

**2008 No. 2357**

**WILDLIFE, ENGLAND**

**The Wildlife and Countryside (Registration and Ringing of  
Certain Captive Birds) (Amendment) (England) Regulations  
2008**

<i>Made</i> - - - -	<i>1st September 2008</i>
<i>Laid before Parliament</i>	<i>5th September 2008</i>
<i>Coming into force</i> - -	<i>1st October 2008</i>

The Secretary of State, in exercise of the powers conferred by sections 7(1) and (2) of the Wildlife and Countryside Act 1981(a), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) (Amendment) (England) Regulations 2008 and come into force on 1st October 2008.

**Extent and application**

2. These Regulations extend to England and Wales only and apply in relation to England only.

**Amendment to the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982**

3. The Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982(b) are amended as follows.

**Amendment to regulation 1**

4. In regulation 1(2), after the definition of “CITES” insert the following definitions—  
““the Council Regulation” means Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein(c);

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(a) 1981 c. 69. Section 7(1) was amended, in relation to England and Wales, by section 102 of, and Part 4 of Schedule 16 to the Countryside and Rights of Way Act 2000 (c.37).  
(b) S.I. 1982/1221; relevant amending instruments are S.I. 1991/478, 1994/1152, 1997/2971, 2003/3235, 2004/640.  
(c) O.J. L161, 3.3.1997, p. 1. This Regulation was last amended by Commission Regulation (EC) No. 318/2008 (O.J. L195, 8.4.2008, p. 3).

“the Commission Regulation” means Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the implementation of the Council Regulation(a);”.

### **Amendment to regulation 3**

5.—(1) Regulation 3(b) (registration) is amended as follows.

(2) After paragraph (1) there is inserted —

“(1A) For the purposes of the registration of any birds listed in the Schedule, the register referred to in paragraph (1) may be any register maintained by the Secretary of State which lists birds in respect of which a relevant certificate has been issued.

(1B) In relation to any birds that are listed or to be listed in any register of a kind referred to in paragraph(1A)—

(a) paragraphs (2) and (4) do not apply; and

(b) paragraphs (2)(a)(iii), (c) and (d) and (3) of regulation 4 do not apply.”.

(3) After paragraph (4) there is added—

“(5) In this regulation, “relevant certificate” means a certificate issued by the Secretary of State (as the relevant management authority) which is referred to in Article 10 of the Council Regulation.

(6) In this regulation, “relevant management authority” means the authority notified to the Depository Government (within the meaning of Article XX of CITES), under Article IX(2) of CITES, as designated pursuant to Article IX(1) of CITES to carry out the functions of a management authority for the purposes of granting permits or certificates on behalf of the United Kingdom pursuant to CITES.”.

### **Amendment to regulation 4**

6. In regulation 4(c) (termination of registration), in paragraph (2)(b), “accepted” is omitted.

### **Amendment to regulation 5**

7.—(1) Regulation 5(d) (ringing) is amended as follows.

(2) In paragraph (1), for the words “unless the Secretary of State waives this requirement under paragraph (3)” there is substituted “or marked in accordance with paragraph (3)”.

(3) For paragraph (3) there is substituted—

“(3) A bird is marked in accordance with this paragraph if it is marked in accordance with the specimen-marking requirements of Article 66 of the Commission Regulation (e).”.

### **Schedule to the Regulations**

8. The following Schedule is inserted—

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- (a) O.J. L166, 19.6.2006 p.1. This Regulation was last amended by Commission Regulation (EC) No. 100/2008 (O.J. L31, 5.2.2008, p. 3).
- (b) Regulation 3 was revoked in relation to Wales by S.I. 2003/3235, and amended in relation to England by S.I. 2004/640.
- (c) Regulation 4 was revoked in relation to Wales by S.I. 2003/3235; in relation to England relevant amending instruments are S.I. 1991/478 and S.I. 2004/640.
- (d) Regulation 5 was revoked in relation to Wales by S.I. 2003/3235; in relation to England relevant amending instruments are S.I.1994/1152 and S.I. 2004/640.
- (e) Article 66 implements paragraph 7 of Article VI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and lays down detailed rules concerning the implementation of the Council Regulation.

“SCHEDULE

Regulation 3(1A)

Birds that may be registered in accordance with regulation 3(1A)

<i>Common name</i>	<i>Scientific name</i>
Merlin	Falco columbarius
Falcon, peregrine	Falco peregrinus”

1st September 2008

*Jonathan Shaw*  
Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural Affairs

## EXPLANATORY NOTE

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

These Regulations amend the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 (S.I. 1982/1221) (“the 1982 Regulations”).

The 1982 Regulations are amended to provide that birds listed in the Schedule (peregrine falcon and merlin) may be registered in any register kept by the Secretary of State of birds for which a certificate is held of a kind referred to in Article 10 of EC Regulation No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein (O.J. L161, 3.3.1997, p.1). In relation to birds listed or to be listed in any such register, the provision that the registration shall cease to have effect when the registered bird is disposed of (eg by sale) is disapplied. In addition, the provisions providing that the registration shall cease to have effect when the bird is kept, possessed or under the control of a person other than its registered keeper, or is no longer kept at its registered address, are also disapplied in relation to any peregrine falcon and merlin listed or to be listed in any such register (*regulation 5*).

Regulation 7 makes amendments to the 1982 Regulations to provide that a bird is marked in accordance with the 1982 Regulations if it is marked in accordance with the requirements of European Regulations which implement paragraph 7 of Article VI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Wildlife Species Conservation Division, at Zone 1/11, Defra, Temple Quay House, Temple Quay, Bristol BS1 6EB, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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£4.00