

**2004 No. 640**

**WILDLIFE, ENGLAND**

**The Wildlife and Countryside (Registration and Ringing of  
Certain Captive Birds) (England) (Amendment)  
Regulations 2004**

*Made - - - - - 8th March 2004*

*Laid before Parliament 9th March 2004*

*Coming into force - - 5th April 2004*

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 7(1) and (2) of the Wildlife and Countryside Act 1981<sup>(a)</sup>, hereby makes the following Regulations:

**Citation, commencement, and extent**

**1.**—(1) These Regulations may be cited as the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) (England) (Amendment) Regulations 2004 and shall come into force on 5th April 2004.

(2) These Regulations apply in relation to England only.

**Amendment**

**2.** The Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982<sup>(b)</sup> shall be amended as follows—

(a) in regulation 1(2) (interpretation), before the definition of “keeper”, insert the following definition ““CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora;”<sup>(c)</sup>;

(b) in regulation 3 (registration), for paragraph (3) substitute—

“(3) The Secretary of State shall not register any bird unless he is satisfied that the bird has been ringed as required, or that the exception provided by paragraph (3) of regulation 5 applies.”;

(c) in regulation 4 (termination of registration)—

(i) paragraphs (1) and (1A) are omitted; and

(ii) in paragraph (2), for sub-paragraph (b) substitute—

“(b) when the ring obtained from the Secretary of State, or, as the case may be, the accepted CITES marking, is removed, or the writing or numbering on it, or the information stored in it, can no longer be read;”;

(d) in regulation 5 (ringing)—

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<sup>(a)</sup> 1981 c. 69. The Secretary of State can exercise these powers only in relation to England; *see* article 2 of, and the entry relating to the Wildlife and Countryside Act 1981 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 52 of the Scotland Act 1998 (c. 46).

<sup>(b)</sup> S.I. 1982/1221, amended by S.I. 1991/478 and S.I. 1994/1152.

<sup>(c)</sup> Signed in Washington on 3 March 1973. The text of the Convention is set out in Cmnd 5459.

(i) at the end of paragraph (1) add “unless the Secretary of State waives this requirement under paragraph (3)”; and

(ii) after paragraph (2) add the following paragraph—

“(3) In any case where the Secretary of State is satisfied that the bird is marked in accordance with the specimen marking requirements of European Regulations<sup>(a)</sup> implementing paragraph 7 of Article VI of CITES he may waive the requirement in paragraph (1). Where he does so, he shall provide the applicant with a certificate to such effect.”.

8th March 2004

*Elliot Morley*  
Minister of State,  
Department for Environment, Food and Rural Affairs

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<sup>(a)</sup> Council Regulation (EEC) 3626 of 1982 (O.J. No L384, 31.12.82, p.1), repealed and replaced by Council Regulation (EC) 338 of 1997 (O.J. No L61, 3.3.97, p.1), implemented by rules laid down in Commission Regulation (EC) 1808 of 2001 (O.J. No L250, 19.2.2001, p.1).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 7 of the Wildlife and Countryside Act 1981 (“the Act”) and regulations made under that section (the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982, as amended by the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) (Amendment) Regulations of 1991 and 1994) provide for the registration and ringing of captive birds included in Schedule 4 to the Act.

Schedule 4 to the Act was amended by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. 1994 No. 1151).

These Regulations amend the 1982 Regulations so that registration no longer ceases every three years, requiring renewal. They also allow the Secretary of State to accept a marking of a bird in accordance with European Regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora as an alternative to a ring provided by the Secretary of State.

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STATUTORY INSTRUMENTS

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