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**A.L. 200 ta' l-2011**

**ATT DWAR L-AMBJENT U L-IPPJANAR TA' L-IŻVILUPP  
(KAP. 504)**

**Regolamenti ta' l-2011 dwar il-Ħarsien tas-Siġar u l-Imsaġar**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 61, 62, 64, 66, u 93 ta' l-Att dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

**1.** It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2011 dwar il-Ħarsien tas-Siġar u l-Imsaġar. Titolu.

**TAQSIMA I: INTERPRETAZZJONI U  
AMMINISTRAZZJONI**

**2.** F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra: Tifsiriet.

“Area ta' Konservazzjoni Urbana” jew “AKU” tfisser centru storiku (qalba tar-raħal jew belt) kif indikata fi pjan regolatur jew pjan lokali jew f'*policies* ta' l-ippjanar oħrajn approvati;

“l-Att” tfisser l-Att dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp; Kap. 504.

“l-Awtorità Kompetenti” tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar; A.L. 57 ta' l-2002.

“Direttur” tfisser id-Direttur responsabbli għall-ħarsien ta' l-ambjent fi ħdan l-Awtorità Kompetenti, jew rappreżentant nominat minnu;

“friegħi ewlenin” tfisser friegħi li joriginaw miz-zokk jew zkuk prinċipali tas-siġra;

“friegħi sekondarji” tfisser friegħi li joriginaw mill-friegħi ewlenin tas-siġra;

“ ’il barra miż-żoni ta’ żvilupp” jew “ODZ” tfisser art li tinsab ’il barra mill-konfini taż-żoni ta’ żvilupp skond pjan regolatur jew pjan lokali;

“intervent kirurgiku” tfisser kwalunkwe kura meħtieġa biex issalva siġra mill-mard jew ħsara mekkanika, kollass strutturali, kif ukoll kuri biex jevitaw aktar ħsara f’siġra li diġa’ jkollha xi ħsara;

“mizuri ta’ thawwil kumpensatorju” tfisser it-thawwil jew li jkun hemm disponibbli għadd ta’ siġar bħala sostituzzjoni għal kull siġra li tkun saritilha ħsara jew li tkun giet maqlugħa, skont dispozizzjonijiet tal-linji gwida stabbiliti mill-Awtorità Kompetenti;

“organizmi li jagħmlu l-ħsara” tfisser kull għamla ta’ pjanta jew animal jew xi aġent li jikkawża mard, minnbarra organizmi li jagħmlu l-gid, li jkunu kapaci li, b’mod dirett jew indirett, jistgħu jikkawżaw il-ħsara lil xi materjal veġetali jew organizmu li jagħmel il-gid u tinkludi organizmi ta’ ħsara li jkunu ġew modifikati ġenetikament u ħaxix ħazin;

“persuna” tfisser kull persuna, sew naturali jew ġuridika, korporata jew mhix korporata, u tinkludi kull persuna li taġixxi f’isimha jew taħt xi struzzjonijiet ta’ kwalunkwe mgħallem, sid jew min ihaddem;

“qrib xi siġra” tfisser ħames metri ’l bogħod miċ-ċirkonferenza ta’ djul is-siġra jew għaxar metri ’l bogħod miz-zokk tas-siġra, skond liema hi l-akbar;

“regolamenti ambjentali relatati” tfisser ir-Regolamenti ta’ l-2006 dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali, ir-Regolamenti ta’ l-2006 dwar il-Konservazzjoni ta’ l-Għasafar Selvaġġi, u liġijiet oħra relatati;

A.L. 311 ta’ l-2006.

A.L. 79 ta’ l-2006.

“rekwizit għat-tipjip”, “sigarett” u “tabakk” għandhom l-istess tifsira bħal dik speċifikata fl-artikolu 2 ta’ l-Att dwar il-Kontroll tat-Tipjip tat-Tabakk;

Kap. 315.

“sid” tfisser sew is-sid dirett kif ukoll kull persuna li għandha titolu ta’ kiri, enfitewsi jew kull għamla oħra ta’ pussess, jew kemm is-sid tal-proprejtà u tat-titolu flimkien, solidament jew separatament;

“siġra” tfisser xitla perenni, kemm ħajja jew mejta, li jkollha z-zokk jew zkuk ta’ l-injam, li fl-istadju matur tagħha, jkollha z-zokk ewlieni jew zkuk, u friegħi sekondarji maqtugħa mill-art, u b’kuruna distinta;

“siġar mkabbra ortikulturalment” tfisser siġar imħawla li tkabbri b’mod ortikulturali u f’ambjenti artifiċjali bħal art agrikola, ġonna privati, ġnub ta’ toroq u żoni pavimentati, u teskludi siġar ġo żoni protetti jew f’arej barra miż-żoni ta’ l-iżvilupp li jikbru fl-ambjent naturali tagħhom, sew jekk imħawwla oriġinarjament sew jekk le;

“sit” għandha tinkludi ukoll proprjetà waħda jew aktar minn waħda, irrISPettivament minn min ikun is-sid ta’ dik il-proprjetà li tiffirma parti mis-sit li tkun indikata bħala Żona għall-Harsien tas-Siġar skont id-dispożizzjonijiet tar-regolament 6;

“speċi ta’ siġar protetti” tfisser siġar elenkati fl-Iskedi I u II li jinsabu ma’ dawn ir-regolamenti;

“zbir” tfisser il-prattika li jinqatgħu il-friegħi ewlenin, friegħi sekondarji, friegħi ġodda li għadhom kemm spuntaw u bġhula mal-baži tas-siġar bil-għan li jitneħħew l-partijiet tas-siġra li jkunu morda jew imħassra, jew biex jiġi kontrollat l-għoli jew il-ftuħ laterali, jew biex tiżdied il-produzzjoni tal-fjur jew tal-frott;

“Żona għall-Harsien tas-Siġar” tfisser kwalunkwe sit ippubblikat fil-Gazzetta skont id-dispożizzjonijiet tar-regolament 6 ta’ dawn ir-regolamenti;

“żoni protetti” tfisser kwalunkwe zona protetta taħt l-Att dwar il-Harsien ta’ l-Ambjent jew skedata għal skopijiet ekoloġiċi u xjentifiċi taħt l-Att dwar l-Ippjanar ta’ l-Iżvilupp, inklużi Żoni għall-Harsien tas-Siġar, jew taħt l-Att;

“żvilupp” għandu jkollha l-istess tifsira bħal dik mogħtija fl-artikolu 67 ta’ l-Att.

Amministrazzjoni ta’ dawn ir-regolamenti.

**3.** L-Awtorità Kompetenti għandha tkun responsabbli għall-amministrazzjoni, implimentazzjoni u infurzar ta’ dawn ir-regolamenti.

## TAQSIMA II: HARSJEN TA’ SIĠAR U MSAĠAR

Dikjarazzjoni ta’ speċi protetti.

S.L.445.02.

S.L.10.22.

Kap. 356.

**4.** Mingħajr preġudizzju għal regolamenti ambjentali relatati, u għad-dispożizzjonijiet tan-Notifikazzjoni tal-Gvern Nru. 269 tad-19 ta’ Lulju, 1933 rigward lista ta’ siġar storici li għandhom importanza antikwarja, tar-Regolamenti ta’ l-1949 dwar il-Protezzjoni ta’ Siġar Koniferi, pubblikati permezz tan-Notifikazzjoni tal-Gvern Nru. 328 tal-25 ta’ Mejju, 1949, u ordnijiet għall-preservazzjoni ta’ siġar maħruġin bis-saħħa ta’ l-Att dwar l-Ippjanar ta’ l-Iżvilupp, b’dan qiegħed jiġi dikjarat li:-

(a) l-ispeċi ta’ siġar elenkati fi Skeda I ma’ dawn ir-regolamenti huma protetti skond it-termini u l-kundizzjonijiet stabbiliti fl-Iskeda imsemmija;

(b) siġar elenkati fi Skeda II ma’ dawn ir-regolamenti huma protetti skond it-termini u l-kundizzjonijiet stabbiliti fl-Iskeda II imsemmija; u

(ċ) is-siġar kollha li jinsabu f’Zoni għall-Harsjen tas-Siġar jew f’zoni protetti oħra, hliet daww is-siġar elenkati fi Skeda III.

Kriterji li bihom jintgħażlu siti importanti.

**5.** L-Awtorità Kompetenti għandha thejji u meta jkun xieraq taġġorna lista ta’ siti importanti li:

(a) ikun fihom komunitajiet ta’ msaġar Maltin rappreżentattivi; jew

(b) ikun fihom komunitajiet ta’ msaġar u foresti li huma f’periklu li jintilfu fiż-żoni ta’ distribuzzjoni naturali tagħhom; jew

(ċ) ikun fihom komunitajiet ta’ msaġar u foresti

li ż-żoni ta' distribuzzjoni naturali tagħhom tkun naqset b'konsegwenza naturali jew minħabba f'rigressjoni kaġunata bl-intervent tal-bniedem jew għax iż-żona tkun minnha nnifisha waħda ristretta; jew

(d) ikun fihom ambjenti ta' msaġar li jkunu kritiċi għall-għajxien, riproduzzjoni u rkupru ta' speċi ta' flora jew fauna li jinsabu f'periklu, mhedda jew endemiċi; jew

(e) ikun fihom xi siġra waħda jew grupp speċifikat ta' siġar jew msaġar ta' interess estetiku, storiku, kulturali, arborikulturali, xjentifiku, edukattiv jew għall-pajsagġ; jew

(f) ikun fihom siġar li fl-opinjoni ta' l-Awtorità Kompetenti huma għeljem prominenti ta' relevanza partikolari għall-karatteristika tas-sit; jew

(g) ikun fihom speċi ta' siġar rari, mhedda jew li jinsabu f'periklu b'distribuzzjoni ristretta f'Malta; jew

(h) ikunu komunitajiet ta' msaġar u foresti ta' importanza partikolari minħabba fl-interess xjentifiku, ekoloġiku, ta' biodiversità, bioġeografiku, kulturali jew għall-pajsagġ jew edukattiv tagħhom; jew

(i) ikun fihom siġar storiċi li għandhom importanza antikwarja elenkati f'Notifikazzjoni tal-Gvern Nru. 269 tad-19 ta' Lulju, 1933; jew

(j) ikun fihom kollezzjoni ħajja *ex-situ* ta' siġar rari, mhedda jew li jinsabu f'periklu; jew

(k) fl-opinjoni ta' l-Awtorità Kompetenti jkun fihom karatteristiċi relevanti oħra għall-ħarsien li m'humie x msemija hawn aktar qabel.

**6. (1)** Ġaladarbà sit ikun magħżul mill-Awtorità Kompetenti skond il-kriterji stabbiliti f'regolamenti 5 ta' dawn ir-regolamenti, l-Awtorità Kompetenti għandha tinnomina dak is-sit bħala Żona għall-ħarsien tas-Siġar.

Identifikazzjoni ta' Zoni għall-ħarsien tas-Siġar.

Dikjarazzjoni ta' Żoni għall-Ħarsien tas-Siġar.

(2) L-Awtorità Kompetenti għandha tippubblika d-dettalji ta' dak is-sit jew siti, bil-konfini tagħhom immarkati, fil-Gazzetta.

(3) Kull Żona għall-Ħarsien tas-Siġar hekk nominata għandha titqies bħala zona mħarsa skond l-Att jew l-Att dwar il-Ħarsien ta' l-Ambjent, u għandha tkun soġġetta għal dawn ir-regolamenti.

(4) Kull sit protett bħala Żona għall-Ħarsien tas-Siġar għandu jibqa' mħares minkejja kull ċirkostanza intiza jew aċċidentali, li biha:

(a) kull siġra li tinsab f'dik iż-żona protetta hi, kollha jew parti minnha, meqruda jew tmut; jew

(b) is-sit iġarrab xi impatt ieħor.

Integrazzjoni fin-*Network* Ekoloġiku Nazzjonali.

A.L. 311 ta' l-2006.

(5) Kull Żona għall-Ħarsien tas-Siġar iddikjarata taħt dawn ir-regolamenti għandha ukoll tiffirma parti integrali min-*Network* Ekoloġiku Nazzjonali stabbilit bir-regolament 5(1) tar-Regolamenti ta' l-2006 dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali, u tkun soġġetta għad-dispożizzjonijiet l-oħra tar-regolament 5 ta' l-istess regolamenti.

Elenku reġistrat.

**7.** Żoni għall-Ħarsien tas-Siġar identifikati u mħarsa konformement mad-dispożizzjonijiet tar-regolament 6 ta' dawn ir-regolamenti, għandhom jiġu reġistrati f'elenku miżmum għal dak il-għan, u fir-reġistru pubbliku. L-elenku msemmi għandu jinżamm f'forma elettronika b'tali manjiera li tkun tista' ssir ricerka sabiex jiġi stabbilit l-istatus ta' sit.

### **TAQSIMA III: SPEĊI TA' SIĠAR LI JKUNU QEGHDIN JIKKAĠUNAW ĦSARA LILL-BIODIVERSITÀ JEW LILL-AMBJENT NATURALI B'MOD ĠENERALI**

Lista ta' speċi ta' siġar li jikkaġunaw ħsara lill-biodiversità.

**8.** (1) Is-siġar elenkati fi Skeda III li tinsab ma' dawn ir-regolamenti huma meqjusa bħala speċi li jikkaġunaw ħsara lid-diversità bioloġika ta' siġar jew imsagar f'Malta, jew lill-ambjent naturali b'mod ġenerali.

(2) L-ebda persuna m'għandha tnissel, tizra, thawwel, timporta, tesporta, tittrasporta, tbiegħ jew tpartat kwalunkwe speċi elenkata fi Skeda III li tinsab ma' dawn ir-regolamenti, sakemm ma tkunx awtorizzata kif imiss konformement mad-dispożizzjonijiet tat-Taqsima VI ta' dawn ir-regolamenti.

**9.** (1) L-Awtorità Kompetenti tista', f'dak iż-żmien determinat minnha, tordna lil xi persuna responsabbli mill-art fejn tkun tinsab xi sigra msemija fi Skeda III li tinsab ma' dawn ir-regolamenti sabiex tneħhi, taqla', toqtol jew teqred xi sigra bħal dik, fejn dik it-tneħhija, fl-opinjoni ta' l-Awtorità Kompetenti, tkun tikkostitwixxi titjib għall-ambjent.

Mizuri ta' titjib.

L-Awtorità Kompetenti tista' toħroġ metodu tat-twettiq biex jiġi żgurat li dik l-ordni tkun eżegwita bl-anqas ħsara lill-biodiversità'.

(2) Jekk xi persuna msemija fid-dispożizzjoni preċedenti tonqos milli thares dik l-ordni, l-Awtorità Kompetenti tista' tneħhi, taqla', toqtol jew teqred dik is-sigra għas-spejjeż tal-persuna msemijja.

(3) Jekk il-persuna responsabbli mill-art fejn tinsab dik is-sigra ma tkunx magħrufa, l-Awtorità Kompetenti tista' tippublika ordni bħal dik fil-Gazzetta u tneħhi dik is-sigra għas-spejjeż tagħha wara disghin gurnata mill-pubblikazzjoni ta' l-ordni.

**10.** L-Awtorità Kompetenti tista' twaqqaf it-trasport u l-importazzjoni ta' sigar li fl-opinjoni tagħha jistgħu jipperikolaw id-diversità bioloġika ta' sigar u msagar f'Malta, jew li b'xi mod ikunu ta' detriment għall-ambjent, jew għal xi raġuni oħra fl-interess nazzjonali.

Twaqqif ta' l-importazzjoni ta' sigar.

#### TAQSIMA IV: REGOLAMENT TA' ATTIVITAJIET

**11.** Ebda persuna ma għandha twettaq azzjoni jew tipprova twettaq kwalunkwe azzjoni, li, fl-opinjoni ta' l-Awtorità Kompetenti tista' tkun ta' ħsara għal kull sigra elenkata fi Skedi I u II li jinsabu ma' dawn ir-regolamenti, u, jew għad-diversità bioloġika ta' xi sigra jew komunitajiet ta' msagar mharsa f'Żona għall-Ħarsien tas-Sigar jew f'kull zona protetta oħra, ħlief għal sigar ta' speċi elenkati fi Skeda III li tinsab ma' dawn ir-regolamenti.

Ħarsien tal-biodiversità.

Attivitajiet projbiti.

**12.** Ebda persuna ma għandha twaqqa' jew tipprova twaqqa', taqta' jew tipprova taqta', tneħhi jew tipprova tneħhi l-qoxra taz-zokk tas-sigra jew weraq tagħha, taqla' jew tipprova taqla', tneħhi jew tipprova tneħhi injam, twaħhal jew tipprova twaħhal xi haġa ma', jew b'xi mod teqred jew tipprova teqred, tagħmel ħsara jew tipprova tagħmel ħsara lil xi sigra jew lil xi parti minnha li hija elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti jew xi sigra jew parti minnha li tkun tinsab f'Zona għall-Harsien tas-Siġar jew f'xi zona protetta oħra, ħlief għal siġar ta' speċi elenkati fi Skeda III li tinsab ma' dawn ir-regolamenti, ħlief bil-permess ta' l-Awtorità Kompetenti:

Izda t-tqaċċit ta' weraq ma japplikax għal siġar li huma elenkati fi Skeda II li tinsab ma' dawn ir-regolamenti.

Meta ma japplikax ir-regolament 12.

**13.** Id-dispożizzjonijiet ta' regolament 12 m'għandhomx japplikaw fir-rigward ta':

(a) żbir ta' siġar imkabbra b'mod ortikulturali elenkati fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti, inklużi siġar imkabbra b'mod ortikulturali li jinsabu f'Zona għall-Harsien tas-Siġar jew f'xi zona protetta oħra, għar-raġuni speċifika biex jevitaw aktar ħsara lil xi sigra li tkun diġà jkollha l-ħsara u biex titjeb s-saħħa ġenerali tagħha;

(b) żbir ta' siġar imkabbra b'mod ortikulturali elenkati fi Skeda II li tinsab ma' dawn ir-regolamenti, inklużi siġar imkabbra b'mod ortikulturali li jinsabu f'Zona għall-Harsien tas-Siġar jew f'xi zona protetta oħra, biex tikkontrolla t-tkabbir għar-raġunijiet speċifiċi ta' ippreservar tas-saħħa tagħha, tittejjeb is-saħħa ġenerali tagħha, tittejjeb il-produttività tal-frott jew biex jiġi evitat kull ħsara lil persuni jew xi ħsara lill-proprjetà;

(ċ) żbir ta' siġar imkabbra b'mod ortikulturali elenkati fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti, jew xi sigra imkabbra b'mod ortikulturali li jinsabu f'Zona għall-Harsien tas-Siġar jew f'xi zona protetta oħra, biex tikkontrolla t-tkabbir għar-raġuni speċifika li tiġi evitata l-introduzzjoni probabbli ta' ġrieden jew organiżmi li jgħamlu ħsara f'xi proprjetà;

Iżda fergħa ewlenija, fergħa sekondarja jew fergħa ġdida li għadha kemm spuntat li tkun se tinżabar għandha tkun tinsab f' distanza ta' 3 metri mill-ħitan tal-bini li jeħtieġ protezzjoni mill-introduzzjoni tal-ġrieden u organiżmi li jgħamlu ħsara imsemmija;

(d) tneħħija u qluġh ta' xi ort ta' sigar taż-żebbuġ jew tal-ħarrub imħawwla wara l-aħħar ġurnata ta' Diċembru 1998 f'ODZ għall-ħsad jew użu agrikolu ieħor. Din teskludi dawk li jinsabu f' Żoni għall-Ħarsien tas-Sigar u xi sigar taż-żebbuġ jew tal-ħarrub li għandhom aktar minn ħamsin sena, kif ukoll sigar li ġew imħawwla għal skopijiet ta' *landscaping* kif mitlub minn permiss ta' żvilupp.

(e) Il-qtuġh, twaqqiegħ, kura u, jew qirda ta' xi sigra li tkun infestata b' organiżmi li jikkawżaw ħsara jew bi ġrieden ta' kwarantina, u mard elenkat f' Annessi I u II mar-Regolamenti ta' l-2004 dwar il-Kwarantina tax-Xitel, wara konsultazzjoni xierqa mad-direttur responsabbli għas-saħħa tax-xitel:

A.L. 97 ta' l-2004.

Iżda d-dispożizzjonijiet ta' dan ir-regolament għandhom ikunu mingħajr preġudizzju għar-regolament 11 ta' dawn ir-regolamenti u għal kull liġi jew regolament, dispożizzjoni, ftehim, pjan ta' tmexxija, pjan ta' immaniġġjar, ordni, permiss jew liċenza jew xi kundizzjoni jew kunsens mogħti bis-saħħa ta' xi liġi oħra jew regolament ieħor.

**14.** (1) Ebda persuna m'għandha tarmi jew tipprova tarmi, titfa' jew tipprova titfa', tferra' jew tipprova tferra', thalli jaqa' jew thalli jasal jew tipprova thalli jaqa' jew thalli jasal bioċidi, defoljant, fertilizzant, aċtu, alkali jew xi materjal korrożiv, karburanti jew xi kombustibbli ieħor jew materjal splussiv, ilma salmastru, kimiċi jew xi sustanza oħra qrib xi sigra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti jew qrib xi sigra li tkun tinsab f' Zona għall-Ħarsien tas-Sigar jew xi zona protetta, li jista' jikkaguna ħsara lil sigra bħal dik, għajr għal ilma frisk mhux kontaminat għal skopijiet ta' tisqija u sustanzi għall-kura tas-sigar u ta' l-għelieqi maħduma:

Materjal li jagħmel ħsara.

Iżda f' Żoni għall-Ħarsien tas-Sigar, jew fejn ikun b' mod simili ġustifikat għal-għanijiet ta' konservazzjoni, l-Awtorità Kompetenti tista' tipprojbixxi t-tisqija jew kura jekk din tkun

f'konflitt ma' l-istat ta' konservazzjoni tas-siġar inkwistjoni jew mal-biodiversità taż-żona.

(2) L-Awtorità Kompetenti tista' tawtorizza l-użu ta' sustanzi projbiti fis-subregolament (1) jew ta' xi kura oħra għall-qirda ta' ħaxix ħażin jew interventi kirurġiċi li jistgħu fl-opinjoni tagħha jkunu meħtieġa.

Materjal splussiv jew kombustibbli.

**15.** Ebda persuna ma tista' tqiegħed, tipprova tqiegħed, jew tħalli li jitqiegħed xi tajer, lastku, *polystyrene*, karti, jew xi kombustibbli jew materjal ieħor li jaqbad jew jisplodi, qrib xi siġra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti jew qrib xi siġra li tinsab f'Żona għall-Ħarsien tas-Siġar jew f'xi zona protetta.

Rdim u tfigħ ta' materjal.

**16.** Ebda persuna ma tista' tordom fl-art jew tipprova tordom fl-art, tarmi jew tipprova tarmi, jew tpoġġi jew tipprova tpoġġi xi ħamrija, demel, skart, żibel, ġebel, terrapien, metall ta' l-iskrapp jew xi skart qrib xi siġra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti jew qrib xi siġra li tinsab f'Żona għall-Ħarsien tas-Siġar jew f'xi zona protetta, ħlief għall-ħamrija jew substrat għall-kura ta' għelieqi maħduma, sakemm il-kwantitajiet ta' dawk is-sustanzi ma jkunux ta' detriment għas-siġar imħarsa bis-saħħa ta' dawn ir-regolamenti.

Nar.

**17.** (1) Kwalunkwe persuna li tqabbad jew tipprova tqabbad xi nar qrib xi siġra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti, jew qrib xi siġra li tinsab f'żona protetta li mhux Żona għall-Ħarsien tas-Siġar, b'hekk tikkaguna ħsara bħala riżultat ta' użu imprudenti jew negligenti ta' rekwiżiti għat-tipjip, sigaretti jew tabakk, logħob tan-nar jew materjal kombustibbli ieħor, jew tonqos li tiegħu prekawzjonijiet adegwati f'dan ir-rigward, tkun hatja ta' reat.

(2) Ebda persuna ma għandha tqabbad jew tipprova tqabbad xi nar f'Żona għall-Ħarsien tas-Siġar:

(a) għal skopijiet ta' divertiment, inkluż u mhux limitat għal-ħġeġġeġ, barbikjus, nirien ħdejn kampijiet u logħob tan-nar;

(b) li jista' jikkaguna ħsara bħala riżultat ta' użu imprudenti jew negligenti ta' rekwiżiti għat-tipjip, sigaretti

jew tabakk, logħob tan-nar jew materjal kombustibli ieħor, jew li jonqos li jieħu prekawzzjonijiet adegwati f'dan ir-rigward.

(3) Id-dispożizzjonijiet ta' dan r-regolament ma japplikawx għal —

(a) xi persuna li tqabbaad huġġieġa li tista' tigi kkontrollatha, jew

(b) nar li jkun direttament konness ma' jew meħtieġ għall-immaniġġjar taż-Żona għall-Ħarsien tas-Siġar jew zona protetta oħra inkwistjoni, bl-approvazzjoni mogħtija minn qabel mill-Awtorità Kompetenti:

(ċ) xi nar ikkontrollat ġol-konfini ta' abitazzjoni privata.

Izda f'kull każ, il-persuna xorta għandha tibqa' responsabbli għal kull ħsara diretta, indiretta jew konsegwenzjali, li ssir lil xi siġra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti, jew lil xi siġra li tinsab f'Żona għall-Ħarsien tas-Siġar jew f'xi zona protetta oħra. L-Awtorità Kompetenti tista' ukoll tieħu azzjoni bis-saħħa ta' dawn ir-regolamenti jekk il-persuna tonqos milli żżomm in-nar taħt kontroll bħala riżultat ta' negliġenza jew azzjoni malizjuża.

**18.** (1) Ebda persuna ma għandha thalli jew tipprova thalli <sup>Ragħa.</sup> annimali jikkagunaw ħsara waqt li ikunu qeġħdin jirgħu lil xi siġra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti.

(2) Ebda persuna ma għandha thalli jew tipprova thalli annimali jirgħu f'xi Żona għall-Ħarsien tas-Siġar jew f'żoni protetti oħra.

(3) Is-sid ta' xi annimal li jikkaguna ħsara bħal dik jista' jiġi ordnat iħallas kumpens għall-ħsara hekk kaġunata skond kif il-Qorti tista' tiddeċiedi. Jekk l-annimal ikun jappartjeni għal aktar minn sid wieħed, is-sidien kollha jistgħu jiġu ordnati biex solidalment iħallsu kumpens għall-ħsara kaġunata minn dak l-annimal.

**TAQSIMA V: DISPOŻIZZJONIJIET SUPPLIMENTARI  
FUQ PERMESSI RELATATI**

Dispożizzjonijiet  
supplimentari relatati  
ma applikazzjonijiet  
għal permessi ta'  
żvilupp.

**19.** (1) Kull fejn żvilupp, sew jekk waħdu jew f'kombinazzjoni ma' pjanijiet jew proġetti oħra, x'aktarx li jkollu effett avvers fuq sigar elenkati fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti l-Awtorità Kompetenti tista':

(a) tirrifjuta l-applikazzjoni; jew

(b) timponi kundizzjonijiet xierqa fil-permess; jew

(c) titlob emendi fil-, jew rilokazzjoni ta', l-iżvilupp propost; jew

(d) tadotta kombinazzjoni ta' miżuri preċedenti kif ikun xieraq fil-kuntest ta' dawn ir-regolamenti.

(2) Kull fejn żvilupp, sew jekk waħdu jew f'kombinazzjoni ma' pjanijiet jew proġetti oħra, x'aktarx li jkollu effett avvers fuq xi Żona għall-Harsien tas-Sigar jew f'żoni protetti oħrajn, l-Awtorità Kompetenti tista':

(a) tirrifjuta l-applikazzjoni; jew

(b) timponi kundizzjonijiet fil-permess jew limitazzjonijiet fil-permess xierqa;

(c) tirrikjedi evalwazzjoni xierqa ta' l-impatti; jew

(d) tadotta kombinazzjoni ta' miżuri msemija skond kif ikun xieraq fil-kuntest ta' dawn ir-regolamenti.

(3) Id-dispożizzjonijiet ta' dan l-artiklu għandhom japplikaw kemm għal applikazzjonijiet għall-permess ta' żvilupp *outline* kif ukoll għal permess ta' żvilupp *full*, u għandhom ukoll japplikaw meta tkun qegħda tiġi stabbilita konsiderazzjoni mill-gdid jew appell skond id-dispożizzjonijiet ta' l-Att.

(4) Żvilupp li x'aktarx ikollu effett avvers fuq xi sigra elenkata fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti

jew f'xi Żona għall-Ħarsien tas-Siġar jew f'żoni protetti oħra, m'għandux ikun permess b'ordni ta' żvilupp skond l-artikolu 63 ta' l-Att, jew b'xi applikazzjoni għal modifiki minuri f'permess ta' żvilupp li jkun eżistenti.

(5) Id-dispożizzjonijiet ta' l-artikolu 77 ta' l-Att għandhom japplikaw f'każ li xi siġra protetta b'dawn ir-regolamenti tkun affetwata b'mod sinifikanti u negattiv bil-ħruġ ta' permess ta' żvilupp abbażi ta' informazzjoni mhux korretta, mhux kompleta, qarrieqa jew informazzjoni falza fl-applikazzjoni għal permess relevanti. F'każ bħal dak, kull permess relatat maħruġ bis-saħħa ta' dawn ir-regolamenti għandu jkun ukoll null u bla effett.

## TAQSIMA VI: PERMESSI BIS-SAĦĦA TA' DAWN IR-REGOLAMENTI

**20.** Mingħajr preġudizzju għad-dispożizzjonijiet ta' dawn ir-regolamenti, l-Awtorità Kompetenti tista' toħroġ permess qabel ma jitwettqu xi attivitajiet regolati b'dawn ir-regolamenti: Permessi.

Izda l-Awtorità Kompetenti m'għandhiex toħroġ permess bħal dak jekk, wara li tikkonsidra l-attività proposta, tkun tal-opinjoni li dik l-attività mhix ġustifikata jew li l-impatt negattiv ta' l-attività jgħelbu xi benefiċċji possibli.

**21.** Mingħajr preġudizzju għal regolamenti ambjentali relatati, ebda permess maħruġ bis-saħħa ta' dawn ir-regolamenti m'għandu jippermetti interventi li: Interventi mhux permessi.

(a) jkunu diġà proposti f'applikazzjoni għal permess, notifikazzjoni, awtorizzazzjoni jew licenza magħmula bis-saħħa ta' l-Att dwar il-Ħarsien ta' l-Ambjent jew l-Att dwar l-Ippjanar ta' l-Iżvilupp jew l-Att, li jkunu għadhom qegħdin jiġu proċessati, emendati, rikonsidrati jew appellati skond xi Att imsemmi hawn aktar qabel;

(b) jistgħu jipreġudikaw il-merti ta' dak l-iproċessar, emendi, rikonsiderazzjoni jew appell;

(c) jistgħu jipreġudikaw il-merti ta' talba għal xi awtorizzazzjoni jew licenza meħtieġa għall-Atti msemmija

hawn aktar qabel, jew jistgħu jipreġudikaw il-merti ta' xi appell minn xi deċiżjoni dwarhom; jew

(d) jistgħu jipreġudikaw xi każ ta' infurzar, każ fil-qorti jew każijiet oħra li jkunu qegħdin *sub-judice*.

Għandha ssir applikazzjoni bil-miktub.

**22.** (1) Il-persuna li tkun qegħda titlob permess għall-attivitajiet imsemmija fir-regolament 21, hawn aktar 'il quddiem imsejha l-applikant, għandha tippreżenta applikazzjoni bil-miktub lill-Awtorità Kompetenti qabel ma twettaq tali attivitajiet.

(2) Sabiex tippermetti lill-Awtorità Kompetenti biex tkun tista' tevalwa talba għal permess b'mod adegwat, l-applikazzjoni għandha:

(a) jkollha d-dokumenti rilevanti u kull informazzjoni rekwiżita oħra kif speċifikat u mitlub mill-Awtorità Kompetenti;

(b) għandha tindika jekk l-applikazzjoni taqax taħt xi wieħed mill-kriterji (a) sa (d) tar-regolament 22; u

(c) tintbghat fil-mod kif preskritt mill-Awtorità Kompetenti.

Kundizzjonijiet li jkunu japplikaw.

**23.** (1) Kull meta l-Awtorità Kompetenti toħroġ permess, hija għandha timponi dawk il-kundizzjonijiet li tqis li huma xierqa.

(2) Il-perjodu ta' validità ta' permess bħal dak għandu jigi wkoll stabbilit għad-diskrezzjoni ta' l-Awtorità Kompetenti, u għandu jigi indikat b'mod ċar fil-permess.

(3) Kull meta l-Awtorità Kompetenti tirrifjuta permess bħal dak, hija għandha tinforma lill-applikant bir-raġunijiet għal dak ir-rifjut.

(4) L-Awtorità Kompetenti tista' temenda, tissospendi jew tirrevoka kull permess jew awtorizzazzjoni oħra għal attivitajiet li huma relatati ma' dawn ir-regolamenti, filwaqt li tagħti raġunijiet għad-deċiżjoni tagħha.

(5) Permess maħruġ bis-saħħa ta' dawn ir-regolamenti

għandu jkun null u bla effett fl-każ li xi sigra mharsa bis-saħħa ta' dawn ir-regolamenti tkun affetwata b'mod sinifikattiv u negattiv minhabba xi permess maħruġ abbażi ta' informazzjoni inkorretta, mhux kompleta, qarrieqa jew falza kontenuta fl-applikazzjoni rilevanti għall-permess.

(6) L-Awtorità Kompetenti m'għandiex toħroġ jew iġġedded xi permess jekk l-applikant in kwistjoni jkun kiser xi terminu, patt, kundizzjoni, obligazzjoni jew limitazzjoni ta':

(a) xi permess ieħor maħruġ mill-Awtorità Kompetenti bis-saħħa ta' dawn ir-regolamenti;

(b) xi permess ieħor maħruġ mill-Awtorità Kompetenti relatat mas-sit li għalih kien maħruġ il-permess, kemm jekk bis-saħħa ta' dawn ir-regolamenti jew xort'oħra; jew

(ċ) xi permess ieħor maħruġ bis-saħħa ta' regolamenti ambjentali relatati.

**24.** L-Awtorità Kompetenti għandha tapplika miżuri ta' kumpens dwar it-thawwil għall-permess ta' qluġh ta' sigar elenkati fi Skeda I jew Skeda II li jinsabu ma' dawn ir-regolamenti, jew ta' xi sigra li tinsab f'Zona għal-Harsien tas-Sigar jew f'xi zona protetta oħra.

Miżuri ta' kumpens  
dwar it-thawwil.

**25.** (1) F'permessi li jikkonċernaw studji xjentifiki jew edukattivi *bona fide*, u mingħajr preġudizzju għall-obligazzjonijiet u kundizzjonijiet oħra imposti mill-Awtorità Kompetenti, id-detentur ta' permess huwa obligat li fi żmien xahar mid-data ta' l-iskadenza tal-permess jissottometti:

Permessi li  
jikkonċernaw  
studji xjentifiki jew  
edukattivi *bona fide*.

(a) rapport dettaljat ta' l-attivitajiet li jkunu saru;

(b) l-għan u liema qasam ta' xogħol jew x'attività tkun twettqet;

(ċ) il-metodoloġija użata;

(d) l-eżitu u r-riżultati miksuba in konnesjoni mal-permess; u

(e) xi dettalji oħra hekk kif jistgħu jkunu mitluba mill-Awtorità Kompetenti fil-permess.

(2) Kopja ta' xi riżultati li jkunu pubblikati u ta' publikazzjonijiet oħra rilevanti għal dan il-permess għandhom jaslu għand l-Awtorità Kompetenti fi żmien tlett xhur mid-data tal-publikazzjoni.

Persuni li jinħarġu b'urġenza.

**26.** Id-Direttur, jista', f'isem l-Awtorità Kompetenti, f'kazi ta' emerġenza jew periklu gravi, joħroġ permess temporanju għal twettiq ta' xi attività regolati b'dawn ir-regolamenti, u, meta jagħmel dan huwa jista' jagħti kull direttiva u deċiżjoni li jidhiru xieraq.

Reġistru pubbliku.

**27.** Detallji ta' persuni, entitajiet pubbliċi u istituzzjonijiet oħra li jkun inħarġilhom xi permess relatat ma' dawn ir-regolamenti flimkien mad-dettalji tal-kundizzjonijiet imposti f'dak il-permess għandhom jiġu registrati f'reġistru elettroniku li jkun aċċessibli għall-ispezzjoni pubblika.

Persuna li tkun fuq is-sit għandu jkollha fuqha kopja tal-permess.

**28.** Waqt it-twettiq ta' xi attività jew xogħol permess, kopja tal-permess għandha tkun fil-pussess ta' xi persuna li tkun fuq is-sit waqt tali attività jew xogħol. Dan il-permess għandu jkun disponibbli għal xi uffiċjal ta' l-Awtorità Kompetenti u għal xi uffiċjal ta' l-infurzar awtorizzat, inkluż uffiċjal tal-Pulizija jew tal-Forzi Armati, Gwardjani Lokali u Spetturi ta' l-Ambjent debitament awtorizzati, meta dan jiġi mitlub.

## TAQSIMA VII: PENALI

Pieni.

**29.** (1) Kull persuna li:–

(a) tonqos li tosserva xi dispożizzjoni ta' dawn ir-regolamenti, jew xi ordni oħra leġittimament mogħtija skond xi dispożizzjoni ta' dawn ir-regolamenti, jew

(b) tikser xi restrizzjoni, projbizzjoni, jew htieġa imposta minn jew bis-saħħa ta' dawn ir-regolamenti, jew

(ċ) taġixxi b'kontravvenzjoni ta' xi dispożizzjoni ta' dawn ir-regoamenti, jew

(d) tiftiehem jew tipprowa tiftiehem, tgħin jew tipprowa tgħin, thajjar jew tipprowa thajjar, tagħti parir jew tipprowa tagħti parir, tqabbad jew tipprowa tqabbad lil xi persuna oħra biex tikser id-dispożizzjonijiet ta' dawn ir-regolamenti, jew biex tonqos milli tikkonforma ma' xi dispożizzjoni minnhom, inkluż kull ordni legittimament mogħtija bis-saħħa ta' xi dispożizzjoni ta' dawn ir-regolamenti, jew biex tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposti minn jew bis-saħħa ta' dawn ir-regolamenti,

tkun hatja ta' reat kontra dawn ir-regolamenti.

(2) Kull persuna li tagħmel, jew tipprowa tagħmel reat kontra dawn ir-regolamenti għandha teħel, meta tinsab hatja:

(a) ta' l-ewwel reat dwar sigar elenkati fi Skeda I li tinsab ma' dawn ir-regolamenti jew sigar li jinsabu f'Zona għall-Harsien tas-Sigar jew f'zoni protetti oħra ħlief għal dawk l-ispeċi elenkati fi Skeda III li tinsab ma' dawn ir-regolamenti, multa ta' mhux anqas minn €500 iżda mhux iżjed minn €2,500 għal kull sigra taħt l-età ta' għaxar snin, ħlief għall-ewwel reat in konnessjoni mar-regolament 18, u mizuri ta' thawwil kumpensatorju bħala dejn ċivili;

(b) ta' l-ewwel reat dwar sigar elenkati fi Skeda I li tinsab ma' dawn ir-regolamenti jew sigar li jinsabu f'Zona għall-Harsien tas-Sigar jew f'zoni proetti oħra ħlief għal dawk l-ispeċi elenkati fi Skeda III li tinsab ma' dawn ir-regolamenti, multa ta' mhux anqas minn €1,250 iżda mhux iżjed minn €25,000 għal kull sigra ta' età ta' aktar minn għaxar snin, ħlief għall-ewwel reat in konnessjoni mar-regolament 18, u mizuri ta' thawwil kumpensatorju bħala dejn ċivili;

(c) ta' l-ewwel reat dwar sigar elenkati fi Skeda II li tinsab ma' dawn ir-regolamenti multa ta' mhux anqas minn €250 iżda mhux iżjed minn €2,500 għal kull sigra taħt l-età ta' għaxar snin, ħlief għall-ewwel reat in konnessjoni mar-regolament 18, u mizuri ta' thawwil kumpensatorju bħala dejn ċivili;

(d) ta' l-ewwel reat dwar sigar elenkati fi Skeda II li tinsab ma' dawn ir-regolamenti multa ta' mhux anqas minn

€350 iżda mhux iżjed minn €25,000 għal kull sigra ta' età ta' aktar minn għaxar snin, hlief għall-ewwel reat in konnessjoni mar-regolament 18, u miżuri ta' thawwil kumpensatorju bhala dejn civili;

(e) ta' l-ewwel reat dwar ir-regolament 8 jew ir-regolament 10 ta' dawn ir-regolamenti multa ta' mhux anqas minn €50 iżda mhux iżjed minn €500 għal kull sigra;

(f) ta' l-ewwel reat dwar ir-regolament 18 ta' dawn ir-regolamenti multa ta' mhux anqas minn €50 iżda mhux iżjed minn €500 għal kull sigra;

(g) tat-tieni reat jew għal kull reat ieħor sussegwenti, multa ta' mhux anqas minn €1,250 iżda mhux iżjed minn €50,000 għal kull sigra, jew prigunerija għal żmien ta' mhux iżjed minn sentejn, jew dik il- multa u prigunerija flimkien.

Spejjeż għar-rimedju u għall-mitigazzjoni.

(3) Kull persuna li tinsab hatja ta' reat kontra dawn ir-regolamenti għandha, minbarra l-miżuri ta' thawwil kompensatorju bhala dejn civili, ukoll thallas:

(a) l-ispejjeż kollha imġarba biex tiġi rimedjatha għas-sodisfazzjon ta' l-Awtorità Kompetenti l-ħsara kaġunata minn dak il-ksur lis-sit, jew lill-istat ta' konservazzjoni ta' l-ispeċi tas-sigra, jew lit-tnejn, skond il-każ;

(b) kull spiza oħra imġarba jew miżuri ta' mitigazzjoni meħtieġa bhala rimedju għal dak li jkun sar, ħsara u ksur, jew biex tikkontrolla jew tipprevjeni li jinfirex aktar l-impatt; u

(c) il-valur monetarju likwidat ta' xi telfa irreparabbli jew ħsara lill-ambjent, diversità biologika, pajsagġ, wirt naturali jew wirt kulturali, hekk kif ikun rilevanti għal dawn ir-regolamenti.

Kawżi ta' dannu.

(4) Il-Qorti għandha tordna lill-persuna misjuba hatja tar-reat biex tneħhi il-kaġun li ikun qed jagħmel l-offiża u tneħhi dak kollu li ikun sar mingħajr permess fi żmien suffiċjenti għal dan il-għan, iżda f'kull każ ma jaqbiżx tlett xhur mid-data tas-sentenza, skont kif jiġi stabbilit mill-Qorti; u, jekk il-persuna misjuba hatja tar-reat tonqos milli tikkonforma ma' tali ordni fiż-żmien mogħti

lilha, għandha tehel multa ta' mhux anqas minn €50 iżda mhux aktar minn €150, kif il-Qorti tista' tistabilixxi, għal kull gurnata li n-nuqqas ikompli wara l-iskadenza taż-żmien imsemmi.

(5) Id-dispożizzjonijiet tal-artikolu 23 u tas-subartikolu (1) ta' l-artikolu 30 tal-Kodiċi Kriminali għandhom japplikaw *mutatis mutandis* għal proċedimenti rigward reati kontra dawn ir-regolamenti, b'dan illi l-iskwalifika milli wieħed ikollu jew jikseb liċenza, permess, *clearance* jew awtorità ma għandhom f'ebda każ ikunu għal inqas minn sena. Kap. 9.

(6) Minkejja d-dispożizzjonijiet tal-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat li jkser dawn ir-regolamenti, huma ta' kompetenza tal-Qorti tal-Maġistrati (Malta) jew tal-Qorti tal-Maġistrati (Għawdex), skond il-każ, u għandhom isiru skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qrati ta' ġudikatura kriminali.

(7) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali jkollu dejjem id-dritt li jagħmel appell quddiem il-Qorti ta' l-Appell Kriminali minn kull deċiżjoni mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar proċedimenti rigward reati bi ksur ta' dawn ir-regolamenti.

## TAQSIMA VIII: DISPOŻIZZJONIJET OĦRA

**30.** Ir-Regolamenti ta' l-2001 dwar il-Harsien tas-Siġar u l-Imsaġar, qegħdin b'dawn jiġu revokati.

Jirrevoka A.L. 12 ta' 1-2001.

**SKEDA I**  
**SIGAR IMHARSA STRETTAMENT**

Is-sigâr li ġejjin huma b'hekk mħarsa fil-lokalitajiet kollha ta' Malta:

- (a) Sigâr ta' importanza antikwarja kif elenkati f'Notifikazzjoni tal-Gvern Nru. 269 ta' l-1933;
- (b) Sigâr imħarsa b'Ordnijiet għall-Ħarsien tas-Sigâr maħruġa bis-saħħa ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp ul-Att; u
- (c) Sigâr li jappartjenu lill-ispeċi elenkati fit-tabella li ġejja:

ISEM XJENTIFIKU	ISEM MALTI	ISEM INGLIŻ
<i>Anagyris foetida</i>	Ful tal-Klieb	Bean Trefoil Tree
<i>Celtis australis</i>	Bagular	Nettle Tree
<i>Ephedra fragilis</i>	Efedra	Shrubby Horsetail; Joint Pine
<i>Fraxinus angustifolia</i>	Fraxnu; Sigâr tal-Paċenzja	Narrow-Leaved Ash
<i>Lycium europaeum</i>	Ghawseg	Mediterranean Tea-Tree; Mediterranean Boxthorn
<i>Lycium intricatum</i>	Ghawseg	Southern Tea-Tree; Southern Boxthorn
<i>Mespilus germanica</i>	Omm il-Epp; Fomm il-Lipp; Naspli Tedeski	Medlar; Mediterranean Medlar
<i>Paliurus spina-christi</i>	Xewk tal-Kuruna; Xewk ta' Kristu	Christ's Thorn Tree
<i>Phillyrea latifolia</i>	Oliwastru	Mock Privet; Jasmine Box
<i>Phillyrea media</i>	Oliwastru	Mock Privet; Jasmine Box
<i>Pistacia x saportae</i>	Deru Bagħal	Hybrid Mastic Tree
<i>Pistacia terebinthus</i>	Skornabekk; Terebintu; Sigâr	Terebinth; Turpentine Tree

	tat-Trementina	
<i>Prunus spinosa</i>	Prajn tax-Xewk	Sloe; Blackthorn
<i>Pyrus amygdaliformis</i>	Langas Selvaġġ	Almond-Leaved Pear
<i>Pyrus pyraster</i>	Langas Baghal; Langas Selvaġġ	Wild Pear
<i>Pyrus syriaca</i>	Langas Selvaġġ	Syrian Pear
<i>Rhamnus oleoides</i>	Żiju	Lesser Buckthorn; Olive-Leaved Buckthorn
<i>Rhus coriaria</i>	Xumakk tal-Konz	Common Sumach
<i>Salix alba</i>	Safsaf Kbir; Żafzaf Kbir	White Willow
<i>Salix pedicellata</i>	Safsaf Żgħir; Żafzaf Żgħir	Mediterranean Willow
<i>Sorbus aucuparia</i>	Żorba Selvaġġa	Rowan; Mountain Ash
<i>Sorbus domestica</i>	Żorba	Service Tree
<i>Tetraclinis articulata</i>	Gharghar	Arar tree; Sandarac Gum Tree; Mediterranean Alerce
<i>Ulmus canescens</i> [= <i>Ulmus minor</i> subsp. <i>canescens</i> ]	Nemmies; Siġar tan-Nemus	Hoary Elm; Grey-Leaved Elm
<i>Ulmus minor</i> [= <i>Ulmus minor</i> subsp. <i>minor</i> ]	Ulmu	Common Elm
<i>Ulmus procera</i>	Ulmu	English Elm
<i>Vitex agnus-castus</i>	Virgi; Siġar tal-Virgi; Ghadib; Bżar tal-Patrijiet	Chaste Tree; Virgin Bush.

**SKEDA II**  
**SIGAR IMHARSA F'ŻONI MAGĦŻULA**

Is-sigar li ġejjin huma b'dan imħarsa, skond il-pattijiet u kundizzjonijiet li ġejjin:

- (a) Is-sigar kollha li għandhom 'il fuq minn 50 sena fl-età huma mħarsa f'żoni protetti, f'ODZ, u f'AKU. Dan il-ħarsien m'għandux japplika għall-sigar elenkati fi Skeda III u għal dawk is-sigar li, fl-opinjoni ta' l-Awtorità Kompetenti, ikunu qegħdin jikkagunaw xi ħsara jew impatt avvers lill-ambjent jew lil strutturi jew karatteristiċi ta' valur tal-wirt naturali jew kulturali;
- (b) Sigar li jappartjenu lill-ispeċi elenkati fit-tabella li ġejja huma mħarsa f'żoni protetti u f'ODZ:

ISEM XJENTIFIKU	ISEM MALTI	ISEM INGLIŻ
<i>Ceratonia siliqua</i>	Ħarrub	Carob
<i>Cercis siliquastrum</i>	Sigar ta' Ġuda; Ħarrub ta' Ġuda	Judas Tree; Mediterranean Redbud
<i>Chamaerops humilis</i>	Ġummar	Dwarf Fan Palm
<i>Crataegus azarolus</i>	Għanzalor	Azarole; Crete Hawthorn
<i>Crataegus monogyna</i>	Żagħrun	Whithorn; Common Hawthorn
<i>Crataegus x ruscinonensis</i>	Għanzalor Selvaġġ	Hybrid Hawthorn
<i>Cydonia oblonga</i>	Sfargel	Quince
<i>Juniperus phoenicea</i>	Ġnibru; Ġniepru	Phoenician Juniper
<i>Laurus nobilis</i>	Rand	Bay Laurel; Sweet Bay
<i>Morus alba</i>	Ġawsli	White Mulberry
<i>Morus nigra</i>	Tut	Black Mulberry
<i>Myrtus communis</i>	Riħan	Myrtle
<i>Olea europaea</i> s.l.	Żebbuġ; Żejtun	Olive

<i>Olea oleaster</i>	Żebbuġ Selvaġġ	Wild Olive
<i>Phoenix dactylifera</i>	Palma tat-Tamar	Date Palm
<i>Pinus brutia</i>	Żnuber tal-Lvant	Brutia Pine; Calabrian Pine
<i>Pinus halepensis</i>	Żnuber; Siġar tal-Prinjol; Siġar ta' l-Arżnu	Aleppo Pine; Jerusalem Pine
<i>Pinus pinea</i>	Żnuber ta' l-Ikel	Stone Pine; Umbrella Pine
<i>Pistacia lentiscus</i>	Deru; Delu	Lentisk; Mastic Tree
<i>Populus alba</i>	Luq	White Poplar
<i>Quercus ilex</i>	Ballut; Siġar tal-Ġandar	Holm Oak; Evergreen Oak
<i>Rhamnus alaternus</i>	Alaternu	Mediterranean Buckthorn
<i>Sambucus nigra</i>	Sambuka; Sebuq Kbir	Common Elder
<i>Spartium junceum</i>	Ġenista Safra	Spanish Broom
<i>Tamarix</i> spp.	Bruk	Tamarisks
<i>Viburnum tinus</i>	Meruna; Viburnum	Laurustinus
<i>Ziziphus zizyphus</i> [= <i>Ziziphus jujuba</i> ]	Żinżel	Jujube

**SKEDA III****SPEĊI INVASIVI, ALJENI JEW INKOMPATIBBLI MA' L-AMBJENT**

L-ispeċi immarkati b'asteriska (\*) jistgħu jintużaw għall-*landscaping* f'żoni urbani, imma mhux f'ODZ.

ISEM XJENTIFIKU	ISEM MALTI	ISEM INGLIŻ
<i>Acacia cyclops</i>	Akaċja ta' l-Għajn	Coastal Wattle
<i>Acacia saligna</i> [= <i>Acacia cyanophylla</i> ]	Akaċja	Blue-Leaved Wattle; Blue-Leaved Acacia; Weeping Wattle
<i>Acacia karroo</i> [= <i>Acacia horrida</i> auct. fl. Melit.]	Gażżija tax-Xewk; Xewk ta' Kristu; Akaċja tax-Xewk	Karoo Thorn
<i>Ailanthus altissima</i> [= <i>Ailanthus glandulosa</i> ]	Xumakk; Xumakk Falz	Tree-of-Heaven; False Sumach; Japanese Varnish Tree
<i>Eucalyptus camaldulensis</i> * [= <i>Eucalyptus rostrata</i> ]	Ewkaliptus; Siġra tal-Gamie	Red Gum; Red River Gum
<i>Eucalyptus gomphocephala</i> *	Ewkaliptus; Siġra tal-Gamie	Tuart
<i>Leucaena leucocephala</i> [= <i>Acacia leucocephala</i> ; <i>Albizzia lebbek</i> auct. fl. Melit.]	Albizzja; Gażżija Bajda	Lead Tree; White Popinac; Cow Tamarind
<i>Pittosporum tobira</i> *	Pittosporum	Shrubby Putterlick; Japanese Mock Orange
<i>Ricinus communis</i>	Riġnu	Castor Oil Tree
<i>Schinus terebinthifolius</i>	Siġra tal-Bżar	Brazilian Pepper

**L.N. 200 of 2011**

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

**Trees and Woodlands Protection Regulations, 2011**

BY virtue of the powers conferred by articles 61, 62, 64, 66, and 93 of the Environment and Development Planning Act, the Prime Minister has made the following regulations:-

**1.** The title of these regulations is the Trees and Woodlands Protection Regulations, 2011. Citation.

**PART I: INTERPRETATION AND ADMINISTRATION**

**2.** In these regulations, unless the context otherwise requires: Definitions.

“the Act” means the Environment and Development Planning Act; Cap. 504.

“compensatory planting measures” means the planting or making available of a number of trees as a replacement for every damaged or uprooted tree, on the basis of the provisions of guidelines established by the Competent Authority;

“the Competent Authority” means the Malta Environment and Planning Authority; L.N. 57 of 2002.

“development” shall have the same meaning as assigned to it in article 67 of the Act;

“Director” means the Director responsible for environment protection within the Competent Authority, or his designated representative;

“horticulturally-grown trees” means planted trees that are grown through horticulture and in artificial environments such as agricultural land, private gardens, roadsides and paved areas, and excludes trees in protected areas or in areas outside the development zone growing in their natural environment, whether originally planted or not;

“near any tree” means five metres away from the circumference of the tree canopy or ten metres away from the tree trunk, whichever is the larger;

“outside the development zone” or “ODZ” means land outside the boundary for development in a planning scheme or local plan;

“owner” means either the direct owner or any person who holds a title of lease, emphyteusis or any other right of possession, or both owner of property and title together, jointly or separately;

“pest” means any form of plant or animal life or any pathogenic agent, other than a beneficial organism, capable of directly or indirectly injuring any plant material or beneficial organism, and includes genetically modified pests;

“person” means any person, whether natural or legal, corporate or incorporate, and includes any person acting on his own behalf or under the instructions of any employer, master or owner;

“primary branches” means branches originating from the main trunk or trunks of the tree;

“protected areas” means any area protected through the Environment Protection Act or scheduled for ecological and scientific reasons under the Development Planning Act, including Tree Protection Areas, or under the Act;

“protected tree species” means trees listed in Schedules I and II to these regulations;

“pruning” means the practice of cutting away of primary branches, secondary branches, offshoots, and suckers of horticulturally-grown trees to influence the formation of the tree or to positively influence flowering, fruit yield and, or the overall health status of the tree;

“related environment regulations” means the Flora, Fauna and Natural Habitats Protection Regulations, 2006, the Protection of Birds Regulations, 2006 and any other related legislation;

L.N. 311 of 2006  
L.N. 79 of 2006.

“secondary branches” means branches originating from the primary branches of the tree;

“site” shall also include a single property or more than one property, irrespective of who is the owner of that property which forms part of the site which is designated as a Tree Protection Area through the provisions of regulation 6;

“smoking requisite”, “cigarette” and “tobacco” have the same definition as is given to them in article 2 of the Tobacco (Smoking Control) Act;

Cap. 315.

“surgical intervention” means any treatment required to save a tree from disease or mechanical damage, structural collapse, as well as treatments to prevent further damage in an already damaged tree;

“tree” means a perennial woody plant, whether dead or alive, which in its adult form, has a main trunk or trunks, and secondary branches supported clear of the ground, and a distinct crown. This includes individuals in all stages of growth;

“Tree Protection Area” means any site published in the Gazette in terms of the provisions of regulation 6 of these regulations;

“Urban Conservation Area” or “UCA” means a historic area (village core) as identified in a planning scheme or local plan or other currently approved planning policies.

**3.** The Competent Authority shall be responsible for the administration, implementation and enforcement of these regulations.

Administration of  
these regulations.

**PART II: PROTECTION OF TREES AND WOODLANDS**

Declaration of  
protected species.

S.L. 445.02  
S.L. 10.22

**4.** Without prejudice to the related environment regulations and provisions of Government Notice No. 269 of the 19th July, 1933 about a list of historical trees having an antiquarian importance, the Conifer Trees (Preservation) Regulations, 1949 published by Government Notice No. 328 of the 25th May, 1949, and tree preservation orders issued under Development Planning Act, it is hereby declared that: —

(a) the species of trees listed in Schedule I to these regulations are protected in accordance with the terms and conditions set out in the said Schedule I;

(b) the trees listed in Schedule II to these regulations are protected in accordance with the terms and conditions set out in the said Schedule II; and

(c) all trees sited in the Tree Protection Areas or other protected areas are protected, except trees listed in Schedule III.

Criteria for selection  
of important sites.

**5.** The Competent Authority shall compile and where appropriate update a list of important sites that:

(a) contain representative types of Maltese woodland communities; or

(b) contain woodland and forest communities which are in danger of disappearing in their natural area of distribution; or

(c) contain woodland and forest communities which have a reduced natural area of distribution as a consequence of their natural or man-induced regression or on account of their intrinsically restricted area; or

(d) contain woodland habitats critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna; or

(e) contain a single individual tree or a specified group of trees or a woodland of aesthetic, historical, cultural, arboricultural, scientific, educational or landscape interest; or

(f) include trees that in the Competent Authority's opinion are prominent landmark trees of particular relevance to the character of the site; or

(g) contain rare, threatened or endangered tree species with a restricted distribution in Malta; or

(h) are woodland and forest communities of particular importance because of their scientific, ecological, biodiversity, biogeographical, scientific, cultural or landscape or educational interest; or

(i) contain historical trees having an antiquarian importance listed in Government Notice No. 269 of the 19th July, 1933; or

(j) contain *ex-situ* live collections of rare, threatened or endangered trees; or

(k) in the Competent Authority's opinion contain similarly relevant features for protection that are not listed above.

**6. (1)** Once a site has been selected by the Competent Authority in line with the criteria established in regulation 5 hereof, the Competent Authority shall designate any such site as a Tree Protection Area.

Identification of Tree Protection Areas.

(2) The Competent Authority shall publish the details of such site or sites, with delineated boundaries, in the Gazette.

Declaration of Tree Protection Areas.

(3) Any such designated Tree Protection Area shall be considered a protected area in terms of the Act and the Environment Protection Act and shall be subject to these regulations.

(4) Any site protected as a Tree Protection Area shall remain protected notwithstanding any deliberate or accidental circumstance whereby:

(a) any tree sited in any such protected area is, wholly or in part, destroyed or dies; or

(b) any other impact is suffered by the site.

Integration into the National Ecological Network.

L.N. 311 of 2006.

Registered index.

(5) Any Tree Protection Area declared through these regulations shall also form an integral part of the National Ecological Network set up by regulation 5(1) of the Flora, Fauna and Natural Habitats (Protection) Regulations, 2006, and is subject to the other provisions of regulation 5 of the said regulations.

7. The Tree Protection Areas identified and protected pursuant to the provisions of regulation 6 hereof, shall be registered in an index held for that purpose, and in the public registry. The said index shall be held in an electronic form in such manner that research to determine the status of a site may be carried out.

### **PART III: TREE SPECIES CAUSING DAMAGE TO BIODIVERSITY OR TO THE NATURAL ENVIRONMENT IN GENERAL**

List of tree species damaging biodiversity.

8. (1) The trees listed in Schedule III to these regulations are deemed to be species causing damage to biological diversity of trees or woodlands in Malta, or to the natural environment in general.

(2) No person shall propagate, sow, plant, import, export, transport, sell or exchange any species listed in Schedule III to these regulations, unless duly authorised in line with the provisions of Part VI hereof.

Improvement measures.

9. (1) (a) The Competent Authority may, within such time as it determines, order any person responsible for the land in which any tree listed in Schedule III to these regulations is sited to remove, uproot, kill or destroy any such tree, where such removal would, in the Competent Authority's opinion, constitute an environmental improvement.

(b) A method statement may be issued by the Competent Authority to ensure that such order is executed with minimal damage to biodiversity.

(2) If such person mentioned in the previous provision fails to comply with any such order, the Competent Authority may remove, uproot, kill or destroy any such tree at the expense of the said person.

(3) If the person responsible for the land upon which such tree is sited is unknown, the Competent Authority may publish such order in the Gazette and remove such a tree at its own expense after ninety days from the publication of the order.

**10.** The Competent Authority may stop the transport and importation of trees which in its opinion may endanger the biological diversity of trees or woodlands in Malta, or be detrimental in any way to the environment, or for any other reason in the national interest.

Staying of importation of trees.

#### **PART IV: REGULATION OF ACTIVITIES**

**11.** No person shall carry out or attempt to carry out any action, which, in the opinion of the Competent Authority may be damaging to any tree listed in Schedules I and II to these regulations, and, or to the biological diversity of any tree or woodland community protected in a Tree Protection Area or any other protected area, except for trees of species listed in Schedule III.

Protection of biodiversity.

**12.** No person shall fell or attempt to fell, cut or attempt to cut, strip off or attempt to strip off the bark or leaves of, uproot or attempt to uproot, remove or attempt to remove timber from, affix or attempt to affix something to, or in any way destroy or attempt to destroy, damage or attempt to damage, any tree or part thereof listed in Schedule I or Schedule II or any tree or part thereof sited in a Tree Protection Area or any other protected area, except trees of species listed in Schedule III, except by permission of the Competent Authority:

Prohibited activities.

Provided that the cutting off of leaves does not apply to trees listed in Schedule II.

**13.** The provisions of regulation 12 shall not apply with respect to:

Non-Applicability of regulation 12.

(a) the pruning of horticulturally-grown trees listed in Schedule I or Schedule II, including any horticulturally-grown trees situated in a Tree Protection Area or any other protected area, for the specific reason of preventing further damage in an already damaged tree and to enhance its overall health;

(b) the pruning of horticulturally-grown trees listed in Schedule II, including any horticulturally-grown trees situated in a Tree Protection Area or any other protected area, to control growth for the specific reasons of preserving its strength, improving its overall health, improving its fruit productivity or avoiding likely injury to persons or likely damage to property;

(c) the pruning of horticulturally-grown trees listed in Schedule I or Schedule II, or any horticulturally-grown tree sited in a Tree Protection Area or any other protected area, to control growth for the specific reason of avoiding the likely introduction of rodent pests within a property:

Provided that any primary branch, secondary branch or offshoot to be pruned must lie within three metres from the walls of the building requiring protection from the introduction of the said rodent pests;

(d) the removal and uprooting of any olive groves and carob groves planted after the last day of December 1998 for harvesting purposes and other agricultural purpose. This excludes trees found in Tree Protection Areas, any trees of more than fifty years of age, and trees planted for the purpose of landscaping as prescribed by a development permit;

(e) the cutting, felling, treatment and, or destruction of any tree that harbours quarantine pests and diseases as listed in Annexes I and II of the Plant Quarantine (Harmful Organisms) Regulations, 2004, after appropriate consultation with the director responsible for plant health:

L.N. 97 of 2004.

Provided that the provisions of this regulation 13 are without prejudice to regulation 11 of these regulations or to any other law or regulation, provision, agreement, management plan, order, permit or licence or any condition or consent granted under any other law or regulation.

Damaging substances

**14.** (1) No person shall dump or attempt to dump, throw or attempt to throw, pour or attempt to pour, let fall or let reach or attempt to let fall or let reach biocide, defoliant, fertiliser, acid, alkali or other corrosive material, fuel or any other combustible or explosive material, saline water, chemical or any other substance near any tree listed in Schedule I or Schedule II or near any tree sited in a Tree Protection Area or any protected area, which may harm any such tree, save for uncontaminated fresh water for irrigation purposes and substances for the treatment of trees and of arable land:

Provided that in Tree Protection Areas, or where similarly justified for conservation purposes, the Competent Authority may prohibit such irrigation

or treatment if this would be in conflict with the conservation status of the trees in question or the biodiversity of the area.

(2) The Competent Authority may authorise the use of substances prohibited in sub-regulation (1) or any other treatment for weeding or surgical interventions which may in its opinion be required.

**15.** No person shall place, attempt to place, or let be placed any tyre, rubber, polystyrene, paper, or any other combustible or explosive material, near any tree listed in Schedule I or Schedule II or near any tree sited in a Tree Protection Area or any protected area.

Combustible or explosive substances

**16.** No person shall bury in the ground or attempt to bury in the ground, dump or attempt to dump, or deposit or attempt to deposit any soil, manure, waste, rubbish, stones, rubble, scrap metal or any refuse near any tree listed in Schedule I or Schedule II or near any tree sited in a Tree Protection Area or any protected area, save for soil or substrate for the treatment of arable land, provided that the quantities of such substances are not detrimental to the trees protected in terms of these regulations.

Burying and deposition of material.

**17.** (1) Any person who kindles or attempts to kindle a fire near any tree listed in Schedule I or Schedule II, or any protected area other than a Tree Protection Area, thereby causing damage as a result of imprudent or negligent use of smoking requisites, cigarettes or tobacco, fireworks or other combustible matter, or omits to take adequate precautions in connection therewith, shall be guilty of an offence.

Fire.

(2) No person shall kindle or attempt to kindle a fire within a Tree Protection Area:

(a) for entertainment purposes, including and not limited to bonfires, barbecues, campfires and fireworks;

(b) that causes damage as a result of imprudent or negligent use of smoking requisites, cigarettes or tobacco, fireworks or other combustible matter, or omits to take adequate precautions in connection therewith.

(3) The above provisions shall not apply to —

(a) any person who kindles a fire which can be controlled; or

(b) a fire directly connected with or necessary to the management of the Tree Protection Area or other protected area in question, with the prior approval of the Competent Authority; or

(c) a controlled fire within the confines of a private dwelling:

Provided that in all cases, the person shall still be liable for any direct, indirect or consequential damage to any tree listed in Schedule I or Schedule II, or to any Tree Protection Area or any other protected area. The Competent Authority may also take action in terms of these regulations if the person fails to keep the fire under control as a result of negligence or malicious action.

Grazing land.

**18.** (1) No person shall allow or attempt to allow animals to cause damage through grazing to any tree listed in Schedule I or Schedule II to these regulations.

(2) No person shall allow or attempt to allow animals to graze in any Tree Protection Area or other protected areas.

(3) The owner of any animal that causes such damage may be ordered to pay such compensation for the damage caused as the Court may direct. If an animal belongs to more than one owner, all the owners may be ordered jointly and severally to pay compensation for the damage caused by such animal.

**PART V: SUPPLEMENTARY PROVISIONS ON RELATED PERMITS**

**19.** (1) Wherever a development, either individually or in combination with other plans or projects, is likely to have an adverse effect on any trees listed in Schedule I or Schedule II to these regulations, the Competent Authority may:

Supplementary provisions related to applications for development permissions.

- (a) refuse the application; or
- (b) impose appropriate permit conditions;
- (c) require amendments to, or relocation of, the proposed development; or
- (d) adopt a combination of the foregoing measures as may be appropriate in the context of these regulations.

(2) Wherever a development, either individually or in combination with other plans or projects, is likely to have an adverse effect on any Tree Protection Area or other protected areas, the Competent Authority may:

- (a) refuse the application; or
- (b) impose appropriate permit conditions
- (c) request an appropriate assessment of impacts; or
- (d) adopt a combination of the foregoing measures as may be appropriate in the context of these regulations.

(3) The provisions of this article shall apply in respect of both outline development permit applications and full development permit applications, and shall also apply in determining a reconsideration or appeal under the provisions of the Act.

(4) Development that is likely to have an adverse effect on any trees listed in Schedule I or Schedule II of these regulations, or on any Tree Protection Area or other protected areas, shall not be permitted under a development order issued in terms of article 63 of the Act or through an application for minor amendment of an existing development permit.

(5) The provisions of article 77 of the Act shall apply in the event that any tree protected under these regulations is significantly and adversely affected by a development permit issued on the basis of incorrect, incomplete, misleading or fraudulent information contained in the relevant permit application. In such event, any related permit issued under these regulations shall also be null and void.

## PART VI: PERMITS UNDER THESE REGULATIONS

Permits.

**20.** Without prejudice to the provisions of these regulations, the Competent Authority may issue a permit prior to the carrying out of any activity regulated by these regulations:

Provided that the Competent Authority shall not issue such a permit if, after considering the proposed activity, it is of the opinion that the activity is unjustified or that the adverse impacts of the activity outweigh any possible benefits.

Non-permissible interventions.

**21.** Without prejudice to the related environment regulations, no permit issued through these regulations shall permit interventions that:

(a) are already proposed in an application for a permit, notification, clearance or licence made under the Environment Protection Act or the Development Planning Act or the Act, which is still being processed, amended, reconsidered or appealed in accordance with any of the aforementioned Acts;

(b) would prejudice the merits of such processing, amendment, reconsideration or appeal;

(c) would prejudice the merits of a request for any clearance or licence required by the aforementioned Acts, or would prejudice the merits of an appeal from a decision thereon; or

(d) would prejudice any enforcement case, court case or other cases currently *sub-judice*.

Application in writing.

**22.** (1) The person requesting a permit for activities referred to in regulation 21, hereinafter referred to as the applicant, shall submit in writing an application to the Competent Authority prior to carrying out such activities.

(2) In order to enable the Competent Authority to adequately assess a request for permission, the application shall:

(a) be accompanied by the relevant documents and any other requisite information as specified and required by the Competent Authority; and

(b) indicate whether the application falls under any one of the criteria listed in paragraphs (a) to (d) of regulation 22; and

(c) be submitted in the manner prescribed by the Competent Authority.

**23.** (1) Whenever the Competent Authority issues a permit, it shall impose such conditions as it may deem appropriate. Applicable conditions.

(2) The period of validity of such permit shall also be established at the discretion of the Competent Authority, and shall be clearly indicated in the permit.

(3) Whenever the Competent Authority refuses such permission, it shall inform the applicant of the reasons for such refusal.

(4) The Competent Authority may amend, suspend or revoke any permit or other authorisation for activities that are related to these regulations, giving reasons for its decision.

(5) A permit granted under these regulations shall be null and void in the event that any tree protected under these regulations is significantly and adversely affected by a permit issued on the basis of incorrect, incomplete, misleading or fraudulent information contained in the relevant permit application.

(6) The Competent Authority shall not issue or renew any permit if the applicant in question has infringed any of the terms, conditions, obligations or limitations of:

(a) any other permit issued by the Competent Authority under these regulations;

(b) any other permit issued by the Competent Authority in relation to the site for which the permit is issued, whether under these regulations or otherwise; or

(c) any other permit issued through the related environment regulations.

Compensatory planting measures.

**24.** The Competent Authority shall apply compensatory planting measures for the permitted uprooting of trees listed in Schedule I or Schedule II, and of any tree sited in a Tree Protection Area or any other protected area.

Permits concerning *bona fide* scientific or educational studies.

**25.** (1) In permits concerning *bona fide* scientific or educational studies, and without prejudice to any other obligations and conditions laid down by the Competent Authority, a permit holder shall be obliged to submit within a month from the expiry of the permit:

(a) a detailed report of the activities undertaken;

(b) the aim and what field of work or activity was carried out;

(c) the methodology employed;

(d) the outcome and results achieved in connection with the permit; and

(e) any other details as may be requested by the Competent Authority in the permit.

(2) A copy of any published results and other publications relevant to this permit shall reach the Competent Authority within three months from the date of publication.

Emergency permits.

**26.** The Director, may, on behalf of the Competent Authority, in cases of emergency or grave danger, issue a temporary permit for the carrying out of any activity regulated by these regulations, and in so doing he may issue any such directives and decisions he may deem appropriate.

Public register.

**27.** Details of persons, public entities and other institutions having been granted a permit in connection with these regulations together with the details of conditions imposed in such permissions shall be recorded in an electronic register available for public inspection.

28. During the execution of a permitted activity or operation, a copy of the permit shall be in the possession of any person who is on site during such activity or operation. This permit shall be made available to any official of the Competent Authority and any duly authorised law enforcement official, including a Police or Armed Forces officer, Wardens and Environment Inspectors upon request.

Person on site to hold copy of permit.

## PART VII: PENALTIES

29. (1) Any person who: —

Penalties.

(a) fails to comply with any provision of these regulations, or with any order lawfully given in terms of any provision of these regulations, or

(b) contravenes any restriction, prohibition or requirement imposed by or under these regulations, or

(c) acts in contravention of any provisions of these regulations, or

(d) 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 to comply with any such provision, including any order lawfully given in terms of any provision of these regulations, or to contravene any restrictions, prohibitions or requirement imposed by or under the said regulations,

shall be guilty of an offence against these regulations.

(2) Any person who commits, or attempts to commit an offence against these regulations shall be liable:

(a) on a first conviction relating to trees listed in Schedule I or trees sited in a Tree Protection Area or other protected areas except for those of species listed in Schedule III, to a fine (*multa*) of not less than €500 but not exceeding €2500 for each tree of less than ten years of age, with the exception of a first conviction in connection with regulation 18, and to compensatory planting measures by way of civil liability;

(b) on a first conviction relating to trees listed in Schedule I or trees sited in a Tree Protection Area or other protected areas except for those of species listed in Schedule III, to a fine (*multa*) of not less than €1,250 but not exceeding €25,000 for each tree of more than ten years of age, with the exception of a first conviction in connection with regulation 18, and to compensatory planting measures by way of civil liability;

(c) on a first conviction relating to trees listed in Schedule II to these regulations to a fine (*multa*) of not less than €250 but not exceeding €2,500 for each tree of less than ten years of age, with the exception of a first conviction in connection with regulation 18, and compensatory planting measures by way of civil liability;

(d) on a first conviction relating to trees listed in Schedule II to these regulations to a fine (*multa*) of not less than €350 but not exceeding €25,000 for each tree of more than ten years of age, with the exception of a first conviction in connection with regulation 18, and compensatory planting measures by way of civil liability;

(e) on a first conviction relating to regulation 8 or regulation 10 of these regulations, to a fine of not less than €100 but not exceeding €500 for each tree;

(f) on a first conviction relating to regulation 18, to a fine of not less than €50 but not exceeding €500 for each tree;

(g) on a second or subsequent conviction, to a fine (*multa*) of not less than €1,250 but not exceeding €50,000 for every tree, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Remediation and mitigation expenses.

(3) Any person found guilty of committing an offence against these regulations shall be liable to all applicable penalties and compensatory planting measures by way of civil liability, and be required to pay for:

(a) the full expenses incurred for remedying to the Competent Authority's satisfaction the damage caused by the said infringement to the site, or to the conservation status of the tree species, or to both, as relevant;

(b) any other expense incurred or mitigation measures required to remedy such doings, damage and infringement, or to contain or prevent more widespread impact; and

(c) the liquidated value of any irreparable loss or damage to the environment, biological diversity, landscape, natural heritage or cultural heritage, as may be relevant to these regulations.

(4) The Court shall order the offender to remove the causes of the offence and to undo anything which was done without a permit within a time sufficient for the purpose, but in any case not exceeding three months from the date of judgement, to be fixed by the Court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not less than €50 and not more than €150, as the Court may fix, for every day that the default continues after the expiration of the said time. Causes of damage.

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

(6) 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.

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

## PART VIII: OTHER PROVISIONS

**30.** The Trees and Woodlands (Protection) Regulations, 2001 are hereby revoked. Revokes L.N. 12 of 2001.

<b>SCHEDULE I</b> <b>STRICTLY PROTECTED TREE SPECIES</b>
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The following trees are hereby protected in all locations in Malta:

- (a) Trees of antiquarian importance as listed in Government Notice No. 269 of 1933;  
 (b) Trees protected by Tree Protection Orders issued through the Development Planning Act and the Act; and  
 (c) Trees belonging to the species listed in the following table:

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Anagyris foetida</i>	Ful tal-Klieb	Bean Trefoil Tree
<i>Celtis australis</i>	Bagular	Nettle Tree
<i>Ephedra fragilis</i>	Efedra	Shrubby Horsetail; Joint Pine
<i>Fraxinus angustifolia</i>	Fraxnu; Siġar tal-Paċenzja	Narrow-Leaved Ash
<i>Lycium europaeum</i>	Għawseġ	Mediterranean Tea-Tree; Mediterranean Boxthorn
<i>Lycium intricatum</i>	Għawseġ	Southern Tea-Tree; Southern Boxthorn
<i>Mespilus germanica</i>	Omm il-Epp; Fomm il-Lipp; Naspli Tedeski	Medlar; Mediterranean Medlar
<i>Paliurus spina-christi</i>	Xewk tal-Kuruna; Xewk ta' Kristu	Christ's Thorn Tree
<i>Phillyrea latifolia</i>	Olivastru	Mock Privet; Jasmine Box
<i>Phillyrea media</i>	Olivastru	Mock Privet; Jasmine Box
<i>Pistacia x saportae</i>	Deru Bagħal	Hybrid Mastic Tree
<i>Pistacia terebinthus</i>	Skornabekk; Terebintu; Siġar tat-Trementina	Terebinth; Turpentine Tree
<i>Prunus spinosa</i>	Prajn tax-Xewk	Sloe; Blackthorn
<i>Pyrus amygdaliformis</i>	Langas Selvaġġ	Almond-Leaved Pear
<i>Pyrus pyraster</i>	Langas Bagħal; Langas Selvaġġ	Wild Pear
<i>Pyrus syriaca</i>	Langas Selvaġġ	Syrian Pear
<i>Rhamnus oleoides</i>	Żiju	Lesser Buckthorn; Olive- Leaved Buckthorn
<i>Rhus coriaria</i>	Xumakk tal-Konz	Common Sumach
<i>Salix alba</i>	Safsaf Kbir; Żafzaf Kbir	White Willow
<i>Salix pedicellata</i>	Safsaf Żgħir; Żafzaf Żgħir	Mediterranean Willow
<i>Sorbus aucuparia</i>	Żorba Selvaġġa	Rowan; Mountain Ash
<i>Sorbus domestica</i>	Żorba	Service Tree

<i>Tetraclinis articulata</i>	Għargħar	Arar tree; Sandarac Gum Tree; Mediterranean Alerce
<i>Ulmus canescens</i> [= <i>Ulmus minor</i> subsp. <i>canescens</i> ]	Nemmies; Siġar tan-Nemus	Hoary Elm; Grey-Leaved Elm
<i>Ulmus minor</i> [= <i>Ulmus minor</i> subsp. <i>minor</i> ]	Ulm	Common Elm
<i>Ulmus procera</i>	Ulm	English Elm
<i>Vitex agnus-castus</i>	Virgi; Siġar tal-Virgi; Għadib; Bżar tal-Patrijiet	Chaste Tree; Virgin Bush.

<b>SCHEDULE II</b> <b>TREES PROTECTED IN SELECTED AREAS</b>
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The following trees are hereby protected, in line with the following terms and conditions:

- (a) All trees of more than 50 years of age are protected within protected areas, in ODZ and UCA. This protection shall not apply to trees listed in Schedule III and to those trees which, in the Competent Authority's opinion, are causing any damage or adverse effect to the environment or to structures or features of natural or cultural heritage value;
- (b) Trees belonging to the species listed in the following table are protected within protected areas and in ODZ:

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Ceratonia siliqua</i>	Ħarrub	Carob
<i>Cercis siliquastrum</i>	Siġar ta' Ġuda; Ħarrub ta' Ġuda	Judas Tree; Mediterranean Redbud
<i>Chamaerops humilis</i>	Ġummar	Dwarf Fan Palm
<i>Crataegus azarolus</i>	Għanzalor	Azarole; Crete Hawthorn
<i>Crataegus monogyna</i>	Żagħrun	Whithorn; Common Hawthorn
<i>Crataegus x ruscinonensis</i>	Għanzalor Selvaġġ	Hybrid Hawthorn
<i>Cydonia oblonga</i>	Sfargel	Quince
<i>Juniperus phoenicea</i>	Ġnibru; Ġniepru	Phoenician Juniper
<i>Laurus nobilis</i>	Rand	Bay Laurel; Sweet Bay
<i>Morus alba</i>	Ċawsli	White Mulberry
<i>Morus nigra</i>	Tut	Black Mulberry
<i>Myrtus communis</i>	Riħan	Myrtle
<i>Olea europaea</i> s.l.	Żebbuġ; Żejtun	Olive
<i>Olea oleaster</i>	Żebbuġ Selvaġġ	Wild Olive
<i>Phoenix dactylifera</i>	Palma tat-Tamar	Date Palm
<i>Pinus brutia</i>	Żnuber tal-Lvant	Brutia Pine; Calabrian Pine
<i>Pinus halepensis</i>	Żnuber; Siġar tal-Prinjol; Siġar ta' l-Arżnu	Aleppo Pine; Jerusalem Pine
<i>Pinus pinea</i>	Żnuber ta' l-Ikel	Stone Pine; Umbrella Pine
<i>Pistacia lentiscus</i>	Deru; Delu	Lentisk; Mastic Tree
<i>Populus alba</i>	Luq	White Poplar
<i>Quercus ilex</i>	Ballut; Siġar tal-Ġandar	Holm Oak; Evergreen Oak
<i>Rhamnus alaternus</i>	Alaternu	Mediterranean Buckthorn

<i>Sambucus nigra</i>	Sambuka; Sebuq Kbir	Common Elder
<i>Spartium junceum</i>	Ġenista Safra	Spanish Broom
<i>Tamarix</i> spp.	Bruk	Tamarisks
<i>Viburnum tinus</i>	Meruna; Viburnum	Laurustinus
<i>Ziziphus zizyphus</i> [= <i>Ziziphus jujuba</i> ]	Żinzel	Jujube

<b>SCHEDULE III</b> <b>INVASIVE, ALIEN OR ENVIRONMENTALLY-INCOMPATIBLE SPECIES</b>
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Species marked with an asterisk can be used in urban landscaping, but not in ODZ.

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Acacia cyclops</i>	Akaċja ta' l-Għajn	Coastal Wattle
<i>Acacia saligna</i> [= <i>Acacia cyanophylla</i> ]	Akaċja	Blue-Leaved Wattle; Blue-Leaved Acacia; Weeping Wattle
<i>Acacia karroo</i> [= <i>Acacia horrida</i> auct. fl. Melit.]	Gażżija tax-Xewk; Xewk ta' Kristu; Akaċja tax-Xewk	Karoo Thorn
<i>Ailanthus altissima</i> [= <i>Ailanthus glandulosa</i> ]	Xumakk; Xumakk Falz	Tree-of-Heaven; False Sumach; Japanese Varnish Tree
<i>Eucalyptus camaldulensis</i> * [= <i>Eucalyptus rostrata</i> ]	Ewkaliptus; Siġra tal-Gamem	Red Gum; Red River Gum
<i>Eucalyptus gomphocephala</i> *	Ewkaliptus; Siġra tal-Gamem	Tuart
<i>Leucaena leucocephala</i> [= <i>Acacia leucocephala</i> ; <i>Albizzia lebbek</i> auct. fl. Melit.]	Albizzja; Gażżija Bajda	Lead Tree; White Popinac; Cow Tamarind
<i>Pittosporum tobira</i> *	Pittosporum	Shrubby Putterlick; Japanese Mock Orange
<i>Ricinus communis</i>	Riġnu	Castor Oil Tree
<i>Schinus terebinthifolius</i>	Siġra tal-Bżar	Brazilian Pepper