
Prime Minister

Minister for the Environment, Climate Change
and Planning

Minister for Gozo

Chairperson,
Environment and Resources Authority

L.N. XX of 2021

ENVIRONMENT PROTECTION ACT (CAP. 549)

Protection of Wild Rabbit (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Climate Change and Planning in conjunction with the Minister for Gozo and after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

S.L. 549.90.

1. The title of these regulations is the Protection of Wild Rabbit (Amendment) Regulations, 2021, and these regulations shall be read and construed as one with the Protection of Wild Rabbit Regulations hereinafter referred to as the "principal regulations".

Amends regulation 5 of the principal regulations.

2. Regulation 5 of the principal regulations shall be amended as follow:

(1) Immediately after sub-regulation (11) there shall be added the following new sub-regulations:

“(12) The Wild Birds Regulation Unit, assisted by the Executive Police, shall immediately suspend the relevant general licence for a period of one (1) year whenever a licensee accumulates in aggregate twelve (12) penalty points or more during a two-year period, in accordance with regulation 12.

(13) During the period of suspension of the relevant licence in accordance with sub-regulation (12), the licensee shall be rendered ineligible to apply for a licence or permit to participate in any research activity, including activities provided for in accordance with the first proviso to regulation 23 of the Conservation of Wild Birds Regulations.

(14) The Wild Birds Regulation Unit shall return the relevant general licence to the licensee following termination of the suspension period in accordance with sub-regulation (12).”

Amends regulation 12 of the principal regulations.

3. Regulation 12 of the principal regulations shall be replaced by the following new regulation:

“12. (1) Notwithstanding anything contained in these regulations for the trial and punishments of offences and subject to the provisions of this regulation and of Schedule II, where the Wild Birds Regulation Unit and, or, the Executive Police believe that a person has committed an offence against these regulations as found in Schedule II, the Executive Police shall inform the Wild Birds Regulation Unit which shall, within thirty days from such information, give notice in writing to such person describing the offence of which the person is accused, including the penalty points for each offence in terms the Schedule, the steps to be taken to remedy the offence and the administrative penalty which he is required to pay in respect of that offence:

Provided that this regulation shall be without prejudice to the powers granted to the Executive Police under the Criminal Code:

Provided further that any person served with the notice who feels aggrieved by a decision of the Wild Birds Regulation Unit under this sub-regulation, may appeal to the Administrative Review Tribunal established under the Administrative Justice Act for a revocation or modification of such administrative penalty.

(2) If at any time during a two-year period a person accumulates in aggregate twelve (12) penalty points or more as specified in Schedule II, the offence or offences committed shall be punishable in terms of sub-regulation 5(12):

Provided that the accumulated points shall revert back to zero and the two-year period shall be reset if the licensee does not commit other offences listed in Schedule II within two years from the date of last offence:

Provided further that, in all cases, following reversion to zero points and resetting of the two-year period and, the licensee shall remain subject to accumulation of penalty points for offences listed in Schedule II:

Provided further that, should the licensee appeal to the Administrative Review Tribunal and until the Tribunal decides whether or not to revoke or modify the administrative penalty, the two-year period shall continue to apply and the penalty points related to the offence in question shall remain valid and shall be added to any penalty points that the accused may have subsequently accumulated, and shall only be deducted from his total if he is acquitted of the charges brought against him.

(3) Where a notice under this regulation has been given, the person named in the notice may, within twenty-one days of the service of the notice, accept responsibility for the offence specified in the notice and within the same period, remedy the offence and pay the penalty indicated in the notice:

Provided that where the person to whom notice is given under sub-regulation (1) does not accept or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, ordinary criminal proceedings shall be taken against him in accordance with regulation 11. The two-year period shall continue to apply and the penalty points relating to the offence in question shall remain valid and shall be added to any penalty points that the accused may have subsequently accumulated, and shall only be deducted from his total if he is acquitted of the charges brought against him.

(4) The provisions of this regulation shall not apply in any case where the offence listed in Schedule II is accompanied by any offence which is not listed in the same Schedule including where the offence is committed in conjunction with any other offence under these regulations, with the exception of the administrative offences listed in Schedule II, and in such circumstances the provisions of regulation 11 shall automatically apply.”.

Amends Schedule II of the principal regulations.

4. Schedule II of the principal regulations shall be replaced with the following new schedule:

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SCHEDULE II
Regulation 12
Administrative Fines

Regulation	Offence category	First offence	Second offence	Penalty points for each offence category
4(d)	Failure to produce the relevant licence/identity documentation to the Police within two (2) days. Provided that this fine shall not apply in the absence of a valid general licence to hunt or to take wild rabbit, in which case the offender shall be charged before the Court of Magistrates.	€250	€250	3
5(11)	Failure to declare every wild rabbit hunted or taken.	€50 per undeclared wild rabbit	€50 per undeclared wild rabbit	4
5(11)(c)	Failure to report any information which may be specified by the Wild Birds Regulation Unit.	€50	€50	3
7(2)	Use of unmuzzled ferrets during training or capturing of wild rabbit.	€100	€100	4
7(6) & 9	Carrying a firearm, whether loaded or not, that is not in its case while within 200 metres from any town or village, or other inhabited area: Provided that where the carrying of a firearm, whether loaded or not, that is not in its case occurs within less than 150 metres from any town or village, or other inhabited area, or in a restricted area, excluding carrying of a firearm within the area marked on the site plan in Schedule III, the offence shall not be subject to an administrative fine but shall be punishable in terms of regulation 11.	€250	€250	3

7(7)	Possession of any firearm which has a magazine capable of holding more than two (2) rounds of ammunition at any time.	€250	€250	4
10(1)	Trespassing of private property, unless such trespassing is an offence under any other law.	€250	€250	4

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