

L.N. 217 of 2013

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

The Majjistrat Nature and History Park Site Regulations, 2013

BY VIRTUE of the powers conferred by articles 60 and 61 of the Environment and Development Planning Act, the Minister for Sustainable Development, Environment and Climate Change has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Majjistrat Nature and History Park Site Regulations, 2013.

(2) These regulations shall come into force on such a date as the Minister responsible for the environment may by notice in the Gazette appoint.

Interpretation.

2. In these regulations unless the context otherwise requires:

Cap 504.

"Act" means the Environment and Development Planning Act;

S.L. 504.71

"beach" means *Ir-Ramla tal-Mixquqa* (Golden Bay), as provided in the Conservation of Wild Birds Regulations;

S.L. 504.71

"bird" and "birds" have the same meaning as provided in the Conservation of Wild Birds Regulations;

S.L. 504.82

"Board" has the same meaning as provided in the Establishment of the Majjistrat, Nature and History Park Regulations;

S.L. 504.82

"boundaries" has the same meaning as provided in the Establishment of the Majjistrat, Nature and History Park Regulations;

"camp" means a structure set up as a place for temporary accommodation;

S.L. 504.06

S.L. 504.71

"firearm" has the same meaning as provided in the Protection of Birds and Wild Rabbit Regulations, and the Conservation of Wild Birds Regulations;

S.L. 504.71

"hunt" and "hunting" have the same meaning as provided in the Conservation of Wild Birds Regulations, and shall include hunting for wild rabbit (*oryctolagus cuniculus*);

S.L. 504.14

"motor vehicle" has the same meaning as provided in the Motor Vehicles (Offroading) Regulations;

"Park" has the same meaning as provided in the Establishment of the Majjistral, Nature and History Park Regulations; S.L. 504.82

"Park Manager" has the same meaning as the "managing organisations" as provided in the Establishment of the Majjistral, Nature and History Park Regulations; S.L. 504.82

"related regulations" include the Filfla Nature Reserve Act, the Fungus Rock (*Il-Ġebbla tal-Ġeneral*) Nature Reserve Regulations, the Selmunett Islands (St. Paul Islands) Nature Reserve Regulations, the Protection of Birds and Wild Rabbit Regulations, the Reptiles (Protection) Regulations, the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations, the Motor Vehicles (Offroading) Regulations, the Marine Mammals (Protection) Regulations, the Conservation of Wild Birds Regulations, the Flora, Fauna and Natural Habitats Protection Regulations, the Trees and Woodlands (Protection) Regulations, and all regulations establishing any prohibition or any requirement for a permit or authorization in respect of any intervention mentioned in these regulations; Cap. 323.
S.L. 504.01
S.L. 504.05
S.L. 504.06
S.L. 504.02
S.L. 504.13
S.L. 504.14
S.L. 504.61
S.L. 504.71
S.L. 504.73
S.L. 504.16

"sand" means the sand at *Ir-Ramla tal-Mixquqa* (Golden Bay) as shown in the site plan in the Schedule;

"take" and "taking" have the same meaning as provided in the Conservation of Wild Birds Regulations, and shall include hunting for wild rabbit (*oryctolagus cuniculus*). S.L. 504.71

3. (1) No person shall, prior to two hours before sunrise and after ten o'clock in the morning (10.00 a.m), hunt or attempt to hunt, take or attempt to take, in any area of the Park. Prohibited activities and restrictions inside the Park.

(2) No person shall access the Park whilst being in possession of a firearm or any other weapon, whether loaded or not, whether inside its cover or not or whilst being in possession of ammunition or other equipment to hunt or any other means used to facilitate hunting or taking prior to two hours before sunrise and after ten o'clock in the morning (10.00 a.m).

(3) Any person hunting within the boundaries shall unload his firearm or any other weapon and place it inside its cover and shall collect any other equipment to hunt or any other means used to facilitate hunting or taking and exit the Park by ten o'clock in the morning (10.00 a.m) and remove from the Park any weapon, ammunition or other equipment to hunt or any other means used to facilitate hunting or taking or any hunted wild bird or wild rabbit whether dead or alive, whether whole or in part in his possession or under his control by ten o'clock in the morning (10.00 a.m).

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S.L. 504.71
S.L. 504.06

(4) Without prejudice to the Conservation of Wild Birds Regulations, and the Protection of Birds and Wild Rabbit Regulations, no person shall be in possession of a firearm or any other weapon for hunting, whether loaded or not, whether inside its cover or not or be in possession of ammunition or other equipment to hunt or any other means used to facilitate hunting or taking or any wild bird or wild rabbit, whether dead or alive, whether whole or in part anywhere in the Park between ten o'clock in the morning (10.00 a.m) and two hours before sunrise of the following day.

S.L. 504.71
S.L. 504.06

(5) Without prejudice to the Conservation of Wild Birds Regulations, and the Protection of Birds and Wild Rabbit Regulations, no person shall be in possession or control of a wild bird or a wild rabbit, whether dead or alive, whether whole or in part anywhere in the Park between ten o'clock in the morning (10.00 a.m) and two hours before sunrise of the following day.

(6) No person shall leave inside the park any fire-arm or other weapon used for hunting, whether loaded or not, whether inside its cover or not or leave any ammunition or other equipment to hunt or any other means used to facilitate hunting or taking or any wild bird or wild rabbit, whether dead or alive, whether whole or in part anywhere in the Park between ten o'clock in the morning (10.00 a.m) and two hours before sunrise of the following day.

(7) Without prejudice to the provisions of any other law and unless in possession of a valid permit or authorization issued under the direction of the Park Manager, as applicable, no person shall within the boundaries of the Park:

(a) park, place or drive a vehicle outside designated areas as indicated from time to time by the Board, except for:

(i) the parking or driving of agricultural vehicles on existing cultivated land as reasonably required for the purpose of continued cultivation; or

(ii) the maintenance of services and, or public works in line with the approved plans for the management of the Park, and on condition that the works and any ancillary parking, placing or driving are strictly confined to the site approved for the works; or

(iii) law enforcement and keeping of good order:

Provided that in all cases, the person shall still be liable for any direct, indirect or consequential damage to the Park;

(b) camp outside designated areas as indicated from time to time by the Board;

(c) kindle or attempt to kindle a fire for entertainment purposes, including and not limited to fireworks, bonfires, barbecues, and campfires outside designated areas as indicated from time to time by the Board, provided that this provision does not apply to a person who kindles:

(i) a fire directly connected with or necessary for the management of the Park, with prior approval of the Park Manager; or

(ii) a controlled fire within the confines of a private dwelling or a controlled fire on existing cultivated land for the purpose of cultivation-related maintenance insofar as these are not in conflict with the management plan provisions for the Park:

Provided further that in all cases, the person shall still be liable for any direct, indirect or consequential damage to the Park;

(d) hold an organized operation or activity, of a commercial nature or otherwise, other than walking and cycling on designated footpaths and educational tours organised by the Park Manager and subject to other permits needed, involving more than twenty (20) persons;

(e) effect or place any temporary installation or facility for the purpose of organized operations or activities;

(f) hold any organised filming activity or similar operations or activities taking place outside designated areas as indicated from time to time by the Board;

(g) remove any stones, pebbles or sand from the beach or the sand dunes except as part of the management of the Park under the direction of the Park Manager;

(h) move, remove, shift or damage any equipment used for the management of the park, including any signs, barriers, waste collection facilities, or beach safety equipment;

(i) cause damage to the Park and its biodiversity.

(8) The provisions of these regulations shall apply without prejudice to the provisions of any other related regulations, and do

Other relevant regulations.

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not exempt any person including the Park Manager from complying with any restrictions, prohibitions, and permit requirements that may be applicable. The Park Manager shall be responsible for ensuring that such regulations and requirements are duly complied with at all times to the satisfaction of the competent authorities.

Permits issued
by the Park
Manager.

4. The Park Manager may issue a permit prior to the carrying out of any prohibited activity included in regulation 3 provided that such permits are without prejudice to the related regulations and other permits, authorizations, licenses or clearances requested by law.

Offences and
penalties.

5. (1) Any person who -

(a) fails to observe the provisions of these regulations or of any other lawful order given by virtue of any provision of these regulations; or

(b) infringes any restriction, prohibition or need imposed by these regulations or by virtue thereof; or

(c) fails to observe any condition of a permit or consent granted under the provisions of these regulations; or

(d) acts in contravention of any provision of these regulations; or

(e) makes a statement or presents information or documentation, which such person knows to be false, for the purpose of obtaining the approval of a permit or derogation in line with these regulations; or

(f) conspires or attempts to conspire, aids or attempts to aid, abets or attempts to abet, counsels or attempts to counsel, procures or attempts to procure any other person to contravene the provisions of these regulations, or to fail from complying with any one of these provisions, including any lawful order given by virtue of any provision of these regulations, or to infringe any restriction, prohibition or need imposed by these regulations or by virtue thereof,

shall be guilty of an offence against these regulations.

S.L. 504.71

(2) The provisions of the Conservation of Wild Birds Regulations shall apply *mutatis mutandis* to any person who commits an offence under regulation 3(1) to (6), and the punishments contemplated therein shall, on conviction, apply.

(3) Any person who commits or attempts to commit an offence against any other regulation not mentioned in last foregoing sub-regulation shall be liable:

(a) on first conviction, to a fine (*multa*) of not less than four hundred euro (€400) but not exceeding fifty thousand euro (€50,000);

(b) on a second or a subsequent conviction, to a fine (*multa*) of not less than six hundred euro (€600) but not exceeding sixty thousand euro (€60,000), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(4) Any person found guilty of committing an offence under these regulations shall, in addition to the penalties prescribed in the last foregoing sub-regulation, be liable to all applicable penalties and measures by way of civil liability, and the Court shall order:

(a) the payment of the full expenses incurred by the public entities and, or other persons acting on their behalf in the implementation of these regulations, for remedying, to the satisfaction of the Park Manager, the damage caused to the Park as a result of the commission of an offence under these regulations;

(b) the payment of any other expenses incurred and, or the implementation of mitigation measures, that may be reasonably required to contain or prevent the impact of an offence committed under these regulations; and

(c) the payment of the value, that shall be liquidated by the Court, of any irreparable and irrevocable loss or damage to the environment, biological diversity, landscape, natural heritage or cultural heritage, as may be relevant to these regulations:

Provided that any such fines do not together exceed the limits imposed by the Act.

(5) The Court shall order any person found guilty of committing an offence under these regulations to remove the causes of the offence and to undo anything which was committed without the requisite permits within a time sufficient for the purpose, but in any case not exceeding three months from the date of judgment, to be fixed by the Court and, if the offender fails to comply with any such order within the time so fixed, such person shall be liable to a fine

(*multa*) of not less than fifty euro (€50) but not exceeding one hundred and fifty euro (€150), as the Court may fix, for every day that the default continues after the expiration of the said time.

Cap. 9. (6) The provisions of articles 23 and 30(1) of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of the offences against these regulations, so however that the disqualification from holding or obtaining a license, permit, clearance or authority shall in no case be for less than one year.

Cap. 9. (7) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

Cap. 9. (8) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have the right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), in respect of proceedings for any offence against these regulations.

Non-applicability of these regulations. 6. (1) The provisions of these regulations shall not apply in cases of defence and national security, public safety and health, salvage operations and the investigation of offences provided that all reasonable measures are taken to avoid unnecessary environmental damage.

S.L. 504.71 (2) The provisions and conditions laid down in these regulations shall be without prejudice to the Conservation of Wild Birds Regulations to the extent that the latter are not inconsistent with these regulations, in which case, and to the extent of the inconsistency, these regulations shall prevail.

SCHEDULE

Regulation 2

Ir-Ramla tal-Mixquqa (Golden Bay)



