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**GAME AND WILD BIRDS (AMENDMENT)  
ORDINANCE 2018**

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An Ordinance to amend the Game and Wild Birds Ordinance 2008

J. Illingworth  
**ADMINISTRATOR**

*16 July 2018*

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

**Short title and commencement**

1. This Ordinance may be cited as the Game and Wild Birds (Amendment) Ordinance 2018 and comes into force on the day after it is published in the Gazette.

**Amendment to the Game and Wild Birds Ordinance 2008**

2. The Game and Wild Birds Ordinance 2008(a) is amended in accordance with sections 3 to 10.

**Amendment to section 26**

3. In the opening text of subsection (1) of section 26 (prohibited methods of hunting) after “section 14,” insert “or a permit under section 48B,”.

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(a) Ordinance 21/2008.

#### **Amendment to section 28A**

4. In subsection (1) of section 28A(a) (prohibition on hunting at night) for “A person” substitute “Subject to section 48B, a person”.

#### **Amendment to section 29**

5. In subsection (1) of section 29 (restrictions on hunting during close season) for “Except where section 48 applies” substitute “Subject to subsection (2) and sections 48 and 48B”.

#### **Amendment to section 30**

6. In subsection (1) of section 30(b) (possession of killed game) after “subsection (2)” insert “and sections 48 and 48B”.

#### **Amendment to section 33**

7. In the opening text of section 33 (offences within general game reserves and temporary game reserves) for “A person” substitute “Subject to sections 48 and 48B, a person”.

#### **Amendment to section 40**

8. In subsection (2) of section 40(c) (restrictions on wild fauna and alien species) after “section 40A or 40B” insert “or permitted under Part 9”.

#### **Amendment to section 48A**

9. In section 48A(d) (control of foxes and alien species) omit subsection (4).

#### **New sections 48B and 48C inserted**

10. After section 48A insert—

##### **“Control of any species of animal for reasons of air safety**

**48B.**—(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 any species of animal for reasons of air safety and to carry a relevant weapon for the purpose.

(2) The Chief Officer must not grant a permit to control a species unless the Chief Officer—

- (a) is satisfied that the risk to air safety caused by the species is significant; and
- (b) has been advised by the Scientific Committee or the Senior Environmental Adviser for the Sovereign Base Areas Administration that no other practically effective measure is available.

(3) A permit granted under subsection (1) may provide for game to be shot, killed, captured, pursued or otherwise controlled—

- (a) through the use of any method, including a method referred to in section 26(1),
- (b) at any time, including at night,
- (c) in any season, including a close season, and

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(a) Section 28A was inserted by Ordinance 8/2013.

(b) Section 30 was substituted by Ordinance 8/2013.

(c) Section 40 was substituted by Ordinance 8/2013.

(d) Section 48A was inserted by Ordinance 18/2014. Subsection (4) was inserted by Ordinance 10/2016.

(d) in any area, including a game reserve.

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

**Relevant weapon**

**48C.** In this Part “relevant weapon” means—

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

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(a) Ordinance 21/2009 which has been amended in ways not relevant to this provision.

## **EXPLANATORY NOTE**

*(This note is not part of the Ordinance)*

1. This explanatory note relates to the Game and Wild Birds (Amendment) Ordinance 2018 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. Section 10 of the Ordinance inserts new sections 48B and 48C into the Game and Wild Birds Ordinance 2008 (the “2008 Ordinance”). Section 48B allows the Chief Officer to permit the control of any species that poses a risk to air safety.
3. Two conditions must be satisfied before the Chief Officer can grant a permit. Firstly, the Chief Officer must be satisfied that the risk posed to air safety is significant. Secondly, the Chief Officer must have been advised that there are no other practically effective measures available.
4. New section 48C defines the term “relevant weapon” for the purposes of Part 9, using the same definition that was in section 48A(4) of the 2008 Ordinance. Section 9 of the Ordinance omits section 48A(4) of the 2008 Ordinance.
5. Sections 3 to 8 provide for restrictions on hunting game to not apply where a permit is granted under section 48B. The permit can provide for game to be controlled using methods that are generally prohibited, at night, during a close season and in a game reserve.

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