WELSH STATUTORY INSTRUMENTS

2003 No. 3235 (W.315)

WILDLIFE, WALES

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

Made - - - -	*9th December 2003*
Coming into force - -	*31st December 2003*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 7(1) and (2) of the Wildlife and Countryside Act 1981(**1**) and now exercisable by the National Assembly for Wales(**2**), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003 and come into force on 31st December 2003.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

"CITES" ("*CITES*") means the Convention on International Trade in Endangered Species of Wild Fauna and Flora(**3**);

"CITES marking" ("*marc CITES*") means a marking which satisfies the requirements set out in regulation 5(3);

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

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

"the Act" ("*y Ddeddf*") means the Wildlife and Countryside Act 1981;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales.

(**1**) 1981 c. 69.
(**2**) The functions of the Secretary of State were transferred to the National Assembly for Wales, in relation to Wales, by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**3**) Signed in Washington on 3 March 1973.

(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, possesses or controls.

Registration

3.—(1) The National Assembly 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 National Assembly.

(3) On receiving an application for registration the National Assembly must, subject to paragraphs (4) and (5), enter the relevant information on the register.

(4) The National Assembly must not register any bird to which these Regulations apply unless it is satisfied that the bird has been ringed or marked in accordance with regulation 5.

(5) The National Assembly must require an application to be accompanied by such reasonable charge for registration as it has determined under section 7(2A) of the Act and may decline to make an entry in the register in respect of an application until that charge has been paid.

(6) If the registered keeper of a bird notifies the National Assembly in writing that the bird is to cease to be kept at the registered address, stating the date when that is to occur and specifying another address in Wales at which the bird is to be kept after that date, the National Assembly must, provided notification is received before that date, amend the registered address accordingly with effect from that date.

Termination of registration

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 obtained from the National Assembly, or, as the case may be, the CITES marking, is removed or the identifying information on it or stored within it becomes unreadable;

(c) when the registered bird is kept or possessed by or is under the control of a person other than its registered keeper, unless it is intended at the time when the bird begins to be so kept, possessed or controlled that it will be returned to its registered keeper within the specified period and the bird is so returned, and in this sub-paragraph "the specified period" means —

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

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

(d) when the registered bird is kept or possessed by or is under the control of 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