SUBSIDIARY LEGISLATION 504.94

FRAMEWORK FOR ALLOWING A DEROGATION OPENING A SPRING HUNTING SEASON FOR TURTLEDOVE AND QUAIL REGULATIONS

9th April, 2010

LEGAL NOTICE 221 of 2010, as amended by Legal Notices 83 and 113 of 2011, 122 of 2013 and 86 of 2014.

Citation.

1. The title of these regulations is the Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail Regulations.

Interpretation.

S.L. 504.71

2. Terms and expressions used in these regulations, unless the context otherwise requires, shall have the same meaning as given to them in the Conservation of Wild Birds Regulations, hereinafter referred to as "the Wild Birds Regulations".

Spring hunting season.
Amended by:
L.N. 83 of 2011;
L.N. 113 of 2011.

3. For the purposes of the second proviso to regulation 10(6) of the Wild Birds Regulations and for the purposes of these regulations, the period for the hunting of turtledove and quail, hereinafter in these regulations referred to as "the spring hunting season", shall be a maximum of three weeks in April of the year for which the Minister may decide to open the spring hunting season by means of a notice in the Gazette:

Provided that the Minister shall not open the spring hunting season when the hunting for the two species concerned during the previous autumn hunting season may be considered as having constituted a 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 taking into consideration the thresholds established in Annex I:

Provided further that, when establishing the duration of any Spring Hunting Season, the Minister shall also take into consideration the size of the bag limit to be allowed for that particular spring hunting derogation.

Spring Hunting Licence.
Amended by:
L.N. 83 of 2011;
L.N. 113 of 2011;
L.N. 122 of 2013;
L.N. 86 of 2014.

4. (1) The hunting of turtledove and quail during the spring hunting season shall be prohibited except by virtue of a Spring Hunting Licence issued in accordance with these regulations.

(2) For an applicant to be eligible for a Spring Hunting Licence that applicant must be in possession of a valid *carnet de chasse*.

(3) The application for the Spring Hunting Licence shall be submitted within the period specified for this purpose by the Wild Birds Regulation Unit.

Licence contents.
Amended by:
L.N. 83 of 2011;
L.N. 113 of 2011;
L.N. 122 of 2013;
L.N. 86 of 2014.

5. Every Spring Hunting Licence shall:

(*a*) set the overall bag limit for the spring hunting season for quail and for turtledoves as the total number of birds which may be hunted under the authority of all issued licences taken together. The total number of quail and turtledoves which may be hunted during the spring hunting season of a particular year shall be set by the Minister by notice in the Gazette, using as a basis the figures contained in Annex I to these regulations and taking into consideration the conservation status of the two species concerned and the maintenance of the population of the species at a satisfactory level;

(*b*) set the daily bag limit of birds and the total spring hunting season bag limit per licence;

(*c*) require the licensee to carry on his person the Spring Hunting Licence while in search or in pursuit of birds;

(*d*) require the licensee, as soon as a bird is shot, to inform by means of a text messaging service (sms) to a number indicated by the Wild Birds Regulation Unit and to fill in the *carnet de chasse* accordingly before leaving the hunting zone;

(*e*) indicate the dates of the spring hunting season;

(*f*) provide that the hunting of birds other than quail and turtledoves shall be prohibited;

(*g*) reproduce the prohibitions provided for in regulations 4 and 18 of the Wild Birds Regulations without prejudice to any other prohibition laid down in the same regulations;

(*h*) provide that hunting can only take place on Monday to Friday from two hours before sunrise to two o'clock in the afternoon and on Saturdays from two hours before sunrise to noon;

(*i*) provide that hunting can only take place on Sundays and on public holidays from two hours before sunrise to noon;

(*j*) provide that the licence shall be suspended forthwith if the licensee is charged with an offence under regulation 27 of the Wild Birds Regulations;

(*k*) provide that the licence and any other hunting licence or permit of the licensee shall be revoked and be without any effect upon the licensee being convicted of an offence against regulation 27 of the Wild Birds Regulations;

(*l*) provide that the validity of the licence shall lapse and the licence shall be considered as revoked as soon as the Minister, by means of a press release, declares that the overall bag limit for the season has been reached. All

persons in possession of a Spring Hunting Licence shall also be immediately informed of such lapse and revocation of their licence by means of a text messaging service (SMS) to the number indicated by that person in the application for the spring hunting licence;

(*m*) provide that if the overall bag limit for the season for one species, hereinafter in this paragraph referred to as "the relevant species", has been reached before that for the other species the validity of the licence shall lapse and the licence shall be considered as revoked in respect of the relevant species as soon as the Minister by means of a press release declares that the overall bag limit for the relevant species has been reached. All persons in possession of a Spring Hunting Licence shall also be immediately informed of such lapse and revocation of that part of their licence by means of a text messaging service (SMS) to the number indicated by that person in the application for the Spring Hunting Licence.

Police checks. *Amended by: L.N. 113 of 2011; L.N. 122 of 2013; L.N. 86 of 2014.*

6. (1) For the time when a spring hunting season is open, the Police shall carry out on-the-spot checks to ensure that all the conditions of the licence and the provisions of the relevant regulations are being observed and in particular shall:

(*a*) verify that the *carnet de chasse* is in accordance with regulations;

(*b*) ensure that hunters are in possession of their Spring hunting licence while in search or in pursuit of birds during the season;

(*c*) ensure that bag limits and time restrictions according to these regulations and the conditions of the licence are complied with;

(*d*) ensure that hunting is being carried out only on turtledoves and quail.

(2) Should any police officer in the course of a spot check in accordance with this regulation 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 firearm and ammunition and any other weapon for hunting, the *carnet de chasse*, the Spring hunting licence and any other hunting 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.

(3) In pursuance of their duties under subregulation (1) the Police may be assisted by hunting marshals appointed for this purpose by the Wild Birds Regulation Unit. The hunting marshals so appointed shall have the same duties and powers vested in the Police by subregulation (1). For every one thousand (1,000) hunters in possession of a Spring Hunting Licence, a minimum of seven (7) police officers and, or, hunting marshals shall be on duty during all hours for which a spring

hunting season is open. Outside these hours at least two (2) police officers and, or, hunting marshals shall be on duty during the hours of daylight.

(4) The Police, assisted by hunting marshals as may be necessary, shall continue to carry out on-the-spot checks until at least four weeks following the start of a spring hunting season, in order to prevent illegal hunting. Following the closure of a spring hunting season, for every one thousand (1,000) Spring Hunting Licence issued that year, a minimum of three (3) police officers and, or, hunting marshals shall be on duty during the hours of daylight.

Saving.

7. 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.

ANNEX 1

Substituted by: L.N. 113 of 2011.

The Minister shall, in any case, not open a spring hunting season for turtledove or quail respectively, when the number of birds hunted in the previous autumn season reaches 20,000 in the case of quail or 21,000 in the case of turtledove, considering each species separately.

When setting the total number of quail and turtledoves which may be hunted during the spring hunting season of a particular year the Minister shall set the total bag limit at not more than 1% of the total annual mortality rate of each of the species respectively:

Provided that the maximum bag limit for a spring hunting derogation shall, in any case, not exceed the following numbers:

5,000 quails

and

11,000 turtledoves:

The above two maximum numbers shall be amended by the Minister, by notice in the Gazette, in order to revise and update them by taking into consideration the conservation status of the two species concerned and the maintenance of the population of the species at a satisfactory level:

Provided also that the Minister shall also take into consideration the number of birds hunted during the previous autumn hunting season, in such a way that the maximum bag limit for a spring hunting derogation may be fully allowed in cases when the number of quails or turtle doves hunted in the previous autumn season does not exceed 10,000 for each species respectively:

Provided further that the maximum bag limit for a spring hunting derogation should be reduced by inverse proportion to the number of birds hunted in excess of 10,000 for each species in the previous autumn season.