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**L.N. 333 of 2018****ENVIRONMENT PROTECTION ACT  
(CAP. 549)****Conservation of Wild Birds (Framework for Allowing a Derogation  
Opening an Autumn Live-Capturing Season for Song Thrush and  
Golden Plover) (Amendment) Regulations, 2018**

BY VIRTUE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Sustainable Development and Climate Change in conjunction with the Parliamentary Secretary for Agriculture, Fisheries and Animal Rights and after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

**1.** The title of these regulations is the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2018, and these regulations shall be read and construed as one with the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations hereinafter referred to as the "principal regulations".

S.L. 549.74.

General amendment of the principal regulations.

**2.** In the principal regulations, the word "license" shall be substituted by the word "licence" wherever it appears.

Amends regulation 2 of the principal regulations.

**3.** In sub-regulation (2) of regulation 2 of the principal regulations, in the definition "live-capturing site", the words "which contains not more than two (2) live-capturing stations per licensee;" shall be substituted by the words "which contains only one (1) live-capturing station per licensee;".

Amends regulation 3 of the principal regulations.

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

(a) in sub-regulation (2) thereof, the words "Where a licensee is in possession solely of an Autumn live-capturing license in terms of these regulations, such licensee shall not use any nets with a mesh size that is less than 30mm.", shall be substituted by the words "Where a licensee is in possession of an Autumn live-capturing special licence in terms of these regulations, such licensee shall not use any nets with a mesh size that is less than 45mm x 45mm."; and

(b) the provisos of sub-regulation (2) thereof, shall be deleted.

5. In the first proviso of regulation 4 of the principal regulations the words "established in the Schedule:" shall be substituted by the words "established in the First Schedule:". Amends regulation 4 of the principal regulations.

6. Regulation 5 of the principal regulations shall be amended as follows: Amends regulation 5 of the principal regulations.

(a) in sub-regulation (3) thereof, the words "and the site(s) showing the individually-marked live-capturing station(s) from where the live-capturing will be exercised by the licensee has been approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police." shall be substituted by the words "and the site showing the individually-marked live-capturing station from where the live-capturing will be exercised by the licensee has been approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police."; and

(b) in sub-regulation (4) thereof:

(i) paragraph (a) thereof, shall be substituted by the following, "the live-capturing station shall not be located in a protected area;"; and

(ii) paragraph (b) thereof, shall be substituted by the following, "only one (1) live-capturing station may be registered on the licence holder and such station shall not contain more than two (2) pairs of clap-nets, provided that if the registered live-capturing station consists of one (1) clap-net pair, the addition of a second clap-net pair is prohibited.".

7. Regulation 7 of the principal regulations shall be amended as follows: Amends regulation 7 of the principal regulations.

(a) paragraph (e) thereof, shall be substituted by the following:

"Prohibition of use of more than one live-capturing station.

(e) specify that each Special Licence holder is only authorised to use one (1) live-capturing station registered with the Wild Birds Regulation Unit and that such live-capturing station shall not contain more than two (2) pairs of clap-nets from one (1) hide:

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Provided that if at application stage the licence holder opted to practice live-capturing of Golden Plover only or both species, the size of each net shall not exceed a total footprint of 60 square metres but, if at application stage the licence holder opted to practice live-capturing for Song Thrush only, the total footprint of each net shall not exceed 38 square metres:

Provided further that if only one clap-net pair is approved, the setting up of an additional clap-net pair is prohibited:

Provided further that subdivision of a hide into two or more hides to make use of more than two clap-net pairs from the original hide is prohibited.";

(b) paragraph (f) thereof, shall be substituted by the following:

"Prohibition of layering of nets and creation of 'pockets'.

(f) provide that the layering of two or more nets on top of each other or any other modification, including creation of 'pockets', is strictly prohibited;"

(c) paragraph (h) thereof, shall be substituted by the following:

"Nets to be removed or covered.

(h) specify that before the licensee leaves the live-capturing site and during prohibited hours, the nets shall either be removed or the clap-net pair(s) deactivated and the nets completely covered:

Provided that the clap-nets, including nets and poles, shall be completely dismantled immediately upon closure of the live-capturing season and removed from the site.";

(d) in the proviso to paragraph (i) thereof, the words "contained in the Schedule" shall be substituted by the words "contained in the First Schedule";

(e) in paragraph (k) thereof, the words "number of live-decoys within each live-capturing station" shall be substituted by the words "number of live-decoys within the live-capturing

station";

(f) in paragraph (m) thereof, the words "for that purpose;" shall be substituted by the following words "for that purpose and also provide that should, during the course of a spot check, a police officer find a bird not fitted with a single-use ring, and such bird had not been declared by the licence holder on that same day before the spot check, the licence holder shall be subject to the penalties established in Schedule VIII of the Conservation of Wild Birds Regulations;"

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549.42.

(g) paragraph (n) thereof, shall be substituted by the following:

"Pre-recorded bird calls.

(n) provide that the possession and/or use of pre-recorded bird calls shall be strictly prohibited even if the device is left unattended, and also provide that should, during an inspection by enforcement personnel, such device be detected during prohibited hours, the live-capturing station shall be deregistered forthwith and cannot be used by any licence holder for the duration of the season;"

(h) paragraph (o) thereof, shall be substituted by the following:

"Protected species.

(o) provide that the live-capturing of birds other than the relevant species shall be strictly prohibited;"

(i) paragraph (p) thereof, shall be substituted by the following:

"Golden Plovers and Song Thrushes fitted with a scientific ring.

(p) require that should the licensee catch a bird of the relevant species fitted with a scientific ring, the licensee shall immediately release the bird into the wild from the same live-capturing station after the details of the scientific ring are recorded on the ring recovery form issued by the Wild Birds Regulation Unit, and also require that such form is returned to the Unit within one week from closure of the season;"

(j) in paragraph (q) thereof, the words "site plans" shall be substituted by "site plan";

(k) in paragraph (u) thereof, the words "used as live-decoys and those caught from the wild" shall be deleted

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wherever they appear; and

(l) immediately after paragraph (u) thereof, there shall be added the following new paragraph:

"Other conditions of relevance. (v) provide for other conditions of relevance to ensure that the derogation is properly implemented, limited in scope, on a selective basis and strictly supervised in line with the Conservation of Wild Birds Regulations and the Birds Directive (2009/147/EC)."  
S.L. 549.42.

Amends regulation 8 of the principal regulations.

**8.** Regulation 8 of the principal regulations shall be amended as follows:

(a) the proviso to sub-regulation (3) thereof, shall be substituted by the following:

"Provided that during all hours for which an Autumn live-capturing season is open the total number of police officers and, or marshals assigned to carry out spot checks shall be in the region of forty (40). Outside these hours, at least two (2) police officers and, or marshals shall be on duty.";

(b) in sub-regulation (4) thereof, the words "during the hours of daylight" shall be deleted; and

(c) immediately after sub-regulation (4) thereof, there shall be added the following new sub-regulations:

"Standard Operating Procedure.

(5) In pursuance of their duties under these regulations, the Police, assisted by marshals as may be necessary, shall carry out daily systematic spot checks throughout all the season, in all the regions shown in the Second Schedule. In Gozo, spot checks in regions 1 and 3 shall be carried out simultaneously with spot checks in regions 2 and 4 by separate police officers. In Malta, spot checks in regions 5, 6 and 8 shall be carried out simultaneously with spot checks in regions 7, 9 and 10 by separate police officers. Spot checks within each region shall be carried out daily. The Police shall forward to the Wild Birds Regulation Unit the outcome of each spot check, per region, the following day, in a format that is agreed in advance with the Wild Birds Regulation Unit.

Cooperation with NGOs.

(6) The police shall cooperate with non-governmental organisations. Non-governmental organisations representatives assigned for this purpose by the Wild Birds Regulation Unit shall assist police officers and, or marshalls pursuance of their duties under this regulation at on-site inspections.

Publication of approved stations.

(7) The coordinates of the approved stations shall be made public on the internet by the Wild Birds Regulation Unit at least three (3) days before the start of the live-capturing season and be available on-line at all times during the live-capturing season."

9. In the title of the Schedule of the principal regulations, the word "SCHEDULE" shall substituted by the words "FIRST SCHEDULE".

Amends the Schedule to the principal regulations.

10. Immediately after the First Schedule of the principal regulations, the following new schedule shall be added:

Adds a new Schedule to the principal regulations.

"SECOND SCHEDULE

Subdivision of Malta and Gozo into regions for systematic spot checks



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