

A.L. 252 tal-2014

**ATT DWAR L-AMBJENT U L-IPPJANAR TAL-IŻVILUPP
(KAP. 504)**

**Regolamenti tal-2014 li jemendaw ir-Regolamenti dwar
il-Konservazzjoni ta' Ghasafar Selvaġġi (Emenda Nru. 2)**

BIS-SAHHA tad-dispożizzjonijiet tal-artikoli 61 u 62 tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, il- Ministru għall-Iżvilupp Sostenibbli, Ambjent u Tibdil fil-Klima għamel ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2014 li jemendaw ir-Regolamenti dwar il-Konservazzjoni ta' Ghasafar Selvaġġi (Emenda Nru. 2), u dawn ir-regolamenti għandhom jinqraw u jinftiehm u haġa waħda mar-Regolamenti dwar il-Konservazzjoni ta' Ghasafar Selvaġġi, hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

L.S. 504.71

2. Ir-regolament 2 tar-regolamenti prinċipali għandu jiġi emendat kif ġejj:

Jemenda r-regolament 2 tar-regolamenti prinċipali.

(a) minnufih wara t-tifsira "permess" għandha tizdied it-tifsira ġdida li ġejja:

" "persuna bil-liċenza" tfisser persuna naturali li għandha 18-il sena jew aktar u li għandha liċenza valida maħruġa skont dawn ir-regolamenti;"

(b) minnufih wara t-tifsira "santwarji tal-għasafar", għandhom jiżdiedu t-tifsiriet godda li ġejjin:

" "sit minn fejn isir l-insib" jew "sit" tfisser dik iż-żona mmarkata b'mod ċar fuq mappa approvata mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi u registrata mal-Kummissajru tal-Pulizija u li m'għandhiex aktar minn żewġ (2) stazzjonijiet minn fejn isir l-insib għal kull liċenzja;

"stazzjon minn fejn isir l-insib" tfisser il-periferija ġewwa s-sit tal-insib li tikkonsisti f'mhux aktar minn żewġ imnasab minn dura waħda, b'kull xibka ta' daqs ta' mhux aktar minn kif ikun stabbilit fl-oqfsa regolatorji li jippermettu derogi għall-insib, u l-istazzjon minn fejn isir l-insib jista' jkun registrat fuq persuna waħda jew aktar li

jkollha l-liċenza, u ż-żewġ imnasab ikunu immarkati individwalment fuq il-mappa approvata;"

(ċ) it-tifsira " "tieġu" u "teħid" " għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "tieġu" u "teħid" tfisser l-insib ta' għasafar selvaġġi, skont id-dispożizzjonijiet ta' dawn ir-regolamenti;"

(d) it-tifsira "it-Trattat" għandha tithassar; u

(e) minnufih wara t-tifsira " "tieġu" u "teħid" " għandha tiżdied it-tifsira ġdida li ġejja:

" "żona protetta" jew "żoni protetti" tfisser żoni fejn l-insib huwa pprojbit skont ir-Regolamenti dwar l-Għasafar Selvaġġi; iż-żoni fi hdan siti tan-Natura 2000 li għandhom l-ambjenti naturali bil-kodiċi 1150, 1210, 1240, 1310, 1410, 1420, 1510, 2110, 2210, 2220, 3140, 3170, 5230, 5330, 5410, 5420, 5430, 6220, 8210, 92A0, 92D0, 9320, 9340, 9540 u 9570 skont kif jinsabu fl-Iskeda I tar-Regolamenti dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali; u, żoni 'l barra mis-siti tan-Natura 2000 li fihom abitati naturali, inkluż f'Żoni ta' Importanza Ekoloġika u Siti ta' Importanza Xjentifika skedati bhala Livell 1 u Livell 2, iżda din il-projbizzjoni m'għandhiex tapplika għal art agrikola u kkultivata fi hdan iż-żoni msemija hawn fuq u li hija rreġistrata uffiċjalment mad-Dipartiment tal-Agrikoltura qabel l-aħħar ta' Lulju 2014; iżda ukoll l-ebda insib ma jista' jsir fuq siti li ma ġewx reġistrati mal-Kummissarju tal-Pulizija qabel l-aħħar ta' Diċembru 2012 jew li m'humiex identifikabbli bhala sit tal-insib fuq ir-ritratti mill-ajru ppubblikati qabel l-aħħar ta' Diċembru 2012; iżda ukoll l-eżenzjoni għall-art agrikola rreġistrata m'għandhiex tapplika għal dawk iż-żoni fejn l-insib huwa pprojbit skont dawn ir-regolamenti."

Jissostitwixxi r-regolament 8 tar-regolamenti prinċipali.

3. Ir-regolament 8 tar-regolamenti prinċipali għandu jiġi sostitwit b'dan li ġejj:

"Insib.

8. (1) Kull tip ta' insib fuq għasafar selvaġġi b'kull mezz huwa pprojbit ħlief bis-saħħa tad-derogi awtorizzati għal dak l-iskop skont ir-regolament 9.

(2) Minkejja dak li jinghad fid-disposizzjonijiet tar-regolament 4(1)(a) u (e) u tar-regolament 7, u bla ħsara għad-disposizzjonijiet tar-regolament 9, ċerti għasafar jistgħu jiġu deliberatament minsuba bi xbieki tradizzjonali magħruffin bħala *clap-nets* bil-għan esklużiv li jinżammu għat-trobbija, skont il-parametri stabbiliti mir-regolamenti dwar qafas rilevanti li huma marbuta mad-derogi li jippermettu l-insib u skont il-kondizzjonijiet misjuba f'licenzi speċjali għall-insib maħruġa taħt dawk ir-regolamenti:

Izda l-persuna bil-licenza għandha tuża xbieki tradizzjonali li jikkonsistu f'żewġ xibkiet paralleli mifruxa ċatti mal-art li jaqdbu l-għasafar billi jinqelbu fuq xulxin mal-art, u li jiġu kkargati, meqluba u mrodda lura biss mill-bniedem mingħajr l-użu ta' mezzi ta' saħħa esterni, inklużi mezzi elettrici, elettronici, jew mekkaniċi:

Izda ukoll tali insib jista' jsir biss minn siti minn fejn isir l-insib li jinsabu fi ħdan dik iż-żona mmarkata b'mod ċar fi pjanta registrata mal-Kummissajru tal-Pulizija u li m'għandhiex aktar minn żewġ (2) stazzjonijiet minn fejn isir l-insib għal kull persuna li għandha l-licenza, u li hija approvata għal dak il-għan mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi:

Izda ukoll kull stazzjon minn fejn isir l-insib għandu jikkonsisti f'mhux aktar minn żewġ imnasab minn dura waħda, b'kull xibka ta' daqs ta' mhux aktar minn kif ikun stabbilit fl-oqfsa regolatorji li jippermettu derogi għall-insib, u l-istazzjon minn fejn isir l-insib jista' jkun registrat fuq persuna waħda jew aktar li jkollha l-licenza, u ż-żewġ imnasab ikunu immarkati individwalment fuq il-mappa approvata."

4. Ir-regolament 12 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso tas-subregolament (1) tiegħu, minflok il-kliem "skont ir-regolament 10(6)." għandhom jidhru l-kliem "skont ir-regolament 10(6):", u minnufih wara għandu jidher il-

Jemenda r-regolament 12 tar-regolamenti prinċipali.

proviso ġdid li ġej:

"Izda ukoll kull liċenza bħal din għandha tinhareġ wara li jithallas id-dritt stabbilit fl-Iskeda X.";

(b) fis-subregolament (2) tiegħu, minflok il-kliem "konservazzjoni ta' l-għasafar selvaġġi." għandhom jidhru l-kliem "konservazzjoni tal-għasafar selvaġġi:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda dan l-eżami għandu jsir wara li jithallas id-dritt stabbilit fl-Iskeda X.";

(ċ) is-subregolament (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(3) Sakemm il-Kummissarju u, jew it-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi ma jkollux raġunijiet validi għall-kuntrarju u skont id-dispożizzjonijiet ta' dawn ir-regolamenti, kull min jinsab fir-registru tal-persuni li kellhom liċenza għall-insib tal-għasafar valida matul xi perjodu minn Diċembru 2002 sal-aħħar ta' Diċembru 2011, imma minn dak iż-żmien ma gēdditx il-liċenza tiegħu skont id-dispożizzjonijiet ta' dawn ir-regolamenti, jista' jagħzel li japplika għal liċenza provviżorja għall-insib, li għandha tinhareġ wara li jithallsu d-drittijiet skont it-tieni proviso tas-subregolament (1) u skont il-proviso tas-subregolament (2) u wara li l-istazzjon minn fejn isir l-insib ikun ġie approvat mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi u jkun ġie registrat mal-Kummissarju tal-Pulizija skont id-dispożizzjonijiet tar-regolament 8(2):

Izda din il-liċenza provviżorja għandha tiskadi awtomatikament fi żmien tnax-il xahar mid-data ta' meta tkun inħarġet, sakemm il-persuna li tkun fil-pussess tagħha ma tkunx għaddiet mill-eżami skont id-dispożizzjonijiet tas-subregolament (2) fi żmien tnax-il xahar mid-data ta' meta tkun inħarġet il-liċenza provviżorja."; u

(d) fil-paragrafu (b) tas-subregolament (5) tiegħu, minnufih wara l-kliem "sa l-aħħar ta' Frar ta' kull sena" għandhom jiżdiedu l-kliem "wara li jithallas id-dritt stabbilit fl-Iskeda X".

5. Minnufih wara s-subregolament (2) tar-regolament 19 tar-regolamenti prinċipali, għandu jiżdied dan li ġej:

"(3) Il-kaċċa tal-ghasafar minn fuq l-art għandha tkun permessa mill-1 ta' Settembru ta' kull sena sal-31 ta' Jannar tas-sena li jkun imiss, minn sagħtejn qabel tluġh ix-xemx sa sagħtejn wara li tinzel ix-xemx ta' kull jum mit-Tnejn sas-Sibt, u minn sagħtejn qabel tluġh ix-xemx sas-siegha ta' wara nofsinhar (1:00pm) fil-Ħdud u l-festi pubblici:

Izda l-kaċċa tal-ghasafar minn fuq l-art mill-15 ta' Settembru sas-7 ta' Ottubru ta' kull sena m'għandhiex issir mit-Tnejn sas-Sibt mis-sebgha ta' filgħaxija (7:00pm) sa sagħtejn qabel tluġh ix-xemx tal-ġurnata ta' wara.

(4) Il-kaċċa tal-ghasafar minn fuq il-baħar għandha tkun permessa mill-1 ta' Ottubru ta' kull sena sal-31 ta' Jannar tas-sena ta' wara:

Izda il-kaċċa tal-ghasafar minn fuq il-baħar bejn l-1 ta' Ottubru u s-7 ta' Ottubru ta' kull sena m'għandhiex tkun permessa mit-Tnejn sas-Sibt mis-sebgha ta' filgħaxija (7:00pm) sa sagħtejn qabel tluġh ix-xemx tal-ġurnata ta' wara:

Izda ukoll il-kaċċa tal-ghasafar minn fuq il-baħar mit-8 ta' Ottubru ta' kull sena sal-31 ta' Jannar tas-sena ta' wara għandha tkun permessa minn sagħtejn qabel tluġh ix-xemx sa sagħtejn wara nżul ix-xemx f'kull jum mit-Tnejn sas-Sibt u minn sagħtejn qabel tluġh ix-xemx sas-siegha ta' wara nofsinhar (1:00pm) fil-Ħdud u l-festi pubblici.

(5) Il-Ministru jista', b'avviż fil-Gazzetta, jirrive di l-parametri tal-istaġun tal-kaċċa ta' sena partikolari fi kwalunkwe hin fuq il-baħar tal-aħħar parir xjentifiku rilevanti dwar l-istat tal-konservazzjoni u ż-żamma tal-popolazzjoni tal-ispeċi tal-ghasafar f'livell sodisfaċenti."

6. Is-subparagrafu (ii) tal-paragrafu (a) tar-regolament 20 tar-regolamenti prinċipali għandu jiġi sostitwit b'dan li ġej:

Jemenda r-regolament 20 tar-regolamenti prinċipali.

"(ii) matul l-istaġun miftuħ tal-insib meta l-gaġġa m'għandhiex tkun iżgħar mid-daqs stabbilit mir-regolamenti dwar qafas regolatorju rilevanti għad-deroga li tippermetti l-insib għal dik l-ispeċi li għaliha tkun giet applikata deroga partikolari;"

7. L-Iskeda VIII li tinsab mar-regolamenti prinċipali għandha tiġi emendata kif ġej:

Jemenda l-Iskeda VIII li tinsab mar-regolamenti prinċipali.

(a) minflok il-partita għal "11(3) u 12(5)(a)" għandha

tidhol il-partita li ġejja:

" 11(3) u 12(5)(a)	Nuqqas li tiġi rritornata il-liċenza kompluta lit-Taqsima tar-Regolamentazzjoni tal-Ghasafar Selvaġġi fi żmien għaxart ijiem mit-tmien tal-perjodu li għalih tkun inharget skont id-dispożizzjonijiet tal-Iskeda IV ta' dawn r-regolamenti.	€75 fejn dan id-dewmien ma jaqbiżx 30 gurnata mit-tmien tal-perjodu. Fejn id-dewmien jaqbeż 30 gurnata jew aktar, għandhom jgħoddu d-dispożizzjonijiet tar-regolament 27..	";
--------------------	---	--	----

(b) minnufih wara l-partita għal "13(1)", għandha tiżdied il-partita ġdida li ġejja:

" 13(2)	Nuqqas li tiddikjara l-informazzjoni kollha fil- <i>Carnet de Chasse</i> skont dak mitlub mill-Iskeda IV ta' dawn ir-regolamenti.	€50	";
---------	---	-----	----

(ċ) fil-partita għal "18(2)(b)", minnufih wara ċ-ċifra "18(2)(b)" għandhom jiżdiedu l-kliem "u 7(1)(k)".

Iżid l-Iskeda X mar-regolamenti principali.

8. Minnufih wara l-Iskeda IX li tinsab mar-regolamenti principali għandha tiżdied li_iskedaq X ġdida:

"SKEDA X

Drittijiet Amministrattivi

Servizz	Dritt
Hruġ ta' liċenzi godda (<i>Carnet de Chasse</i>) skont ir-regolament 12(1)	€20 għal kull liċenza
Tiġdid tal-liċenzi (<i>Carnet de Chasse</i>) skont ir-regolament 12(5)	€20 għal kull liċenza
Dritt li jithallas għall-eżami skont ir-regolament 12(2)	€30 għal kull eżami

".

L.N. 252 of 2014

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

**Conservation of Wild Birds (Amendment No. 2)
Regulations, 2014**

BY VIRTUE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change has made the following regulations:-

1. The title of these regulations is the Conservation of Wild Birds (Amendment No. 2) Regulations, 2014, and these regulations shall be read and construed as one with the Conservation of Wild Birds Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 504.71

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

Amends regulation 2 of the principal regulations.

(a) immediately after the definition "licence" there shall be added the following new definitions:

"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;"

(b) immediately after the definition "permit" there shall be added the following new definition:

" "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;"

(c) the definition "the Treaty" shall be deleted; and

(d) the definition " "to take" and "taking" "shall be substituted by the following:

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

Substitutes
regulation 8 of
the principal
regulations.

3. Regulation 8 of the principal regulations shall be substituted by the following:

"Live-
capturing.

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 in terms of regulation 5(4) 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."

4. Regulation 12 of the principal regulations shall be amended as follows:

(a) in proviso to sub-regulation (1) thereof, for the words "pursuant to regulation 10(6)." there shall be substituted

Amends
regulation 12 of
the principal
regulations.

the words "pursuant to regulation 10(6):" and immediately thereafter there shall be added the following new proviso:

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

(b) in sub-regulation (2) thereof, for the words "conservation of wild birds." there shall be substituted the words "conservation of wild birds:" and immediately thereafter there shall be added the following new proviso:

"Provided that such examination shall be held against a fee stipulated in Schedule X.";

(c) subregulation (3) thereof shall be substituted by the following:

"(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."; and

(d) in paragraph (b) of sub-regulation (5) thereof, immediately after the words "by the end of February of every year" there shall be added the words "against payment of a fee stipulated in Schedule X".

5. Immediately after sub-regulation (2) of regulation 19 of the principal regulations there shall be added the following:

"(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 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."

6. Sub-paragraph (ii) of paragraph (a) of regulation 20 of the principal regulations shall be substituted by the following:

Amends
regulation 20 of
principal
regulations.

"(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;"

7. Schedule VIII to the principal regulations shall be amended as follows:

Amends
Schedule VIII to
the principal
regulations.

(a) the item for "11(3) and 12(5)(a)" shall be substituted

by the following:

" 11(3) and 12(5)(a)	Failure to return the completed licence to the Wild Birds Regulation Unit within ten days from the end of the period for which it has been issued in accordance with Schedule IV of these regulations.	€75 where such delay does not exceed 30 days from the end of period. Where the delay exceeds 30 days, the provisions of regulation 27 shall apply.	";
----------------------	--	--	----

(b) immediately after the item for "13(1)", there shall be added the following new item:

" 13(2)	Failure to declare all the information in the <i>Carnet de Chasse</i> as required by Schedule IV of these regulations.	€50	";
---------	--	-----	----

(c) in the item for "18(2)(b)", immediately after the figure "18(2)(b)" there shall be added the words "and 7(1)(k)".

Adds Schedule X to the principal regulations.

8. Immediately after Schedule IX to the principal regulations there shall be added the following new Schedule X:

"SCHEDULE X

Administrative Fees

Service	Fee
Issuance of new licences (<i>Carnet de Chasse</i>) in accordance with regulation 12(1)	€20 per licence
Renewals of licences (<i>Carnet de Chasse</i>) in accordance with regulation 12(5)	€20 per licence
Examination fee in accordance with regulation 12(2)	€30 per examination

".