

L.N. 368 of 2018

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

Conservation of Wild Birds (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.

S.L. 549.42.

Amends regulation 7 of the principal regulations.

1. The title of these regulations is the Conservation of Wild Birds (Amendment) Regulations, 2018 and these regulations shall be read and construed as one with the Conservation of Wild Birds Regulations, hereinafter referred to as "the principal regulations".

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

(a) in sub-regulation (1) thereof, the words "no person shall hunt or attempt to hunt, take or attempt to take any bird by making use of" shall be substituted by the words "no person shall hunt or attempt to hunt, take or attempt to take any bird by making use or be in possession of "; and

(b) in sub-regulation (1)(c) thereof, the words "sighting devices for night shooting" shall be substituted by "night vision devices".

Amends regulation 31 of the principal regulations.

3. In sub-regulation (6) of regulation 31 of the principal regulations the words "and the Environment Fund" shall be substituted by the words "and the Conservation of Wild Birds Fund".

Amends Schedule VIII of the principal regulations.

4. The first entry in Schedule VIII of the principal regulations,

Regulation	Offence	Penalty
"7(1)(d)	Use of any electric or electronic device, use of bird caller:	€250
	Provided that the Executive Police shall confiscate the <i>corpus delicti</i> used in the commission of the offence:	

	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:	
	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.	"

shall be substituted by the following entry:

Regulation	Offence	Penalty
"7(1)(d)	Use or possession of any electric or electronic device, use or possession of bird caller:	€250 and confiscation of the <i>corpus delicti</i>
	Provided that where the offence is carried out during any closed season or during prohibited hours or within any Bird Sanctuary listed in Schedule V or Protected Beach listed in Schedule VII, or where the pre-recorded bird calls correspond to species not listed in Schedule II, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 27.	".

5. Schedule IX of the principal regulations shall be amended as follows:

Amends Schedule IX of the principal regulations.

(a) the following entry thereof,

" <i>Egretta alba</i> (<i>Ardea alba</i>)	Russett Abjad	Great White Heron"
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shall be deleted;

(b) immediately after the entry:

" <i>Egretta gularis</i>	Agrett tax-Xatt	Western Reef-egret"
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the following entry shall be added:

"Threskiornithidae

Geronticus eremita

Velleran
Eremita

Northern
Bald Ibis".