

---

## 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.