CHAPTER 127

SAND (PRESERVATION) ACT

To make provision for the preservation of sand.

(11th July, 1949)*

ACT XVI of 1949, as amended by Ordinance XXV of 1962; Legal Notice 4 of 1963; Acts: XXXI of 1966, and XIII of 1983; and Legal Notice 409 of 2007.

Short title.

1. The short title of this Act is the Sand (Preservation) Act.

Interpretation.

2. For the purposes of this Act the expression "sand" includes "shingle".

Restriction on removal of sand.

3. (1) No person shall remove or carry away by any means of conveyance, from any beach or sea-shore or from any land or place, whether publicly or privately owned, any sand without a permit in writing by the Director of Public Works, nor except in accordance with any conditions laid down in the permit.

(2) The Director of Public Works may, in his absolute discretion, refuse the grant of a permit or, in granting such a permit, impose any conditions that in his absolute discretion he deems necessary or expedient.

(3) Such permit shall always be granted when the sand is derived from private property, under the conditions the Director of Public Works deems necessary or expedient.

Power of Minister responsible for public works to make regulations. *Amended by: XXV. 1962.4; L.N. 4 of 1963; XXI. 1966; XIII. 1983.5; L.N. 409 of 2007.*

4. The Minister responsible for public works may make and, when made, amend, repeal or repeal and re-enact regulations for all or any of the following purposes:

(*a*) for prescribing the form of applications and of permits required under this Act;

(*b*) for prescribing the price payable in respect of sand gained from property owned or administered by the Government of Malta or from any public place and the fees payable in respect of the grant of permits required under this Act;

(*c*) for ensuring proper control with a view to securing compliance with the provisions of this Act;

(*d*) for making provision with regard to any other matter connected with the carrying into effect and enforcement of the provisions of this Act; and

(*e*) for establishing the penalties to which any offender against any of the regulations made under this section shall be liable; provided that any such penalty shall not in any case exceed a fine (*multa*) of two hundred and thirty-two euro and ninety-four cents (232.94) and, or

**See* Government Notice No. 456 of l5th July, 1949.

in the alternative, imprisonment up to one month.

Power of entry and search, etc., given to certain officers.

5. Any person duly authorized in writing in that behalf by the Director of Public Works and any member of the Police Force shall have power -

(*a*) at all reasonable times to enter and inspect any building or other site or premises where he has reason to believe that sand is being stored or kept or is being used or is about to be used;

(*b*) to stop and inspect trucks or other vehicles which he has reason to believe to be carrying sand;

(*c*) to require any person in possession of or carrying sand to give any such information as he deems necessary regarding the acquisition and destination of the sand and to produce for his inspection permits or any other documents, papers or trade-books relating to the acquisition or destination of sand;

(*d*) to seize any such permits, documents, papers or trade-books and any article connected with or which may be used as evidence of the commission of an offence under this Act:

Provided that for the purposes of paragraph (*a*) the member of the Police Force shall not be below the rank of inspector.

Sand not covered by permit deemed to be illegally obtained until contrary is proved.

6. Where sand is found to be in the possession of, or being carried away by, any person, in either case without being covered by a permit or permits issued under this Act, it shall be deemed, until the contrary is satisfactorily proved by the person concerned, that such sand has been removed or carried away in contravention of subsection (1) of section 3 hereof.

General penalty. *Amended by: XIII. 1983.5; L.N. 409 of 2007.*

7. (1) Any person who acts in contravention of the provisions of subsection (1) of section 3 hereof or who hinders or obstructs the persons mentioned in section 5 hereof in the performance of their duties or who does not comply with any legitimate order or direction given to him by any such person shall be guilty of an offence under this Act and shall, on conviction, be liable to punishment as follows:

(*a*) on first conviction to a fine (*multa*) of not less than forty-six euro and fifty-nine cents (46.59) but not exceeding one hundred and sixteen euro and forty-seven cents (116.47);

(*b*) on a second or subsequent conviction to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) and to imprisonment for a term not exceeding one month.

(2) Any vehicle or other conveyance, together with any horse or other animal and thing whatsoever of which use has been made or attempted to be made in removing sand in contravention of this

Act, shall be forfeited unless some person who has not in any way participated in the offence has a claim to such property.

8. The provisions of section 37 of the Code of Police Laws shall not apply to sand.

Section 37 of the Code of Police Laws not applicable to sand. Cap. 10.