
WELSH STATUTORY INSTRUMENTS

2003 No. 3235 (W.315)

WILDLIFE, WALES

The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003

Made - - - - - *9th December 2003*

Coming into force - - - - - *31st December 2003*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 7(1) and (2) of the Wildlife and Countryside Act 1981⁽¹⁾ and now exercisable by the National Assembly for Wales⁽²⁾, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003 and come into force on 31st December 2003.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

“CITES” (“*CITES*”) means the Convention on International Trade in Endangered Species of Wild Fauna and Flora⁽³⁾;

“CITES marking” (“*marc CITES*”) means a marking which satisfies the requirements set out in regulation 5(3);

“keeper” (“*ceidwad*”) means the person who keeps, or has possession of, or control over, a bird;

“ring” (“*modrwy*”) means any ring or band for ringing a bird;

“the Act” (“*y Ddeddf*”) means the Wildlife and Countryside Act 1981;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales.

(1) 1981 c. 69.

(2) The functions of the Secretary of State were transferred to the National Assembly for Wales, in relation to Wales, by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) Signed in Washington on 3 March 1973.

(2) In these Regulations, any reference to a bird to which these Regulations apply is a reference to any bird included in Schedule 4 to the Act which any person keeps, possesses or controls.

Registration

3.—(1) The National Assembly must, for the purposes of section 7(1) of the Act, maintain a register of birds to which these Regulations apply which are kept at addresses in Wales.

(2) An application for registration must be made by the keeper, or prospective keeper, of the bird to which the application relates on a form obtained from the National Assembly.

(3) On receiving an application for registration the National Assembly must, subject to paragraphs (4) and (5), enter the relevant information on the register.

(4) The National Assembly must not register any bird to which these Regulations apply unless it is satisfied that the bird has been ringed or marked in accordance with regulation 5.

(5) The National Assembly must require an application to be accompanied by such reasonable charge for registration as it has determined under section 7(2A) of the Act and may decline to make an entry in the register in respect of an application until that charge has been paid.

(6) If the registered keeper of a bird notifies the National Assembly in writing that the bird is to cease to be kept at the registered address, stating the date when that is to occur and specifying another address in Wales at which the bird is to be kept after that date, the National Assembly must, provided notification is received before that date, amend the registered address accordingly with effect from that date.

Termination of registration

4.—(1) A registration ceases to have effect —

- (a) when the registered bird —
 - (i) dies;
 - (ii) escapes or is released into the wild;
 - (iii) is disposed of by way of sale or otherwise;
 - (iv) is exported from the United Kingdom;
- (b) when the ring obtained from the National Assembly, or, as the case may be, the CITES marking, is removed or the identifying information on it or stored within it becomes unreadable;
- (c) when the registered bird is kept or possessed by or is under the control of a person other than its registered keeper, unless it is intended at the time when the bird begins to be so kept, possessed or controlled that it will be returned to its registered keeper within the specified period and the bird is so returned, and in this sub-paragraph “the specified period” means —
 - (i) where the bird will not be kept continuously at its registered address, a period of 3 weeks, and
 - (ii) where the bird will be kept continuously at its registered address, a period of 6 weeks;
- (d) when the registered bird is kept or possessed by or is under the control of its registered keeper but ceases to be kept at its registered address, unless —
 - (i) it is intended at the time when the bird ceases to be so kept that it will be returned to its registered address within 3 weeks and the bird is so returned, or

- (ii) the National Assembly is notified in writing before the bird ceases to be so kept of the new address at which it will be kept and the date from which it will be so kept, and that new address is in Wales.

(2) In regulation 3(6) and in paragraph (1)(c) and (d) above, “registered keeper” in relation to a registered bird means the person registered as keeper of the bird in the register maintained by the National Assembly under regulation 3(1), and “registered address” means the address registered in that register as that at which the bird is kept.

Ringling and marking

5.—(1) Every bird to which these Regulations apply must be ringed in accordance with paragraph (2) or marked in accordance with paragraph (3).

(2) A bird is ringed in accordance with this paragraph if—

- (a) the bird is ringed with a ring obtained from the National Assembly; and
- (b) the person who ringed the bird has completed a declaration of ringling on a form obtained from the National Assembly, and has returned that form to the National Assembly.

(3) A bird is marked in accordance with this paragraph if it is marked in accordance with the specimen marking requirements of European Regulations implementing paragraph 7 of Article VI of CITES.

Revocation and transitional provisions

6.—(1) The Wildlife and Countryside (Registration and Ringling of Certain Captive Birds) Regulations 1982(4) are hereby revoked, insofar as they apply to Wales.

(2) Where —

- (a) any person was required or authorised(5) to take any action in relation to Wales by any provision of the Wildlife and Countryside (Registration and Ringling of Certain Captive Birds) Regulations 1982;
- (b) such action was taken prior to the revocation of those Regulations by these Regulations; and
- (c) the provision in question is re-enacted by these Regulations;

that action is to be treated, for the purpose of these Regulations, as having been taken under these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

9th December 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

(4) S.I. 1982/1221, amended by S.I. 1991/478 and S.I. 1994/ 1152.

(5) By virtue of S.I. 1999/672.

(6) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 7(1) of the Wildlife and Countryside Act 1981 (“the Act”) provides that a person who keeps, or has possession of or control over, any bird included in Schedule 4 of the Act, which has not been registered and ringed or marked in accordance with regulations made under that section, is guilty of an offence.

The power to make regulations under section 7(1) of the Act in relation to Wales is vested in the National Assembly for Wales (“the National Assembly”).

Schedule 4 to the Act has been amended by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. [1994/1151](#)).

These Regulations set out the registration, ringing and marking requirements for the purposes of section 7(1) of the Act which apply to Wales. They revoke and replace the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 (S.I. [1982/1221](#)) insofar as those Regulations apply to Wales.

Regulation 3 requires the National Assembly to maintain a register of birds for the purposes of section 7(1) of the Act. It also provides that the keeper, or prospective keeper, of any bird included in Schedule 4 to the Act must make an application for registration on a form obtained from the National Assembly. The National Assembly may not register the bird unless it is satisfied that the bird has been ringed or marked in accordance with regulation 5.

Regulation 4 sets out the circumstances which have the effect of terminating a registration.

Regulation 5 provides for the ringing or marking of birds to which the Regulations apply.

Regulation 5(2) provides that the ringing of a bird must be carried out with a ring obtained from the National Assembly, and the person carrying out the ringing must complete, and return to the National Assembly, a declaration of ringing.

Regulation 5(3) provides that a bird may alternatively be marked in accordance with European Regulations implementing the requirements of paragraph 7 of Article VI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”). The European Regulation which currently implements the relevant provision in CITES is Commission Regulation (EC) No. [1808/2001](#) of 30 August 2001 laying down detailed rules concerning the implementation of Council Regulation 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L250/1, 19.9.2001).

Regulation 6 revokes the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 (“the 1982 Regulations”) in relation to Wales. It also makes transitional provisions, which provide that where action has been taken by any person, prior to the revocation of the 1982 Regulations, under any provision of those Regulations which is re-enacted in these Regulations, that action is to be treated as having been taken under these Regulations.