SEGRETARJAT PARLAMENTARI GĦALL-BIEDJA, SAJD U DRITTIJIET TAL-ANNIMALI

Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi

MALTA

PARLIAMENTARY SECRETARIAT FOR AGRICULTURE, FISHERIES AND ANIMAL RIGHTS

Wild Birds Regulation Unit

ID XXXXXXX
Name/Surname
Address
xxxxxxxxxxxxxx
xxxxxxxx
W? G? M?

Mob XXXXXX

Liċenzja Speċjali għall-Insib limitat tal-Għasafar tal-Għana fil-Ħarifa tal-2015 taħt kondizzjonijiet strettament sorveljati.

Din il-Liċenzja mhux trasferibbli għall-Insib limitat tal-Għasafar tal-Għana qiegħda tinħareġ skont id-dispożizzjonijiet tar-Regolamenti tal-2015 dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Dikjarazzjoni dwar deroga għall-Istaġun tal-Insib fil-Ħarifa tal-2015 għall-Għasafar tal-Għana) u hija soġġetta għall-limitazzjonijiet stabbiliti fihom u skont il-kondizzjonijiet stipulati fir-Regolamenti tal-2014 dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istaġun għall-insib tal-Għasafar tal-Għana) (L.S. 504.124[1]).

Aqra sew il-kundizzjonijiet kollha ta' din il-Liċenzja Speċjali u kun żgur li dejjem tosservahom.

Il-persuna liċenzjata qed tingħata il-permess tonsob b'mod limitat għal seba' speċi tal-għasafar tal-għana skont il-kondizzjonijiet li ġejjin:

1. L-Insib għall-Ġojjin, Gardell, Verdun, Ekra, Taż-Żebbuġ, Sponsun u Apparell fis-sena 2015, hawnhekk iżjed 'il quddiem imsejjaħ "Insib fil-Ħarifa" jista' jsir f'dawn id-dati:

   (a) bejn l-20 ta' Ottubru 2015 u l-31 ta' Diċembru tal-2015, iż-żewġ dati inklużi, mingħajr ebda preġudizzju għall-prerogattiva tal-Gvern li jagħlaq parzjalment jew kompletament l-istaġun tal-insib, jew li jibdel kwalunkwe parametri tal-istaġun.

2. Il-persuna liċenzjata ma tistax tonsob minn sagħtejn wara nżul ix-xemx sa sagħtejn qabel tlugħ ix-xemx tal-għada filgħodu.

3. Ma jistax isir insib ġewwa Santwarji tal-Għasafar, Bajjiet Protetti u Żoni Protetti kif definiti fil-Leġislazzjoni Supplementari 504.71[2] u kif murija fis-sit elettroniku http://www.mepa.org.mt/mepa-mapserver (*Restricted Trapping Zones*). Għelieqi li jinħadmu fil-konfini ta' Żoni Protetti u li ġew uffiċjalment rreġistrati mad-Dipartiment tal-Agrikultura sal-

[1] LS 504.124: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12211&l=2

[2] LS 504.71: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=2

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aħħar ta' Lulju 2014 għal skop ta' kultivazzjoni tal-uċuħ tar-raba' huma eżentati minn din ir-restrizzjoni. Din l-eżenzjoni ma tapplikax għal dawk is-siti ġewwa Santwarji tal-Għasafar jew Bajjiet Protetti fejn il-kaċċa u l-insib huma pprojbiti.

4. 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 bħala sit tal-insib fuq ir-ritratti mill-ajru ppubblikati qabel l-aħħar ta' Diċembru 2012.

5. L-insib huwa awtorizzat biss fuq dawk is-siti li ġew reġistrati u approvati mill-*Wild Birds Regulation Unit* u li ġew ippreżentati ma' l-applikazzjoni għal din il-Liċenzja mill-persuna liċenzjata. Ma jistax isir insib minn fuq siti oħra. Il-mapep kollha li jikkorrispondu ma' dawn is-siti tal-insib awtorizzati jridu jiġu annessi mal-Liċenzja Ġenerali tal-Insib (*Carnet de Chasse* 2015–16). Din il-Liċenzja tiġi kkunsidrata mhux valida jekk din/dawn il-mappa/mapep ippreżentata/i mal-applikazzjoni għal din il-Liċenzja ma tkunx/ikunux annessi.

6. Il-persuna liċenzjata tista' tuża biss mhux aktar minn żewġ (2) stazzjonijiet minn fejn isir l-insib reġistrati mal-*Wild Birds Regulation Unit* u kull stazzjon minn fejn isir l-insib m'għandux ikollu aktar minn żewġ (2) mnasab minn dura waħda b'malji tax-xibka mhux inqas minn 18mm u b'daqs totali ta' mhux aktar minn 38 metri kwadri għal kull xibka:

   Iżda jekk il-persuna liċenzjata qegħda fil-pussess kemm tal-Liċenzja Speċjali għall-insib tal-Għasafar tal-Għana kif ukoll tal-Liċenzja Speċjali għall-insib tal-Pluviera u Malvizz, tista' tuża xbieki b'malju ta' mhux inqas minn 18mm għall-insib tal-ispeċi kollha permessi skont il-kondizzjonijiet taż-żewġ Liċenzji, iżda l-akbar daqs ta' kull xibka ma jista' qatt ikun aktar minn 38 metri kwadri. Iżda ukoll, jekk dik il-persuna li qegħda fil-pussess taż-żewġ Liċenzji Speċjali tuża stazzjon wieħed esklussivament għall-insib tal-Pluviera u/jew Malvizz u mhux għall-insib ta' l-Għasafar tal-Għana, dik il-persuna liċenzjata tista' tuża f'tali istazzjon tal-insib xibka b'malji mhux inqas minn 30mm u l-akbar daqs ta' kull xibka mhux aktar minn 60 metri kwadri.

7. Il-persuna liċenzjata tista' tħaddem biss stazzjon wieħed minn fejn isir l-insib (mhux aktar minn żewġ imnasab minn dura waħda) fi kwalunkwe ħin.

8. Din il-Liċenzja tippermetti biss l-użu ta' xbieki tradizzjonali u selettivi li jikkonsistu f'żewġ xibkiet paralleli mifruxa ċatti mal-art li jaqbdu 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 esterna, inklużi mezzi elettriċi, elettroniċi, jew mekkaniċi.

9. Matul il-ħin illi fih l-insib huwa pprojbit, l-imnasab għandhom jitħallew skargati u kompletament ċatti ma' l-art fil-ħinijiet kollha li fihom ma jkunx permess l-insib. Iżda meta x-xbieki jkunu skargati u mpoġġija kompletament ċatti ma' l-art, il-persuna liċenzjata għandha tieħu dawk il-miżuri kollha biex taċċerta ruħha li ma jista' jkun hemm l-ebda speċi li aċċidentalment tinqabad fix-xbieki meta ma jkunux attivi. Meta jagħlaq l-istaġun tal-insib fil-Ħarifa l-imnasab għandhom jiżżarmaw u jitneħħew minn fuq il-post **immedjatament.**

10. Il-kwota komplessiva tal-Għasafar tal-Għana li jistgħu jinqabdu waqt l-istaġun tal-insib tal-Ħarifa 2015 hija ta' 12,000 Ġojjin, 800 Gardell, 4,500 Verdun, 2,350 Ekra, 500 Taż-Żebbuġ, 5,000 Sponsun u 2,350 Apparell, bħala l-għadd totali ta' għasafar li jistgħu jinqabdu taħt l-awtorità tal-Liċenzji kollha maħruġa meħudin flimkien.

11. Il-kwota ta' Għasafar tal-Għana li l-persuna liċenzjata tista' taqbad fl-istaġun miftuħ tal-insib tal-Ħarifa 2015 hija ta' għaxar (10) għasafar b'kollox jew dak l-għadd ta' għasafar taħt l-imsemmija total li jistgħu jkunu ġew maqbuda bl-insib qabel ma jkun għalaq l-istaġun. Kwalunkwe ammont ta' Għasafar tal-Għana maqbuda mill-persuna liċenzjata li jaqbżu il-kwota individwali ta' għaxar (10) għasafar b'kollox għandu jitħarrab **immedjatament** minn fuq il-post.

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12. Il-persuna liċenzjata ma tistax iżżomm jew ikollha fil-pussess tagħha, f'ebda ħin, aktar minn total ta' wieħed u għoxrin (21) għasfur tal-għana/bgħula użati bħala għajat u taħrik (*live-decoys*) waqt li tkun fl-istazzjon minn fejn isir l-insib, irrispettivament minn numru ta' persuni li għandhom il-Liċenzja reġistrata fuq l-istess stazzjon. Iżda il-massimu ta' għajat u taħrik minn kull speċi/bgħula ma jridx jaqbeż sebgħa. Dan ifisser li jista' jkollok sa massimu ta' 3 għajat/taħrik mis-seba' speċi/bgħula f'daqqa, jew sa massimu ta' 7 għajat/taħrik minn tlett speċi/bgħula biss, jew kwalunkwe taħlita ta' għasafar tal-għana/bgħula basta ma taqbisx il-limitu ta' 21 b'kollox li fost dan il-limitu jista' ikun hemm mhux aktar minn 7 ta' l-istess speċi/bgħula. Dan l-ammont m'għandux jinqabeż lanqas meta il-persuna liċenzjata tkun sejra lejn jew ġejja mis-sit fejn isir l-insib.

13. Għall-fini tar-Regolament 7(k) tal-L.S. 504.124, sabiex għasfur jitqies bħala għajat jew taħrik, dan għandu jkollu ċurkett magħluq (*seamless closed ring*) jew ċurkett li jista' jintuża darba biss kif approvat mill-*Wild Birds Regulation Unit* li ġie ipprovdut ma' din il-Liċenzja. Iċ-ċurkett **abjad** hawn fuq imsemmi huwa biss meqjus li huwa approvat mid-WBRU jekk jitlibbes fuq in-naħa ta' isfel ta' sieq (*tarsus*) l-i**Sponsun**, il-**Ġojjin**, il-**Gardell**, l-**Apparell** u l-**Ekra**. Iċ-ċurkett <u>**aħdar**</u> hawn fuq imsemmi huwa biss meqjus li huwa approvat mid-WBRU jekk jitlibbes fuq in-naħa ta' isfel ta' sieq (*tarsus*) il-<u>**Verdun**</u>. Iċ-<u>***ċurkett tal-metall***</u> (<u>***single-use metal ring***</u>) hawn fuq imsemmi huwa biss meqjus li huwa approvat mid-WBRU jekk jitlibbes fuq in-naħa ta' isfel ta' sieq (*tarsus*) <u>***Taż-Żebbuġ***</u>. **Il-persuna liċenzjata hija fid-dmir li tieħu ħsieb sew ta' dawn iċ-ċrieket bojod, ħodor u tal-metall. Kull ċurkett li ma jintużax irid jiġi irritornati lura lill-*Wild Birds Regulation Unit* fiż-żmien kif indikat permezz ta' ittra separata li tintbagħat aktar 'il quddiem. Hemm penali għal kull ċurkett li ma jiġix irritornat lura.**

14. Meta, waqt verifika fuq is-sit, l-għadd ta' għasafar li jinstabu fil-pussess tal-persuna liċenzjata jkun għola minn dak kif pprovdut f'kondizzjoni 12 ta' din il-Liċenzja, kull għasfur li jinstab li jkun ogħla mill-għadd imsemmi jitqies li jkun għasfur li jkun ġie maqbud mill-persuna liċenzjata f'dik l-istess ġurnata, minkejja li dak l-għasfur jista' jkollu ċurkett fuqu skont ir-regolament 7(k) tal-L.S. 504.124.

15. Il-persuna liċenzjata għandha <u>immedjatament</u> tlibbes fuq in-naħa ta' isfel ta' sieq (*tarsus*) kull Għasfur tal-Għana illi taqbad ċurkett li jista' jintuża darba biss kif approvat mill-*Wild Birds Regulation Unit* li ġie ipprovdut ma' din il-Liċenzja (ara kundizzjoni 13 rigward il-kulur/tip taċ-ċurkett li għandu jintuża skont l-ispeċi) u, <u>immedjatament wara li jitlibbes iċ-ċurkett</u> tirrapporta kull Għasfur tal-Għana li taqbad billi ċċempel fuq in-numru <u>**77070006**</u> u ssegwi l-istruzzjonijiet mogħtija.

16. Il-persuna liċenzjata hija obbligata ukoll li tiddikjara kull Għasfur tal-Għana li taqbad fuq il-ktejjeb magħruf bħala "*Carnet de Chasse – għall-Insib tal-Għasafar Frar 2015–Jannar 2016*" ippublikat mill-*Wild Birds Regulation Unit* qabel ma tħalli s-sit tal-insib. Jekk il-persuna liċenzjata ma tkun qabdet xejn għandha xorta tniżżel id-data u timmarka 'X' jew '0'.

17. Jekk taqbad għasfur b'ċurkett xjentifiku, il-persuna liċenzjata hija obbligata li tniżżel id-dettalji kollha fuq il-formola għal dan il-għan annessa ma' din il-Liċenzja u għandha tibgħat l-istess formola lill-*Wild Birds Regulation Unit* fuq l-indirizz indikat fl-istess formola hekk kif jagħlaq l-Istaġun tal-Insib tal-Ħarifa tal-2015. Il-persuna liċenzjata hija obbligata li **immedjatament** teħles dak l-għasfur lura fis-selvaġġ minn fuq is-sit tal-insib <u>anka jekk l-għasfur jappertjeni għal wieħed mill-ispeċi li tkun awtorizzata li taqbad</u>.

18. Il-persuna liċenzjata m'hijiex awtorizzata tonsob jew tipprova tonsob għal xi speċi ta' għasfur jekk mhux wieħed mis-seba' speċi ta' Għasafar tal-Għana, ħlief jekk il-persuna għandha ukoll fil-pussess tagħha Liċenzja Speċjali għall-insib tal-Malvizz u l-Pluviera maħruġa skont it-termini tal-

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Avviż Legali 303 tal-2012, kif emendat (L.S. 504.113)[3], fliema każ il-persuna liċenzjata hija awtorizzata tonsob għad-disa' speċi taħt il-kondizzjonijiet imposti miż-żewġ Liċenzji Speċjali, sakemm ma tkunx għadha laħqet il-kwoti rispettivi.

19. Il-persuna liċenzjata hija obbligata li immedjatament teħles lura fis-selvaġġ kwalunkwe għasfur li taqbad li mhux tal-Għana sakemm dak l-għasfur m'huwiex Malvizz jew Pluviera u l-persuna liċenzjata tkun ukoll fil-pussess tal-Liċenzja għall-insib għall-Malvizz u l-Pluviera maħruġa skont it-termini tal-Avviż Legali 303 tal-2012, kif emendat (L.S. 504.113) u ma tkunx laħqet il-kwoti taħt dik il-Liċenzja.

20. Il-persuna liċenzjata għandha żżomm fuqha waqt li tkun qed tonsob jew waqt li tkun sejra lejn jew ġejja minn fuq is-sit tal-insib, il-Liċenzja Speċjali tal-Insib fil-Ħarifa 2015 tagħha, il-ktieb tal-*Carnet de Chasse* – Għall-Insib tal-Għasafar 2015–16 maħruġ f'isimha, dokument ta' identifikazzjoni tagħha u kopja tal-mappa/mapep imwaħħla mal-*Carnet de Chasse* li turi/juru il-mansab/mnasab fejn il-persuna liċenzjata tista' tonsob, ittimbrat/i mill-*Wild Birds Regulation Unit*, liema kopja kienet ippreżentata fl-applikazzjoni għal din il-Liċenzja. Din il-Liċenzja Speċjali titqies invalida jekk il-persuna liċenzjata ma żommx fuqha id-dokumenti imsemmija hawn fuq waqt li tkun qed tonsob jew waqt li tkun sejra lejn jew ġejja minn fuq is-sit tal-insib.

21. Waqt l-istaġun miftuħ, l-għasafar tal-għana/bgħula li jintużaw għall-għajat jew taħrik u l-Għasafar tal-Għana li jkunu inqabdu mis-selvaġġ m'għandhomx jinżammu ġo gabjetti inqas minn 190mm tul, 130mm wisa' u 120mm għoli.

22. Mingħajr preġudizzju għall-kondizzjonijiet 1(a) u 23 hawn taħt, din il-Liċenzja għall-insib fil-Ħarifa hija valida biss għall-perjodu li fih huwa permess l-insib tal-ispeċi msemmija hawn fuq.

23. Din il-Liċenzja għall-Insib fil-Ħarifa għandha:

    (a) tiġi sospiża minnufih jekk il-persuna bil-Liċenzja tiġi akkużata b'reat taħt r-regolament 27 tar-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (L.S. 504.71);

    (b) tiġi revokata jekk il-persuna bil-Liċenzja tiġi misjuba ħatja ta' reat kontra r-regolament 27 tar-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (L.S. 504.71);

    (ċ) tiskadi u titqies bħala revokata hekk kif il-Ministru jiddikjara li ntlaħqet il-kwota komplessiva għall-istaġun tal-insib fil-Ħarifa 2015. Il-persuni kollha bil-Liċenzja għandhom jiġu infurmati minnufih dwar din l-iskadenza u revoka tal-Liċenzja għall-insib fil-Ħarifa permezz tas-servizz ta' messaġġi bil-miktub (SMS) fuq in-numru indikat minn dik il-persuna fl-applikazzjoni għall-Liċenzja għall-insib fil-Ħarifa.

    Iżda meta tintlaħaq il-kwota għal xi waħda mill-ispeċi rilevanti, il-Liċenzja għall-insib fil-Ħarifa 2015 għandha tiskadi u titqies bħala revokata fir-rigward tal-insib fuq dik l-ispeċi biss hekk kif il-Ministru jiddikjara li ntlaħqet il-kwota komplessiva għall-istaġun tal-insib fil-Ħarifa għal dik l-ispeċi u l-istaġun għandu jibqa' miftuħ fir-rigward tal-ispeċi l-oħrajn. Il-persuni kollha bil-Liċenzja għandhom ukoll jiġu infurmati minnufih dwar din l-iskadenza u revoka parzjali tal-Liċenzja permezz tas-servizz ta' messaġġi bil-miktub (SMS) fuq in-numru indikat minn dik il-persuna fl-applikazzjoni għall-Liċenzja għall-insib fil-Ħarifa. Malli il-persuna liċenzjata tiġi innotifikatata li ntlaħqet il-kwota komplessiva għal waħda mill-ispeċi koperta b'din il-Liċenzja Speċjali għandha minnufih tiġbor l-għajat u t-taħrik kollu relatat ma' dik l-ispeċi u ma tibqax tuża tali għajat u taħrik għall kumplament tal-istaġun miftuħ.

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[3] S.L. 504.113: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11936&l=2

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24. Il-persuna liċenzjata għandha tikkonforma ruħha mad-dispożizzjonijiet tar-regolamenti 18 u 20 tar-Regolamenti tal-2006 dwar il-Konservazzjoni ta' l-Għasafar Selvaġġi (L.S. 504.71) (Anness 1) mingħajr preġudizzju għal kull projbizzjoni oħra stabbilita f'dawn l-istess Regolamenti.

25. Din il-Liċenzja hija maħruġa mingħajr preġudizzju lejn id-drittijiet ta' terzi u mingħajr preġudizzju lejn kwalunkwe liġi jew leġislazzjoni oħra u ma teżentax lill-persuna liċenzjata milli tikseb kwalunkwe liċenzja, permess, awtorizzazzjoni jew kull forma oħra ta' kunsens rikjesta minn xi awtorità jew taħt xi liġi oħra.

26. Kwalunkwe persuna li tonqos milli tosserva xi dispożizzjoni tal-Leġislazzjoni Sussidjarja 504.124 (Avviż Legali 253 tal-2014) u tar-Regolamenti tal-2015 dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Dikjarazzjoni dwar deroga għall-Istaġun tal-Insib fil-Ħarifa tal-2015 għall-Għasafar tal-Għana), jew il-kontenut tal-Liċenzja, jew tonqos milli tikkonforma ruħha ma xi ordni mogħtija leġittimament skont xi dispożizzjoni ta' dawn ir-regolamenti jew xi waħda mill-kondizzjonijiet ta' din il-Liċenzja, tkun soġġetta għall-prosekuzzjoni u meta tinstab ħatja, teħel il-pieni stabbiliti bir-regolament 27 tar-Regolamenti tal-2006 dwar il-Konservazzjoni tal-Għasafar Selvaġġi jew dawk taħt xi liġi jew regolament ieħor applikabbli.

27. Din il-Liċenzja Speċjali qed tinħareġ biss fuq il-bażi tal-informazzjoni pprovduta waqt l-istadju tal-applikazzjoni u mingħajr preġudizzju lejn terzi u obbligi taħt liġijiet jew regoli oħra. Din il-Liċenzja Speċjali tista' tiġi irtirata fi kwalunkwe ħin mill-*Wild Birds Regulation Unit* jekk jiġu żvelati ċirkostanzi li jinvalidawha.

Sergei Golovkin
Kap,
Wild Birds Regulation Unit

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SEGRETARJAT PARLAMENTARI GĦALL-BIEDJA, SAJD U DRITTIJIET TAL-ANNIMALI

Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi

MALTA

PARLIAMENTARY SECRETARIAT FOR AGRICULTURE, FISHERIES AND ANIMAL RIGHTS

Wild Birds Regulation Unit

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2015 Autumn Live-Capturing Licence for the limited live-capture of seven Finch species under strictly supervised conditions

This non-transferable Live–Capturing Licence is issued in accordance with the Conservation of Wild Birds (Declaration on a derogation for a 2015 Autumn live-capturing season for Finches) Regulations, 2015, and is subject to the limits stipulated therein and to the conditions stipulated in the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) Regulations, 2014 (S.L. 504.124[4]).

Read carefully all the conditions of this Special Licence and ensure you observe them thoroughly at all times.

The holder of this Licence shall be permitted to practice limited live-capturing of Finches subject to the following conditions:

1. The period for the live-capturing of Linnet, Goldfinch, Greenfinch, Siskin, Hawfinch, Chaffinch and Serin for the year 2015, hereinafter referred to as "the Autumn live-capturing season", shall be on the following dates:

   (a) between the 20th October 2015 and the 31st December 2015, both dates included, without prejudice to government's prerogative to fully or partially close, or otherwise modify the parameters of the season.

2. This Licence does not authorise the holder to practice live-capturing between two hours after sunset and two hours before sunrise of the following day.

3. No live-capturing shall be allowed within the boundaries of Bird Sanctuaries, Protected Beaches and Protected Areas as defined in Subsidiary Legislation 504.71[5] and published on http://www.mepa.org.mt/mepa-mapserver (*Restricted Trapping Zones*). Cultivated agricultural land located within the boundaries of Protected Areas and officially registered with the Department of Agriculture prior to end of July 2014 are exempted from this restriction. This exemption does not apply to sites located within Bird Sanctuaries or Protected Beaches where hunting and live-capturing is prohibited.

4. 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.

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[4] SL 504.124: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12211&l=1

[5] SL 504.71: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1

5. Live-capturing is only authorised on the site/s officially registered with and approved by the Wild Birds Regulation Unit, which were included with the application form for this Licence, and cannot be practiced on any other site/s. All site plans corresponding to such authorised sites must be attached to the General Live-capturing Licence (*Carnet de Chasse* 2015–16). This Licence shall be considered invalid unless such site plans, which were included with the application form for this Licence, are attached.

6. The holder of this Licence is only authorised to use not more than two (2) live-capturing stations registered with the Wild Birds Regulation Unit and each live-capturing station shall not contain more than two (2) pairs of clap-nets up to a total footprint of 38 square metres per each net:

   Provided that if the licensee is in possession of both the Special live-capturing Licence for Finches and the Special live-capturing Licence for Golden Plover and Song Thrush, such licensee may use nets with a mesh size of not less than 18mm for the live-capture of all species allowed under the terms of both Licences, provided that the largest size of each such net shall not in any case exceed 38 square metres. Provided further that if such licensee is in possession of both Special Licences and provided that one of the live-capturing stations is used by such licensee exclusively for the purpose of live-capturing Golden Plover and/or Song Thrush and not for the purpose of live-capturing of Finches, such licensee may use on this live-capturing station nets with a mesh size of not less than 30 mm, and the largest net size shall not exceed 60 square metres.

7. The holder of this Licence can only operate one live-capturing station (not more than two pairs of clap-nets) at any one time.

8. This Licence permits only the use of traditional manually-operated selective clap-nets which consist 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.

9. The clap-nets shall be disarmed and laid completely flat on the ground at all times during prohibited hours. When the nets are disarmed and laid completely flat on the ground, the licensee shall take requisite measures to ensure that no accidental entanglement of any species occurs when the nets are not active. The clap-nets shall be **immediately** dismantled upon closure of the live-capturing season and removed from the site.

10. The overall seasonal bag limit for the 2015 Autumn live-capturing season is 12,000 for Linnet, 800 for Goldfinch, 4,500 for Greenfinch, 2,350 for Siskin, 500 for Hawfinch, 5,000 for Chaffinch and 2,350 for Serin as the total number of birds which may be captured under the authority of all issued Licences taken together.

11. The 2015 Autumn live-capturing season's bag limit allowed under this Licence is ten (10) birds per licensee or however many below this number might have been captured before the season is closed. Any finch caught by the licensee in excess of the individual seasonal bag limit of ten (10) birds shall be **immediately** released back into the wild from the live-capturing site.

12. The Licensee shall not, at any time, hold nor have in his possession more than a total of twenty-one (21) finches/hybrids used as live-decoys whilst at the live-capturing station, irrespective of the number of licensed live-capturers registered on the same live-capturing station. However, the maximum number of live-decoys from each species/hybrid cannot exceed seven birds. This means that a live-capturer can have either up to three live-decoys <u>from all</u> the seven finch species/hybrids at any one time, or up to seven live-decoys from three species/hybrids only, or any combination as long as the total limit of 21 is not exceeded, of which not more than 7 can be

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from the same species/hybrids. This limit shall also not be exceeded when the Licence holder is travelling to or from the capturing site.

13. In accordance with Regulation 7(k) of S.L. 504.124, in order for a bird to be considered as a live-decoy, it shall bear a seamless closed ring, or a single-use ring which is approved and provided by the Wild Birds Regulation Unit and which has been supplied with this Licence. The **white** single-use ring referred to above shall only be deemed as approved by WBRU if it is placed on the tarsus of the **Chaffinch, Linnet, Goldfinch, Serin and Siskin**. The **green** single-use ring referred to above shall only be deemed as approved by WBRU if it is placed on the **Greenfinch**'s tarsus. The ***single-use metal ring*** referred to above shall only be deemed as approved by WBRU if it is placed on the ***Hawfinch***'s tarsus. **The holder of this Licence is required to take good care of the white, green and metal single-use rings. Any unused single-use ring must be returned to the Wild Birds Regulation Unit within the period as specified in a letter that will be mailed separately. Any unused single-use ring that is not returned is subject to payment of a fine.**

14. Where, during the course of a spot-check, the number of birds found in the possession of the licensee exceeds the number of live-decoys as provided for in condition 12 of this Licence, any bird which is found to be in excess of such number shall be deemed to have been captured by the licensee that same day, notwithstanding that such bird may be ringed in terms of regulation 7 (k) of S.L. 504.124.

15. The holder of this Licence is required to immediately place on the tarsus of each Finch that s/he captures a single-use ring which is approved and provided by the Wild Birds Regulation Unit and which has been supplied with this Licence (refer to Condition 13 regarding which coloured ring/type must be used according to the species) and, immediately after placing such ring to report each Finch that s/he captures by dialling **77070006** and to follow the instructions provided thereafter.

16. The holder of this Licence is also obliged to declare each finch captured in his/her *Carnet de Chasse "Għall-Insib tal-Għasafar Frar 2015–Jannar 2016"* booklet published by the Wild Birds Regulation Unit before leaving the live-capturing site. If the licensee does not catch any birds on any particular date, s/he is still required to write down the date and specify either 'X' or '0'.

17. In the event that the licensee catches a bird fitted with a scientific ring, the holder of this Licence is required to fill in all the details on the attached form provided for this purpose and to mail it to the Wild Birds Regulation Unit on the address indicated in the same form upon the closure of the Autumn 2015 live-capturing season. The licensee is obliged to immediately release such bird back into the wild from the live-capturing site even if it belongs to one of the seven finch species covered by this Licence.

18. The holder of this Licence is not authorised to capture or attempt to capture any species, other than the seven finch species, unless also in possession of a Special Licence for the live-capturing of Golden Plover and Song Thrush issued in terms of Legal Notice 303 of 2012, as amended (S.L. 504.113[6]), in which case the licensee is authorised to capture the nine species under the conditions imposed by both Special Licences, provided the respective quotas have not been reached.

19. The holder of this Licence is obliged to immediately release back into the wild any bird that is captured and which is not one of the seven finch species, unless such bird is a Golden Plover or Song Thrush, provided the licensee is also in possession of a Special Licence for the live-

[6] SL 504.113: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11936&l=1

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capturing of Golden Plover and Song Thrush issued in terms of Legal Notice 303 of 2012, as amended (S.L. 504.113), provided the respective quotas have not been reached.

20. The holder of this Licence is obliged to keep in his possession, during such time that live-capturing is practiced, or whilst travelling to and from the live-capturing site/s, this 2015 Autumn live-capturing Licence, the general live-capturing licence (*Carnet de Chasse* 2105–16 booklet), a personal identification document and a copy of the site plan/s attached with the *Carnet de Chasse* that indicate/s the site/s on which the holder is licensed to practice the live-capturing of birds, duly stamped by the Wild Birds Regulation Unit, which copy was presented with the application form for this Licence. This Special Licence shall be deemed invalid should the licensee fail to keep the above documentation in his possession during such time that live-capturing is practiced or whilst travelling to and from the live-capturing site/s.

21. During the open season, finches/hybrids used as live-decoys and finches caught from the wild shall not be kept in cages smaller than 190mm in length, 130mm in width and 120mm in height.

22. Without prejudice to conditions 1(a) and 23 below, this Autumn live-capturing Licence shall be valid only for the period in which the capturing of the above species is permitted.

23. This Autumn live-capturing Licence shall:

    (a) be suspended forthwith where the licensee is accused of an offence under regulation 27 of the Conservation of Wild Birds Regulations (S.L. 504.71);

    (b) be revoked where the licensee is found guilty of an offence against regulation 27 of the Conservation of Wild Birds Regulations (S.L. 504.71); and

    (c) lapse and be considered revoked as soon as the Minister, by means of a press release, declares that the overall seasonal bag limits for the 2015 Autumn live-capturing season have been reached. All licensees shall be informed immediately of such lapse and revocation of this Licence by means of a text message service (SMS) to the number indicated by that person in the application for this Licence;

    Provided that where the overall bag limit for any one of the seven finch species has been reached, this Licence shall lapse and be considered revoked only in respect of the capturing of such species as soon as the Minister, by means of a press release, declares that the overall seasonal bag limit for the 2015 Autumn live-capturing season for such species has been reached, and shall remain unaffected with regard to the other species. The licensee shall also be informed immediately of such partial lapse and revocation of this Licence by means of a text message service (SMS) to the number indicated by that person in the application for this Licence. As soon as the licensee is notified of the partial lapse of this Licence s/he shall immediately remove from the live-capturing station all live-decoys pertaining to that species for which the overall seasonal bag limit has been reached and shall not utilise any such live-decoys for the rest of the open season.

24. The Licensee is obliged to comply at all times with regulations 18 and 20 of the Conservation of Wild Birds Regulations (S.L. 504.71) annexed to this Licence (Annex I) without prejudice to any other prohibition laid down in the same regulations.

25. This Licence is being granted without prejudice to third party rights and without prejudice to any other law or legislation and does not exempt the holder from obtaining any other licence, permit, authorisation or any other form of clearance required by any authority or under any other law.

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26. Any person who fails to comply with any provision of Subsidiary Legislation 504.124 (Legal Notice 253 of 2014) and the Conservation of Wild Birds (Declaration on a derogation for a 2015 Autumn live-capturing season for Finches) Regulations, 2015, or with the contents of this Licence or with any order lawfully given in terms of any provision of these regulations or any of the conditions of this Licence shall be liable to prosecution and shall, upon conviction, be liable to the penalties established by regulation 27 of the Conservation of Wild Bird Regulations, 2006, or any other applicable law or regulation.

27. This Special Licence is being issued solely on the basis of the information provided during application stage, and shall be without prejudice to third party rights and obligations under any other law or regulation. This Special Licence may be withdrawn at any time in the event that the Wild Birds Regulation Unit becomes aware of circumstances that would invalidate it.

Sergei Golovkin
Head,
Wild Birds Regulation Unit

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Anness 1 - Regolamenti 18 u 20 meħuda mir-Regolamenti tal-2006 dwar il-Konservazzjoni tal-Għasafar Selvaġġi (kif emendati)

18. (1) Mingħajr preġudizzju għar-regolament 9, l-ebda persuna m'għandha:

(b) waqt l-istaġun magħluq għall-insib tal-għasafar kif jista' jiġi permess skont dawn ir-regolamenti, tieħu jew tipprova tieħu xi għasfur;
(c) waqt l-istaġun miftuħ għall-insib tal-għasafar kif jista' jiġi permess skont dawn ir-regolamenti, tieħu jew tipprova tieħu xi għasfur minn fuq il-baħar;

20. Ebda persuna m'għandha:

(a) iżżomm jew taqfel xi għasfur li jkun f'xi gaġġa jew reċipjent ieħor li jkun inqas għoli minn 250mm, inqas twil minn 250mm u inqas wiesgħa minn 150mm, u li, meta jitqies id-daqs ta' l-għasfur, ma jkunx kbir biżżejjed biex l-għasfur ikun jista' liberament jiftaħ ġwenħajh:

Iżda dan il-paragrafu m'għandux japplika għall-pullam jew għaż-żamma jew tiqfil ta' xi għasfur –

(i) filwaqt li dak l-għasfur ikun qed jiġi kkurat minn veterinarju;
(ii) matul l-istaġun miftuħ tal-insib meta l-gaġġa m'għandhiex tkun iżgħar mid-daqs stabbilit mir-regolamenti dwar qafas regolatorju relevant għad-deroga li tippermetti l-insib għal dik l-ispeċi li għaliha tkun ġiet applikata deroga partikolari;

(b) iġġib 'il quddiem, tippermetti, tgħin jew tieħu sehem f'xi attività li tkun u li fiha jinħelsu għasafar maqbuda sabiex malli dawn jinħelsu, minnufih jisparaw fuqhom.

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Annex 1 - Regulations 4 and 18 of the Conservation of Wild Birds Regulations, 2006 (as amended)

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

(c) during the closed season for the live-capturing 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 live-capturing of birds as may be permitted in accordance with these regulations, take or attempt to take any bird at sea;

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.

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