

SUBSIDIARY LEGISLATION 549.20

**IMPORTATION OF SKINS OF CERTAIN SEAL
PUPS AND DERIVED PRODUCTS
REGULATIONS**

1st March, 2002

LEGAL NOTICE 335 of 2001, as amended by Legal Notice 426 of 2007.

1. The title of these regulations is the Importation of Skins of Certain Seal Pups and Derived Products Regulations. Citation.
2. These regulations concern the prohibition of the importation of skins of certain seal pups and products derived therefrom which are listed in the Annex. Scope.
3. For the purpose of these regulations and unless the context otherwise requires:
"competent authority" means the Department for Environment Protection under the guidance of the Director for Environment Protection and such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe, and different bodies or persons may be designated as a competent authority for different provisions and different purposes of these regulations. Definitions.
4. The competent authority is the authority responsible for the administration and the implementation of these regulations. Implementation and responsibilities.
5. The importation of the products specified in Annex 1 is prohibited: Prohibited products.
Provided that the prohibition does not apply to products resulting from traditional hunting by the Inuit people.
6. Any person shall be guilty of an offence under these regulations if: Offences under these regulations.
 - (a) he 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) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
 - (c) he acts in contravention of any of the provisions of these regulations; or
 - (d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulation or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the

said regulations.

Penalties.
Amended by:
L.N. 426 of 2007.

7. Any person who commits an offence against these regulations shall, on conviction, be liable:

- (a) on a first conviction to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) per specimen;
- (b) on a second or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), but not exceeding twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (€23,293.73) per specimen, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and, or other persons acting on their behalf involved in the implementation of these regulations and for the restitution of the environment as a result of the said offence, and shall moreover order the revocation of the permit issued by the police and the confiscation of the *corpus delicti*.

Applicability of the
Criminal Code.
Cap. 9.

8. (1) The provisions of articles 23 and 30(1) 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 obtain a licence, permit or authority shall in no case be for less than one year.

Cap. 9.

(2) 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.

(3) 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.

Language of
Annex.

9. Annex I is being published in the English language with the English text of these regulations.

ANNEX I

Description

1. Raw fur skins and fur skin , tanned or dressed, including fur skins assembled in plates, crosses or similar forms:
 - of whitecoat pups of harp seals
 - of pups of hooded seals (blue-backs)
 2. Articles of the fur skins referred to in 1
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