L.N. 335 of 2001

ENVIRONMENT PROTECTION ACT, 2001 (ACT NO. XX OF 2001)

Importation of Skins of Certain Seal Pups and Derived Products Regulations, 2001

BY virtue of the powers conferred by articles 9 and 28 of the Environment Protection Act, 2001, the Minister for the Environment has made the following regulations:–

Citation and entry into force.

1. (1) The title of these regulations is the Importation of Skins of Certain Seal Pups and Derived Products Regulations, 2001.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint and different dates may be so appointed for the different provisions and different purposes of these regulations.

(3) A notice under sub-regulation (2) of this regulation may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Scope.

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 to these regulations.

Definitions.

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.

Implementation and responsibilities.

4. The competent authority is the authority responsible for the administration and the implementation of these regulations.

Prohibited products.

5. The importation of the products specified in Annex 1 to these regulations is prohibited:

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.

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

(a) on a first conviction to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand Maltese liri per specimen;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri, but not exceeding ten thousand liri 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 article 23 and 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 obtain a licence, permit or authority shall in no case be for less than one year.

(2) Nothwithstanding 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.

(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 Annexes.

9. Annex I to these regulations 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