L.N. 160 of 1997

ENIVRONMENT PROTECTION ACT, 1991 (ACT NO. V OF 1991)

Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations, 1997

By virtue of the powers conferred by sections 6, 35, 47 and 48 of the Environment Protection Act, 1991, the Deputy Prime Minister and Minister of Foreign Affairs and the Environment, in consultation with the Planning Authority, has made the following regulations:–

Citation and commencement.

1. (1) These regulations may be cited as the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations, 1997.

(2) These regulations shall come into force on the 1st January, 1998.

Declaration of protection.

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.

Minister may declare conservation areas.

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.

Interpretation.

4. In these regulations, unless the context otherwise requires –

"Act" means the Environment Protection Act;

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

"Director" means the Director for the Protection of the Environment being the official as delegated in terms of paragraph (b) of section 3 of the Act to be responsible for the protection of the environment, and delegated for the control, direction and management of the Department, and includes any officer in the Department who acts on his behalf, and for the purposes of any regulations made under the Act, the term "Director responsible for the environment" or any similar term, and the term "Official responsible for the protection of the environment" in the Act, shall be deemed to have the same meaning as Director in these regulations;

"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 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 (*ġebla tal-kantun*) bordering upon a rural tenement.

Prohibited human activities.

5. (1) 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.

Serving of notice requiring remedial action.

6. (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 service of the said 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 paragraph, shall be carried out at the expense of the owner.

Offences.

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

(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.

Penalties.

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

(a) on a first conviction to a fine (*multa*) of not less than Lm50 but not exceeding Lm500; and

(b) on a second or subsequent conviction to a fine (*multa*) of not less than Lm100 but not exceeding Lm1,000, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

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(2) Notwithstanding the provisions of section 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.

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