



**PUBLIC CONSULTATION BRIEF**  
**on the**  
**Conservation of Wild Birds (Amendment) Regulations, 2021**

**8<sup>th</sup> September 2021**

The Wild Birds Regulation Unit invites stakeholders to submit comments and proposals in relation to the draft Conservation of Wild Birds (Amendment) Regulations, 2021. Comments and proposals are to be submitted via email to [wildbirds@gov.mt](mailto:wildbirds@gov.mt) by not later than 6<sup>th</sup> October 2021 at noon.

**Background**

This is the second public consultation exercise following discussions at [Ornis Committee](#) on 17 March, 29 March and 12 May 2021. No comments were submitted during the [first public consultation exercise](#), which ended on 16 February, 2021.

The first draft proposed the following legal amendments and provisions:

1. The removal of bird-callers from Schedule VIII of the Conservation of Wild Birds Regulations (SL 549.42) and thus proposed to render their use and possession subject to Court referral and the penalties set out in regulation 27.
2. Provisions to enable a person who is not licensed as a bird-ringer, in accordance with regulation 23(2), to capture certain birds for the purpose of geo-tagging, followed by their immediate release back into the wild, subject to:
  - the submission of an application to the Wild Birds Regulation Unit by not later than two (2) months prior to the geo-tagging commencement date, including details of the species and quantity, the proposed methodology, including proposed dates, and the sites where geo-tagging will be carried out, in accordance with regulation 23(3)(c);
  - the recommendations of the Ornis Committee, in accordance with regulation 10(6);
  - the conditions specified in the licence issued for the purpose of geo-tagging by the Wild Birds Regulation Unit; and
  - prior training on geo-tagging.

3. An amendment to paragraph (b) of the third proviso to sub-regulation (2) of regulation 27 to include “Part XV of the Code of Police Laws”.
4. An amendment to the English version of the third proviso to sub-regulation (3) of regulation 27 to remove reference to ‘hunting’ in the sentence: “ordered the disqualification from obtaining a hunting licence for life”.

### **Ornis recommendations and proposed legislative draft**

During its meeting held on [17 March](#), the Ornis Committee did not agree that bird-callers should be rendered immediately subject to Court referral. The Committee proposed a two-step approach, retaining bird-callers for first-time offenders subject to an administrative fine just below the minimum penalty set out in regulation 27 (that is, just under €500), followed by Court referral for repeat offenders and thus subject to the penalties set out in regulation 27.

The Committee agreed to limit suspension and permanent revocation of the **relevant** licence, rather than all licences. This means that if a person is in possession of both a hunting and trapping licence and commits a hunting offence, his trapping licence is not suspended (or revoked) and vice-versa.

The Committee also agreed that the proposal on geo-tagging should be revisited to include additional elements such as in relation to the training course.

### **Proposed legislative draft**

The current legislative draft reflects the recommendations of the Ornis Committee during its meeting held on 29 March and 05 May, 2021. These can be summarised as follows:

1. Suspension/revocation limited to the relevant licence only.
2. All geo-tagging projects to include a bird-ringing component in line with regulation 23(2), whilst rendering the bird-ringing requirement as optional in relation to huntable species (included in Schedule II of SL 549.42). The legal amendment also includes the procedures required for applicants to submit a geo-tagging proposal as specified by the Ornis Committee.
3. The introduction of a 12-point penalty system to regulation 27A and Schedule VIII of SL 549.42. Each offence category in Schedule VIII is assigned a number of points, ranging from two to four. Once an individual accumulates an aggregate of twelve points or more during a two-year period, his general licence (the one associated with the offences committed in case he has multiple licence categories) will be suspended by the Wild Birds Regulation Unit for a period of one (1) year, in line with the proposed amendment to regulation 11.

All points will be reset to zero if the licensee does not commit other offences as found in Schedule VIII within two years from the date of last offence.

Three new administrative fines have been included in Schedule VIII, currently subject to immediate Court referral:

- Live-decoys in excess of the limit permitted by virtue of a live-capturing special licence.
  - Failure to comply with the minimum cage dimensions as specified in the special licence for the relevant species.
  - Failure to report specimens subject to Article 9(1)(c) derogations that are fitted with a scientific ring to the Wild Birds Regulation Unit and/or failure to immediately release them back into the wild after the details of the scientific ring have been recorded. Article 9(1)(c) derogations are those that permit the keeping of birds caught, currently limited to Golden Plovers and Song Thrushes by virtue of S.L.549.74.
4. The fines pegged to each offence category are proposed to remain as those listed in the current Schedule VIII of S.L.549.42. No increase in fines are proposed.