STATUTORY INSTRUMENTS

2015 No. 618

WILDLIFE, ENGLAND

The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (England) Regulations 2015

Made - - - -	*5th March 2015*
Laid before Parliament	*11th March 2015*
Coming into force - -	*1st July 2015*

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

Citation, extend, application and commencement

1.—(1) These Regulations may be cited as the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (England) Regulations 2015.

(2) They extend to England and Wales.

(3) They apply only in relation to—

(a) birds kept in England or registered in accordance with these Regulations in consequence of having been kept in England; and

(b) birds treated by virtue of regulation 5(1) as registered in accordance with these Regulations.

(4) They come into force on 1st July 2015.

Interpretation

2. In these Regulations—

"the Act" means the Wildlife and Countryside Act 1981;

"CITES marking" means a mark in accordance with the specimen marking requirements of Article 66 of Commission Regulation (EC) No. 865/2006 laying down detailed rules

(**1**) 1981 c. 69. Section 7(1) of the Wildlife and Countryside Act 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).

concerning the implementation of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**2**);

"CITES register" means a register of birds kept by the Secretary of State in respect of which a CITES certificate has been issued, and for this purpose a "CITES certificate" 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**);

"keep" means keep, or have in one's possession or control;

"keeper", in relation to a bird, means the person who keeps the bird;

"registered" means entered in the register maintained by the Secretary of State under regulation 3(1) or, before the coming into force of these Regulations, regulation 3(1) of the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982(**5**) (and cognate expressions shall be construed accordingly);

"registration" includes re-registration (and cognate expressions shall be construed accordingly);

"relevant bird" means a bird included in Schedule 4 to the Act;

"ring" means any ring or band for ringing a bird; and

"the Secretary of State" means the Secretary of State for the Environment, Food and Rural Affairs.

Registration

3.—(1) The Secretary of State must, for the purposes of section 7(1) of the Act, maintain a register of relevant birds in respect of which the Secretary of State has received an application for registration in accordance with this regulation or regulation 3(1) of the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982(**6**).

(2) The register must specify the address (the "registered address") at which each registered bird is kept.

(3) 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 Secretary of State.

(4) Upon receiving an application for registration, the Secretary of State must (subject to paragraphs (5) and (6)) enter the information on the register.

(5) The Secretary of State must not register any relevant bird unless satisfied that the bird has been ringed or marked in accordance with regulation 6.

(6) The Secretary of State may decline to make an entry in the register in respect of an application until the charge (if any) determined by the Secretary of State under section 7(2A) of the Act has been paid(**7**).

(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 Secretary of State must update the register with the new address as the registered address for that bird.

(**2**) OJ No L 166, 19.6.2006 p1, last amended by Commission Regulation (EC) No 100/2008 (OJ No L 31, 5.2.2008, p3). Council Regulation (EC) No 338/97 gives effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on 3rd March 1973, the text of which is set out in Cmnd.5459.
(**3**) OJ No L 161, 3.3.1997, p1, last amended by Commission Regulation (EC) No 318/2008 (OJ L No 195, 8.4.2008, p3).
(**4**) The Secretary of State 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.
(**5**) S.I. 1982/1221.
(**6**) S.I. 1982/1221.
(**7**) Section 7(2A) was inserted by section 1(2) of the Birds (Registration Charges) Act 1997 (c. 55).

Termination of registration

4.—(1) A registration ceases to have effect in any of the following circumstances—

(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; or

(iv) is exported from the United Kingdom;

(b) when the ring obtained from the Secretary of State, or, as the case may be, the CITES marking is removed, or the identifying information on it or stored within it, can no longer be read;

(c) when the registered bird is kept by a person other than its registered keeper, unless at the time when the bird begins to be so kept, the registered keeper intends that it will be returned to him 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) at the time when the bird ceases to be so kept the registered keeper intends that it will be returned to its registered address within 3 weeks and the bird is so returned; or

(ii) the Secretary of State is 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—

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

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

(3) In this regulation—

(a) "registered keeper", in relation to a registered bird, means the person registered as keeper of the bird in the register maintained by the Secretary of State under regulation 3(1);

(b) "the specified period" 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.

Birds registered on CITES register

5.—(1) Where a bird of a species included in Schedule 1 is entered on the CITES register, it is to be treated as registered in accordance with these Regulations for the purpose of section 7(1) of the Act and the requirements of regulation 3 are to be treated as met in relation to it.

(2) Regulation 4(1)(a)(iii), (c) and (d) does not apply in relation to a bird treated as registered by virtue of paragraph (1).

Ringing and marking

6.—(1) A relevant bird must be ringed with a ring obtained from the Secretary of State.

(2) Paragraph (1) does not apply in respect of a bird that has been marked with a CITES marking.

(3) Any person who rings a bird under paragraph (1) must complete a declaration of ringing on a form obtained from the Secretary of State and return that form to the Secretary of State.