

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

21st June, 2018

ACT No. XXIII of 2018

An Act to amend the Environment Protection Act, Cap. 549.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Environment Protection (Amendment) Act, 2018 and this Act shall be read and construed as one with the Environment Protection Act, hereinafter referred to as "the principal Act". Short title.
Cap. 549.
2. In article 2 of the principal Act, immediately after the definition "genetically modified organism", there shall be added the following new definition: Amendment to
article 2 of the
principal Act.

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" "guardianship" and "guardianship deed" shall have the same meaning as assigned to them in article 70A;".

Addition of new sub-title and article 70A to the principal Act.

3. Immediately after article 70 of the principal Act there shall be added the following new sub-title and article:

"5. Guardianship

Guardianship and guardianship deed.

70A. (1) The Minister may, with the prior approval in writing of the Minister responsible for lands, enter by public deed, into a guardianship contract with a local council or with a non-governmental organisation whereby the custody and administration of immovable property is passed over to the local council or non-governmental organisation, as the case may be, so that it may be used to secure an environmental objective such as those set in article 4, and in accordance with the provisions of this Act and of such regulations as may be prescribed and with such conditions not inconsistent therewith as may be included in the deed. The guardianship deed shall state the term for which it is entered following careful consideration of the feasibility and scale of undertaking of each proposal.

(2) The Minister shall, however, within four weeks after its publication or if the House is not then in session, within four weeks of the date when the House next meets, lay a copy of the guardianship deed on the Table of the House, and the guardianship deed shall be subject to the condition that if on a motion tabled not later than twenty eight days after the laying on the Table of the House of the copy of the guardianship deed, the House resolves that the guardianship deed shall be rescinded, the deed shall be automatically rescinded upon the passage of the resolution.

(3) Before entering a guardianship deed, the Minister shall seek the views of the Authority as to the conditions to be included in the guardianship deed; such conditions shall in particular address the following matters:

(a) the measures that are to be taken to attain the environmental objective for which the guardianship agreement is intended;

(b) the organisational, operational and financial arrangements in connection therewith, and the organisational, operational and financial resources to be dedicated therefor.

(4) A guardianship deed shall not prejudice any powers of any public authority under this Act with regard to the immovable property subject to the guardianship deed.

(5) The property subject to the guardianship deed shall remain the property of the Government.

(6) The Minister after consulting the Authority may at any time by Order in the Gazette rescind a guardianship deed if any conditions stipulated therein or the provisions of this Act or of any regulations made thereunder are not observed by the other party.

(7) Not later than six weeks after each anniversary of a guardianship deed the party in whose custody the immovable property is placed shall transmit to the Minister and the Authority a report of its activities in relation to the immovable property and on the way it has executed the guardianship deed during the previous year. A copy of such report shall be laid on the Table of the House by the Minister.

(8) The Minister may make regulations generally prescribing rules in relation to guardianship."

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Passed by the House of Representatives at Sitting No. 132 of the
18th June, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

