L.N. 77 of 1992

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

Marine Mammals (Protection) Regulations, 1992

IN virtue of the powers vested in him by sections 32 and 33 of the Environment Protection Act, 1991, the Minister for the Environment has made the following regulations:—

Title.

1. These regulations may be cited as the Marine Mammals (Protection) Regulations, 1992.

Definitions.

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

"Act" means the Environment Protection Act, 1991;

"Director" means the Director responsible for the environment, and includes any officer in his Department who is authorized by him to act on his behalf;

"export" means the taking out of Malta of any specimen;

"import" means the bringing into Malta of any specimen;

"Minister" means the Minister responsible for the environment;

"person" includes any person or body of persons acting under the instructions of any employer, master or owner;

"specimen" means any marine mammal specified in the Schedule to these regulations, of whatever species, whether living or dead, whether whole or in part, whether in the original form or after having undergone any transformation, wherever found in the Maltese islands and their territorial waters;

"take" means to remove from the natural habitat.

Declaration.

3. The species of marine mammals listed in the Schedule to these regulations are declared to be species of marine mammals protected for the purpose of section 32 of the Act.

Administrative authority.

4. (1) The Director shall be responsible for the administration and implementation of these regulations.

(2) The Director shall have such rights as are listed in section 49 of the Act.

(3) The Minister may at any time order the Commissioner of Police to take such immediate action as may be required to prevent any person from acting in contravention of these regulations.

Protection of species.

5. (1) The species of marine mammals declared to be protected under section 32 of the Act shall be those listed in the Schedule to these regulations.

(2) No person shall pursue, take or attempt to take, kill or attempt to kill, possess, sell by any method, buy, exchange, import or export any of the species, or any part or derivative of such species, listed in the Schedule to these regulations.

(3) Any person who shall possess any specimen before the coming into force of these regulations shall register such specimen with the Director responsible for fisheries within three months from the publication of these regulations.

(4) Any marine mammal accidentally caught by fishermen during their normal fishing activities and landed at the fish market in Valletta, shall be surrendered immediately to the Director responsible for fisheries who shall then dispose of it for scientific purposes only, and in such cases, the fisherman shall be compensated for any loss of tackle or income as fixed from time to time by the Director responsible for fisheries.

Documentary evidence.

6. Any person who has in his possession any specimen the import of which is subject to these or other regulations, shall retain in his possession, and until such time as that specimen remains in his possession, all permits, certificates and licences relative to the import of that specimen.

Scientific studies.

7. (1) The Director may issue permits for the taking and keeping of any species listed in the Schedule to these regulations if such applications are intended for *bona fide* scientific studies or other similar purpose.

(2) All such permits shall lapse at the end of the calendar year, and have to be renewed prior to the beginning of the following year.

Biological identity.

8. The Director may prohibit the importation of any species of marine mammals if, in his opinion, such trade can lead to the endangering of the biological identity of these islands or their territorial waters.

Offences and penalties.

9. (1) Any person who shall take, kill, possess, sell by any method, buy, exchange, import or export any specimen in contravention of these regulations, and any person who contravenes any restriction, prohibition or requirement imposed by or under these regulations, and any person who conspires or attempts, or aids, abets, counsels or procures any other person to commit any of the above offences, shall be guilty of an offence.

(2) Any person who commits an offence against these regulations shall, on conviction, be liable to a fine (*multa*) of not less than Lm25 for a first offence, and not more than Lm100 for each subsequent offence, which fine shall in each case apply to each specimen involved.

SCHEDULE

Scientific name	Common name
CETACEA	
Balaenoptera acutorostrata	Minke whale
Balaenoptera physalus	Fin whale
Delphinus delphis	Common dolphin
Globicephala melas	Long-finned pilot whale
Grampus grisuesus	Risso's dolphin
Orcinus orca	Killer whale
Physter macrocephalus	Sperm whale
Pseudorca crassidens	False killer whale
Stenella coeruleoalba	Striped dolphin
Steno bredanensis	Rough toothed dolphin
Tursiops truncatus	Bottlenose dolphin
Ziphius cavirostris	Culvier's beaked whale
Phocoena phocoena	Common porpoise
PINNIPEDIA	
Monachus monachus	Mediterranean Monk Seal.

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