

SUBSIDIARY LEGISLATION 552.01

**RUBBLE WALLS AND RURAL STRUCTURES
(CONSERVATION AND MANAGEMENT)
REGULATIONS**

1st January, 1998

LEGAL NOTICE 160 of 1997, as amended by Legal Notices 169 of 2004 and 426 of 2007.

1. The title of these regulations is the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations.

Citation.

2. The Minister hereby declares rubble walls and non-habitable rural structures as protected, in view of their historical and architectural importance, their exceptional beauty, their affording a habitat for flora and fauna, and their vital importance in the conservation of the soil and of water.

Declaration of protection.

3. The Minister may declare certain areas to be rubble wall conservation areas, in which areas no alterations to the location or construction of rubble walls and the traditional methods of their repair and maintenance shall be permitted unless a written request and approval are previously made to and obtained from the Director for the Protection of the Environment. In all such areas the Minister may order that the owner or occupier of a conservation area is bound to repair or re-erect all the rubble walls within such conservation area in a specified time period not exceeding five years, and that such owner or occupier shall thenceforth maintain such rubble walls in good state of repair.

Minister may declare conservation areas.

4. In these regulations, unless the context otherwise requires -
"Act" means the Environment Protection Act;

Interpretation.
Amended by:
L.N. 169 of 2004.
Cap. 549.

"the competent authority" means the Planning Authority 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 the competent authority for different provisions and different purposes of these regulations;

"Department" means the Department for the Protection of the Environment under the guidance of the Director as defined in these regulations;

"the Director" means the Director responsible for environment protection within the competent authority, or his designated representative;

"Minister" means the Minister responsible for the environment;

"occupier" means any person who is at the time occupying or using the land or the rural structure;

"owner", in relation to any land or structure, means a person who is entitled, in his own right or as agent for another person, to receive the rent of the land or structure, or, where the land or

structure is not let, would be so entitled if it were let;

"rubble wall" means a dry stone wall, built in loose unhewn or rough-dressed stones which stands by gravity and friction without the use of mortar;

"rural structure" means any traditional rural construction, and also includes any free standing boundary wall in Ashlar masonry (*gebla tal-kantun*) bordering upon a rural tenement.

Duties of the
competent
authority.
Added by:
L.N. 169 of 2004.

5. The competent authority shall be responsible for the administration and implementation of these regulations.

Prohibited human
activities.
Amended by:
L.N. 169 of 2004.

6. It shall not be lawful for any person to construct, make any additions to, keep or suffer to be kept on, or as part of, or incorporated into, any rubble wall, whether or not bordering on any street, path or footpath, or any rural construction, structure or tenement, or any land, any drum, tank or any other object which is not constructed of rubble wall building material.

(2) It shall not be lawful for any person to demolish or to endanger by any means whatsoever, the stability or integrity of any rubble wall or of any rural construction, structure or tenement, or to prevent the free percolation of rainwater through the structure of a rubble wall, or to undermine the foundations of such rubble wall or rural construction, structure or tenement.

(3) The competent authority may issue a permit to authorise the performance of any works or activity which would otherwise not be permitted under these regulations:

Provided that no such permit is required for sensitively executed repairs to existing rubble walls, provided that such repairs:

S.L. 552.08

- (a) are carried out exclusively using the same type of drystone rubble walling (*sejjieħ*) that composes the existing wall;
- (b) satisfy all the protective conditions and safeguards contained in these regulations and in the Development Notification Order; and
- (c) do not increase the height or extent of the existing wall or otherwise significantly modify the general site topography or the overall profile or character of the wall.

Serving of notice
requiring remedial
action.

7. (1) If any person fails to comply with the observance of these regulations or of any other order which is given by virtue of these regulations, the Director may serve on the owner or occupier of the land or of the rural construction a notice requiring such steps to be taken by such owner or occupier to remedy the situation, as may be specified in the notice, within six weeks from the date of the notice.

(2) If such steps or other action, including any discontinuance, stoppage or similar requirement, as are required to be taken by an enforcement notice, are not complied with within the time specified

therein, or forthwith if so specified, the Director may enter on any land and take those steps or other action as aforesaid and may for such purpose request the assistance of the Police who shall, for such purpose, exercise such powers as are vested in them for the prevention of offences and the enforcement of law and order:

Provided that if such person as is so notified does not take any steps or other necessary action within the stipulated time limit, any action that may be taken by the Director, as mentioned in this regulation, shall be carried out at the expense of the owner.

8. A person shall be guilty of an offence under these regulations: Offences.

- (a) if 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) if he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (c) if he acts in contravention of any of the provisions of these regulations; or
- (d) if he conspires with, or attempts to conspire, aids or abets or attempts to aid or abet any other person by whatever means, including advertising, counselling or procurement, to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

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

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

- (a) on a first conviction to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (€116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69); and
- (b) on a second or subsequent conviction to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (€232.94) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(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

Cap. 9.

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.
