phoenicopterus roseus</em></td>
<td></td>
<td>Fjamingu</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Greater Flamingo</td>
</tr>
<tr>
<td><strong>STRIGIFORMES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Strigidae</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Asio otus</em></td>
<td></td>
<td>Qattus</td>
</tr>
<tr>
<td><em>Athene noctua</em></td>
<td></td>
<td>Kokka tat-Tikki</td>
</tr>
<tr>
<td><em>Otus scops</em></td>
<td></td>
<td>Kokka</td>
</tr>
<tr>
<td></td>
<td></td>
<td>European Scops Owl</td>
</tr>
</tbody>
</table>
Tytonidae

*Tyto alba*  
Barbağann  
Barn Owl

SULIFORMES

Sulidae

*Morus bassanus*  
Sula  
Northern Gannet

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*SCHEDULE X*

 Added by:  
L.N. 252 of 2014.  
Amended by:  
L.N. 281 of 2015;  
L.N. 69 of 2016.

Administrative Fees

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examination fee in accordance with regulation 12(2)</td>
<td>€30 per examination</td>
</tr>
<tr>
<td>Re-sits of examinations referred to in regulation 12(2)</td>
<td>€10 per re-sit of examination</td>
</tr>
<tr>
<td>Taxidermist’s license issued in terms of regulation 21(1)</td>
<td>€300 per three-year licence</td>
</tr>
<tr>
<td>Registration or effecting of changes to site plans approved by the Wild Birds Regulation Unit in terms of the fourth proviso to regulation 8(2)</td>
<td>€10 per approved site plan registered / changed</td>
</tr>
<tr>
<td>Provision of a copy of the site plan approved by the Wild Birds Regulation Unit in terms of the fourth proviso of regulation 8(2)</td>
<td>€2 per copy of the site plan</td>
</tr>
<tr>
<td>New application or renewal of the general licence to hunt birds on land</td>
<td>€50 for a validity period of 5 years</td>
</tr>
<tr>
<td>New application or renewal of the general licence to hunt birds at sea</td>
<td>€50 for a validity period of 5 years</td>
</tr>
<tr>
<td>New application or renewal of the general licence to take birds</td>
<td>€50 for a validity period of 5 years</td>
</tr>
<tr>
<td>Replacement of a lost general licence document (licence card)</td>
<td>€20 for any replacement licence document (licence card) issued</td>
</tr>
</tbody>
</table>