



Name Surname

Numru tal-Karta tal-Identità XXXXXXXX

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Numru tal-Liċenzja Speċjali XXXXXXXXXXXXXXXX

Liċenzja Speċjali biex tipparteċipa fil-Proġett tal-Gvern għar-Riċerka fuq is-seba' speċi tal-Għasafar tal-Ghana fil-Ħarifa tal-2020 biex tiġi determinata l-Popolazzjoni ta' Referenza ta' Malta, taht kundizzjonijiet strettament sorveljati

Din il-Liċenzja mhux trasferibbli għar-riċerka fuq is-seba' speċi tal-Għasafar tal-Ghana qed tinhareġ skont id-dispożizzjonijiet tar-Regolamenti tal-2020 dwar il-Konservazzjoni tal-Għasafar Selvagġi (Dikjarazzjoni Dwar Deroga li Tippermetti Perjodu ta' Riċerka fuq Seba' Speċi tal-Għasafar tal-Ghana Sabiex Tiġi Stabbilita l-Popolazzjoni ta' Referenza ta' Malta) u hija soġġetta għall-limitazzjonijiet stabbiliti fihom u skont il-kundizzjonijiet stipulati fir-Regolamenti tal-2020 dwar il-Konservazzjoni tal-Għasafar Selvagġi (Qafas li jippermetti Deroga għal Riċerka fuq Seba' Speċi tal-Għasafar tal-Ghana Sabiex Tiġi Stabbilita l-Popolazzjoni ta' Referenza ta' Malta), hawn iżjed 'il quddiem imsejja l-“Qafas Regulatorju”.

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

Il-persuna liċenzjata qed tingħata permess tipparteċipa fil-proġett tal-Gvern għar-riċerka fuq is-seba' speċi tal-Għasafar tal-Ghana biex tiġi determinata l-popolazzjoni ta' referenza ta' Malta, u hija obligata tosserva strettament kwalunkwe restrizzjoni legali jew obbligu, inklużi dawk tal-post, dati, granet u hinijiet, kif ukoll dawn il-kundizzjonijiet stabbiliti f'din il-Liċenzja Speċjali, inkluż dawk elenkati f'ANNES 1:

1. Il-persuna liċenzjata hija awtorizzata tipparteċipa fil-proġett ta' riċerka permezz tal-insib b'uzu ta' mansab, hawnhekk iżjed 'il quddiem imsejjaħ “Il-Perjodu ta' Riċerka fil-Ħarifa 2020”, **mill-20 t'Ottubru 2020 sal-20 ta' Diċembru 2020, iż-żewġ dati inklużi**, għall-Gardell (*Carduelis carduelis*), Verdun (*Chloris chloris*), Taż-Żebbuġ (*Coccothraustes coccothraustes*), Sponsun (*Fringilla coelebs*), Ġojjin (*Linaria cannabina*), Apparell (*Serinus serinus*) u Ekru (*Spinus spinus*), minn saġhtejn qabel tluġ ix-xemx sa saġhtejn wara nżul ix-xemx:

Iżda dawn id-dati huma mingħajr ebda preġudizzju għall-prerogattiva tal-Gvern li ma jiftaħx il-perjodu ta' riċerka, jew li jagħlaq parzjalment jew kompletament il-perjodu ta' riċerka, jew li jibdel kwalunkwe parametri tiegħu. **Din il-Liċenzja ma tkunx ikkunsidrata valida jekk il-perjodu ta' riċerka ma jiftaħx u tiġi immedjatament invalidata malli jingħalaq.**

2. L-Għasafar tal-Ghana enumerati fl-ewwel (1) kundizzjoni jistgħu jinqabdu permezz ta' mansab sabiex jiġu ċekkijati dawk l-għasafar mlibbsa ċurkett xjentifiku (kontroll) sabiex b'hekk tkun tista' tingħabar l-informazzjoni dwar l-oriġini ta' dawn l-għasafar tal-għana, skont il-Qafas

Regolatorju u l-kundizzjonijiet ta' din il-Liċenzja Speċjali.

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3. **Din il-Liċenzja Speċjali tippermetti biss riċerka fuq l-ghasafar tal-ghana enumerati fl-ewwel (1) kundizzjoni u tipprojbixxi li jinżammu l-ghasafar li jinqabdu.** L-ghasafar kollha għandhom jitharrbu minnufih lura fis-selvaġġ mill-istess post minn fejn inqabdu, anke dawk li m'għandhomx ċurkett xjentifiku.
4. Qabel tharrab b'mod immedjat l-ghasafar tal-ghana kollha li għandhom diġa ċurkett xjentifiku, il-persuna bil-liċenzja għandha tikteb id-dettalji ta' kull għasfur, in-numru ta' identifikazzjoni taċ-ċurkett xjentifiku u l-post minn fejn inqabdu, fil-formola taċ-ċrieket mahruġa mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi inkluża ma' din il-Liċenzja.
5. Qabel tharrab b'mod immedjat l-ghasafar tal-ghana kollha li m'għandhomx ċurkett xjentifiku, dawn l-ghasafar jistgħu jiġu mlibbsa ċurkett xjentifiku minn persuna liċenzjata biex tlibbes ċrieket xjentifiċi li għandha liċenzja speċjali mahruġa skont it-termini tal-Qafas Regolatorju, li hija awtorizzata tlibbess ghasafar tal-ghana b'ċrieket xjentifiċi minn l-istess mansab li ġie sottomess fl-istadju tal-applikazzjoni minn nassab li miegħu ntlahaq ftehim minn qabel għal parteċipazzjoni kongunta f'dan il-proġett ta' riċerka, u li għandha tikteb id-dettalji ta' kull għasfur, in-numri ta' identifikazzjoni taċ-ċrieket xjentifiċi u l-post minn fejn inqabdu, fil-formola taċ-ċrieket mahruġa mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi f'isem il-*bird-ringer* liċenzjat.
6. Il-formola taċ-ċrieket inkluża ma' din il-Liċenzja Speċjali għandha tiġi rritornata lura lit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi matul il-perjodu stabbilit mit-Taqsima wara l-gheluq tal-perjodu ta' riċerka kif speċifikat f'ittra mahruġa lill-persuna bil-liċenzja f'Jannar 2021. **Jekk il-persuna bil-liċenzja ma tirritornax il-formola taċ-ċrieket fiż-żmien indikat mit-Taqsima, anka jekk dik il-persuna ma tkunx qabdet ghasafar tal-ghana b'ċurkett xjentifiku, dik il-persuna titqies li ma tkunx issodisfat il-kundizzjoni elenkata fi Skeda IV(1)(ċ) tar-Regolamenti dwar il-Konservazzjoni tal-Ghasafar Selvaġġi (L.S. 549.42) u għaldaqstant ma tkunx eliġibbli għal liċenzja speċjali għall-perjodu ta' riċerka ta' wara.**
7. Ma tista' ssir ebda attività ta' riċerka marbuta ma' din il-Liċenzja Speċjali ġewwa Santwarji tal-Ghasafar, Bajjiet Protetti u Żoni Protetti kif definiti fir-Regolamenti dwar il-Konservazzjoni tal-Ghasafar Selvaġġi (L.S. 549.42)¹ u kif murija fis-sit elettroniku <http://geoserver.pa.org.mt/publicgeoserver> (*Restricted Trapping Zones*). Għelieqi li jinhadmu fil-konfini ta' Żoni Protetti u li ġew uffiċjalment reġistrati mad-Dipartiment tal-Agrikultura sal-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-Ghasafar jew Bajjiet Protetti fejn il-kaċċa u l-insib huma pprojbiti.
8. Il-persuna liċenzjata hija awtorizzata tipparteċipa fil-proġett ta' riċerka mill-mansab li ġie reġistrat f'isimha għas-sena 2020 fl-istadju tal-applikazzjoni, hekk kif approvat mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi u skont it-termini tal-kundizzjonijiet kollha ta' din il-Liċenzja. **Ma tista' ssir ebda attività relatata ma' din ir-riċerka minn fuq mñasab revokati jew mansab mhux reġistrat jew mansab mhux reġistrat f'isem il-persuna b'din il-liċenzja speċjali.**
9. Il-persuna liċenzjata hija awtorizzata biss biex tuża stazzjon ta' riċerka wiehed (1) għall-ghasafar tal-ghana enumerati fl-ewwel (1) kundizzjoni, u l-istazzjon ta' riċerka m'għandux ikollu aktar minn mansab wiehed (1) b'kull xibka jkollha daqs ta' mhux aktar minn **tmienja u tletin (38) metru kwadru** u daqs ta' malju ta' mhux inqas minn **18mm x 18mm**. Mhux permess li taqsam id-dura fi tnejn jew aktar sabiex jintnasbu aktar minn żewġ t'imnasab mid-dura originali.
10. Saffi ta' żewġ xbieki jew iktar fuq xulxin jew xi modifikazzjoni oħra, inkluż '*pockets*', huma pprojbiti.
11. Mingħajr preġudizzju għal kundizzjoni tmienja (8), mansab jista' jiġi reġistrat fuq aktar minn

¹ L.S. 549.42: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=2>

persuna waħda bil-liċenzja speċjali waqt il-perjodu ta' riċerka fuq l-għasafar tal-għana enumerati fl-ewwel (1) kundizzjoni.

12. Qabel mal-persuna bil-liċenzja titlaq mill-istazzjon ta' riċerka u matul il-hinijiet ipprojbti (cioè, minn saġhtejn wara inżul ix-xemx sa saġhtejn qabel tluġ ix-xemx ta' l-għada filghodu), ix-xbieki għandhom jew jitneħħew jew jiġu mgħottija kompletament, u waqt il-hinijiet kollha permissibbli waqt li l-persuna bil-liċenzja tkun fis-sit ta' riċerka, il-mansab għandu jkun sorveljat matul il-hin kollu.
13. Immedjatament malli jagħlaq il-perjodu ta' riċerka, il-mansab (inkluż xbieki, lasti u molol) għandu jiżżarma u jitneħħa minn fuq il-post.
14. Din il-Liċenzja ma tippermettix li taqbad jew li tipprova taqbad għasafar li mhux mis-seba' speċi tal-għasafar tal-għana enumerati fl-ewwel (1) kundizzjoni, jew għal kwalunkwe skop jekk mhux għal skop ta' riċerka, u lanqas ma tippermetti l-użu ta' kull mezz sabiex tressaq għasafar li mhux mis-seba' speċi tal-għasafar tal-għana lejn il-mansab.
15. F'każ improbabbli li b'mod aċċidentali jinqabad għasfur minn speċi oħra, dan għandu jiġi meħlus minnufih mill-persuna bil-liċenzja.
16. Għall-għanijiet ta' dan il-proġett ta' riċerka, huwa permess biss il-pussess u/jew l-użu ta' tisfir irrekordjat minn qabel tas-seba' speċi tal-għasafar tal-għana enumerati fl-ewwel (1) kundizzjoni.
17. Din il-Liċenzja Speċjali tillimita l-użu ta' għasafar tat-taħrik u għajet għal:
 - (a) għasafar tal-għana li ġew iddikjarati fl-2016 u 2017 mlibbsa ċurkett li jintuża darba mahrug mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi f'dawk is-sentejn, li għandu l-kodiċi **R16U**²,
 - (b) għall-mutazzjonijiet tal-kulur (varjanti) mlibbsa ċurkett magħluq, u
 - (c) għall-bgħula u/jew ibridi:

Iżda l-mutazzjonijiet tal-kulur (varjanti tal-kulur) mis-seba' speċi tal-għasafar tal-għana jistgħu jintużaw biss mill-persuna bil-liċenzja bħala għajet u mhux għat-taħrik.
18. Waqt il-perjodu ta' riċerka, għasafar tat-taħrik u għajet m'għandhomx jinżammu go gabjetti ta' inqas minn 190mm tul, 130mm wisa' u 120mm għoli.
19. Waqt li tkun qed tipparteċipa fil-proġett ta' riċerka jew waqt li tkun sejra lejn jew ġejja minn fuq l-istazzjon ta' riċerka, il-persuna liċenzjata għandha żżomm fuqha din il-Liċenzja Speċjali, il-liċenzja ġenerali għall-insib tal-għasafar, li sservi wkoll bħala mezz ta' identifikazzjoni, u l-

² Estratt minn Artikolu 172 tal-Kapitolu 9 tal-Kodiċi Kriminali (<https://legislation.mt/eli/cap/9/mlt/pdf>):

Falsifikazzjoni ta' sigilli, timbri jew marki oħra tal-Gvern. Emendat: XLIX.1981.4; III.2002.33.

172. (1) Kull min, barra mill-kazijiet imsemmija fl-aħhar artikolu qabel dan, jiffalsifika sigilli, timbri jew marki oħra, li qegħdin sabiex jissigillaw, jittimbraw, jimmarkaw, jawtentikaw jew jiċċertifikaw fl-isem tal-Gvern jew tal-awtoritajiet tiegħu, dokumenti jew oġġetti, sew jekk ta' proprjetà pubblika jew privata, jew li jkun qegħdin taħt il-garanzija pubblika, jehel, meta jinsab hati, il-piena ta' priġunerija minn tlettax-il xahar sa tliet snin, bir-rekluzjoni jew mingħajrha.

Użu ta' sigill, timbru jew marka iffalsifikati.

(2) Kull min xjentement jagħmel użu minn dawn is-sigilli, timbri jew marki u kull min xjentement u mingħajr awtorità legittima jkollu fil-pussess tiegħu l-imsemmija oġġetti, jehel l-istess piena.

pjanta kif approvata mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi u registratamal-Kummissajru tal-Pulizija.

20. **Jekk xi uffiċjal tal-pulizija, waqt li jkun qiegħed jagħmel verifiki, isib raġuni suffiċjenti sabiex jittiehdu proċedimenti kontra l-persuna bil-liċenzja, dak l-uffiċjal għandu minnufih jaqbad mill-pussess ta' dik il-persuna din il-Liċenzja Speċjali u kull apparat użat għall-attivitajiet ta' riċerka bi ksur tal-Qafas Regulatorju u ta' din il-Liċenzja.** Dik il-persuna tkun ipprojbata milli tapplika għal-liċenzja speċjali oħra maħruġa taħt il-Qafas Regulatorju hekk kif tinstab haġja mill-Qorti.
21. Jekk xi uffiċjal tal-pulizija, waqt li jkun qiegħed jagħmel verifiki, isib għasfur tal-ghana mlibbes ċurkett magħluq, jew isib għasfur li mhux imlibbes ċurkett li jintuza darba, jew isib għasfur li jkun imlibbes ċurkett li jintuza darba bil-kodiċi **WBRU 14, WNBUR 14**, jew **15RU**, jew bil-kodiċi **R16U** iżda li ma kienx maħruġ mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi fl-2016 u l-2017, il-persuna li għandha l-liċenzja tista' tehel il-penali misjuba fir-regolament 27 tar-Regolamenti dwar l-Għasafar Selvaġġi. L-uffiċjal tal-pulizija għandu jehles minnufih l-għasafar tal-ghana li m'għandhomx ċurkett mill-istess stazzjon ta' riċerka kif ukoll jiehu mill-persuna bil-liċenzja l-għasafar tal-ghana kollha li għandhom ċurkett magħluq jew ċurkett li jintuza darba li mhux awtorizzat:

Izda din il-kundizzjoni ma tapplikax għall-varjanti tal-kulur (mutazzjonijiet), bghula u ibridi.
22. Mingħajr preġudizzju għal kundizzjoni wieħed u għoxrin (21), jekk xi uffiċjal tal-pulizija, waqt li jkun qiegħed jagħmel verifiki, isib fil-pussess tal-persuna kwalunkwe ċurkett li jintuza darba mhux użat, inkluż dawk bil-kodiċi **WBRU 14, WNBUR 14, 15RU**, jew **R16U**, il-persuna li għandha l-liċenzja tista' tehel il-penali misjuba fir-regolament 27 tar-Regolamenti dwar l-Għasafar Selvaġġi. L-uffiċjal tal-pulizija għandu jiehu mill-persuna bil-liċenzja iċ-ċrieket kollha li jintużaw darba li mhumiex użati.
23. Din il-Liċenzja Speċjali hija valida biss għall-perjodu ta' riċerka kif iddikjarat fin-notifika tad-deroga ppublikat b'avviż legali u għandha:
 - (a) tiġi **sospiza** minnufih jekk il-persuna bil-liċenzja tiġi akkużata b'reat kontra r-regolament 27 tar-Regolamenti dwar l-Għasafar Selvaġġi;
 - (b) tiġi **revokata** jekk il-persuna bil-liċenzja tiġi misjuba haġja ta' reat kontra r-regolament 27 tar-Regolamenti dwar l-Għasafar Selvaġġi; u
 - (c) **tiskadi u titqies bhala revokata** hekk kif il-Ministru jordna, b'avviż fil-Gazzetta jew b'avviż ieħor, li l-perjodu ta' riċerka għandu jagħlaq minnufih jew f'data oħra speċifikata mill-Ministru. Il-persuni kollha bil-liċenzja speċjali għandhom jiġu infurmati minnufih dwar din l-iskadenza u revoka tal-liċenzja speċjali permezz tas-servizz ta' messagġi bil-miktub (SMS) fuq in-numru indikat minn dik il-persuna fl-applikazzjoni għal-liċenzja speċjali.
24. Il-persuna liċenzjata għandha tikkonforma ruħha mad-dispożizzjonijiet tar-regolament 3(3) tal-Qafas Regulatorju (**ANNEX 1**) u tar-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (L.S. 549.42), mingħajr preġudizzju għal kull projbizzjoni oħra stabbilita f'dawn l-istess Regolamenti.
25. Kwalunkwe persuna li tonqos milli tosserva xi dispożizzjoni tal-Qafas Regulatorju jew il-kontenut ta' din il-liċenzja speċjali, jew tonqos milli tikkonforma ruħha ma xi ordni mogħtija legittimament skont xi dispożizzjoni ta' dawn ir-regolamenti jew xi waħda mill-kundizzjonijiet ta' din il-liċenzja, tkun soġġetta għall-pieni stabbiliti fir-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (L.S. 549.42) jew dawk taħt xi liġi jew regolament ieħor applikabbli.

26. Din il-Liċenzja Speċjali qed tinħareġ biss fuq il-bażi tal-informazzjoni pprovduta waqt l-istadju tal-applikazzjoni u 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' kunsent rikjesta minn xi awtorità jew taħt xi liġi oħra.
27. Din il-Liċenzja Speċjali tista' tiġi irtirata fi kwalunkwe hin mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi jekk jiġu żvelati ċirkostanzi li jinvalidawha.



Richard Lia

Kap tat-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi

SAMPLE



Special Licence to participate in Government's Research Project on seven Finch species in Autumn 2020 to determine Malta's Reference Population, under strictly supervised conditions

This non-transferable Special Licence is issued in accordance with the Conservation of Wild Birds (Declaration on a Derogation Allowing a Research Period To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020, and is subject to the limits stipulated therein and to the conditions stipulated in the Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020, hereinafter referred to as "the Framework Regulations".

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

The holder of this Licence is permitted to participate in Government's research project on seven finch species to determine Malta's reference population, and is required to strictly comply with any legal restriction or obligation, including with regard to place, dates, days and times, and all the following licence conditions, including those listed in **ANNEX 1**:

1. The holder of this Licence is authorised to participate in the research project by means of live-capturing using a clap-net pair, hereinafter referred to as the "Research Period in Autumn 2020", **between 20 October 2020 and 20 December 2020, both dates included**, for European Goldfinch (*Carduelis carduelis*), European Greenfinch (*Chloris chloris*), Hawfinch (*Coccothraustes coccothraustes*), Common Chaffinch (*Fringilla coelebs*), Common Linnet (*Linaria cannabina*), European Serin (*Serinus serinus*) and Eurasian Siskin (*Spinus spinus*), from two hours before sunrise until two hours after sunset:

Provided that these dates shall be without prejudice to Government's prerogative not to open the research period, or to fully or partially close the research period, or otherwise modify its parameters. **This Licence will not be considered valid if the research period does not open and will be immediately rendered invalid when the research period is closed.**

2. Birds from the seven finch species enumerated in condition one (1) may be captured by nets known as clap-nets for the purpose of collecting ring recovery data (control) to obtain information on the origins of these finches, in accordance with the Framework Regulations and the conditions of this Special Licence.
3. **This Special Licence only permits research on the seven finch species and prohibits the keeping of birds caught.** All birds shall be immediately released back into the wild from the same place of capture, including those that do not have a scientific ring.
4. Prior to the immediate release of all birds from the seven finch species that are already fitted with a scientific ring (controlled), the licensee shall record the scientific ring identification numbers, details of the specimens and the location of the site from where they were captured on the ring recovery form issued by the Wild Birds Regulation Unit and included with this Licence.
5. Prior to the immediate release of all birds from the seven finch species not fitted with a scientific ring, such birds may be fitted with a scientific ring by a licensed bird-ringer in possession of a special licence issued under the terms of the Framework Regulations, who shall be authorised to

fit finches with a scientific ring from the same clap-net pair that was submitted at application stage by the live-capturer with whom a prior agreement was reached for joint participation in this research project, and who shall record the scientific ring identification numbers s/he fitted on the specimens, details of the specimens and the location of the site from where they were captured on the ring recovery form issued on the licensed bird-ringer's name by the Wild Birds Regulation Unit.

6. The ring recovery form enclosed with this Special Licence shall be returned to the Wild Birds Regulation Unit within the deadline established by the Unit following closure of the research period, as specified in a letter issued to the licensee in January 2021. **Should the licensee fail to return the ring recovery form within the deadline established by the Unit, even if the licensee did not capture any finches with a scientific ring, that person shall be deemed as not satisfying the condition listed in Schedule IV(1)(c) of the Conservation of Wild Birds Regulations (S.L. 549.42) and thus rendered ineligible for a special licence for the following research period.**
7. No research activities associated with this Special Licence shall be allowed within the boundaries of Bird Sanctuaries, Protected Beaches and Protected Areas as defined in Subsidiary Legislation 549.42³ 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, however this exemption does not apply to sites located within Bird Sanctuaries or Protected Beaches where hunting and live-capturing is prohibited.
8. The holder of this Licence is only authorised to participate in the research project from the clap-net pair officially registered in his/her name and submitted at application stage as approved by the Wild Birds Regulation Unit for the current (2020) research period and under the terms of this Licence. **No activities related to this research are permitted on revoked clap-net pairs or a clap-net pair that is not registered or not registered on the holder of this special licence.**
9. The holder of this Licence is authorised to use not more than one (1) research station for the seven finch species enumerated in condition one (1) and such research station shall not contain more than one (1) pair of clap-nets from one (1) hide with each net having an area of not more than **thirty-eight (38) square metres** and a mesh size of not less than **18mm x 18mm**.
10. The layering of two or more nets on top of each other or any other modification, including creation of 'pockets', is strictly prohibited.
11. Without prejudice to condition eight (8), a clap-net pair may be registered on more than one special licence holder during the research period for the finch species enumerated in condition one (1).
12. Before the licensee leaves the research station and during prohibited hours (i.e., from two hours after sunset until two hours before sunrise of the following morning), the nets shall either be removed or completely covered, and shall ensure that during all permitted hours whilst the licensee is at the research station, the clap-net pair is supervised at all time.
13. Immediately upon closure of the research period, the clap-net pair (including nets, poles and springs) shall be dismantled and removed from the site.
14. This Licence prohibits the capturing or the attempt to capture birds not from the seven finch species enumerated in condition one (1), or for any purpose other than for the purpose of research, and prohibits the use of any means to attract any other bird to the clap-net pair.

³ S.L. 549.42: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

15. In the unlikely event of an accidental by-catch, such specimen shall be immediately released by the licensee.
16. For the purposes of this research project, only the possession and/or use of pre-recorded bird-calls of the seven finch species enumerated in condition one (1) are permitted.
17. This Special Licence limits the use of live-decoys to:
- (a) finches declared in 2016 and 2017 fitted with a single-use ring issued by the Wild Birds Regulation Unit during both years, bearing code **R16U**⁴,
 - (b) to their colour variants (mutations) fitted with a closed ring, and
 - (c) to mules and/or hybrids:

Provided that colour mutations (colour-variants) may only be used by the licensee as call birds ('*ghajat*') and not as fluttering decoys ('*tahrik*').

18. During the research period, live-decoys shall not be kept in cages smaller than 190mm in length, 130mm in width and 120mm in height.
19. The holder of this Licence is required to keep in his possession during such time that he is at the research station, or whilst travelling to and from the research station, this Special Licence, the general live-capturing licence, which also serves as a means of identification, and the site plan approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police.
20. **Should any police officer, in the course of a spot-check, find sufficient cause for proceedings to be taken against the holder of this Licence, that officer shall forthwith seize from the possession of that person this Special Licence and any equipment used for the research activity in violation of the Framework Regulations and the conditions of this Licence.** That person shall be prohibited from applying for another special licence issued under the Framework Regulations upon conviction by the Court.
21. Should any police officer, in the course of a spot-check, find a finch fitted with a closed ring, or find a finch not fitted with a single-use ring, or find a finch fitted with a single-use ring bearing code **WBRU 14, WNBU 14 or 15RU**, or bearing code **R16U** that was not supplied by the Wild Birds Regulation Unit in 2016 and 2017, the licence holder shall be subject to the penalties established in Regulation 27 of the Wild Birds Regulations. The police officer shall immediately release all finches not fitted with a ring from the same research station and also seize from the licence holder all finches that are fitted with a closed ring or with an unauthorised single-use ring:

Provided that this condition does not apply to colour-variants (mutations), mules and hybrids.

⁴ Extract from Article 172 of Chapter 9 of the Criminal Code (<https://legislation.mt/eli/cap/9/eng/pdf>):

Counterfeiting of seals, stamps, or other Government marks. Amended by: XLIX.1981.4; III.2002.33.172.(1)
Whosoever, except in the cases referred to in the last preceding article, shall counterfeit any seal, stamp, or other mark, used for sealing, stamping, marking, authenticating or certifying, in the name of the Government or of any of the authorities thereof, documents or effects, whether public or private property, or which are under the public guarantee, shall, on conviction, be liable to imprisonment for a term from thirteen months to three years, with or without solitary confinement.

Making use of counterfeited seal, stamp, or mark.

(2) Whosoever shall knowingly make use of any such seal, stamp, or mark and whosoever shall knowingly and without lawful authority be in possession of the said objects, shall be liable to the same punishment.

22. Without prejudice to condition twenty-one (21), should any police officer, in the course of a spot-check, find in the possession of the licensee any unused single-use ring, including those bearing code **WBRU 14, WNBU 14, 15RU**, or **R16U**, the licence holder shall be subject to the penalties established in Regulation 27 of the Wild Birds Regulations. The police officer shall seize from the licence holder all unused single-use rings.
23. This Autumn live-capturing Licence is only valid for the duration of the research period and shall:
- (a) be **suspended** forthwith where the licensee is accused of an offence under regulation 27 of the Wild Birds Regulations;
 - (b) be **revoked** where the licensee is found guilty of an offence against regulation 27 of the Wild Birds Regulations; and
 - (c) **lapse and be considered revoked** if the Minister orders, by notice in the Gazette or any other notice, that the research period is to terminate immediately or at a date as specified by the Minister. All special licence holders shall be informed immediately of such lapse and revocation of the special licence by means of a text message service (SMS) to the number indicated by that person in the application for a special licence.
24. The Licensee is required to comply at all times with the provisions of regulation 3(3) of the Framework Regulations (**ANNEX 1**) and the Conservation of Wild Birds Regulations (S.L. 549.42), without prejudice to any other prohibition laid down in the same Regulations.
25. Any person who fails to comply with any provision of the Framework Regulations and the Conservation of Wild Birds (Declaration on a Derogation Allowing a Research Period To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020, 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 the penalties established in the Conservation of Wild Bird Regulations (S.L. 549.42), or any other applicable law or regulation.
26. 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, 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.
27. 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.



Richard Lia
Head, Wild Birds Regulation Unit

ANNEX 1 – Regolament 3(3) tar-Regolamenti tal-2020 dwar il-Konservazzjoni tal-Ghasafar Selvaġġi (Qafas li jippermetti Deroga għal Riċerka fuq Seba' Speċi tal-Ghasafar tal-Ghana Sabiex Tiġi Stabbilita l-Popolazzjoni ta' Referenza ta' Malta)

3. (3) Fejn persuna jkollha liċenzja speċjali maħruġa skont dawn ir-regolamenti, dik il-persuna bil-liċenzja ma tistax tuża xbieki li jkollhom malju ta' inqas minn 18mm x 18mm:

Iżda x-xbieki msemmija f'dan is-subregolament għandhom 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 esterna, inklużi mezzi elettrici, elettronici, jew mekkaniċi, u l-ikbar daqs ta' kull xibka m'għandu f'ebda każ jaqbeż it-tmienja u tletin (38) metru kwadru:

L.S. 549.74

Iżda wkoll jekk dik il-persuna bil-liċenzja għandha kemm il-liċenzja speċjali maħruġa skont dawn ir-regolamenti kif ukoll il-liċenzja speċjali maħruġa skont ir-Regolamenti dwar il-Konservazzjoni tal-Ghasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istaġun fil-Ħarifa għall-Insib tal-Malvizz u l-Pluviera), dik il-persuna bil-liċenzja tista' tuża biss mansab wieħed bi xbieki li jkollhom malju ta' mhux inqas minn 18mm x 18mm għat-tehid tal-ispeċi kollha permessibbli skont iż-żewġ liċenzi speċjali, f'liema każ, id-daqs ta' kull xibka xorta m'għandux jaqbeż it-tmienja u tletin (38) metru kwadru:

L.S. 549.74

Iżda wkoll jekk dik il-persuna bil-liċenzja għandha kemm il-liċenzja speċjali maħruġa skont dawn ir-regolamenti kif ukoll il-liċenzja speċjali maħruġa skont ir-Regolamenti dwar il-Konservazzjoni tal-Ghasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istaġun fil-Ħarifa għall-Insib tal-Malvizz u l-Pluviera) u jekk it-tieni mansab huwa użat mill-persuna bil-liċenzja għat-tehid tal-Pluviera u/jew, tal-Malvizz biss, id-daqs tal-malju u tax-xibka tat-tieni mansab għandu jkun skont id-dispożizzjonijiet ta' dak il-qafas regulatorju.

ANNEX 1 – Regulation 3(3) of Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020

3. (3) Where a person is in possession of a special licence in terms of these regulations, such licensee shall not use nets with a mesh size that is less than 18mm x 18mm:

Provided that the clap-nets referred to in this sub-regulation shall 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, and the largest size of each such net shall not in any case exceed thirty-eight (38) square metres:

S.L. 549.74

Provided further that if such licensee is in possession of both the special licence issued under these regulations and the special licence issued in terms of the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-capturing Season for Song Thrush and Golden Plover) Regulations, such licensee may only use one clap-net pair (*mansab*) with nets having a mesh size of not less than 18mm x 18mm for the capture of all species allowed under the terms of both special licences, in which case the net size should still not exceed thirty-eight (38) square metres:

S.L. 549.74

Provided further that if such licensee is in possession of both the special licence issued under these regulations and the special licence issued in terms of the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-capturing Season for Song Thrush and Golden Plover) Regulations, and provided that the second clap-net pair is used by such licensee exclusively for the purpose of live-capturing Golden Plover and/or Song Thrush, the mesh size and net size of the second clap-net pair shall be in accordance with the provisions stipulated in that framework regulations.