
WELSH STATUTORY INSTRUMENTS

2009 No. 780 (W.68)

WILDLIFE, WALES

**The Wildlife and Countryside Act 1981
(Variation of Schedule 4) (Wales) Order 2009**

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| <i>Made</i> | - - - - | <i>24 March 2009</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>26 March 2009</i> |
| <i>Coming into force</i> | - - | <i>23 April 2009</i> |

For the purposes of section 26(4)(a) of the Wildlife and Countryside Act 1981(1) the Welsh Ministers consider that no local authority is affected by this Order.

The Welsh Ministers have —

- (a) in accordance with that provision, given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order;
- (b) in accordance with section 26(4)(b) of the Wildlife and Countryside Act 1981, consulted with the Joint Nature Conservation Committee, being the advisory body(2) which the Welsh Ministers consider is best able to advise as to whether this Order should be made.

In exercise of the powers conferred by section 22(1) of the Wildlife and Countryside Act 1981(3), the Welsh Ministers(4) make the following Order:

Title, commencement and application

1. The title of this Order is the Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Wales) Order 2009, it comes into force on the 23 April 2009 and applies in relation to Wales.

(1) 1981 c. 69.
(2) See the definition of “advisory body” in sections 23(3) and 27(1) of the Wildlife and Countryside Act 1981. The Joint Nature Conservation Committee was established under section 128(4) of the Environmental Protection Act 1990 (c. 43) and continues in existence (albeit reconstituted) under section 31 of the Natural Environment and Rural Communities Act 2006 (c. 16).
(3) Section 22(1) of the Wildlife and Countryside Act 1981 was amended by sections 47(1) and (5) of the Natural Environment and Rural Communities Act 2006.
(4) The powers of the Secretary of State under section 22(1) of the Wildlife and Countryside Act 1981 were transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Variation of Schedule 4

2.—(1) Schedule 4(5) to the Wildlife and Countryside Act 1981 (birds which must be registered and ringed if kept in captivity) is amended as follows.

(2) The following birds are omitted—

| <i>Common name</i> | <i>Scientific name</i> |
|--------------------------|----------------------------------|
| Bunting, Cirl | <i>Emberiza cirrus</i> |
| Bunting, Lapland | <i>Calcarius lapponicus</i> |
| Bunting, Snow | <i>Plectrophenax nivalis</i> |
| Eagle, Adalbert's | <i>Aquila adalberti</i> |
| Eagle, Great Philippine | <i>Pithecophaga jefferyi</i> |
| Eagle, Imperial | <i>Aquila heliaca</i> |
| Eagle, New Guinea | <i>Harpyopsis novaeguineae</i> |
| Chough | <i>Pyrrhocorax pyrrhocorax</i> |
| Crossbills (all species) | <i>Loxia</i> spp |
| Falcon, Barbary | <i>Falco pelegrinoides</i> |
| Falcon, Gyr | <i>Falco rusticolus</i> |
| Fieldfare | <i>Turdus pilaris</i> |
| Firecrest | <i>Regulus ignicapillus</i> |
| Fish-Eagle, Madagascar | <i>Haliaeetus vociferoides</i> |
| Forest-Falcon, Plumbeous | <i>Micrastur plumbeus</i> |
| Harrier, Hen | <i>Circus cyaneus</i> |
| Hawk, Galapagos | <i>Buteo galapagoensis</i> |
| Hawk, Grey-backed | <i>Leucopternis occidentalis</i> |
| Hawk, Hawaiian | <i>Buteo solitarius</i> |
| Hawk, Ridgway's | <i>Buteo ridgwayi</i> |
| Hawk, White-necked | <i>Leucopternis lacernulata</i> |
| Hawk-Eagle, Wallace's | <i>Spizaetus nanus</i> |
| Hobby | <i>Falco subbuteo</i> |
| Honey-Buzzard, Black | <i>Henicopernis infuscatus</i> |
| Kestrel, Lesser | <i>Falco naumanni</i> |
| Kestrel, Mauritius | <i>Falco punctatus</i> |
| Kite, Red | <i>Milvus, milvus</i> |
| Oriole, Golden | <i>Oriolus, oriolus</i> |
| Redstart, Black | <i>Phoenicurus ochruros</i> |

(5) Schedule 4 was amended by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. 1994/1151).

| <i>Common name</i> | <i>Scientific name</i> |
|---------------------------|--------------------------------|
| Redwing | <i>Turdus iliacus</i> |
| Sea-Eagle, Pallas' | <i>Haliaeetus leucoryphus</i> |
| Sea-Eagle, Steller's | <i>Haliaeetus pelagicus</i> |
| Serin | <i>Serinus serinus</i> |
| Serpent-Eagle, Andaman | <i>Spilornis elgini</i> |
| Serpent-Eagle, Madagascar | <i>Eutriorchis astur</i> |
| Serpent-Eagle, Mountain | <i>Spilornis kinabaluensis</i> |
| Shorelark | <i>Eremophila alpestris</i> |
| Shrike, Red-backed | <i>Lanius collurio</i> |
| Sparrowhawk, Gundlach's | <i>Accipiter gundlachi</i> |
| Sparrowhawk, Imitator | <i>Accipiter imitator</i> |
| Sparrowhawk, New Britain | <i>Accipiter brachyurus</i> |
| Sparrowhawk, Small | <i>Accipiter nanus</i> |
| Tit, Bearded | <i>Panurus biarmicus</i> |
| Tit, Crested | <i>Parus cristatus</i> |
| Warbler, Cetti's | <i>Cettia cetti</i> |
| Warbler, Dartford | <i>Sylvia undata</i> |
| Warbler, Marsh | <i>Acrocephalus palustris</i> |
| Warbler, Savi's | <i>Locustella luscinioides</i> |
| Woodlark | <i>Lullula arborea</i> |
| Wryneck | <i>Jynx torquilla</i> |

(3) The words “Any bird one of whose parents or other lineal ancestor was a bird of a kind specified in the foregoing provisions of this Schedule” are omitted.

Revocation

3. Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 is revoked.

24 March 2009

Jane Davidson
Minister for Environment, Sustainability and
Housing, one of the Welsh Ministers

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 Order)

Section 7 of the Wildlife and Countryside Act 1981 (“the Act”), together with Regulations made under that section, provide for the registration and ringing or marking of birds that are kept in captivity and are listed in Schedule 4 to the Act.

Article 3 of this Order removes the birds listed in that article from Schedule 4 to the Act. It also removes the reference to hybrids so that Schedule 4 no longer includes hybrids of the species of birds in the list.

From the coming into force of this Order, the birds included in Schedule 4 to the Act will be —

| <i>Common name</i> | <i>Scientific name</i> |
|---------------------|-----------------------------|
| Buzzard, Honey | <i>Pernis apivorus</i> |
| Eagle, Golden | <i>Aquila chrysaetos</i> |
| Eagle, White-tailed | <i>Haliaeetus albicilla</i> |
| Falcon, Peregrine | <i>Falco peregrinus</i> |
| Goshawk | <i>Accipiter gentilis</i> |
| Harrier, Marsh | <i>Circus aeruginosus</i> |
| Harrier, Montagu's | <i>Circus pygargus</i> |
| Merlin | <i>Falco columbarius</i> |
| Osprey | <i>Pandion haliaetus</i> |

Article 4 contains a consequential revocation of Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I.1994/1151).

A Regulatory Impact Assessment of the effect that this instrument will have to the costs of business and the voluntary sector has been prepared in respect of this Order. A copy of the Impact Assessment can be obtained from the Department for Environment, Sustainability and Housing, Nature, Access and Marine Unit, Crown Buildings, Northgate Street Aberystwyth, or viewed on the National Assembly for Wales website — www.assemblywales.org.