WELSH STATUTORY INSTRUMENTS

2009 No. 1733 (W.161)

WILDLIFE, WALES

The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009

Made - - - -	*3 July 2009*
Laid before the National Assembly for Wales - -	*6 July 2009*
Coming into force - -	*27 July 2009*

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. The title of these Regulations is the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009, they come into force on 27 July 2009 and apply in relation to Wales.

Amendment to the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003

2. The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003(**2**) are amended as follows.

Amendment to regulation 2

3. In regulation 2(1), after the definition of "the Act" ("*y Ddeddf*") insert the following definitions —

(**1**) 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). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the powers in section 7(1) and (2) of the Wildlife and Countryside Act 1981are now vested in the Welsh Ministers.

(**2**) S.I. 2003/3235.

""the Commission Regulation" ("*Rheoliad y omisiwn*") means Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the implementation of the Council Regulation(**3**);

"the Council Regulation" ("*Rheoliad y yn or*") means Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**4**);".

Amendment to regulation 3

4. Regulation 3 (registration) is amended as follows.

(1) 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 Welsh Ministers 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 (5) do not apply; and

(b) paragraphs (1)(a)(iii), (c) and (d) and (2) of regulation 4 do not apply.".

(2) After paragraph (6) there is added—

"(7) In this regulation, "relevant certificate" ("*tystys rif berthnasol*") means a certificate issued by the Welsh Ministers (as the relevant management authority) which is referred to in Article 10 of the Council Regulation.

(8) In this regulation, "relevant management authority" ("*awdurdod rheoli perthnasol*") means the authority notified to the Depositary 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 ingdom pursuant to CITES.".

Amendment to regulation 5

5.—(1) Regulation 5 (Ringing and marking) is amended as follows.

(2) 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(**5**).".

Schedule to the Regulations

6. The following Schedule is inserted—

(**3**) OJ L166, 19.6.2006, p.1. This Regulation was last amended by Commission Regulation (EC) No. 100/2008 (OJ L31, 5.2.2008, p.3).

(**4**) OJ L161, 3.3.1997, p.1. This Regulation was last amended by Commission Regulation (EC) No. 407/2009 (OJ L123, 19.5.2009, p.3).

(**5**) Article 66 implements paragraph 7 of Article VI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).