

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Game and Wild Birds Ordinance 2008 <ul style="list-style-type: none"> • Section 10 applies only in respect of any project drawn up or commenced after the day this Ordinance comes into force 	21/2008	01/12/2008
Game and Wild Birds (Amendment) Ordinance 2009	3/2009	06/04/2009
Game and Wild Birds (Amendment)(No.2) Ordinance 2009	17/2009	11/08/2009
Game and Wild Birds (Amendment)(No.3) Ordinance 2009	29/2009	17/11/2009
Game and Wild Birds (Amendment) Ordinance 2010	34/2010	01/02/2011
Game and Wild Birds (Amendment) Ordinance 2013	8/2013	01/04/2013
Game and Wild Birds (Amendment) Ordinance 2014	18/2014	13/06/2014
Game and Wild Birds (Amendment) Ordinance 2015	1/2015	14/01/2015
Game and Wild Birds (Amendment) Ordinance 2016	3/2016	01/03/2016
Game and Wild Birds (Amendment No.2) Ordinance 2016	10/2016	18/05/2016

GAME AND WILD BIRDS ORDINANCE 2008

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GAME AND WILD BIRDS ORDINANCE 2008

An Ordinance to amend and consolidate the Ordinances relating to the preservation, protection and development of game and wild birds and for related purposes

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follow:—

PART 1

Preliminary Provisions

Short title

1. This Ordinance may be cited as the Game and Wild Birds Ordinance 2008.

Interpretation

2. In this Ordinance:—

“airgun” has the meaning given in section 2 of the Firearms and Other Weapons Ordinance 2009(a); (b)

“alien species” means a species or sub-species of animal which is either accidentally or intentionally introduced in area which are outside its historical range of propagation and where it would not ordinarily live; (c)

~~*“animal” means any species of live animal; (d)*~~

“animal” means any species of live animal which includes birds and other non-mammals;

“biodiversity” means the various forms of life at its different stages, from the genes, the species, the ecosystems to the landscapes where these forms are found which includes the land, the water or the air; (e)

“biotope” means any area of land or water which has distinguishing abiotic and biotic features and in which any species of game or wild bird lives in natural conditions;

“close season” has the meaning given to it in section 28;

“corresponding Republican Law” means the Protection and Management of Game and Wild Birds Law 2003 of the Republic (Law 152(1) 1003), and includes any Law amending or substituting that Law;

“dog” means a dog of either gender; (f)

“ecosystem” means the environment, defined by specific biotic and abiotic factors in which the species lives at any stage of its biological cycle; (g)

“endangered species” has the meaning assigned to it in section 44;

“firearm” has the meaning given in the Firearms and Other Weapons Ordinance 2009 (h);(i)

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- (a) Ordinance 21/2009; the definition of “airgun” was amended by Ordinance 6/2012.
(b) Definition inserted by Ordinance 10/2016 – came into force on 18 May 2016
(c) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
(d) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
(e) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
(f) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
(g) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
(h) Ordinance 21/2009 as amended by Ordinance 06/2012
(i) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013

“game” means any animal which is listed in Schedule 2.

“Game Fund” means the Game Fund established under the Game Fund Laws 1990 of the Republic as amended from time to time;

“game licence” means a game licence issued in the Republic under the corresponding Republican Law;

“game reserve” means a general game reserve or a temporary game reserve;

“game warden” means a person appointed as a game warden under section 49;

“game season” has the meaning given to it in section 28;

“general game reserve” has the meaning given to it in section 31;

“*invasive alien species*” means an alien species which—

(a) *by extending through dispersion, establishes populations in natural or seminatural ecosystems far from the location at which it was first introduced, and has an adverse impact on the ecosystems and the way they function; and*

(b) *is prescribed in an order which may be made under section 40C(1)(b); (a)*

“licence as a dealer in game” means a licence as a dealer in game issued by the Republic under the corresponding Republican Law;

“*marking*” means a closed ring, a microchip, a tattoo or any other form of tag used on an animal; **(b)**

“means of transport” means any aircraft, animal, carriage, craft, rail wagon, bicycle, boat, motor vehicle of any description or any other vehicle which is used for transporting persons or goods;

“migratory species” means any species of wild bird which migrates from its breeding area to its wintering area and vice versa at regular intervals;

“Natural habitat” has meaning given to this term in the Protection and Management of Nature and Wildlife Ordinance 2007**(c)**;

“*non-native wild fauna*” means wild fauna which, although not indigenous, now live in a natural state within the boundaries of the Areas; **(d)**

“*plan*” and “*programme*” have the meanings given to those terms in section 2 of the Environmental Assessment of Plans and Programmes Ordinance 2016**(e);(f)**

“*possession permit*” means a possession permit issued by the Republic under the corresponding Republican Law; **(g)**

“project” has the same meaning given to this term in section 2 of the Environmental Impact Assessment Ordinance 2003 **(h)**;

“relevant fee” means the fee that is prescribed for the same purpose in the Republic by or under the corresponding Republican Law;

“repealed Ordinances” means the Ordinances repealed by section 62;

“Schedule 1” means Schedule I of the corresponding Republican Law;

“Schedule 3” means Schedule III of the corresponding Republican Law;

“Schedule 9” means Schedule IX of the corresponding Republican Law;

(a) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
 (b) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
 (c) Ordinance 26/2007 as amended
 (d) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
 (e) Ordinance 5/2016
 (f) Definition inserted by Ordinance 3/2016 – came into force on 01 March 2016
 (g) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013
 (h) Ordinance 11/2003 as amended

“Scientific Committee” means the Scientific Committee established under section 4 of the Protection and Management of Nature and Wildlife Law 2003 of the Republic, Law 153(I)2003;

~~“shot gun” has the meaning given to the term “shot gun” in section 2 of the Firearms Ordinance 1974 (a);~~

“shot gun” means a firearm listed in Schedule 1, Part 2, Category D of the Firearms and Other Weapons Ordinance 2009;(b)

“Special Area of Conservation” means a site of European interest prescribed as such under section 8 of the Protection and Management of Nature and Wildlife Ordinance 2007;

“Special Protection Area” means an area which has been designated as such under section 8;

“species” means any group of organisms whose members actually or potentially interbreed and produce viable offspring;

“sub-species” means organisms of populations which, although phenotypically the same, are genetically and morphologically distinct from other organisms of the same species and which propagate either in the geographical regions in which the species is found or they are geographically isolated; (c)

“taxidermist’s licence” means a taxidermist’s licence issued by the Republic under the corresponding Republican Law;

“temporary game reserve” has the meaning given to it in section 32;

“wild bird” means any bird which by nature lives in the wild and includes birds that are also game.

“wild bred fauna” means wild fauna born or bred in captivity; (d)

“wild fauna” means species or sub-species of wild animal (including game) which—

(a) naturally live in natural or semi-natural ecosystems; but

(b) includes animals which were born or bred in captivity. (e)

PART 2

General Provisions

Principal Objectives of this Ordinance

3. The principal objective of this Ordinance are to provide for—

- (a) the protection, conservation, management and exploitation of all species of wild birds in the Areas;
- (b) the protection, conservation and adjustment of the population of all wild birds in the Areas to a level consistent with ecological, scientific and cultural requirements in a manner that also takes account of the economic and recreational considerations;
- (c) the conservation of certain species or their re-establishment to a favourable conservation status; ~~and~~ (f)
- (d) the taking of all measures necessary for the establishment of a general system of protection for all species of wild birds;
- (e) the protection and management of game;

(a) Ordinance 10/1974 as amended

(b) Definition repealed and replaced by Ordinance 8/2013 – came into force 01 April 2013

(c) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013

(d) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013

(e) Definition inserted by Ordinance 8/2013 – came into force 01 April 2013

(f) Omitted by Ordinance 8/2013 – came into force on 01 April 2013

- (f) the protection of biodiversity and the containment of the loss of biodiversity, ecosystems, wild fauna and flora in the Areas as well as the prevention of diseases to wild fauna. (a)

Chief Officer's general responsibility

4. The Chief Officer has general responsibility for the protection and management of game and wild birds in the Areas.

Advice from experts

5.—(1) The Chief Officer may, in exercising any of the powers or performing any of the duties conferred or imposed on him by this Ordinance—

- (a) ask the Scientific Committee to provide a written opinion on the matter under consideration; and
- (b) in addition to or in place of seeking a written opinion from the Scientific Committee, ask such other environmental expert as he may appoint to advise him to provide a written opinion on the matter under consideration.

(2) Where the Chief Officer request a written opinion in accordance with subsection (1) he must have regard to it in determining how to exercise the power or perform the duty in relation to which the opinion was sought.

PART 3

Wild Birds

Scope of Part 3

6. This part applies to wild birds and their eggs, nests and habitats.

General powers to the Chief Officer

7.—(1) In order to facilitate achievement of the objectives set out in section 3, the Chief Officer may—

- (a) designate Special Protection Areas in accordance with section 8(1) or (2);
- (b) prescribe by order published in the Gazette measures for the protection and conservation of habitats both inside a Special Protection Area and in its surrounding area;
- (c) designate areas for the creation of biotopes by notice in the Gazette;
- (d) prescribe, by order published in the Gazette, measures for the re-establishment of damaged biotopes.

(2) A person who contravenes an order made under paragraph (b) or (d) commits an offence.

Special Protection Areas

8.—(1) The Chief Officer may designate by order published in the Gazette Special Protection Areas for the purpose of protecting any species of wild birds listed in Schedule 1;

(2) The Chief officer may by order published in the Gazette—

- (a) designate Special Protection Areas for the purpose of facilitating the survival and reproduction of migratory species of wild birds whose passing over or through the Areas is frequent;

(a) Paragraph (f) inserted by Ordinance 8/2013 – came into force on 01 April 2013

(b) prescribe measures for the protection and conservation of habitats both inside a Special Protection Area designated in accordance with paragraph (a) and in its surrounding area.

(3) The Chief Officer may prescribe by order published in the Gazette appropriate measures aimed at preventing pollution or deterioration of any habitat in the area adjacent to a Special Protection Area, or at preventing any disturbances which may be harmful to wild birds.

(4) Any person who contravenes an order made under subsections (2)(b) or (3) commits an offence.

Management and Protection of a Special Protection Area

9. In relation to any Special Protection Area designated under section 8(1), the Chief Officer must prescribe measures for its management and protection, which may include any or all of the following—

- (a) the prohibition of a specified activity or operation;
- (b) requiring the undertaking of a specified activity or operation by such person as may be specified in the order;
- (c) the taking of any specified conservation measure by such person as may be specified in the order;
- (d) the establishment of a management plan for the area.

Appropriate assessment

10.—(1) Subsection (2) applies where a *plan, programme or (a) project* (whether or not it requires a building permit under any Ordinance) which is not directly related to or necessary for the management of any area within a Special Protection Area, but which, in the opinion of the Chief Officer, may either on its own or in combination with another *plan, programme or project* affect such an area.

(2) A *plan, programme or project* of the kind referred to in subsection (1) is subject to an appropriate assessment by a competent authority of its implications for the area in view of —

- (a) the conservation objectives of the specific area within the Special Protection Area in which the *plan, programme or project* would be based;
- (b) the conservation objectives of the relevant Special Protection Area as a whole; and
- (c) public opinion of the *plan, programme or project* (where such opinion is required to be sought in accordance with regulations made under this section).

(3) In considering whether to approve a *plan, programme or project* in accordance with this section, the Chief Officer must have regard to the manner in which it is proposed to be carried out and to any conditions or restrictions subject to which the approval should be given.

(4) Subject to subsection (5), a *plan, programme or project* may be approved by the Chief Officer only where he is satisfied as a result of the appropriate assessment that the *plan, programme or project* will not have an adverse effect on the integrity or the character of the Special Protection Area.

(5) In the absence of any satisfactory alternative, the Chief Officer may approve a *plan, programme or project* notwithstanding that the appropriate assessment concludes that it may have an adverse effect on the integrity or the character of the Special Protection Area, but only where he is satisfied that the *plan, programme or project* is necessary for imperative reasons of overriding public interest, which may include those of a social or economic nature.

(6) If the Chief Officer approves a *plan, programme or project* in accordance with subsection (5), he must, by order published in the Gazette, prescribe any compensatory measures required for the purposes of eliminating or reducing the adverse effects the *plan, programme or project* may have on the Special Protection Area.

(a) Text inserted wherever it occurs in section 10 inserted by Ordinance 3/2016 – came into force on 1 March

(7) If the Chief Officer does not approve a *plan, programme or project*, it must not go ahead.

(8) The Chief Officer may make regulations to be published in the Gazette for the purpose of prescribing the procedure to be followed by a competent authority in carrying out an appropriate assessment, including the method for seeking public opinion on the proposed *plan, programme or project* and the occasions on which this is required to be done.

(9) For the purposes of this section, a competent authority means—

- (a) Her Majesty's Forces if the Special Protection Area affected by the *plan, programme or project* includes any land occupied by the Crown in any capacity or any land to which access is controlled or restricted by the Crown in any capacity;
- (b) the Senior Environmental Adviser for the Sovereign Base Areas Administration in any other case.

Protection of wild birds (a)

~~11.—(1) Save as provided by or under Part 4 or Part 9 of this Ordinance, a person must not—~~

- ~~(a) intentionally or recklessly pursue, kill, wound or capture any wild bird;~~
- ~~(b) intentionally or recklessly destroy or cause damage to, the nest or any egg of a wild bird, or to remove the nest of a wild bird;~~
- ~~(c) deliberately disturb a wild bird in its natural range so as to affect its ability to survive, breed, rear or nurture its young, migrate, or so as to affect the local distribution or abundance of that species;~~
- ~~(d) take from the wild any egg of a wild bird and to keep any such egg even if it is empty;~~
- ~~(e) keep any wild bird the hunting and capture of which is prohibited.~~

~~(2) Paragraphs (a), (c) and (e) of subsection (1) apply to all stages of the biological cycle of a wild bird.~~

~~(3) A person who contravenes subsection (1) commits an offence.~~

Protection of wild birds

11.—(1) Save as provided by Part 4 or Part 9, a person must not—

- (a) intentionally or recklessly pursue, kill, injure or capture any wild bird;*
- (b) intentionally or recklessly destroy or damage the nest or egg of any wild bird, or remove the nest of a wild bird;*
- (c) deliberately disturb a wild bird so as to affect its ability to survive, breed, rear or nurture its young or migrate, or so as to affect the local distribution or abundance of that species;*
- (d) take from the wild any egg of a wild bird or possess any such egg even if empty; or*
- (e) possess any live or dead wild bird or any part of such a bird, the hunting and capture of which is prohibited.*

(2) A person who contravenes subsection (1) commits an offence (b) and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding €50,000 €17,086 (c) (or to both).

Dealing in wild birds

12.—(1) Subject to subsections (2) and (3), a person must not sell, transport for sale, keep for sale or offer for sale any live or dead wild bird or any part or derivative of any wild bird.

(a) Section 11 repealed and replaced by Ordinance 34/2010 – came into force on 01 February 2011

(b) Text following inserted by Ordinance 8/2013 – came into force on 01 April 2013

(c) Fine amended by Ordinance 01/2015 – came into force on 14 January 2015

(2) A person may sell, transport for sale, keep for sale or offer for sale a wild bird of the species listed at paragraphs (1) to (7) of Schedule 3 provided—

- (a) he does so in accordance with such conditions as the Chief Officer may impose by order published in the Gazette; and
- (b) the wild bird was captured or otherwise acquired or killed in a manner permitted by this Ordinance.

(3) The Chief Officer may by order published in the Gazette permit the sale, transport for sale, keeping for sale or offering for sale of a wild bird of the species listed at paragraphs (8) to (26) of Schedule 2 where he is satisfied that such acts would not place or threaten to place at risk the population level, geographical dispersion or breeding of any such species.

(4) An order made in accordance with subsection (3) may impose conditions on the sale, transport for sale, keeping for sale or offering for sale of any species of wild bird listed in that order.

(5) Any act permitted by an order made under subsection (3) is lawful only where the wild bird is captured or otherwise acquired or killed in a manner permitted by this Ordinance.

(6) A person who contravenes subsection (1) or (2) or any order made under subsections (2) or (3) commits an offence.

Prohibited means pursuing, capturing or killing of wild birds

13.—(1) A person must not engage in the large-scale or non-selective pursuit, capture or killing of birds.

(2) Without prejudice to the generality of subsection (1), a person must not use any of the following means for pursuing, killing, wounding or capturing wild birds—

- (a) mist-nets, limesticks, nooses of any description, iron-traps, leghold traps, hooks, live blind or mutilated wild birds as decoys, tape recorders or other sound recording or emitting devices, electrocuting devices, electronic devices capable of killing or stunning or any other trap or means of luring;
- (b) searchlights, mirrors or any other means of dazzling, sighting devices for night shooting, any apparatus for illuminating targets, silencers or any bait with an explosive mechanism;
- (c) explosives;
- (d) nets, traps, poisoned or anaesthetising bait;
- (e) semi-automatic or automatic weapons with a magazine capable of holding more than 2 rounds of ammunition;
- (f) plastic or other models of game or wild birds, appliances which produce or emit sounds that imitate the sounds of game or wild birds, whether used on their own or in conjunction with any other items such as cassette tapes or compact discs;
- (g) the method commonly known as “pantima” or any other similar method or practice;
- (h) chemical substances for luring game and wild birds;
- (i) poisonous seeds or substances;
- (j) any appliance which on its own or with the addition of any accessory is capable of locating game;
- (k) feeding;
- (l) falconry;
- (m) a car or any other motorised land vehicle.

(3) Without prejudice to the generality of subsection (1) but subject to subsection (4), a person must not pursue wild birds by any of the following means—

- (a) an aircraft;
- (b) a car or any other form of motorised land vehicle;

(c) a boat driven at a speed exceeding 5 kilometres per hour.

(4) Notwithstanding paragraph (c) of subsection (3), the Chief Officer may by order published in the Gazette permit, for safety reasons, the pursuit of wild birds in the open sea by means of a motor boat at a maximum speed of 18 kilometres per hour.

(5) A person who contravenes this section commits an offence.

Licence to permit activities otherwise prohibited under sections 11-13

14.—(1) The Chief Officer may license a person to carry out an activity which is otherwise prohibited by sections 11, 12 or 13 (or all such sections) but only for one or more of the following reasons—

- (a) public health;
- (b) air safety;
- (c) the prevention of serious damage to crops, livestock, forests, fisheries and water;
- (d) the protection of fauna and flora;
- (e) for research and teaching purposes;
- (f) for the purposes of repopulation and re-introduction of any species and for any breeding operations necessary for such purposes;
- (g) for the purpose of enabling the taking, keeping and exploitation in a sustainable manner of a small number of specified wild species.

(2) If the Chief Officer grants a licence in accordance with subsection (1), he must specify in it the following information—

- (a) the species of wild birds which are the object of the licence;
- (b) the number of the species of wild birds which are the object of the licence;
- (c) the permitted means of capturing or killing such species;
- (d) the conditions attaching to, and the period of, the permission;
- (e) any other necessary restrictive conditions;
- (f) the person to whom the licence applies;
- (g) the specific area in which the licence applies; and
- (h) any checks which may be carried out by the Area officer or by a game warden.

(3) A person who contravenes any condition of a licence granted to him under this section commits an offence.

Introduction of non-local species of wild birds into the Areas

15.—(1) The Chief Officer may specify by order published in the Gazette any measures necessary to ensure that any introduction of non-local species of wild birds into the Areas does not cause any harm to the local fauna and flora.

(2) A person who contravenes an order made under subsection (1) commits an offence.

(3) For the purposes of this section, “non-local species” means species that are not normally found on the Island of Cyprus.

Information to EC Commission

16. The Chief Officer may provide the Commission of the European Communities with such information as appears to him to be relevant to the work of the Commission in the matters with which this Ordinance is concerned.

PART 4

Game

Regulations on hunting game

17.—(1) The Chief Officer may, by regulations published in the Gazette—

- (a) prescribe the maximum number of game which on any one day may be hunted and possessed by a holder of a game licence;
- (b) prohibit the shooting, killing, pursuing, capture, possession or sale of any game for such period as may be specified in the regulations;
- (c) prescribe the hours during which the hunting of game may be carried out;
- (d) prescribe whether a holder of a game licence may, during the game season, shoot, kill, capture, or pursue game whether accompanied or unaccompanied by a dog;
- (e) specify for any species of game, the maximum number of game, the area and the period during which the shooting, killing capture or pursuit of such species of game is permitted and the area and the period during which hunting is permitted accompanied by a dog;
- (f) *prescribe the number of hunting dogs that a holder of a game licence may train; (a)*
- (g) *prescribe the areas, times and periods in which the holder of a game licence who uses hunting dogs may train the holder's dogs;*
- (h) *prohibit the training or roaming in areas reserved for the training of hunting dogs the following breeds of dogs or dogs of similar breeds which are also used in dog races—*
 - (i) *greyhounds;*
 - (ii) *Afghan hounds;*
 - (iii) *saluki;*
 - (iv) *basenji;*
 - (v) *borzoi;*
 - (vi) *whippet;*
 - (vii) *Italian greyhound;*
- (i) *during the period between sunset and sunrise, prohibit in any area, irrespective of whether hunting is permitted or prohibited, the roaming or exercise of any dog except if the dog is accompanied by its owner who is controlling the dog by way of a leash;*
- (j) *prohibit the roaming or exercise of hunting dogs within a game reserve, whether or not accompanied by a person, unless the area has been designated as a training area in accordance with regulations made under paragraph (g);*
- (k) *subject to subsection (2), during any period, prescribe the number of dogs that may accompany a shepherd or other animal breeder when attending to sheep or other animals grazing in any area, depending on the number of animals in the flock or herd.*

~~(2) A person who contravenes any regulation made under paragraph (a) or (c) of subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both. (b)~~

(2) No dog listed in subsection (1)(h) may accompany a shepherd or an animal breeder in the circumstances described in subsection (1)(k).

(3) A person who contravenes a regulation made under subsection (1) or who contravenes subsection (2) commits an offence and on conviction is liable to a term of imprisonment for a period not exceeding 2 years or to a fine not exceeding €3,417 (or to both).

(a) Paragraphs (f) to (k) inserted by Ordinance 8/2013 – came into force on 01 April 2013

(b) Section (2) repealed and replaced and subsection (3) inserted by Ordinance 8/2013 – came into force on 01 April 2013

Transportation of dogs (a)

17A.—(1) *Subject to subsection (2), the owner of a hunting dog or other person accompanying the hunting dog, if transporting the dog in a vehicle, must transport the dog in a cage which—*

- (a) protects the dog from climatic conditions which would cause the dog discomfort or from pollution emitting from the vehicle used for transporting the dog;*
- (b) prevents the dog moving freely within the vehicle; and*
- (c) enables the dog owner or other accompanying person to control the dog when entering or exiting the vehicle or other means of transport.*

(2) Subsection (1) also applies to other breeds of dogs when being transported on unpaved roads.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Hunting may be prohibited even in a game season

18.—(1) The Chief Officer may by order published in the Gazette, prohibit the shooting, killing, pursuit, capture, sale or display for sale of any species of game or wild birds during any period specified in the order even if such period would, apart from such an order, not fall in a close season.

(2) A person who contravenes an order made under subsection (1) commits an offence.

~~Requirements for game licence (b)~~

~~**19.**—(1) A person must not shoot, kill, possess, capture or pursue in any manner any game, unless he is the holder of a game licence.~~

Requirement for game licence

19.—(1) *A person must not shoot, kill, possess, capture or pursue in any manner any game, unless the person is the holder of a game licence.*

(2) A person must comply with conditions attached to a game licence.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Carrying of game licence

20.—(1) The holder of a game licence must carry his game licence with him and must, if he is requested to do so by a game warden or police officer, produce his licence for inspection

- (a) when he is hunting; or
- (b) when he is carrying a shot gun, cartridges or game in or on a vehicle during a period in which it is lawful to shoot game in the Republic under the corresponding Republican Law,

(2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both.

Requirement for insurance cover

21.—(1) A holder of a game licence must enter into and maintain in force a policy of insurance in respect of third party risks to the person or property of any third party arising from the licence holder's hunting activities.

(a) Section 17A inserted by Ordinance 8/2013 – came into force on 01 April 2013

(b) Section 19 repealed and replaced by Ordinance 8/2013 – came into force on 01 April 2013

(2) A person who contravenes subsection (1) commits an offence.

Hunting orange to be worn

22.—(1) A person who is hunting game, or who is accompanying a person who is hunting game, must wear a hat of the colour known as “hunting orange” or must wear clothing such that at least 30% of his body is covered in “hunting orange”.

(2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both.

Treatment of game which has been killed or captured

23.—(1) A person must not -

- (a) display live game which has been captured to public view;
- (b) torture such game in any manner; or
- (c) display dead game to public view from any motorised means of transport.

(2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both.

Disposal of spent cartridges

24.—(1) A person who is hunting, or who is accompanying a person who is hunting, must not dispose of spent cartridges or other waste in the countryside.

~~(2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both. (a)~~

(2) Whilst hunting, the holder of a game licence must keep a quantity of spent cartridges which is at least equal in number to the number of game in the person’s possession.

(3) A person who contravenes subsection (1) or (2) commits an offence and on conviction is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding €3,317 (or to both).

Retention of plumage

25.—(1) The holder of a game licence must, on any day that he is hunting, keep in full plumage at least the head and one wing of each wild bird that he catches until such time as he reaches his final destination after the end of the hunt.

(2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both.

Prohibition methods of hunting

26.—(1) Except where it is permitted by a licence under section 14, a person must not shoot, kill, capture, pursue, disturb or mislead any game by making use of—

- (a) mist-nets, limesticks, hooks, knots, wire-knots, iron-traps, leghold traps, electronic devices which cause death or stunning, or any other similar trap or means of luring;
- (b) searchlights, mirrors or any other means of dazzling;
- (c) devices for illuminating targets, sighting devices for night shooting consisting of electronic magnifiers or image converters, silencers, baits with explosive mechanisms or electrocuting devices;

(a) Subsection (2) repealed and replaced and subsection (3) inserted by Ordinance 8/2013 –came into force on 01 April 2013

- (d) plastic or other models of game or wild birds, appliances which produce or emit sounds imitative of game or wild birds, whether such appliances are used alone or in conjunction with any other item such as cassette tapes or compact discs;
- (e) motorised means of transport on land and boats and aircraft of any description;
- (f) the method commonly known as “pantima” or any other similar method or practice;
- (g) chemical substances for luring game and wild birds;
- (h) poisonous seeds or substances;
- (i) any appliance which either on its own or in conjunction with any accessory is capable of locating game;
- (j) feeding;
- (k) falconry.

(2) A person must not engage in the large-scale or non-selective pursuit, capture or killing of game.

(2A) The holder of a game licence must kill immediately all game caught alive. (a)

(3) A person who contravenes this section commits an offence.

Restrictions on import, manufacture and possession of items

27.—(1) Subject to subsection (2), a person must not import, manufacture or possess any of the items described in paragraphs (a), (c), (d), (g), (h), and (i) of section 26(1) unless he is the holder of a licence issued under this section by the Chief Officer:

(2) Subsection (1) does not prohibit any person from importing, manufacturing or possessing hooks for the purposes of fishing.

(3) A person who contravenes subsection (1) commits an offence.

PART 5

Game Seasons, Close Seasons and Game Reserves

Prescribing of game season

28.—(1) Subject to subsection (2), the Chief Officer must prescribe by order published in the Gazette the period of the year which is to be the game season.

(2) The period falling wholly or partly between 1st March and 15th August in any year (both dates included) may not be a game season.

(3) Any period of the year which has not been prescribed under subsection (1) as a game season is a close season.

Prohibition on hunting at night (b)

28A.—(1) *A person must not pursue, kill or capture game during the period between sunset and sunrise.*

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment to a term not exceeding 4 years or to a fine not exceeding €50,000 (or to both).

(a) Subsection (2A) inserted by Ordinance 8/2013 – came into force on 01 April 2013

(b) Section 28A inserted by Ordinance 8/2013 – came into force on 01 April 2013

Restrictions on hunting during close season

29.—(1) Except where section 48 applies, a person must not shoot, kill, capture, disturb or pursue any game during a close season.

(2) The Chief Officer may grant to a game warden or person authorised under section 49 a licence authorising that person to shoot, kill, capture or pursue a species of game or wild bird for the purposes of scientific research in any area including in a game reserve during any season.

(3) A person who contravenes this section commits an offence.

~~Offence of possessing game during close season~~ (a)

~~**30.**—(1) (1) Subject to subsection (2), any person who has in his possession any game (whether killed or live) or any part of any such game during a close season commits an offence.~~

~~(2) The Chief Officer may by order published in the Gazette prescribe a period ending no later than 15 days after the date of the expiry of any game season during which the possession of killed game is permissible.~~

Possession of killed game

30.—(1) *Subject to subsection (2), a person must not possess any game (whether alive or dead) or any part of such game during a close season.*

(2) *By order made as a public instrument, the Chief Officer may prescribe—*

- (a) *a period during the close season within which it is permissible to possess game killed in accordance with this Ordinance (the “prescribed period”);*
- (b) *the species of game killed in accordance with this Ordinance which must bear a marking;*
- (c) *the type of marking;*
- (d) *the area of the body on the game where the marking must be placed;*
- (e) *the fee for such marking;*
- (f) *the maximum number of game killed in accordance with this Ordinance that a person may possess during any period; or*
- (g) *in relation to paragraphs (b) to (f), offences with penalties not exceeding the maximum provided for in section 59(2).*

(3) *A person who possesses game during any part of a close season which is not a prescribed period commits an offence and is liable on conviction to imprisonment for a period not exceeding 3 years or to a fine not exceeding €17,086 (or to both).*

General game reserves

31.—(1) The Chief Officer may by order published in the Gazette designate any area as a general game reserve.

(2) Without prejudice to subsection (1), the following are general game reserves—

- (a) any urban area, the residential area of any village and any area within a distance of 500 metres from the outer limits of such a residential area, and any area within a radius of 200 metres of any isolated house;
- (b) any military establishment and any area within a distance of 300 metres of such an establishment;
- (c) any private place fenced by walls or metal, net, or other fencing material to a height exceeding 150 centimetres and any area within a radius of 200 metres of such a place.

(a) Section 30 repealed and replaced by Ordinance 8/2013 – came into force on 01 April 2013

(d) any area within a radius of 200 metres of a motorway, and any area within a radius of 100 metres of a main road. (a)

(3) For the purposes of this section, (b)

(a) “main road” means a road (other than a motorway) that has been covered with asphalt or similar material to make a firm, level surface, and

(b) “motorway” means a road designated as a motorway in the Motor Vehicles and Road Traffic (Motorway and Speed Limits) Order 2008(c).

Temporary game reserves

32. The Chief Officer may by order published in the Gazette declare any area to be a temporary game reserve for such period as may be specified in the order.

Offences within general game reserves and temporary game reserves

33. A person commits an offence if he —

(a) shoots, kills, captures or pursues any game in a general game reserve or in a temporary game reserve or who is found in a general game reserve or in a temporary game reserve in such circumstances as to indicate that he was present there with a view to pursue game unlawfully; or

(b) not being either a police officer or a game warden or a person authorised under section 49, is in possession of a shotgun in a general game reserve or in a temporary game reserve without the written permission of the Chief Officer.

Sealing of shot guns

34.—(1) The Chief Officer may, with a view to preventing the use of shot guns during a close season, by order published in the Gazette, specify that on such date as may be specified in the order, all shot guns are to be presented to the Chief Officer for sealing up.

(2) While an order made under subsection (1) is in force, a person must not have in his possession or under his control a shot gun which has not been sealed up in accordance with that order.

(3) While an order made under subsection (1) is in force, a person who has in his possession or under his control a shot gun must, if requested to do so by a police officer or a game warden, produce the shot gun for inspection by that person.

(4) A person commits an offence if, while an order made under subsection (1) is in force—

(a) fails to comply with, or acts in contravention of, the order;

(b) fails to comply with subsection (3); or

(c) otherwise than with the written authority of a police officer or of the Chief Officer, breaks, destroys or in any other way interferes with any sealing made pursuant to the order.

(a) Subsection (d) inserted by Ordinance 29/2009 – came into force on 17 November 2009
(b) Subsection (3) inserted by Ordinance 29/2009 – came into force on 17 November 2009
(c) Public Instrument 41/2008

PART 6

Marketing of Game

Prohibitions on disposing of game

35.—(1) Subject to subsection (2), a person who does not hold a licence as a dealer in game must not sell or otherwise for consideration dispose of any game.

(2) A holder of a game licence may sell or otherwise for consideration dispose of game to a person who holds a licence as a dealer in game.

(3) A person who contravenes this section commits an offence.

Obligations on a dealer in game

36.—(1) A holder of a licence as a dealer in game must display the licence in a conspicuous place at the place or premises specified in the licence for the supply of game.

(2) A holder of a licence as a dealer in game must keep a book in which he must enter truthfully and accurately the particulars required under the corresponding Republican Law;

(3) A holder of a licence as a dealer in game must, if requested to do so by a police officer or by any other person appointed by the Chief Officer for the purposes of this section, produce for inspection the book which he is required to keep under subsection (2).

(4) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both.

(5) A person who contravenes subsection (2) or subsection (3) commits an offence.

Prohibition on offering game or wild birds at premises

37.—(1) Subject to section 12, A person must not prepare for eating, sell or serve at any premises any species of game or wild birds nor include any such species in any description (whether on a menu or otherwise) of the food available at such premises.

(2) A person commits an offence if, at any premises, he —

- (a) prepares for eating, sells or serves any species of game or wild birds;
- (b) permits any species of game or wild birds to be prepared for eating, sold or served there;
or
- (c) uses or permits the use of any menu on which appears the name or any other description of any species of game or wild birds.

(3) Subject to subsection (4), a game warden or police officer may enter without a warrant any premises in which he has reasonable cause to believe that any species of game or wild birds is being prepared for eating, sold or served in contravention of this Ordinance, and may confiscate such species of game or wild birds.

(4) A game warden or police officer must not enter a dwelling house unless he has either the consent of the owner or occupier of the premises or a warrant of the Court issued for that purpose.

(5) Where an offence is committed by any person under this section, then if that person is not the owner of the premises or the person for the time being having responsibility for the control or management of the premises, a like offence is treated as having been committed by such owner or person responsible for the control or management of the premises unless he satisfies the Court that he took all reasonable precautions to prevent the commission of the offence.

(6) For the purposes of this section, “premises” includes any open-air place where any species of game or wild birds is sold, offered for sale, prepared for sale or offered for consumption.

PART 7

Prohibitions

Restrictions on carrying a shot gun

~~38.—(1) A person must not carry a shot gun, unless it has been dismantled and stored in a container,—~~

- ~~(a) within or upon any vehicle;~~
- ~~(b) upon any animal;~~
- ~~(c) in the game season during the hours that hunting is prohibited. (a)~~

38.—(1) A person must not carry a shot gun,

- (a) within or upon any vehicle;
- (b) upon any animal;
- (c) in the game season during the hours that hunting is prohibited,

unless both the following conditions are satisfied:

- (i) the person is the holder of a gun licence or of any licence to carry a shot gun issued under any other legislation, and
- (ii) the shotgun is dismantled and stores in a container.

(2) A person must not, unless he is the holder of a licence under section 29(2) or a permit under section 48, carry a shot gun -

- (a) in any general game reserve or temporary game reserve; or
- (b) during any close season, except in accordance with section 7 of the Firearms Ordinance 1974,

(3) Subject to subsection (4) and to the Firearms Ordinance 1974 a person must not carry a dismantled shot gun or a shot gun in a container, in or upon any vehicle or animal on any rural road, or on any un-metalled road at any time between 60 minutes before or 60 minutes after the ending of the period when hunting is allowed.

(4) The Chief Officer may by permit exempt the holder of a game licence from any or all of the prohibitions contained in this section on payment of the relevant fee, and subject to such conditions as may be included in the permit.

(5) A person who contravenes this section commits an offence.

Prohibition on use of cloth or rag as wadding and on using tracer bullets etc

39.—(1) A person who uses as wadding any cloth or waste rag or tracer bullets whilst hunting commits an offence.

(2) Subject to subsection (1), the Chief Officer may, by order published in the Gazette, specify the form of cartridge, the form of shot that may be used in any cartridge, the area in which and the period when any description of cartridge may be used.

(3) A person must not shoot a pellet made of lead at any place which is at a distance of less than 300 metres from a salt lake.

(4) A person who contravenes an order made under subsection (2) or who contravenes subsection (3) commits an offence.

(a) Subsection (1) repealed and replaced by Ordinance 3/2009 – came into force on 06 April 2009

Restrictions on capturing or keeping live wild birds or game (a)

~~40.—(1) Any person who captures, possesses or keeps in captivity any species of game or wild birds commits an offence. (2) Subsection (1) does not apply to—~~

- ~~(a) any person authorised by the Chief Officer to perform any of the acts described in subsection (1) for the purposes of repopulation or reintroduction of a species or of scientific research; or~~
- ~~(b) any local authority, natural history museum, zoo or botanical garden acting under and in accordance with any conditions attached to a licence granted under this section by the Chief Officer.~~

Restrictions on wild fauna and alien species

40.—(1) A person must not carry out any of the following acts in relation to wild fauna or alien species—

- (a) possess (including keep in captivity);*
- (b) capture;*
- (c) release into a natural or semi-natural ecosystem;*
- (d) sell or make available for sale;*
- (e) transport for sale;*
- (f) import or export;*
- (g) breed.*

(2) A person who contravenes subsection (1) commits an offence, unless the act is authorised under section 40A or 40B.

Permitted activities for wild fauna (b)

40A.—(1) On an application being made, the Chief Officer may authorise in writing a person to carry out 1 or more of the acts referred to in section 40(1) in relation to wild fauna (which includes wild bred fauna and non-native wild fauna) or alien species, —

- (a) for the purposes of—*
 - (i) repopulation;*
 - (ii) reintroduction of a species or a sub-species; or*
 - (iii) scientific research; or*
- (b) for a natural history museum, a zoo or a botanical garden if its establishment is authorised in writing by the Chief Officer.*

(2) Subsection (1) does not apply to an act in relation to wild fauna or an alien species if it is a prescribed species under section 40C.

(3) The Chief Officer may impose conditions when authorising an act.

(4) A person must comply with a condition imposed under subsection (3).

(5) A person who contravenes subsection (4) commits an offence.

Further permitted activities for wild bred fauna

40B.—(1) By order made as a public instrument, the Chief Officer may determine the species or sub-species of wild bred fauna (“prescribed wild bred species”) for which authorisation may be granted under subsection (2).

(a) Section 40 repealed and replaced by Ordinance 8/2013 – came into force on 01 April 2013

(b) Section 40A, 40B & 40C inserted by Ordinance 8/2013 – came into force on 01 April 2013

(2) *On an application being made in writing, the Chief Officer may authorise the applicant to carry out any of the acts referred to in section 40(1) in relation to a prescribed wild bred species.*

(3) *If an order is made under subsection (1), the Chief Officer may also prescribe 1 or more of the following conditions—*

(a) *the type of premises at which prescribed wild bred species must be kept;*

(b) *the marking of a prescribed wild bred species;*

(c) *the prescribed wild bred species that may be sold;*

(d) *the means of selling those prescribed wild bred species which may be sold.*

(4) *The Chief Officer must not grant an authorisation if the applicant has been convicted of an offence under this Ordinance or under the corresponding Republican Law during a period of 5 years ending with the date the person applies to the Chief Officer for authorisation.*

(5) *The Chief Officer may impose conditions when authorising an act under subsection (2).*

(6) *A person must comply with a condition imposed under the order or under subsection (5).*

(7) *A person who contravenes subsection (6) commits an offence.*

Restrictions on non-native wild fauna, alien species and alien invasive species

40C.—(1) *By order made as a public instrument, the Chief Officer may determine the following (the “prescribed species”)—*

(a) *those non-native wild fauna or alien species for the purposes of subsection (2); and*

(b) *invasive alien species.*

(2) *Subject to subsections (3) and (10), a person (“P”) must not possess an animal of a prescribed species (“A”).*

(3) *Subject to subsection (6), if P possesses A before an order under subsection (1) comes into force, P may continue to possess A if A is the subject of a possession permit.*

(4) *If a possession permit is granted, P may possess A until A’s natural death.*

(5) *Subject to subsection (10), P must apply for a possession permit not later than 6 months after the order made under subsection (1) comes into force.*

(6) *If P applies for a possession permit within the 6 month period, P may possess A for the period before being notified that the possession permit has been granted or is refused, unless informed within the period before making an application that, if an application for a possession permit were to be made, the application would be refused.*

(7) *If P does not apply for a possession permit within the 6 month period, A may be seized by the Republic’s Treatment and Rehabilitation of Wild Fauna Centre or the Republic’s Game Fund and A may be dealt with in accordance with the corresponding Republican Law.*

(8) *If P applies for a possession permit within the 6 month period but the possession permit is refused and P is informed of the refusal or P is informed that any application would be refused, A may be seized by the Republic’s Treatment and Rehabilitation of Wild Fauna Centre or the Republic’s Game Fund and A may be dealt with in accordance with the corresponding Republican Law.*

(9) *P must pay to the Republic’s Game Fund the expenses associated with the capture, retention, transport or export of A and any expenses may be recoverable as a civil debt.*

(10) *The Chief Officer may authorise in writing P to possess A for the purpose of scientific research.*

(11) The Chief Officer may impose conditions when granting the authorisation under subsection (10).

(12) P must comply with any conditions imposed by way of a possession permit or under subsection (10).

(13) A person who contravenes subsection (2) or (12) commits an offence.

Restrictions on introducing game and wild birds into the environment

41.—(1) A person who introduces into the environment any species of game or wild birds (a) or other animal which has been bred in captivity to be used as quarry for hunting without the permission of the Chief Officer commits an offence.

(2) The Chief Officer must not grant permission under this section where he is of the opinion that to do could result in damage being caused to the local flora or fauna.

Taxidermy

42.—(1) A person must not stuff a specimen of game or wild birds unless he holds a taxidermist's licence in respect of the species in question.

(2) Subject to subsection (3), a person must not possess a stuffed specimen of game or wild birds unless he holds either a taxidermist's licence in respect of the species in question or a licence to possess that specimen under subsection (8)(a).

(3) A person may possess a stuffed specimen of game or wild birds without a taxidermist's licence on land or premises owned or occupied by the Crown or to which access is controlled by the Crown.

(4) The holder of a taxidermist's licence must:

- (a) display his licence in a prominent place in the place in which he carries out his taxidermy activities, and
- (b) produce that licence forthwith for inspection if required to do so by the Area Officer or a Police Officer.

(5) The holder of a taxidermist's licence must keep a book ("record book") in which he must enter for each specimen that he stuffs true and accurate particulars, in Form G of Schedule VI of the corresponding Republican Law.

(6) The holder of a taxidermist's licence must present each specimen of game or wild birds that is presented to him for taxidermy to the Area Officer, together with the record book, in order to be given approval to stuff that particular specimen.

(7) In respect of each specimen of game or wild birds for which he has been given approval under subsection (6), a holder of a taxidermist's licence must complete Form H of Schedule VI of the corresponding Republican Law, the top part of which he must keep with his records and the bottom part of which must accompany the specimen.

(8) When the holder of a taxidermist's licence disposes of a stuffed specimen of game or wild birds, he must make three copies of the particulars referred to in subsection (5) and distribute them as follows –

- (a) the first copy is given to the purchaser as a licence to possess that specimen;
- (b) the second copy is kept by the holder of the taxidermist's licence; and
- (c) the third is sent to the Area Officer.

(9) A person who contravenes subsection (4)(a) commits an offence and is liable to imprisonment for 2 years or to a fine of €3,417 or to both.

(10) If a person who is asked to produce a licence to possess issued under subsection (8)(a) or under the corresponding Republican law fails to do so, or refuses to give his name and address

(a) Text inserted by Ordinance 8/2013 – came into force on 01 April 2013

when asked to do so by the Area officer or a Police Officer, or gives a false name and address, he commits an offence and is liable to imprisonment for 6 months or to a fine of €1,708 or to both.

(11) A person who contravenes subsection (1), (2), or (5) commits an offence.

(12) The powers conferred and the duties imposed on the Area Officer by subsections (4)(b), (6), 8(c) and (10) are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007 (a).

Game not to be disturbed

43. A person commits an offence if he —

- (a) without authority enters, disturbs or causes damage to any place where there are partridges or where water or seeds are provided for game; or
- (b) damages anything provided by the Administration for the purposes of this Ordinance.

Endangered species

44.—(1) Subject to subsection (2), “endangered species” means endangered species under Schedule 9.

(2) The Chief Officer may, by order published in the Gazette, designate any species of game or wild birds an endangered species in addition to those designated as endangered species under Schedule 9.

(3) Endangered species are afforded the same level of protection as is afforded to the species referred to at section 7.

(4) A person must not undertake any development or activity which so degrades any site used by an endangered species such that that it is likely to have an adverse effect on the population of the species.

(5) The Chief Officer may, where it is in the public interest, permit an exemption from subsection (4) so as to permit minor development of any site subject to such conditions as he may specify.

Game or wild birds not to be fenced in

45.—(1) A person must not hold any game or wild birds fenced within any private property.

(2) Where game or wild birds becomes trapped within any fenced private property, the owner of the property must notify the fact to the Area Officer who must arrange for them to be captured and released in a suitable site.

(3) Where, after any game or wild bird has been captured and released as described in subsection (2), it is found again on the same property as the property from which it had been captured, the owner of the property commits an offence, unless he proves to the Court’s satisfaction that he took every reasonable measure or precaution to prevent the commission of the offence.

PART 8

Protection of human life, agriculture and other flora

Protection of human life, domestic animals, crops and other flora

46.—(1) For the protection of human life and crops, a person engaged in hunting must not shoot in the direction of any farmer or other person.

(a) Ordinance 17/2007 as amended

(2) When a person is engaged in hunting he must not drive or park a motorised vehicle on any crops or on any other place where damage or other harm may be caused to any such crops or other flora.

(3) A person engaged in hunting must not intentionally destroy or damage any crops or other flora, or domestic animals.

(4) A person who contravenes this section commits an offence.

Permissible means of protecting cultivations

47. The owner of any farm, vineyard, garden or other cultivated land may frighten any species of game or wild birds which are causing damage or may cause damage to any cultivated plant, using scarecrows, mirrors, radios, or with the permission of the Area Officer, a bird-scarer.

PART 9

Control of house sparrows and certain other species

Control of house sparrows and certain other species

48.—(1) The Area Officer may, subject to subsections (2) and (3), permit a police officer or game warden or person authorised under section 49 to shoot, kill, capture or pursue any or all the following species, and to carry a shot gun for the purpose, in any area including a game reserve, in any season:

- (a) house sparrow (also known as passer domesticus)
- (b) feral pigeon (also known as columba livia domesticus)
- (c) jackdaw (also known as corvus monedula)
- (d) ~~carrion crow (also known as corvus corone) (a)~~
(d) hooded crow (also known as corvus corone cornix).

(2) The Area Officer must not grant a permit under subsection (1) unless he has been advised by the Scientific Committee or the Senior Environmental Adviser for the Sovereign Base Areas Administration, that –

- (a) the damage being caused, *or likely to be caused*(b) by the species referred to in the permit is serious, and
- (b) no practical alternative solution is available.

(3) A permit made under subsection (1) must be in writing.

(4) A permit made under subsection (1) may specify conditions.

(5) The Chief Officer may give directions as to any measures that he considers are necessary for the killing, capture and pursuit of the species listed in this section.

Control of foxes and alien species (c)

48A.—(1) *Subject to subsection (2), the Chief Officer may grant a permit in writing permitting a police officer, a game warden or a person authorised under section 49, to shoot, kill, capture, pursue or otherwise control the following species, and to carry a relevant weapon for the purpose(d).*—

(a) Subsection (d) repealed and replaced by Ordinance 17/2009 – came into force on 11 August 2009

(b) Text inserted by Ordinance 10/2016 – came into force on 18 May 2016 - Transitional provision under section 6 : Any permit issued under section 48 of the Game and Wild Birds Ordinance 2008 before this Ordinance comes into force is deemed to have been issued under that section as amended by section 4.

(c) Section 48A inserted by Ordinance 18/2014 – came into force on 13 June 2014

(d) Text inserted by Ordinance 10/2016 – came into force on 18 May 2016

(a) fox (*Vulpes vulpes*);

(b) any alien species.

(2) The Chief Officer must not grant a permit to control a species unless the Chief Officer has been advised by the Scientific Committee or the Senior Environmental Adviser for the Sovereign Base Areas Administration that—

(a) the damage caused or being caused by the species to other species or to the environment is significant; and

(b) no other practically effective measure is available.

(3) A permit granted under subsection (1) may be subject to such conditions as the Chief Officer considers necessary.

(4) In subsection (1) “relevant weapon” means—

(a) an airgun, other than one to which section 9(2) of the Firearms and Other Weapons Ordinance 2009 applies; or

(b) a shot gun. (a)

PART 10

Game wardens and other officials

Appointment of game wardens and authorising of persons to carry out functions of game warden

49.—(1) The Chief Officer may appoint any person to be a game warden or may authorise any person to perform all or any of the duties imposed upon, and to exercise all or any of powers given to, a game warden under this Ordinance.

(2) A person’s appointment or authority under subsection (1) may be terminated at any time by the Chief Officer.

Power of entry without warrant

50.—(1) A game warden or police officer may, without a warrant, enter any enclosed place in which he has reasonable grounds to believe that an offence is being committed contrary to this Ordinance.

(2) For the purposes of this section, the owner or the person who is responsible for the control or management of any enclosed place in which an offence contrary to this Ordinance has been committed is deemed to be the person who committed the offence, unless he proves that he took every reasonable measure or precaution to prevent the commission of the offence.

(3) For the purposes of this section, “enclosed place” means any place which is enclosed but which does not form part of a dwelling.

General duty of a game warden and authorisation to carry a shot gun

51.—(1) A game warden has the general duty to protect and conserve all wild birds and game and their biotopes and to enforce this Ordinance.

(2) If the Chief Constable is satisfied that in order for a game warden effectively to carry out his duties under this Ordinance he needs to carry a shot gun, then the Chief Constable may authorise that game warden to carry a shot gun whilst carrying out his duties.

(a) Subsection (4) inserted by Ordinance 10/2016 – came into force on 18 May 2016

Powers of game wardens and police officers

52.—(1) A game warden or police officer may—

- (a) report any person whom he finds in circumstances which reasonably create the suspicion that the person concerned has, whilst pursuing any game, caused damage to any crops or other property in the vicinity in which he was found;
- (b) investigate whether an offence has been committed and question any person whom he finds in circumstances which reasonably raise the suspicion that the person concerned has contravened this Ordinance or of any regulations or orders made under it;
- (c) seize for the purpose of investigation any article in the possession of any person whom he has found in any of the circumstances described in paragraphs (a) and (b) and which helps or may help to prove that an offence has been committed, contrary to this Ordinance or of any regulations or orders made under it, and may require the person concerned to accompany him to the nearest police station;
- (d) require any person in possession of a shot gun to produce his game licence, his licence to possess a shot gun, his identity card or some other satisfactory form of identification, and any wild fauna that he has in his possession;
- (e) stop and search any means of transport which he finds in circumstances that reasonably create the suspicion that any person in or on it is contravening this Ordinance or of any regulations or orders made under it;
- (f) invite any person whom he finds in circumstances which reasonably raise the suspicion that the person concerned has contravened this Ordinance or of any regulations or orders made under it to accompany him to the nearest police station;
- (g) enter freely and without notice any immovable property within a Special Protection Area or within a habitat outside a Special Protection Area in relation to which an order has been made under section 8(3), for the purposes of supervision, inspection, control and implementation of this Ordinance.

(2) A game warden or police officer may not enter a dwelling house unless he has either the consent of the owner or occupier of the premises or a Court warrant issued for that purpose.

(3) A game warden or police officer may, without a warrant, enter any premises where he has reason to believe that any game or wild birds is being prepared for eating or sold contrary to this Ordinance and may confiscate any game or wild birds being prepared for eating or sold on the premises.

(4) A person commits an offence if he —

- (a) when asked by a game warden or police officer or a person authorised to carry out the functions of a game warden under section 49 to give his name, fails to do so or gives a false name; or
- (b) when directed by a game warden or police officer or a person authorised to carry out the functions of a game warden under section 49 to stop any vehicle that he is driving or riding fails to do so, or obstructs the carrying out of any inspection of any such vehicle; or
- (c) in any other way obstructs a game warden or police officer or a person authorised to carry out the functions of a game warden under section 49 in the performance of his duties or the exercise of his powers under this Ordinance.

(5) A game warden or police officer or a person authorised to carry out the functions of a game warden under section 49 is not liable in respect of any loss or damage caused to any vehicle or for any bodily harm suffered by the driver or any passenger of any vehicle, as a result of the failure of the driver of such vehicle to obey the instructions or directions of a game warden acting under this section.

(6) The Senior Environmental Officer of the Sovereign Base Areas Administration must prepare a written report every 6 months on the exercise of any of the powers referred to in this section and on the results of any supervision, inspection and control undertaken and will forward a copy of the report to the Chief Officer.

(7) The principal results of any supervision carried out in accordance with this section must be included in the six-yearly report provided for in section 17 of the Protection and Management of Nature and Wildlife Ordinance 2007.

PART 11

Miscellaneous Provisions

Legal Proceedings

53.—(1) A court of the Areas may take judicial notice of a law of the Republic and of any other Republican document of any description granted or otherwise made under a law of the Republic.

(2) For the purposes of this section, the production of a copy of any part of a Republican enactment—

- (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic, or
- (b) contained in an issue of the Official Gazette of the Republic, or
- (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,

is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of that enactment.

(3) For the purposes of this section, a version of any part of a Republican enactment in the English language—

- (a) purporting to be produced by an authority of the Republic,
- (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic,
- (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose,
- (d) stated orally in court or produced in writing by a Registrar or official court interpreter, may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question.

(4) For the purposes of this section, the production of—

- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made, or
- (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,

may be held by the Court to be conclusive evidence for all purposes of the contents of such document.

Liability of officers of a body corporate

54. Where an offence contrary to this Ordinance is committed by a body corporate and it is proved that it was committed with the consent, connivance or approval, or that its commission has been facilitated by the negligence of any director, secretary or any other individual having similar responsibilities in relation to the body corporate, such director, secretary or other individual also commits a like offence.

Penalty for an offence for which no specific penalty is provided

55. Any person who is convicted of an offence under this Ordinance in respect of which no specific penalty is provided is liable to imprisonment of 3 years or to a fine of €17, 086 or to both such penalties.

Fixed penalty notice (a)

55A. *If there is a suspected contravention of a provision which is a criminal offence under this Ordinance, section 3 of the Fixed Penalty Ordinance 2010 (b) permits the service of a fixed penalty in respect of those offences listed in Schedule 2 to the Fixed Penalty Ordinance 2010.*

Subsequent offences

56.—(1) (c) Where a person is convicted on a second or subsequent occasion for a similar offence under this Ordinance or the repealed Ordinances then—

- (a) if a specific penalty is provided for in respect of that offence, that penalty is doubled; and
- (b) the offender will be ordered not to hunt in the Areas for a period of at least 10 years, unless the Court considers that there are reasonable grounds not to disqualify him at all or to disqualify him for a shorter period.

(2) *Where a person is convicted on a fourth or subsequent occasion of an offence under this Ordinance or under the corresponding Republican Law, the Court may make an order confiscating any firearm or other weapon in the person's possession. (d)*

Additional powers of Court

57.—(1) If a person is convicted of any offence under this Ordinance the Court may, in addition to any other penalty, do one or more of the following:

- (a) disqualify him from holding a gun licence under the Firearms Ordinance 1974 for 10 years, or
- (b) order him not to hunt within the Areas for a specified time, or
- (c) order him not to carry out any taxidermy within the Areas for a specified time.

(2) If a person is convicted of any offence under this Ordinance the Court must forfeit any shot gun, means of transport, or other article with which or in respect of which the offence was committed, unless the Court considers that in all the circumstances of the case it is appropriate not to do so.

Rewards

58. The Chief Officer may, out of any fine imposed on a person on his conviction for an offence under this Ordinance pay a reward not exceeding one half of such fine or amount to any individual who, in the opinion of the Chief Officer, gave information or other assistance which contributed to the conviction of the person convicted.

Regulations

59.—(1) The Administrator may make regulations in respect of any matter for which this Ordinance provides and more generally for the better implementation of this Ordinance.

(a) Section 55A inserted by Ordinance 8/2013 – came into force on 01 April 2013
(b) Ordinance 25/2010
(c) Existing section renumbered (1) by Ordinance 8/2013 – came into force on 01 April 2013
(d) Subsection (2) inserted by Ordinance 8/2013 – came into force on 01 April 2013

(2) A person who contravenes any regulations made under this section commits an offence and is liable to imprisonment for 2 years or to a fine of €4,000 or to both.

Licence to carry out research

60. The Chief Officer may grant a licence to any person, subject to such conditions as the Chief Officer may impose, permitting the licence holder to carry out research or to take such action or measures regarding the carrying out of research as may be described in the licence.

Delegation

61. The Chief Officer may, by order published in the Gazette, designate any function which is placed by this Ordinance on an officer of the Areas, as a delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

Repeals and Transitional Provisions

62.—(1) The following Ordinances are repealed—

- (a) the Protection and Management of Game and Wild Birds Ordinance 2004 (**a**);
- (b) the Protection and Management of Game and Wild Birds (Amendment) Ordinance 2005(**b**);
- (c) the Protection and Management of Game and Wild Birds (Amendment) Ordinance 2006(**c**);
- (d) the Protection and Management of Game and Wild Birds (Amendment) Ordinance 2007(**d**).

(2) Subject to subparagraphs (a),(b),(c), (d), (e), and (f), all public instruments made under the Ordinances referred to in subsection (1) are revoked.

- (a) The Protection and Management of Game and Wild Birds (Pigeon-Culling No.3) Notification 2008 (**e**) remains in force until it expires on 14 August 2009, or until the permissions granted under it are revoked in writing by the Area Officer, if earlier.
- (b) The Protection and Management of Game and Wild Birds (Possession of Killed Game During Close Seasons) Notification 2008 (**f**) remains in force until it expires on 16 March 2009.
- (c) The Protection and Management of Game and Wild Birds (Temporary Game Reserves) Order 2008 (**g**) remains in force until it expires on 1 March 2009.
- (d) The Protection and Management of Game and Wild Birds (Hunting) Regulations 2008(**h**) remain in force until they expire on 1 March 2009.
- (e) Any public instrument that establishes one or more game reserves (**i**) remains in force, and a “game reserve” is to be regarded as a “general game reserve” for the purposes of this Ordinance.
- (f) The Protection and Management of Game and Wild Birds (Order under subsection (2) of section 50) 2004 (**j**) remains in force.

(a) Ordinance 15/2004 as amended

(b) Ordinance 22/2005 as amended

(c) Ordinance 1/2006 as amended

(d) Ordinance 15/2007 as amended

(e) Public Instrument 24/2008

(f) Public Instrument 29/2008

(g) Public Instrument 27/2008

(h) Public Instrument 28/2008

(i) A map showing the game reserves in the Areas and listing the PIs in force that establish game reserves can be inspected during reasonable hours at the Area Office

(j) Public Instrument 134/2004

Application to the Crown

63.—(1) Subject to subsections (2) and (3), this Ordinance binds the Crown and any employee of the Crown.

(2) Any subsection that creates an offence does not bind the Crown but does bind an employee of the Crown.

(3) Section 38 does not apply to the Crown.

(4) For the purposes of this section,

“employee of the Crown” means any person in the service of the Crown, whether or not he would be treated as an employee of the Crown apart from this subsection;

“the Crown” means Her Majesty in right of Her Administration in the Areas and in right of Her Government in the United Kingdom.

SCHEDULE 2

(Section 2)

Game

Species
<i>Lepus europaeus</i> Hare
<i>Alectoris chukar</i> Chukar
<i>Francolinus francolinus</i> Francolin
<i>Anas penelope</i> Wigeon
<i>Anas penelope</i> Wigeon
<i>Anas strepera</i> Gadwall
<i>Anas crecca</i> Teal
<i>Anas platyrhynchos</i> Mallard
<i>Anas acuta</i> Pintail
<i>Anas querquedula</i> Garganey
<i>Anas clypeata</i> Shoveler
<i>Aythya ferina</i> Pochard
<i>Aythya fuligula</i> Tufted duck
<i>Anser anser</i> Greylag goose

<i>Anser albifrons</i> Great white-fronted goose
<i>Phasianus colchicus</i> Pheasant
<i>Coturnix coturnix</i> Quail
<i>Fulica atra</i> Coot
<i>Lymnocyptes minimus</i> Jack snipe
<i>Gallinago gallinago</i> Snipe
<i>Scolopax rusticola</i> Woodcock
<i>Columba livia</i> Rock dove
<i>Columba palumbus</i> Woodpigeon
<i>Columba oenas</i> Stock dove
<i>Streptopelia turtur</i> Turtle dove
<i>Streptopelia decaocto</i> Collared dove
<i>Alauda arvensis</i> Skylark
<i>Turdus merula</i> Blackbird
<i>Turdus pilaris</i> Fieldfare
<i>Turdus philomelos</i> Song thrush
<i>Turdus iliacus</i> Redwing
<i>Turdus viscivorus</i> Mistle thrush
<i>Sturnus vulgaris</i> Starling
<i>Pica pica</i> Magpie
<i>Corvus monedula</i> Jackdaw
<i>Corvus corone</i> Carrion crow- (a) <i>Corvus corone cornix</i> Hooded Crown

(a) Repealed and replaced by Ordinance 17/2009 – came into force on 11 August 2009

Anser fabalis
Bean goose (a)

Branta Canadensis tetraonidae
Canada goose

Lagopus lagopus scoticus et hibericus
Red grouse

Lagopus mutus
Rock ptarmigan

Alectoris graeca
Rock partridge

Alectoris rufa
Red-legged partridge

Perdix perdix
Grey partridge

(a) Games species in this block added by Ordinance 01/2015 – came into force on 14 January 2015