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## EXPLANATORY NOTE

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

These Regulations make provision in relation to Wales about the registration and ringing or marking requirements applicable to birds included in Schedule 4 to the Wildlife and Countryside Act 1981 (“the Act”) for the purposes of section 7(1) of the Act. Section 7(1) of the Act provides that any person who keeps, or has in their possession or under their control, any bird included in Schedule 4 which has not been registered and ringed or marked in accordance with regulations is guilty of an offence.

The power to make regulations in relation to Wales under section 7 of the Act is exercisable by the Welsh Ministers.

These Regulations revoke both the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003 (S.I.2003/3235 (W.315)) and the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009 (S.I. 2009/1733 (W.161)).

Regulation 3 requires the Welsh Ministers to maintain a register of birds kept at addresses in Wales for the purposes of section 7(1) of the Act. A bird must not be registered by the Welsh Ministers unless they are satisfied that the bird has been ringed or marked in accordance with regulation 6. An application for registration on a form obtained from the Welsh Ministers must be made by the keeper or prospective keeper of the bird to which the application relates. The Welsh Ministers must require an application to be accompanied by a charge for registration and may refuse to make an entry in the register in respect of an application until that charge has been paid.

Regulation 4 details those circumstances where registration ceases to have effect and is terminated.

Regulation 5 provides that where a merlin or peregrine falcon has been registered on the register of birds in respect of which a certificate referred to in Article 10 of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by protecting trade therein (“the Council Regulation”) has been issued, it is treated as being registered for the purposes of section 7(1) of the Act.

Regulation 6 provides that every bird to which these Regulations apply must be ringed with a ring obtained from the Welsh Ministers unless marked in accordance with the specimen marking requirements of Article 66 of Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the implementation of the Council Regulation.

Both the Council Regulation and the Commission Regulation implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora commonly referred to as CITES.

A regulatory impact assessment has not been prepared for these Regulations.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- reg. 5(3) words inserted by [S.I. 2018/1216 reg. 9\(2\)](#)
- reg. 6(2) words inserted by [S.I. 2018/1216 reg. 9\(3\)](#)