**L.N. 196 of 1997**

## ENVIRONMENT PROTECTION ACT, 1991
## (ACT NO. V OF 1991)

### Motor Vehicles (Offroading) Regulations, 1997

BY virtue of the powers conferred by sections 6, 48 and 49 of the Environment Protection Act, 1991, the Deputy Prime Minister and Minister of Foreign Affairs and the Environment has made the following regulations:—

**1.** These regulations may be cited as the Motor Vehicles (Offroading) Regulations, 1997. Citation.

**2.** In these regulations, unless the context otherwise requires:— Interpretation.

"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;

"invalid carriage" means any motor vehicle which is specially designed and constructed, or efficiently adapted, for the use of a person suffering from some physical defect or disability and is used solely by such person;

"Minister" means the Minister responsible for the environment;

"motor vehicle" means any vehicle whether propelled by mechanical power or otherwise, but excluding an invalid carriage;

"offroading" means any type of driving, manoeuvring or parking with a motor vehicle not on a road, except for the purpose of agriculture, maintenance of services and/or public works, or of law enforcement and the keeping of good order;

"offroading event" means any kind of training, racing or rallying of an offroading type by a motor vehicle which are organized by any person, or by a society or body of persons;

"offroading site" means any of the places which saving any other authorization, permit or licence required according to law, is authorized in writing by the Department to be used for offroading;

"person" includes any person or body of persons who act either individually, or according to the instructions of an employer, owner or proprietor with an aim of a sporting event;

"road" means any road or street, lane, square or other place of public thoroughfare.

Ofroading.

**3.** (1) No person may drive any motor vehicle in, participate in or organize any offroading or offroading event other than in a locality which is marked as an offroading site by means of signs approved under the Traffic Signs and Carriageway Markings Regulations, 1969.

L.N. 94 of 1969.

(2) For the purpose of the holding of an offroading event by any person, or by a society or body of persons, a permit is required to be issued by the Director to such person, society or body of persons in which there shall be indicated a limited period and a specific locality.

Third-party risks insurance.

Cap. 104

**4.** Subject to all the provisions of the Motor Vehicles Insurance (Third-party Risks) Ordinance, it shall not be lawful for any person to use or to cause or permit any other person to use a motor vehicle for offroading unless, in relation to the use of the vehicle by that person or that other person, as the case may be, there is in force a policy of insurance in respect of their-party risks which covers any kind of offroading or offroading event.

Offences and penalties.

**5.** (1) Any person:—

(a) who 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) who contravenes any restriction, prohibition or requirement imposed by or under these regulations, or

(c) who acts in contravention of any provision of these regulations, or

(d) who conspires or attempts to conspire, aids or attempts to aid, abets or attempts to abet, counsels or attempts to counsel, procures or attempts to procure any other person to contravene the provisions of these regulations, or to fail to comply with any such provision, including any order lawfully given in terms of any provision of these regulations, or to contravene any restrictions, prohibitions or requirement imposed by or under the said regulations,

shall be guilty of an offence against these regulations.

(2) 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 by not exceeding Lm500;

(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:

Sohowever that the Court may, in addition to the penalty imposed, order a person who has been convicted of an offence under these regulations to pay the expenses incurred by the Director resulting from the contravention of these regulations, and also the revocation of the permit issued by the Director:

Sohowever further that any person who permits the contravention of these regulations by means of a motor vehicle registered in his own name, shall also be considered to be guilty of an offence against these regulations.

(3) The provisions of sections 23 and of subsection (1) of section 30 of the Criminal Code shall *mutatis mutandis* apply to proceedings in respect of offences against these regulations, sohowever that the disqualification from holding or obtaining, for such time as the court deems fit, a driving licence or a permit issued by the Director, shall in no case be for less than one year. Cap. 9.

(4) 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.

(5) 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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