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. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2011 No. 1653 (W.188)

WILDLIFE, WALES

The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2011

Made - - - -	*5 July 2011*
Laid before the National Assembly for Wales - -	*7 July 2011*
Coming into force - -	*1 August 2011*

The Welsh Ministers, in exercise of the powers conferred by section 7(1) and (2) of the Wildlife and Countryside Act 1981(**1**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2011.

(2) These Regulations come into force on 1 August 2011 and apply in relation to Wales.

Commencement Information

I1 Reg. 1 in force at 1.8.2011, see **reg. 1(2)**

Interpretation

2.—(1) In these Regulations—

"keep" ("*cadw*") means keep, possess or control;

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

"registered address" ("*cyfeiriad cofrestredig*") means the address contained in the register maintained by the Welsh Ministers under regulation 3(1);

(**1**) 1981. c.69. The functions of the Secretary of State contained in section 7 of the Wildlife and Countryside Act 1981, so far as exercisable in relation to Wales, 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). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions have been transferred to the Welsh Ministers.

"registered keeper" ("*ceidwad cofrestredig*") in relation to a registered bird means the person registered as keeper of the bird in the register maintained by the Welsh Ministers under regulation 3(1);

"ring" ("*modrwy*") means any ring or band for ringing a bird; and

"the Act" ("*y Deddf*") means the Wildlife and Countryside Act 1981.

(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.

Commencement Information

I2 Reg. 2 in force at 1.8.2011, see **reg. 1(2)**

Registration

3.—(1) The Welsh Ministers 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 Welsh Ministers.

(3) The Welsh Ministers must require an application to be accompanied by such reasonable charge for registration as they have determined under section 7(2A) of the Act(**2**).

(4) Upon receiving an application for registration, the Welsh Ministers must enter the relevant information on the register. But this is subject to paragraphs (5) and (6).

(5) The Welsh Ministers must not register any bird to which these Regulations apply unless satisfied that the bird has been ringed or marked in accordance with regulation 6.

(6) The Welsh Ministers may decline to make an entry in the register in respect of an application until the charge referred to in paragraph (3) of this regulation has been paid.

(7) Upon being notified in accordance with regulation 4(1)(d)(ii) of a change in the address at which a registered bird will be kept, the Welsh Ministers must ensure that the new address is entered onto the register as the registered address for that bird.

Commencement Information

I3 Reg. 3 in force at 1.8.2011, see **reg. 1(2)**

Termination

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 or marking referred to in regulation 6 is removed or the identifying information on it or stored within it becomes unreadable;

(**2**) Section 7(2A) was inserted into the Countryside and Wildlife Act 1981 by section 1(2) of the Birds (Registration Charges) Act 1997 (c. 55).

(c) when the registered bird is kept by a person other than its registered keeper, unless it is intended at the time when the bird begins to be so kept that it will be returned to its registered keeper within the specified period and the bird is so returned;

(d) when the registered bird is kept by 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 Welsh Ministers are notified in writing in accordance with paragraph (2) of the new address at which the bird will be kept.

(2) The notification referred to in paragraph (1)(d)(ii) must—

(i) be made before the bird ceases to be kept at the registered address; and

(ii) contain the date from which the bird will be kept at the new address.

(3) In regulation 4(1)(c) "the specified period" ("*y cyfnod penodedig*") means—

(i) in circumstances where the bird will not be kept continuously at its registered address, a period of 3 weeks; or

(ii) in circumstances where the bird will be kept continuously at its registered address, a period of 6 weeks.

Commencement Information

I4 Reg. 4 in force at 1.8.2011, see **reg. 1(2)**

Birds registered on CITES register

5.—(1) Where a bird of a species listed in the Schedule is registered on the CITES register, it is treated as being registered in accordance with these Regulations for the purposes of section 7(1) of the Act.

(2) Regulation 3 and paragraphs (1)(a)(iii), (c) and (d) of regulation 4 do not apply in relation to birds registered by virtue of paragraph (1).

(3) In this regulation—

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

"CITES certificate" ("*tystysgrif CITES*") means 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 regulating trade therein(**3**) issued by the management authority for the United Kingdom(**4**);

"CITES register" ("*cofrestr CITES*") means any register of birds in respect of which a CITES certificate has been issued.

Commencement Information

I5 Reg. 5 in force at 1.8.2011, see **reg. 1(2)**

(**3**) O.J. L 61, 3.3.1997, p.1. This Regulation was last amended by Commission Regulation (EU) No. 709/2010 (O.J. L 212, 12.8.2010, p.1).

(**4**) The Secretary of State for Environment, Food and Rural Affairs is the management authority for the United Kingdom having been designated under Article IX(1) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora to carry out that function and to grant permits or certificates on behalf of the United Kingdom pursuant to that convention.