



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1466 of 16th July 2007
LEGISLATION

ORDINANCE 15 OF 2007

PROTECTION AND MANAGEMENT OF GAME AND WILD BIRDS (AMENDMENT)
ORDINANCE 2007

An Ordinance to amend the Protection and Management of Game and Wild Birds
Ordinance 2004

R. H. LACEY
ADMINISTRATOR

9th July 2007.

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

1. Short title

This Ordinance may be cited as the Protection and Management of Game and Wild Birds (Amendment) Ordinance 2007.

2. Interpretation

In this Ordinance –

“the principal Ordinance” means the Protection and Management of Game and Wild Birds Ordinance 2004(a).

3. Amendment of term “special protection zone”

For the term “special protection zone”, wherever this is used in the principal Ordinance, substitute “special protection area”.

4. Section 3 of the principal Ordinance amended

(1) For section 3(b) of the principal Ordinance (which lists the purposes of the Ordinance) substitute –

“(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 economic and recreational considerations;”.

(2) Immediately after section 3(d) of the principal Ordinance insert –

“(e) the taking of any measures necessary for the establishment of a general system of protection for all species of wild birds.”.

5. Section 6 of the principal Ordinance amended

For section 6 of the principal Ordinance substitute –

“6. General powers of the Chief Officer

- (1) In order to facilitate achievement of the purposes set out in section 3, the Chief Officer may, having regard to any written opinion of the Scientific Committee or of such other environmental expert as he may appoint to advise him –
 - (a) designate special protection areas in accordance with section 7(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) give notification by publication in the Gazette of areas for the creation of biotopes;
 - (d) prescribe, by order published in the Gazette, measures for the re-establishment of damaged biotopes.
- (2) Any person who contravenes the provisions of an order made under paragraphs (b) or (d) is guilty of an offence.”.

6. Section 7 of the principal Ordinance amended

For section 7(2) of the principal Ordinance (which deals with special protection areas) substitute –

- “(2) The Chief Officer may, having regard to any written opinion of the Scientific Committee or of such other environmental expert as he may appoint to advise him, by order published in the Gazette, prescribe –
 - (a) special protection areas for the purpose of facilitating the survival and reproduction of migratory species of wild bird which are not included in Schedule 1, but whose passing over or through the Areas is frequent;
 - (b) 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, provided that such measures are consistent with and relevant to any special protection area designated in respect of a species included in Schedule 1.”.

7. Section 10 of the principal Ordinance amended

- (1) For section 10(2) of the principal Ordinance (which concerns dealing in wild birds) substitute –

- “(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 III 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.”.

- (2) Immediately after section 10(2) of the principal Ordinance insert –

- “(2A) In determining the conditions to be included in any order made in accordance with subsection (2) the Chief Officer may have regard to any opinion of the Scientific Committee or of such other environmental expert as he may appoint to advise him.

- (2B) 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 III where he has received the advice of the Scientific Committee or of such other environmental expert as he may appoint to advise him, that such acts would not place or threaten to place at risk the population level, geographical dispersion or breeding of any such species.
- (2C) An order made in accordance with subsection (2B) 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.
- (2D) Any act permitted by an order made under subsection (2B) will be lawful only where the wild bird was captured or otherwise acquired or killed in a manner permitted by this Ordinance.”.

8. Section 22 of the principal Ordinance repealed

Section 22 of the principal Ordinance (special licence to hunt wild fauna) is repealed.

9. Section 52 of the principal Ordinance amended

Immediately after section 52(1) of the principal Ordinance (which imposes restrictions on introducing game and wild fauna into the environment) insert –

- “(1A) The Chief Officer may not grant permission in accordance with subsection (1) where he has received the advice of the Scientific Committee, or of such other environmental expert as he may appoint to advise him, that the effect of so doing would be that damage could be caused to the local flora or fauna.”.

10. Section 59 of the principal Ordinance amended

Immediately after section 59(1) of the principal Ordinance (which provides for control of non-protected species) insert –

- “(1A) The Chief Officer may issue a permit in accordance with subsection (1) only where he has received the advice of the Scientific Committee, or of such other environmental expert as he may appoint to advise him, that –
 - (a) no practical alternative solution is available; and
 - (b) the damage being caused by the non-protected species listed in Schedule IX is serious.”.

11. Schedule 1 of principal Ordinance amended

Immediately after paragraph 91 of Schedule 1 to the principal Ordinance insert –

- “ 92. *Gavia stellata* – Red-throated diver
- 93. *Gavia arctica* - Black-throated diver
- 94. *Gavia immer* – Great northern diver
- 95. *Podiceps auritus* – Slavonian grebe
- 96. *Pterodroma Madeira* – Zino’s petrel
- 97. *Pterodroma feae* – Fea’s petrel
- 98. *Bulweria bulwerii* – Bulwer’s petrel
- 99. *Calonectris diomedea* – Cory’s shearwater
- 100. *Puffinus puffinus mauretanicus* (*Puffinus mauretanicus*) – Manx shearwater (Balearic subspecies)
- 101. *Puffinus yelkouan* – Yelkouan shearwater
- 102. *Puffinus assimilis* – Little shearwater
- 103. *Pelagodroma marina* – White-faced

104. *Hydrobates pelagicus* – Storm petrel
105. *Oceanodroma leucorhoa* – Leach's storm petrel
106. *Oceanodroma castro* – Madeiran storm petrel
107. *Cygnus bewickii* (*Cygnus columbianus bewickii*) – Bewick's swan
108. *Anser albifrons flavirostris* – White-fronted goose (Greenland subspecies)
109. *Anser erythropus* – Lesser white-fronted goose
110. *Branta leucopsis* – Barnacle goose
111. *Branta ruficollis* – Red-breasted goose
112. *Marmaronetta angustirostris* – Marbled teal
113. *Polysticta stelleri* – Steller's eider
114. *Mergus albellus* (*Mergellus albellus*) - Smew
115. *Elanus caeruleus* – Black-shouldered kite
116. *Milvus milvus* – Red kite
117. *Haliaeetus albicilla* – White-tailed eagle
118. *Gypaetus barbatus* – Bearded vulture
119. *Aegyptius monachus* – Black vulture
120. *Accipiter gentilis arrigonii* – Goshawk (Corsican-Sardinian subspecies)
121. *Accipiter nisus granti* – Sparrowhawk (Canarian-Madeiran subspecies)
122. *Accipiter brevipes* - Levant sparrowhawk
123. *Aquila pomarina* – Lesser spotted eagle
124. *Aquila clanga* - Greeter
125. *Aquila adalberti* – Spanish imperial eagle
126. *Aquila chrysaetos* – Golden eagle
127. *Hieraaetus pennatus* – Booted eagle
128. *Falco vespertinus* - Red-footed falcon
129. *Falco columbarius* - Merlin
130. *Falco cherrug* – Saker falcon
131. *Falco rusticolus* - Gyrfalcon
132. *Bonasa bonasia* – Hazel grouse
133. *Lagopus mutus pyrenaicus* – Ptarmigan (Pyrenean subspecies)
134. *Lagopus mutus helveticus* – Ptarmigan (Alpine subspecies)
135. *Tetrao tetrix tetrix* – Black grouse (continental subspecies)
136. *Tetrao urogallus* - Capercaillie
137. *Alectoris graeca saxatilis* – Rock partridge (Alpine subspecies)
138. *Alectoris graeca whitakeri* - Rock partridge (Sicilian subspecies)
139. *Alectoris Barbara* – Barbary partridge
140. *Perdix perdix italica* – Partridge (Italian subspecies)
141. *Perdix perdix hispaniensi* – Partridge (Iberian subspecies)
142. *Turnix selvatica* – Andalusian hemipode
143. *Porphyrio porphyrio* – Purple gallinule
144. *Fulica cristata* – Crested coot
145. *Tetrax tetrax* – Little bustard
146. *Otis tarda* – Great bustard
147. *Charadrius alexandrinus* – Kentish plover
148. *Calidris alpine schinzii* - Dunlin

149. *Limosa lapponica* – Bar-tailed godwit
150. *Numenius tenuirostris* – Slender-billed curlew
151. *Larus melanocephalus* – Mediterranean gull
152. *Larus minutus* – Little gull
153. *Sterna paradisaea* – Arctic tern
154. *Sterna albifrons* – Little tern
155. *Uria aalge ibericus* – Guillemot (Iberian subspecies)
156. *Pterocles alchata* – Pin-tailed sandgrouse
157. *Columba palumbus azorica* – Woodpigeon (Azores subspecies)
158. *Columba trocaz* – Long-toed pigeon
159. *Columba bollii* – Dark-ailed laurel pigeon
160. *Columba junoniae* – White-ailed laurel pigeon
161. *Bubo bubo* – Eagle owl
162. *Nyctea scandiaca* – Snowy owl
163. *Surnia ulula* – Hawk owl
164. *Glaucidium passerinum* – Pygmy owl
165. *Strix nebulosa* – Great grey owl
166. *Strix uralensis* – Ural owl
167. *Aegolius funereus* – Tengmalm's owl
168. *Apus caffer* – White-rumped swift
169. *Picus canus* – Grey-headed woodpecker
170. *Dryocopus martius* – Black woodpecker
171. *Dendrocopos major canariensis* – Great spotted woodpecker (Tenerife subspecies)
172. *Dendrocopos major thanneri* - Great spotted woodpecker (Gran Canaria subspecies)
173. *Dendrocopos syriacus* – Syrian woodpecker
174. *Dendrocopos medius* – Middle spotted woodpecker
175. *Dendrocopos leucotos* – White-backed woodpecker
176. *Picoides tridactylus* – Three-toed woodpecker
177. *Chersophilus duponti* – Dupont's lark
178. *Galerida theklae* – Thekla lark
179. *Troglodytes troglodytes fridariensis* – Wren (Fair Isle subspecies)
180. *Saxicola dacotiae* – Fuerteventura chat
181. *Oenanthe leucura* – Black wheatear
182. *Oenanthe pleschanka* – Pied wheatear
183. *Acrocephalus paludicola* – Aquatic warbler
184. *Hippolais olivetorum* – Olive-tree warbler
185. *Sylvia sarda* – Marmora's warbler
186. *Sylvia undata* – Dartford warbler
187. *Sitta krueperi* – Kruper's nuthatch
188. *Sitta whiteheadi* - Corsican nuthatch
189. *Pyrrhonorax pyrrhonorax* - Chough
190. *Fringilla coelebs ombriosa* – Chaffinch (Hierro subspecies)
191. *Fringilla teydea* – Blue chaffinch
192. *Loxia scotica* – Scottish crossbill
193. *Bucanetes githagineus* – Trumpeter finch
194. *Pyrrhula murina* (*Pyrrhula pyrrhula murina*) – Azores bullfinch.”.

12. Schedule V of principal Ordinance amended

Schedule V of the principal Ordinance is amended as follows –

- (a) by inserting immediately after point 14 of paragraph (XI) the following –
 - “ 15. *Anser erythropus* – Lesser white-fronted goose
 - 16. *Netta rufina* – Red-crested pochard
 - 17. *Aythya nyroca* – Ferruginous duck”;
- (b) by inserting immediately after point 12 of paragraph (XXII) the following –
 - “ 13. *Vanellus vanellus* - Lapwing”;
- (c) by inserting immediately after point 21 of paragraph (XXIII) the following –
 - “ 22. *Tringa erythropus* – Spotted redshank
 - 23. *Galinago media* – Great snipe”;
- (d) by inserting immediately after point 5 of paragraph (XXXVIII) the following –
 - “ 6. *Galerida cristata* – Crested lark
 - 7. *Lullula arborea* - Woodlark”;
- (e) by inserting immediately after point 19 of paragraph (XLVI) the following –
 - “ 20. *Cercotrichas galactotes* – Rufous bush robin”;
- (f) by inserting immediately after point 2 of paragraph (LIV) the following –
 - “ 3. *Garrulus glandarius glaszneri* - Jay”;
- (g) by inserting immediately after point 3 of paragraph (LVI) the following –
 - “ 4. *Passer montanus* – Tree sparrow”;
- (h) by adding immediately after paragraph (LVIII) the following –
 - “ (LVIV) (TIMALIIDAE)
 - 1. *Panurus biarmicus* – Bearded tit.”.

13. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. These explanatory notes relate to the Protection and Management of Game and Wild Birds (Amendment) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.
2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. This Ordinance is intended broadly to replicate the effect of Republican Law 151(I)/06 which made amendments to the Protection and Management of Game and Wild Birds Law 2003 of the Republic.
4. The general purposes listed in section 3 of the principal Ordinance are amended so that in providing for the protection, conservation and adjustment of the population level of wild birds in the Areas the Chief Officer may now take account of economic and recreational considerations. The taking of measures for the establishment of a general system of protection for all wild birds is also added as a specific purpose of the Ordinance.
5. The amendments made to sections 6 and 7 of the principal Ordinance give the Chief Officer power to prescribe by order measures for the protection and conservation of habitats both inside any special protection area designated under sections 6 and 7 and in its surrounding area.
6. The amendment to section 10 of the principal Ordinance is for the purpose of further regulating any permitted dealing in wild birds. In particular, different regimes are now introduced depending on the type of wild bird under consideration. In either case, any dealing will only be lawful where the wild bird was captured or otherwise acquired or killed in a manner permitted by the Ordinance.
7. Further restrictions on the issue of a permit under section 59 (for the purpose of controlling non-protected species by shooting, killing, capturing or pursuing them) are made so that such permit may only be granted where no practical alternative solution is available and the damage being caused by the non-protected species listed in Schedule IX is serious.
8. Amendments are made to Schedules I and V by adding new species to each.

