

**2017 No. 1213**

**WILDLIFE, ENGLAND AND WALES**

**The Ringing of Certain Captive-bred Birds (England and Wales)  
Regulations 2017**

|  |         |                           |
|--|---------|---------------------------|
| <i>Made</i>  | - - - - | <i>4th December 2017</i>  |
| <i>Laid before Parliament</i>                      |         | <i>7th December 2017</i>  |
| <i>Laid before the National Assembly for Wales</i> |         | <i>7th December 2017</i>  |
| <i>Coming into force</i>                           | - -     | <i>28th December 2017</i> |

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make these Regulations in exercise of the powers conferred on them by section 6(5)(b) and (5B) of the Wildlife and Countryside Act 1981(a).

**Citation, commencement, extent and application**

**1.**—(1) These Regulations may be cited as the Ringing of Certain Captive-bred Birds (England and Wales) Regulations 2017 and come into force on 28th December 2017.

(2) These Regulations extend to England and Wales and apply in respect of any bird included in Part 1 of Schedule 3 to the Wildlife and Countryside Act 1981 which—

- (a) was bred in captivity, and
- (b) has not been lawfully released into the wild as part of a re-population or re-introduction programme(b).

**Ringing requirements**

**2.**—(1) This regulation applies for the purpose of determining whether, for the purposes of section 6(5)(b) of the Wildlife and Countryside Act 1981, a bird is ringed in accordance with regulations.

(2) Subject to paragraph (3), a bird is ringed in accordance with regulations if the following conditions are satisfied—

- (a) at least one of the bird’s legs is fitted with a ring by means of which the bird may be identified,
- (b) the ring has no break or join,

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(a) 1981 c. 69; section 6(5) (together with section 6(5A) and (5B)) was substituted by section 48(2) of the Natural Environment and Rural Communities Act 2006 (c. 16). By virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions of the Secretary of State in section 6(5)(b) of the Wildlife and Countryside Act 1981, so far as exercisable in relation to Wales, are now vested in the Welsh Ministers.

(b) Section 6(5A), as amended by S.I. 2007/1843, defines “re-population” and “re-introduction” for the purposes of section 6(5) of the Wildlife and Countryside Act 1981 (c. 69).

- (c) the ring has been commercially manufactured for the purpose of being fitted onto birds,
- (d) the ring is no larger than the maximum ring size,
- (e) the ring was obtained from a specified supplier on an application made by the keeper of the bird (or, where the bird had not yet hatched at the time of that application, the keeper of the egg which contains it), and
- (f) the application for the ring included the following information—
  - (i) the age of the bird,
  - (ii) the sex of the bird (if known), and
  - (iii) details of the parents of the bird.

(3) A bird which is hatched outside England or Wales is ringed in accordance with regulations, notwithstanding that any of the conditions in paragraph (2)(d), (e) or (f) is not satisfied, if—

- (a) in the case of a bird hatched in the European territory of any member State, it is ringed in accordance with—
  - (i) relevant provisions of the law of that territory implementing Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds<sup>(a)</sup>, and
  - (ii) any other relevant provisions of the law of that territory;
- (b) in the case of any other bird, it is ringed in accordance with any relevant provisions of the law of the territory where it was hatched.

(4) In this regulation—

“maximum ring size”, in relation to a bird, means the ring size specified in relation to that bird in column (3) in the table in Schedule 1;

“regulations” means regulations made by the Secretary of State in relation to England and the Welsh Ministers in relation to Wales;

“relevant provisions” means provisions relating to the ringing of birds;

“specified supplier” means a supplier specified in Schedule 2.

### **Revocation and transitional provision**

**3.—**(1) The Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982<sup>(b)</sup> are revoked.

(2) Any bird which is ringed in accordance with the Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982 before these Regulations come into force is to be treated as if ringed in accordance with these Regulations.

### **Review: England**

**4.—**(1) The Secretary of State, in relation to England, must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first review must be published before 28th December 2022.

(3) Subsequent reviews must be carried out at intervals of not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015<sup>(c)</sup> requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Articles 2, 5 and 6 of the Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds is implemented in other member States.

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(a) OJ No. L 20, 26.1.2010, p. 7, as last amended by Council Directive 2013/17/EU (OJ No. L 158, 10.6.2013, p. 193).

(b) S.I. 1982/1220, amended by S.I. 1997/2971.

(c) 2015 c. 26; section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12).

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a review carried out under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 33 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

4th December 2017

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

4th December 2017

*Hannah Blythyn*  
Minister for Environment  
Under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs  
One of the Welsh Ministers

## SCHEDULE 1

Regulation 2(4)

### Maximum ring sizes in relation to species of birds in Part 1 of Schedule 3 to the Wildlife and Countryside Act 1981

| <i>Common name</i> | <i>Scientific name</i>          | <i>Maximum ring size (internal diameter, expressed in millimetres)</i> |
|--------------------|---------------------------------|--|
| Blackbird          | <i>Turdus merula</i>            | 4.45   |
| Brambling          | <i>Fringilla montifringilla</i> | 2.85   |
| Bullfinch          | <i>Pyrrhula pyrrhula</i>        | 2.85   |
| Bunting, Reed      | <i>Emberiza schoeniclus</i>     | 2.67   |
| Chaffinch          | <i>Fringilla coelebs</i>        | 2.67   |
| Duncock            | <i>Prunella modularis</i>       | 3.10   |
| Goldfinch          | <i>Carduelis carduelis</i>      | 2.67   |
| Greenfinch         | <i>Carduelis chloris</i>        | 3.10   |
| Jackdaw            | <i>Corvus monedula</i>          | 7.15   |
| Jay                | <i>Garrulus glandarius</i>      | 6.32   |
| Linnet             | <i>Carduelis cannabina</i>      | 2.67   |
| Magpie             | <i>Pica pica</i>                | 7.15   |
| Owl, Barn          | <i>Tyto alba</i>                | 9.50   |
| Redpoll            | <i>Carduelis flammea</i>        | 2.55   |
| Siskin             | <i>Carduelis spinus</i>         | 2.55   |
| Starling           | <i>Sturnus vulgaris</i>         | 4.45   |
| Thrush, Song       | <i>Turdus philomelos</i>        | 4.26   |
| Twite              | <i>Carduelis flavirostris</i>   | 2.55   |
| Yellowhammer       | <i>Emberiza citrinella</i>      | 2.90   |

## SCHEDULE 2

### Specified suppliers

Regulation 2(4)

1. The British Bird Council.
2. The International Ornithological Association.

#### EXPLANATORY NOTE

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

These Regulations, which extend to England and Wales, have been made for the purpose of section 6(5)(b) of the Wildlife and Countryside Act 1981 (“the 1981 Act”). They implement certain obligations under Articles 2, 5 and 6 of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (OJ No. L 20, 26.1.2010, p. 7).

The Regulations provide for the ringing of birds bred in captivity and mentioned in Part 1 of Schedule 3 to the 1981 Act.

Regulation 2 set out the requirements for ringing such birds depending upon where the bird is hatched. Schedule 1 sets out the maximum permitted ring sizes for the species listed and ringed in accordance with regulation 2. Schedule 2 specifies the suppliers of rings for the purpose of regulation 2.

Regulation 3 revokes the Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982 (S.I. 1982/1220) and makes transitional provision in that regard.

These Regulations have been notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ No. L 241, 17.9.2015, p. 1).

An assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Bird Team, Department for Environment, Food and Rural Affairs, Zone 1/14b, 2 The Square, Temple Quay House, Bristol, BS1 6FB and is published alongside the Explanatory Memorandum for this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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£4.25

UK201712051016 12/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/1213>

ISBN 978-0-11-116276-7



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