A.L. 280 ta' l-2007

ATT DWAR IL-ĦARSIEN TA' L-AMBJENT
(KAP. 435)

Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Emenda Nru. 2)

BIS-SAĦĦA tas-setgħat mogħtija bl-artikoli 9 u 10 ta' l-Att dwar il-Ħarsien ta' l-Ambjent, il-Ministru ta' l-Affarijiet Rurali u ta' l-Ambjent għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti huwa Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Emenda Nru. 2) u għandhom jinqraw u jinftiehmu ħaġa waħda mar-Regolamenti ta' l-2006 dwar il-Konservazzjoni tal-Għasafar Selvaġġi, hawnhekk iżjed 'il quddiem imsejjħa "ir-regolamenti prinċipali". Titolu. A.L. 79 ta' l-2006.

2. Minnufih wara d-definizzjoni ta' "id-Direttur" fir-regolament 2 tar-regolamenti prinċipali, għandha tidħol din id-definizzjoni li ġejja:– Jemenda r-regolament 2 tar-regolamenti prinċipali

" "importazzjoni jew esportazzjoni" tfisser importazzjoni jew esportazzjoni lejn jew minn pajjiżi barra ż-żona tad-dwana tal-Komunità Ewropea;"

3. Is-subregolament (1) tar-regolament 4 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:- Jemenda r-regolament 4 tar-regolamenti prinċipali

(a) fil-paragrafu (e) tiegħu, minnufih wara l-kliem "ta' dawn ir-regolamenti" għandhom jiżdiedu l-kliem "sakemm dan l-għasfur ma jkunx ġie dikkjarat u reġistrat ma' l-Awtorità Kompetenti sal-31 ta' Mejju 2003 u dik il-persuna tkun ingħatat il-permessi, jew ċertifikati mill-Awtorità Kompetenti sabiex iżżomm dak l-għasfur; u

(b) minnufih wara l-paragrafu (e) tiegħu għandu jiżdied dan is-subparagrafu ġdid (f):-

"(f) iżżomm kull għasfur, kemm ħaj kemm mejjet, jew parti minn xi għasfur mhux imsemmi fl-Iskeda II jew l-Iskeda III ta' dawn ir-regolamenti, sakemm dak l-għasfur ikun

ittieħed fi Stat Membru ieħor fejn ikun jista' jittieħed jew jinqabad legalment taħt id-disposizzjonijiet tad-Direttiva tal-Kunsill 79/409/KEE dwar il-Konservazzjoni ta' l-Għasafar Selvaġġi kif ukoll taħt il-liġijiet ta' dak l-Istat Membru l-ieħor u dan l-għasfur kien miġjub f'Malta wara l-1 ta' Mejju, 2004:

Iżda dik il-persuna għandha żżomm fil-pussess tagħha u għall-perjodu kollu li hija tibqa' fil-pussess tal-kampjun kif provdut fil-paragrafi (e) u (f) ta' dan is-subregolament il-permessi, ċertifikati u dokumenti oħrajn kollha li jippruvaw għas-sodisfazzjon ta' l-Awtorità Kompetenti li dawk il-kampjuni ma kienux miksuba kontra d-disposizzjonijiet ta' dawn ir-regolamenti.

Jemenda r-regolament 6 tar-regolamenti prinċipali

4. Ir-regolament 6 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:-

(a) fl-ewwel proviso mas-subregolament (1) tiegħu, minnufih wara l-kliem "fl-Iskeda III (a) li tinsab ma dawn ir-regolamenti" għandhom jidħlu l-kliem " jew skond kif provdut fil-paragrafu (f) tas-subregolament (1) tar-regolament 4 ta' dawn ir-regolamenti,"

(b) is-subregolament (3) tiegħu għandu jiġi enumerate mill-ġdid bħala s-subregolament (4); u

(ċ) minnufih wara s-subregolament (2) tiegħu għandu jidħol is-subregolament ġdid li ġej:-

"(3) Kull min ikollu fil-pussess tiegħu għasfur, kemm ħaj kemm mejjet, jew parti minn għasfur, skond id-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament, għandu jżomm fil-pussess tiegħu u għal dak iż-żmien li jibqa' jkollu pussess tal-kampjun skond ma japplika, il-permessi, ċertifikati u dokumenti oħra kollha li jkunu ta' prova għas-sodisfazzjon ta' l- Awtorità Kompetenti li dawn il-kampjuni ma kienux miksuba kontra d-disposizzjonijiet ta' dawn ir-regolamenti.".

Jemenda r-regolament 8 tar-regolamenti prinċipali.

5. Fit-tieni proviso mas-subregolament (1) tar-regolament 8 tar-regolamenti prinċipali, minflok il-kliem "it-13.75 metri bi 2.75 metri, (45 pied b'9 piedi)" għandhom jidħlu l-kliem " is-37.81 metri kwadri (405 pied kwadru)".

6. Fil-proviso tal-paragrafu (t) tas-subregolament (6) tar-regolament 10 tar-regolamenti prinċipali, il-kelma "regolamenti" għandha tinbidel b' "avviż".

Jemenda r-regolament 10 tar-regolamenti prinċipali.

7. Fit-test Malti tas-subregolament (1) tar-regolament 19 tar-regolamenti prinċipali, il-kliem "sagħtejn qabel inżul ix-xemx" għandhom jinbidlu bil-kliem "sagħtejn wara nżul ix-xemx".

Jemenda r-regolament 19 tar-regolamenti prinċipali.

8. Fl-Iskeda II Taqsima A li tinsab mar-regolamenti prinċipali, immedjatament qabel l-ordni "GALLIFORMES" għandu jidħol dan l-ordni li ġej:-

Jemenda l-Iskeda II Taqsima A li tinsab mar-regolamenti prinċipali

"ANSERIFORMES

Anatidae

Anser fabalis
Anser anser
Anas penelope
Anas strepera
Anas crecca
Anas platyrhynchos
Anas acuta
Anas querquedula
Anas clypeata
Aythya ferina
Aythya fuligula
Mergus serrator".

L.N. 280 of 2007

ENVIRONMENT PROTECTION ACT
(CAP. 435)

Conservation of Wild Birds (Amendment) (No. 2) Regulations, 2007

BY VIRTUE of the powers conferred by articles 9 and 10 of the Environment Protection Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

Citation.

L.N 79 of 2006.

1. The title of these regulations is the Conservation of Wild Birds (Amendment) (No. 2) Regulations, 2007 and they shall be read and construed as one with the Conservation of Wild Birds Regulations, 2006, hereinafter referred to as "the principal regulations."

Amends regulation 2 of the principal regulations.

2. Immediately after the definition of "closed season" in regulation 2 of the principal regulations, there shall be inserted the following definition:

" "import or export" means import and export from and to countries outside the customs territory of the European Community;"

Amends regulation 4 of the principal regulations.

3. Sub-regulation (1) of regulation 4 of the principal regulations shall be amended as follows:-

(a) in paragraph (e) thereof, immediately after the words "with these regulations" there shall be inserted the words "unless such bird has been declared and registered with the Competent Authority by the 31st May 2003 and such person has been given the permits, or certificates by the Competent Authority to keep such bird"; and

(b) immediately after paragraph (e) thereof there shall be inserted a new sub-paragraph (f):-

"(f) keep any bird, whether alive or dead, or part of any bird not mentioned in Schedule II or Schedule III to these regulations, unless such bird was taken in another Member State where it may be lawfully hunted or captured under the terms of Council Directive 79/409/EEC on the Conservation of Wild Birds and under the legislation of that other Member State and such bird has been brought into Malta after the 1st May, 2004:

Provided that such person shall retain in his possession and for such time as he remains in possession of the specimen as provided for in paragraphs (e) and (f) of this sub-regulation all permits, certificates and any other documents that prove to the satisfaction of the Competent Authority that such specimen was not obtained in contravention of these regulations.".

4. Regulation 6 of the principal regulations shall be amended as follows:- Amends regulation 6 of the principal regulations.

(a) in the first proviso to sub-regulation (1) thereto, immediately after the words "Schedule III(a) to these regulations" there shall be inserted the words "or as provided for in paragraph (f) of subregulation (1) of regulation 4 hereof,"

(b) sub-regulation (3) thereof, shall be renumbered as sub-regulation (4); and

(c) immediately after sub-regulation (2) of regulation there shall be inserted a new sub-regulation (3):-

"(3) Whosoever is in possession of any bird, whether alive or dead, or part of any bird, pursuant to sub-regulation (1) hereof shall retain in his possession and for such time as he remains in possession of the specimen, as applicable, all permits, certificates and any other documents that prove to the satisfaction of the Competent Authority that such specimen were not obtained in contravention of these regulations.".

5. In the second proviso to sub-regulation (1) of regulation 8 of the principal regulations for the words "13.75 meters by 2.75 meters (45 feet by 9 feet)" there shall be substituted the words "37.81 square meters (405 square feet)". Amends regulation 8 of the principal regulations.

6. In the proviso to paragraph (t) of sub-regulation (6) of regulation 10 of the principal regulations, the word "legal" shall be deleted. Amends regulation 10 of the principal regulations.

7. In the Maltese text of sub-regulation (1) of regulation 19 of the principal regulations, for the words "sagħtejn qabel inżul ix-xemx" there shall be substituted the words "sagħtejn wara nżul ix-xemx". Amends regulation 19 of the principal regulations.

Amends Schedule II Part A of the principal regulations.

8. In Schedule II Part A of the principal regulations, immediately before the order "GALLIFORMES" there shall be inserted the following order:-

"ANSERIFORMES

Anatidae

Anser fabalis
Anser anser
Anas penelope
Anas strepera
Anas crecca
Anas platyrhynchos
Anas acuta
Anas querquedula
Anas clypeata
Aythya ferina
Aythya fuligula
Mergus serrator".