

A.L. 253 tal-2014

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

**Regolamenti tal-2014 dwar il-Konservazzjoni tal-Ghasafar
Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftah l-Istaġun
fil-Harifa għall-Insib tal-Ghasafar tal-Ghana)**

BIS-SAHHA tad-dispożizzjonijiet tal-artikoli 61, 66 u 93 tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, il-Ministru għall-Iżvilupp Sostenibbli, l-Ambjent u t-Tibdil fil-Klima għamel ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2014 dwar il-Konservazzjoni tal-Ghasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftah l-Istaġun fil-Harifa għall-Insib tal-Ghasafar tal-Ghana). Titolu u skop.

(2) L-għan ta' dawn ir-regolamenti hu sabiex jiġi stabbilit qafas biex tiġi permessa deroga li tiftah l-istaġun għall-insib tal-Ghasafar tal-Ghana skont ir-regolament 9(1)(f) tar-Regolamenti dwar il-Konservazzjoni tal-Ghasafar Selvaġġi, hawnhekk iżjed 'il quddiem imsejhin "ir-Regolamenti dwar l-Ghasafar Selvaġġi". L.S. 504.71

2. (1) Kliem u frazijiet użati f'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra, għandu jkollhom l-istess tifsir bħal dak mogħti fir-Regolamenti dwar l-Ghasafar Selvaġġi. Tifsir.

(2) Bla ħsara għad-dispożizzjonijiet tas-subregolament (1), f'dawn ir-regolamenti, kemm-il darba ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

"għasfur tal-ghana" jew "għasafar tal-ghana" tfisser l-għasafar li jappartjenu lill-ispeċi mnizzla fl-Iskeda I;

"għasfur tat-taħrik jew għajat" jew "għasafar tat-taħrik jew għajat" tfisser kull għasfur tal-ghana imnizzel fl-Iskeda I u, jew ibridi li jintuza mill-persuna li għandha l-licenza għall-għajat, inklużi dawk għat-taħrik;

"ibridu" jew "ibridi" tfisser kwalunke tnissil minn żewġ għasafar tal-ghana mill-familja tal-*Fringillidae* jew bejn wiehed mill-ispeċi minn din il-familja u l-kanarin domestiku (*Serinus canaria domestica*);

"insib" għandha l-istess tifsira tal-kliem "tieħu" u "teħid" skont kif stabbilit fir-Regolamenti dwar l-Ghasafar Selvaġġi;

"liċenza għall-insib fil-Ħarifa għall-għasafar tal-għana" tfisser liċenza maħruġa skont ir-regolament 5 u għandha, għall-finijiet tar-Regolamenti dwar l-Ghasafar Selvaġġi, l-istess tifsira tal-kelma "liċenza";

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

"sit minn fejn isir l-insib" jew "sit" ifisser dik iż-żona mmarkata b'mod ċar fuq mappa approvata mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi skont ir-regolament 5(4) ta' dawn ir-regolamenti u reġistrata mal-Kummissarju tal-Pulizija u li m'għandhiex aktar minn żewġ (2) stazzjonijiet minn fejn isir l-insib għal kull liċenza;

"staġun għall-insib tal-għasafar tal-għana fil-Ħarifa" tfisser il-perjodu li fih huwa permess l-insib għall-għasafar tal-għana matul staġun tal-Ħarifa li jista' jiġi stabbilit skont id-disposizzjonijiet tar-regolament 4;

"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 38 metru kwadru, u l-istazzjon minn fejn isir l-insib jista' jkun reġistrat fuq persuna waħda jew aktar li jkollha l-liċenzja, u ż-żewġ imnasab ikunu immarkati individwalment fuq il-mappa approvata;

"żona protetta" jew "żoni protetti" tfisser żoni fejn l-insib huwa pprojbit skont ir-Regolamenti dwar l-Ghasafar Selvaġġi; iż-żoni fi ħdan 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 bħala Livell 1 u Livell 2, iżda din il-projbizzjoni m'għandhiex tapplika għal art agrikola u kkultivata fi ħdan iż-żoni msemmija hawn fuq u li hija rreġistrata uffiċjalment mad-Dipartiment tal-Agricoltura 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 bħala 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 ir-Regolamenti dwar l-Għasafar Selvaġġi.

3. (1) L-għasafar tal-għana jistgħu jinqabdu intenzjonalment bi xbieki tradizzjonali magħruffin bhala *clap-nets* bil-għan esklużiv li jinżammu għat-trobbija, inkluż l-użu tagħhom fil-fieri u eżibizzjonijiet, għat-tnissil u, jew biex jintużaw bhala għasafar għall-għajet u taħrik skont id-dispożizzjonijiet ta' dawn ir-regolamenti: Mod tat-tehid.

Izda 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 elettriċi, elettronici, jew mekkaniċi, u l-ikbar daqs ta' kull xibka m'għandu f'ebda każ jaqbeż it-38 metri kwadri.

(2) Immedjatament kif jinqabad għasfur tal-għana, il-persuna bil-liċenza għandha tqiegħed ċurkett li jintuża darba biss fuq l-għasfur kif approvat għal dak l-iskop mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi.

(3) Meta l-persuna bil-liċenza jkollha fil-pussess tagħha liċenza għall-insib fil-Ħarifa għall-għasafar tal-għana maħruġa skont dawn ir-regolamenti, dik il-persuna bil-liċenza tista' tuża xbieki li jkollhom malju ta' mhux inqas minn 18mm:

Izda jekk dik il-persuna li għandha l-liċenza qegħda fil-pussess kemm tal-liċenza maħruġa skont dawn ir-regolamenti kif ukoll tal-liċenza maħruġa skont ir-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istaġun fil-Ħarifa għall-Insib tal-Malvizz u l-Pluviera), dik il-persuna tista' tuża xbieki b'malju ta' mhux inqas minn 18mm għall-insib tal-ispeċi kollha permessi skont il-kondizzjonijiet taż-żewġ liċenzi, f'liema każ il-qies tal-ikbar xibka xorta ma jridx jaqbeż 38 metri kwadri. L.S. 504.113

4. Għall-finijiet tat-tieni proviso tar-regolament 10(6) tar-Regolamenti dwar l-Għasafar Selvaġġi u għall-finijiet ta' dawn ir-regolamenti, il-perjodu tal-istaġun għall-insib għall-għasafar tal-għana fil-Ħarifa għandu jkun ta' massimu ta' tlieta u sebghin (73) gurnata bejn ix-xahar ta' Ottubru u x-xahar ta' Diċembru tal-istess sena li fiha l-Ministru jista' jiddeċiedi li għandu jkun miftuħ l-istaġun għall-insib tal-għasafar tal-għana fil-Ħarifa bil-pubblikazzjoni ta' avviz fil-Gazzetta: Dikjarazzjoni tal-istaġun tal-insib għall-għasafar tal-għana fil-Ħarifa.

Izda meta jiddikjara l-istaġun għall-insib għall-ghasafar tal-ghana fil-Harifa, il-Ministru għandu jistabbilixxi li m'hemmx soluzzjoni oħra sodisfaċenti skont id-dispożizzjonijiet tal-Artikolu 9(1) tad-Direttiva 2009/147/KE tal-Parlament Ewropew u tal-Kunsill tat-30 ta' Novembru 2009 dwar il-konservazzjoni tal-ghasafar selvaġġi, u għandu ukoll jieħu konsiderazzjoni taż-żamma tal-popolazzjoni tal-ispeċi kkonċernata f'livell sodisfaċenti kif ukoll jikkonsidra l-limiti stabbiliti fl-Iskeda II:

Izda ukoll, meta jistabbilixxi l-perjodu tal-istaġun għall-insib tal-ghasafar tal-ghana fil-Harifa, il-Ministru għandu jistabbilixxi l-kwota komplessiva għall-istaġun għal kull waħda mill-ispeċi tal-ghasafar tal-ghana kif ukoll il-kwota individwali għall-istaġun għal kull liċenza, u għandu ukoll jiddeċiedi jekk jistabbilixxi il-kwota individwali għal kull jum għal kull liċenza, li għandha tkun permissibbli għal dik id-deroga li tiftaħ l-istaġun għall-insib għall-ghasafar tal-ghana fil-Harifa.

Liċenza għall-insib għall-ghasafar tal-ghana fil-Harifa.

5. (1) L-insib għall-ghasafar tal-ghana waqt staġun għall-insib fil-Harifa huwa projbit hlief meta jsir bil-liċenza għall-insib fil-Harifa għall-ghasafar tal-ghana maħruġa mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi skont id-dispożizzjonijiet ta' dawn ir-regolamenti.

(2) Liċenzi għall-insib għall-ghasafar tal-ghana fil-Harifa li jistgħu jinharġu taħt dawn ir-regolamenti għandhom jinharġu mal-hlas ta' dritt stabbilit mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi.

(3) Ma tista' tinhareġ l-ebda liċenza għall-insib għall-ghasafar tal-ghana fil-Harifa fil-konfront ta' persuna taħt dawn ir-regolamenti sakemm dik il-persuna m'hijiex fil-pussess ta' *Carnet de Chasse* validu, skont id-dispożizzjonijiet tar-Regolamenti dwar l-Ghasafar Selvaġġi, u tal-post tal-insib minn fejn dik il-persuna tkun ser tonsob, b'kull mansab immarkat individwalment u approvat mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi u registrat mal-Kummissarju tal-Pulizija.

Approvazzjoni tas-sit minn fejn isir l-insib.

(4) It-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi għandha tapprova sit minn fejn isir l-insib jekk dawn il-kondizzjonijiet huma milhuqa:

(a) l-imnasab ma jkunux f'żona protetta;

(b) ma tistax issir registrazzjoni ta' aktar minn żewġ stazzjonijiet minn fejn isir l-insib minn nassab u kull stazzjon ma jistax ikollu aktar minn żewġ (2) mnasab sa massimu ta' 38 metri kwadri għal kull xibka.

(5) Applikazzjoni għal-liċenza għall-insib għall-ghasafar tal-ghana fil-Harifa għandha tiġi sottomessa fil-perjodu stabbilit għal dan l-ghan mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi.

6. (1) Liċenza għall-insib għall-ghasafar tal-ghana fil-Harifa għandha tkun valida biss għall-perjodu li fih huwa permess l-insib għall-ghasafar tal-ghana waqt staġun għall-insib għall-ghasafar tal-ghana.

Validità tal-liċenzja għall-insib għall-ghasafar tal-ghana fil-Harifa.

(2) Bla hsara għad-dispożizzjonijiet tas-subregolament (1), liċenza għall-insib għall-ghasafar tal-ghana għandha:

(a) tkun sospiża minnufih meta l-persuna bil-liċenza tiġi akkużata b'reat skont ir-regolament 27 tar-Regolamenti dwar l-Ghasafar Selvaġġi; u

(b) tkun revokata fejn il-persuna bil-liċenza tinstab hatja ta' reat skont ir-regolament 27 tar-Regolamenti dwar l-Ghasafar Selvaġġi; u

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

Izda meta tintlaħaq il-kwota għal xi waħda jew aktar mill-ghasafar tal-ghana, il-liċenza għall-insib għall-ghasafar tal-ghana fil-Harifa għandha tiskadi u titqies bħala revokata fir-rigward tal-insib fuq dik l-ispeċi biss hekk kif il-Ministru jiddikjara li ntlahqet il-kwota komplessiva għall-istaġun tal-insib għall-ghasafar tal-ghana fil-Harifa għal dik l-ispeċi u l-istaġun għandu jibqa' miftuħ fir-rigward tal-ispeċi l-oħra. Il-persuni kollha bil-liċenza għandhom ukoll jiġu infurmati minnufih dwar din l-iskadenza u revoka parzjali tal-liċenza permezz tas-servizz ta' messaġġi bil-miktub (SMS) fuq in-numru indikat minn dik il-persuna fl-applikazzjoni għal-liċenzja għall-insib għall-ghasafar tal-ghana fil-Harifa:

Izda ukoll il-persuna bil-liċenza għandha, immedjatament kif tirċievi messaġġ bil-miktub (SMS) li jiddikjara din ir-revoka parzjali, tneħhi mill-istazzjon minn fejn isir l-insib, it-taħrik u għajet kollu li għandhom x'jaqsmu ma' dik l-ispeċi u m'għandhiex tuża taħrik u għajet ta' dik l-ispeċi għall-bqija tal-istaġun.

X'għandu jkun fiha l-liċenza.

7. Kull liċenza għall-insib għall-għasafar tal-għana fil-Ħarifa maħruġa skont id-dispożizzjonijiet ta' dawn ir-regolamenti għandha:

Stagun tal-insib fil-Ħarifa.

(a) tispeċifika d-dati tal-istagun tal-insib għall-għasafar tal-għana fil-Ħarifa;

Hinijiet li fih ma jistax isir insib.

(b) tispeċifika li ma jista' jsir l-ebda insib minn sagħtejn wara nżul ix-xemx sa sagħtejn qabel tluġh ix-xemx tal-gurnata ta' wara;

Żoni protetti.

(ċ) tipprovdi li ma jista' jiġi permess l-ebda insib f'żoni protetti;

Insib fuq siti approvati.

(d) tispeċifika li l-insib għall-għasafar tal-għana għandu jsir biss f'dawk is-siti li huma approvati għal dak l-għan mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi;

Daqs tax-xibka u daqs tal-malji.

(e) tispeċifika li kull nassab jista' juża biss mhux aktar minn żewġ (2) stazzjonijiet minn fejn isir l-insib reġistrati mat-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi u li 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, ukoll jekk in-nassab għandu fil-pussess tiegħu liċenza speċjali maħruġa skont it-termini tar-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istagun fil-Ħarifa għall-Insib tal-Malvizz u l-Pluviera);

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Stazzjon wiehed minn fejn isir l-insib.

(f) tipprovdi li persuna bil-liċenza tista' topera biss stazzjon wiehed minn fejn isir l-insib f'kull hin;

Mnasab.

(g) tipprovdi li l-persuna bil-liċenza tuża biss mnasab bi xbieki tradizzjonali u selettivi 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 biss mill-bniedem mingħajr l-użu ta' mezzi ta' saħħa esterna, inklużi mezzi elettriċi, elettronici, jew mekkaniċi;

Mnasab għandhom jithallew skargati.

(h) tispeċifika li l-imnasab għandhom jithallew skargati u kompletament ċatti mal-art fil-hinijiet kollha li fihom ma jkunx permess l-insib, u meta jagħlaq l-istagun tal-insib fil-Ħarifa jizzarmaw u jitneħħew minn fuq il-post:

Iżda meta x-xbieki jkunu skargati u mpoġġija kompletament ċatti mal-art, il-persuna bil-liċenza għandu jieħu dawk il-mizuri kollha biex jaċċerta ruħu li ma jista' jkun hemm l-ebda speċi li aċċidentalment tinqabad fix-xbieki meta ma jkunux attivi;

(i) tispeċifika l-kwota komplessiva għall-istaġun tal-insib għall-ghasafar tal-ghana fil-Ħarifa bħala l-ghadd totali ta' ghasafar li jista' jsir insib għalihom taht l-awtorità tal-liċenzji kollha maħruġa meħudin flimkien;

Kwota nazzjonali.

Iżda l-ghadd totali ta' kull speċi ta' ghasafar tal-ghana li fuqhom jista' jsir l-insib matul l-istaġun tal-insib għall-ghasafar tal-ghana fil-Ħarifa għandu jiġi stabbilit mill-Ministru b'avviż fil-Gazzetta bl-użu tal-figuri li jidhru fl-Iskeda II bħala bazi u waqt illi jitqies l-istat ta' konservazzjoni tal-ispeċi partikolari u ż-żamma tal-popolazzjoni tal-ispeċi fuq livell sodisfaċenti;

(j) tispeċifika l-kwota komplessiva għall-istaġun tal-insib għall-ghasafar tal-ghana għal kull liċenza, u għal kull ġurnata, iżda biss jekk tali kwoti għal kull ġurnata jkunu ġew stabbiliti mill-Ministru skont ir-regolament 4;

Kwota individwali.

(k) tipprovdi li n-numru totali ta' ghasafar tat-tahrik u għajet f'kull stazzjon minn fejn isir l-insib m'għandux jaqbez il-wiehed u għoxrin (21) ghasfur tal-ghana u, jew ibridi irrispettivament min-numru ta' persuni li għandhom il-liċenza reġistrati fuq l-istess stazzjon u tipprovdi ukoll li l-istazzjon minn fejn isir l-insib m'għandux ikollu aktar minn total ta' seba' (7) ghasafar tat-tahrik u għajet mill-istess speċi ta' ghasfur tal-ghana u, jew ibridi tagħhom;

Tahrik u għajet.

(l) tipprovdi li bla hsara għall-paragrafu (k), ghasfur tal-ghana u, jew ibridu tiegħu jista' jintuza biss bħala għajet jew tahrik jekk ikollu ċurkett magħluq, jew ċurkett li jintuza darba biss kif approvat mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi għal dak l-ghan;

Ċurkett magħluq.

(m) tehtieg lill-persuna li jkollha liċenza sabiex, hekk kif ghasfur tal-ghana jinqabad, tlibbes ċurkett li jintuza darba biss kif approvat mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi ma' sieq l-ghasfur u immedjatament tirrapporta dik il-qabda fuq numru indikat mit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi għal dak il-ghan, u sabiex timla l-*Carnet de Chasse* b'tali dettalji qabel ma titlaq minn fuq il-post tal-insib;

Ċrieket li jitlibbsu darba biss u l-obbligu li tirrapporta il-qbid.

(n) tipprovdi li l-persuna li jkollha liċenza għandha tirrapporta lit-Taqsima tar-Regolamentazzjoni għall-Ghasafar Selvaġġi kull qbid ta' ghasafar li jkollhom ċurkett hekk kif dawn l-ghasafar jiġu maqbuda u rilaxxati immedjatament lura minn fuq l-istess post tal-insib;

Ghasafar b'ċurkett xjentifiku.

Ghasafar
protetti.

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(o) tipprovdi li l-insib tal-għasafar, hlief għasafar tal-għana, ikun strettament projbit hlief jekk il-persuna bil-liċenza tkun ukoll fil-pussess ta' liċenza għall-insib tal-Malvizz u Pluviera maħruġa skont ir-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istaġun fil-Ħarifa għall-Insib tal-Malvizz u l-Pluviera) u ma tkunx għadha laħqet il-kwoti taht dik il-liċenza;

Rilaxx ta'
għasafar fis-
selvaġġ.

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(p) teħtieġ li kull għasfur li mhux imnizzel fl-Iskeda I li jkun inqabad aċċidentalment minn-nassab, għandu jitharrab immedjatament lura fis-selvaġġ, hlief jekk l-għasfur li jinqabad ikun wieħed miż-żewġ speċi imnizzla fl-iskeda tar-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Qafas biex tiġi permessa Deroga li Tiftaħ l-Istaġun fil-Ħarifa għall-Insib tal-Malvizz u l-Pluviera) u dment li n-nassab huwa liċenzjat biex jonsob għal dawk iż-żewġ speċi u ma jkunx għadu laħaq il-kwoti taht dik il-liċenza;

*Carnet de
Chasse*, mapep
u mezz ta'
identifikazzjoni.

(q) teħtieġ li l-*Carnet de Chasse*, il-mapep kif approvati mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi u reġistrati mal-Kummissajru tal-Pulizija u mezz ta' identifikazzjoni għandhom jinżammu mill-persuna li għandha l-liċenza flimkien mal-liċenza maħruġa skont dawn ir-regolamenti f'kull hin li l-persuna li għandha l-liċenza tkun qegħdha fis-sit minn fejn isir l-insib jew ikun ġej minn jew sejjer lejn is-sit minn fejn isir l-insib;

Projbizzjonijiet.

(r) tirriproduċi l-projbizzjonijiet previsti fir-regolamenti 18 u 20 tar-Regolamenti dwar l-Għasafar Selvaġġi, mingħajr preġudizzju għal kull projbizzjoni ohra stabbilita f'dawk ir-regolamenti;

Osservanza ta'
kull restrizzjoni
legali jew
obbligu.

(s) teħtieġ li kull restrizzjoni legali jew obbligu, inklużi dawk tal-post, dati, granet, hinijiet u l-kwoti kif ukoll il-kondizzjonijiet miktuba fil-liċenzja jiġu osservati strettament mill-persuna li għandha l-liċenzja;

Disposizzjoni-
jiet tar-
regolament 6.

(t) tirriproduċi d-disposizzjonijiet tar-regolament 6;

Daqs tal-
gabjetti.

(u) tipprovdi li waqt l-istaġun miftuħ l-għasafar tal-għana/bgħula li jintużaw għall-għajet jew taħrik u l-għasafar tal-għana li jkunu inqabdu mis-selvaġġ m'għandhomx jinżammu go gabjetti inqas minn 190mm tul, 130mm wisa' u 120mm għoli.

Infurzar.

8. (1) Matul iż-żmien li jkun miftuħ l-istaġun tal-insib għall-għasafar tal-għana fil-Ħarifa, il-Pulizija għandha tagħmel

verifiki fuq il-post sabiex tiżgura li l-kondizzjonijiet u l-kontenut tal-liċenza, id-dispożizzjonijiet ta' dawn ir-regolamenti u d-dispożizzjonijiet tar-Regolamenti dwar l-Għasafar Selvaġġi jkunu qed jiġu osservati;

(2) Jekk xi uffiċjal tal-pulizija, waqt li jkun qiegħed jagħmel verifiki fuq il-post skont is-subregolament (1), isib raġuni suffiċjenti sabiex jittieħdu proċedimenti kontra xi persuna taħt dawn ir-regolamenti, jew regolamenti oħra rilevanti, dak l-uffiċjal għandu minnufih jieħu mill-pussess ta' dik il-persuna kull apparat tal-insib, il-*Carnet de Chasse*, il-liċenza għall-insib għall-għasafar tal-għana matul l-istaġun tal-Ħarifa, kull liċenza jew permess ieħor għall-insib u kull għasfur li jinstab fil-pussess ta' dik il-persuna bi ksur ta' dawn ir-regolamenti jew ta' regolamenti oħra applikabbli jew bi ksur tal-kondizzjonijiet ta' xi liċenza jew permess:

Izda, għall-finijiet tal-infurzar tal-limiti msemmija fir-regolament 7(j) u l-obbligi previsti fir-regolament 7(m), l-għadd ta' għasafar stabbilit bir-regolament 7(k) biss jitqies bhala li huma għasafar għall-għajjat u t-taħrik. Meta, waqt verifika fuq il-post, l-għadd ta' għasafar li jinstabu fil-pussess ta' persuna bil-liċenza jkun oghla mill-għadd imsemmi, kull għasfur li jinstab li jkun oghla mill-għadd imsemmi jitqies li jkun għasfur li jkun ġie maqbud mill-persuna bil-liċenza f'dik l-istess ġurnata, minkejja li dak l-għasfur jista' jkollu ċurkett li jintlibes darba biss skont ir-regolament 7(l).

(3) Fil-qadi ta' dmirijiethom skont dawn ir-regolamenti il-Pulizija jistgħu jkollhom l-għajnuna ta' marixxalli appuntati għal dak il-għan mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi. Il-marixxalli hekk appuntati jkollhom l-istess dmirijiet u setgħat mogħtija lill-Pulizija bis-subregolamenti (1) u (2):

Izda għal kull elf (1,000) persuna li għandha liċenza maħruġa skont dawn ir-regolamenti, għandu jkun hemm fuq ix-xogħol għall-inqas seba' (7) uffiċjali matul is-siegħat kollha li fihom ikun miftuħ l-istaġun għall-insib għall-għasafar tal-għana fil-Ħarifa. Jekk ikun applikabbli, barra mill-imsemmija siegħat, għandu jkun hemm fuq ix-xogħol żewġ (2) uffiċjali tal-pulizija matul il-hinijiet tad-dawl tax-xemx.

(4) Il-Pulizija, assistita mill-marixxalli kif jista' jkun meħtieġ, għandha tkompli twettaq verifiki fuq il-post għall-inqas għal ġimgħatejn wara li jkun intemm l-istaġun tal-insib għall-għasafar tal-għana fil-Ħarifa, sabiex tipprevjeni l-insib illegali. Wara li jkun għalaq l-istaġun tal-insib għall-għasafar tal-għana fil-Ħarifa, għal kull elf (1,000) liċenza għall-insib għall-għasafar tal-għana fil-Ħarifa maħruġa dik is-sena, għandu jkun hemm fuq ix-xogħol għall-inqas

tliet (3) uffiċjali tal-Pulizija matul il-ħinijiet tad-dawl tax-xemx.

Reati.

9. Kull persuna li tonqos milli tosserva xi dispożizzjoni ta' dawn ir-regolamenti jew il-kontenut tal-liċenza, jew tonqos milli tikkonforma ruhha ma' xi ordni mogħtija legittimament skont xi dispożizzjoni ta' dawn ir-regolamenti jew xi waħda mill-kondizzjonijiet tal-liċenza għall-insib għall-għasafar tal-għana fil-Ħarifa tkun ħatja ta' reat u tehel, meta tinsab ħatja, il-pieni stabbiliti bir-regolament 27 tar-Regolamenti dwar l-Għasafar Selvaġġi:

Iżda fejn ir-reat huwa wieħed regolat bir-regolament 27A tar-Regolamenti dwar l-Għasafar Selvaġġi, dak ir-reat għandu jkun soġġett għall-proċeduri hemm imsemmija u għall-penali msemmija fl-Iskeda VIII tar-Regolamenti dwar l-Għasafar Selvaġġi.

Riżerva.

10. Id-dispożizzjonijiet u l-kondizzjonijiet msemmija f'dawn ir-regolamenti huma bla ħsara għar-Regolamenti dwar l-Għasafar Selvaġġi sakemm dawn tal-aħħar ma jkunux inkonsistenti ma' dawn ir-regolamenti, f'liema każ, u sal-limitu tal-inkonsistenza, dawn ir-regolamenti għandhom jgħoddu.

SKEDA I

Ghasafar tal-Ghana

	ISEM XJENTIFIKU	ISEM BIL-MALTI	ISEM BL-INGLIŻ
1.	<i>Carduelis cannabina</i>	Gojġin	Linnet
2.	<i>Carduelis carduelis</i>	Gardell	Goldfinch
3.	<i>Carduelis chloris</i>	Verdun	Greenfinch
4.	<i>Carduelis spinus</i>	Ekra	Siskin
5.	<i>Coccothraustes coccothraustes</i>	Taż-Żebbuġ	Hawfinch
6.	<i>Fringilla coelebs</i>	Sponsun	Chaffinch
7.	<i>Serinus serinus</i>	Apparell	Serin

SKEDA II

Kwota

Meta jkun qed jiġi stabbilit in-numru totali ta' ghasafar tal-ghana li jista' jsir insib ghalihom matul l-istagun tal-insib ghall-ghasafar tal-ghana fil-Harifa, il-Ministru ghandu jistabbilixxi l-kwota komplessiva f'mhux izjed minn 1% mir-rata ta' mortalità totali ta' kull sena tal-popolazzjoni li tintuza ghar-referenza ta' kull speċi fi hdan it-territorju tal-Unjoni Ewropea fuq il-bazi tal-aħhar *data* xjentifika disponibbli fir-rigward ta' ghasafar immarkati b'ċurkett li jindika minn fejn passaw.

Izda l-oghla limitu ghal kwota komplessiva ghal deroga li tiftaħ l-istagun tal-insib ghall-ghasafar tal-ghana fil-Harifa m'ghandux, f'kull każ, jeċċedi dawn in-numri li ġejjin:

SPEĊI	KWOTA NAZZJONALI
Gojġin	12,000
Gardell	800
Verdun	4,500
Ekra	2,350
Taż-Żebbuġ	500
Sponsun	5,000
Apparell	2,350

In-numri massimi fuq imsemmija jistgħu jiġu emendati mill-Ministru, b'avviż fil-Gazzetta, biex ikun hekk jista' jirrevedihom u jaġġornahom billi jqis l-istat ta' konservazzjoni tal-ispeċi konċernati u ż-żamma tal-popolazzjoni tal-ispeċi fuq livell sodisfaċenti.

L.N. 253 of 2014

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

**Conservation of Wild Birds (Framework for Allowing a
Derogation Opening an Autumn Live-Capturing Season
for Finches) Regulations, 2014**

BY VIRTUE of the powers conferred by articles 61, 66, and 93 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change has made the following regulations:-

Citation and
scope.

1. (1) The title of these regulations is the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) Regulations, 2014.

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(2) The purpose of these regulations is to establish a framework for allowing a derogation for opening an Autumn live-capturing season for Finches in terms of regulation 9(1)(f) of the Conservation of Wild Birds Regulations, hereinafter referred to as "the Wild Birds Regulations".

Interpretation.

2. (1) Terms and expressions used in these regulations, unless the context otherwise requires, shall have the same meaning as given to them in the Wild Birds Regulations.

(2) Without prejudice to the provisions of sub-regulation (1), in these regulations, unless the context otherwise requires:

"Autumn finch live-capturing licence" means a licence issued in accordance with regulation 5 and shall, for the purposes of the Wild Bird Regulations, have the same meaning as the term "licence";

"Autumn finch live-capturing season" means a period in which the live-capturing of finches is permitted during an autumn season which may be established in terms of regulation 4;

"finch" or "finches" means birds belonging to the species listed in Schedule I;

"hybrid" or "hybrids" means any crossing between two finches from the Fringillidae family or between a Fringillidae species and the domestic canary (*Serinus canaria domestica*);

"licensee" means a natural person aged 18 years or over who is in possession of a valid Autumn live-capturing licence issued under these regulations;

"live-capturing" has the same meaning as the terms "to take" and "taking" in terms of the Wild Birds Regulations;

"live-capturing site" or "site" shall mean 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;

"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 38 square metres, 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;

"live-decoy" or "live-decoys" means any finch specimen listed in Schedule I and, or hybrids used by the live-capturer as call birds (*ghajjat*) including those held by cotton string and swivel (*tahrik*);

"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 the Conservation of Wild Birds Regulations. S.L. 504.73

3. (1) Finches may only be captured by traditional nets Means of capture.

known as clap-nets exclusively for the purpose of keeping them in captivity, including for use in fairs and exhibitions, for breeding, and, or use as live-decoys in accordance with the provisions of these regulations:

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 38 square metres.

(2) Immediately upon the capture of a finch, the licensee shall place a single-use ring on the specimen as approved by the Wild Birds Regulation Unit for that purpose.

(3) Where the licensee is in possession of an Autumn finch-live capturing license issued in terms of these regulations, such licensee may use nets with a mesh size of not less than 18mm:

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Provided that if such licensee is in possession of both the license issued under these regulations and the license issued in terms of the Framework for Allowing a Derogation Opening an Autumn live-capturing season for Song Thrush and Golden Plover, such licensee may use nets with a mesh size of not less than 18mm for the capture of all species allowed under the terms of both licenses, in which case the largest net size should still not exceed 38 square metres.

Declaration of an Autumn finch live-capturing season.

4. For the purposes of the second proviso of regulation 10(6) of the Wild Birds Regulations and for the purposes of these regulations, the period for an Autumn finch live-capturing season for finches shall be a maximum of seventy-three (73) days from October to December of the same year for which the Minister may decide to open an Autumn finch live-capturing season by means of a notice in the Gazette:

Provided that when opening an Autumn finch live-capturing season, the Minister shall determine that there is no satisfactory solution in terms of Article 9(1) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, and take into consideration the maintenance of the population of the species concerned at a satisfactory level, as well as consider the maximum thresholds established in Schedule II:

Provided further that, when establishing the duration of

any Autumn finch live-capturing season, the Minister shall establish the overall seasonal bag limit for each of the finch species and the individual seasonal bag limit for each licence, and shall also decide on whether to establish the individual daily bag limit for each licence, to be allowed for that particular Autumn finch live-capturing derogation.

5. (1) The capturing of finches during an Autumn finch live-capturing season shall be prohibited except by virtue of an Autumn finch live-capturing licence issued by the Wild Birds Regulation Unit in accordance with these regulations.

Autumn finch
live-capturing
licence.

(2) Autumn finch live-capturing licences issued under these regulations shall be against the payment of a fee as established by the Wild Birds Regulation Unit.

(3) No Autumn finch live-capturing licence shall be issued in favour of any person under these regulations, unless such person is in possession of a valid *Carnet de Chasse* in terms of the Wild Birds Regulations, and the site(s) showing the individually-marked live-capturing station(s) from where the live-capturing will be exercised by the licensee has been approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police.

(4) The Wild Birds Regulation Unit shall only approve a site from where the live-capturing will be exercised if the following criteria are met:

Approval of
live-capturing
sites.

(a) the live-capturing station(s) shall not be located in a protected area;

(b) no more than two live-capturing stations may be registered by a live-capturer and each station shall not contain more than two (2) pairs of clap-nets up to a total footprint of 38 square metres per each net.

(5) An application for an Autumn finch live-capturing licence shall be submitted within the period specified for this purpose by the Wild Birds Regulation Unit.

6. (1) An Autumn finch live-capturing licence shall only be valid for the period in which the capturing of finches is permitted during an Autumn finch live-capturing season.

Validity of the
Autumn finch
live-capturing
licence.

(2) Without prejudice to the provisions of sub-regulation (1), an Autumn finch live-capturing licence 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 as soon as the Minister declares that the overall seasonal bag limits for an Autumn finch live-capturing season have been reached. All licensees shall be informed immediately of such lapse and revocation of the Autumn finch live-capturing licence by means of a text message service (SMS) to the number indicated by that person in the application for an Autumn finch live-capturing licence:

Provided that where the overall bag limit for one or more finch species has been reached, the Autumn finch live-capturing licence shall lapse and be considered revoked only in respect of the capturing of such species as soon as the Minister declares that the overall seasonal bag limit for the Autumn finch live-capturing season for such species has been reached and shall remain unaffected with regard to the other species. All licensees shall also be informed immediately of such partial lapse and revocation of the licence by means of a text message service (SMS) to the number indicated by that person in the application for an Autumn finch live-capturing licence:

Provided further that the licensee shall, immediately upon receipt of the text message service (SMS) declaring the partial lapse, remove from the live-capturing station all decoys pertaining to that particular species and shall not utilise any decoys of that species for the rest of the season.

Licence contents.

7. Every Autumn finch live-capturing licence issued in terms of these regulations shall:

Autumn live-capturing season.

(a) indicate the dates of the Autumn finch live-capturing season;

Prohibited hours.

(b) specify that no capturing may take place between two hours after sunset and two hours before sunrise of the following day;

Protected areas.

(c) provide that no capturing shall be allowed within protected areas;

Live-capturing sites.

(d) specify that the live-capturing of finches shall be exercised only on the sites which are approved for that purpose

by the Wild Birds Regulation Unit;

(e) specify that each live-capturer is only authorised to use not more than two live-capturing stations registered with the Wild Birds Regulation Unit and that each live-capturing station shall not contain more than two pairs of clap-nets with a mesh size of not less than 18mm up to a total footprint of 38 square metres per each net even if the licensee is also in possession of a licence issued in terms of the Framework for Allowing a Derogation Opening an Autumn live-capturing season for Song Thrush and Golden Plover;

Live-capturing stations, size of clap-nets and mesh size.

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(f) provide that only one live-capturing station may be operated by the licensee at any one time;

One live-capturing station.

(g) provide that the licensee shall only use 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;

Clap-nets.

(h) specify that the clap-nets shall be disarmed and laid completely flat on the ground at all times during prohibited hours, and dismantled upon closure of the Autumn live-capturing season and removed from the site:

Clap-nets to be disarmed.

Provided that 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;

(i) specify the overall seasonal bag limits for an Autumn live-capturing season for finches as the total number of finches which may be captured under the authority of all issued licences taken together;

National bag limit.

Provided that the total number of each specimen of finches which may be live-captured during an Autumn finch live-capturing season shall be set by the Minister by notice in the Gazette, using as a basis the figures contained in Schedule II and taking into consideration the conservation status of the particular species concerned and the maintenance of the population of the species at a satisfactory level;

(j) specify the total Autumn finch live-capturing seasonal bag limits for each licence, and any daily bag limits for

Individual seasonal bag limit.

each license, provided such daily bag limit is established by the Minister in accordance with regulation 4;

Live-decoys.

(k) provide that the number of live-decoys within each live-capturing station at any one time shall not exceed twenty-one (21) finches and, or hybrids irrespective of the number of licensees registered on the same live-capturing station, and also provide that a live-capturing station shall not contain more than a total of seven (7) live-decoys from the same finch species and, or their hybrids;

Seamless closed-ring.

(l) provide that, without prejudice to paragraph (k), a finch and, or its hybrid may only be used as a live-decoy if it is fitted with a seamless closed-ring or a single-use ring approved by the Wild Birds Regulation Unit for that purpose;

Single-use ring and reporting obligation.

(m) require the licensee, as soon as a finch is live-captured, to place a single-use ring approved by the Wild Birds Regulation Unit upon the capture of such finch and to immediately report such catch on the number indicated by the Wild Birds Regulation Unit for that purpose, and to also fill in the *Carnet de Chasse* accordingly before leaving the live-capturing site;

Ring recoveries.

(n) provide that any ring recoveries, including those from the seven finch species, shall be reported by the licensee concerned to the Wild Birds Regulation Unit as soon as possible after the said bird is immediately released into the wild upon capture;

Protected species.

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(o) provide that the live-capturing of birds other than finches shall be strictly prohibited unless the licensee is also in possession of an Autumn live-capturing licence in terms of the Framework for Allowing a Derogation Opening an Autumn live-capturing season for Song Thrush and Golden Plover and has still not exhausted the bag limits under that licence;

Release of birds into the wild.

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(p) require that any birds not from the species listed in Schedule I that may be accidentally captured by the licensee shall be immediately released by the licensee into the wild unless such birds pertain to one of the two species listed in the Schedule of the Framework for Allowing a Derogation Opening an Autumn live-capturing season for Song Thrush and Golden Plover, provided the licensee is also in possession of an Autumn live-capturing licence issued in terms of those regulations and has still not exhausted the bag limits under that licence;

(q) require that the *Carnet de Chasse*, the site plans approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police, and the means of identification shall be kept by the licensee together with the licence issued under these regulations at all times whilst the licensee is at the live-capturing site or travelling to and from the live-capturing site;

Carnet de Chasse, site plans and means of identification.

(r) reproduce the prohibitions provided for in regulations 18 and 20 of the Wild Birds Regulations, without prejudice to any other prohibition laid down in the same regulations;

Prohibitions.

(s) require that any legal restriction or obligation, including with regard to place, dates, days, times and bag limits, as well as the conditions set out in the licence, are strictly complied with by the licensee;

Compliance with any legal restriction or obligation.

(t) reproduce the provisions of regulation 6;

Provisions of regulation 6.

(u) provide that during the open season any 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.

Size of cages.

8. (1) For the time when an Autumn finch live-capturing season is open, the Police shall carry out on-the-spot checks to ensure that the conditions and contents of the licence, the provisions of these regulations and the provisions of the Wild Birds Regulations are being observed.

Enforcement.

(2) Should any police officer, in the course of a spot check carried out in terms of sub-regulation (1), find sufficient cause for proceedings to be taken against any person under these regulations, or other relevant regulations, that officer shall forthwith seize from the possession of that person any equipment used for live-capturing, the *Carnet de Chasse*, the Autumn finch live-capturing licence, any other live-capturing licence or permit, and any bird found in the possession of that person in violation of these regulations or other applicable regulations or in violation of the conditions of any licence or permit:

Provided that, for the purposes of enforcement of the limits referred to in regulation 7(j) and the obligations provided for in regulation 7(m), only the number of birds established by regulation 7(k) shall be deemed to be live-decoys. Where, during the course of a spot-check, the number of birds found in the possession of a licensee exceeds such number, 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 fitted with a single-use ring in terms of regulation 7(1).

(3) In pursuance of their duties under these regulations the Police may be assisted by marshals appointed for this purpose by the Wild Birds Regulation Unit. The marshals so appointed shall have the same duties and powers vested in the Police by sub-regulations (1) and (2):

Provided that for every one thousand (1,000) licences issued in accordance with these regulations, there shall be a minimum of seven (7) officers on duty during all hours for which an Autumn finch live-capturing season is open. If applicable, outside these hours, at least two (2) police officers shall be on duty during the hours of daylight.

(4) The Police, assisted by marshals as may be necessary, shall continue to carry out on-the-spot checks until at least two weeks following the end of an Autumn finch live-capturing season, in order to prevent illegal capture. Following the closure of an Autumn live capturing season, for every one thousand (1,000) Autumn live capturing licences issued that year, a minimum of three (3) police officers shall be on duty during the hours of daylight.

Offences.

9. Any person who fails to comply with any provision of these regulations, with the contents of the licence or with any order lawfully given in terms of any provision of these regulations or any of the conditions of the Autumn finch live-capturing licence shall be guilty of an offence and shall, upon conviction, be liable to the penalties established by regulation 27 of the Wild Birds Regulations:

Provided that where the offence falls under the scope of regulation 27A of the Wild Birds Regulations, such an offence shall be subject to the procedure stipulated therein and the penalties stipulated in Schedule VIII of the Wild Birds Regulations.

Saving.

10. The provisions and conditions laid down in these regulations shall be without prejudice to the Wild Birds Regulations to the extent that the latter are not inconsistent with these regulations in which case, and to the extent of the inconsistency, these regulations shall prevail.

SCHEDULE I

Finches

	SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
1.	<i>Carduelis cannabina</i>	Ġojjin	Linnet
2.	<i>Carduelis carduelis</i>	Gardell	Goldfinch
3.	<i>Carduelis chloris</i>	Verdun	Greenfinch
4.	<i>Carduelis spinus</i>	Ekra	Siskin
5.	<i>Coccothraustes coccothraustes</i>	Taż-Żebbuġ	Hawfinch
6.	<i>Fringilla coelebs</i>	Sponsun	Chaffinch
7.	<i>Serinus serinus</i>	Apparell	Serin

SCHEDULE II

Bag limits

When establishing the total number of finches which may be live-captured during an Autumn live-capturing season, the Minister shall set the total bag limit at less than 1% of the total annual mortality of the reference population of each species within the territory of the European Union on the basis of latest available scientific data pertaining to ring recoveries.

Provided that the maximum bag limit for an Autumn finch live-capturing derogation shall, in any case, not exceed the following numbers:

SPECIES	NATIONAL BAG LIMIT
Linnet	12,000
Goldfinch	800
Greenfinch	4,500
Siskin	2,350
Hawfinch	500
Chaffinch	5,000
Serin	2,350

The above maximum numbers shall be revised and updated by the Minister, by notice in the Gazette, by taking into consideration the conservation status of the seven species concerned and the maintenance of the population of the species at a satisfactory level.