

**ENVIRONMENT PROTECTION ACT
(CAP. 348)**

Trees and Woodlands (Protection) Regulations, 2001

IN virtue of the powers vested in him by articles 3, 6, 32, 33 and 48 of the Environment Protection Act, the Minister for the Environment, with the concurrence of the Minister for Agriculture and Fisheries, has made the following regulations:—

1. These regulations may be cited as the Trees and Woodlands (Protection) Regulations, 2001. Citation.

2. Without prejudice to the provisions of Government Notice No. 269 of the 19th July, 1933 about a list of historical trees having an antiquarian importance, the Conifer Trees (Preservation) Regulations, 1949 published by Government Notice No. 328 of the 25th May, 1949 (S.L. 10.22), and of the Development Planning Act, it is hereby declared that:— Declaration of protected flora. Cap. 356.

(a) the species of trees listed in Schedules I, II and III to these regulations are protected; and

(b) the trees indicated in the areas listed in Schedule IV to these regulations are protected.

3. It is hereby declared that the areas listed in Schedule IV to these regulations are nature reserves. Declaration of nature reserves.

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

“Act” means the Environment Protection Act;

“biological identity” means the variability among living organisms from all sources including, among others, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

“Commissioner” means the Commissioner of Police;

“construction” means every structure built in conformity with the law, and does not include gardens, fields or other open spaces which surround it, even if these form part of the same property;

“Department” means the Department for the Protection of the Environment under the guidance of the Director;

“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 for the Protection of the Environment, and includes any officer in his 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 other 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;

“management” means processes of pruning or trimming of horticulturally-grown trees, which can only be undertaken by the Department of Agriculture;

“Minister” means the Minister responsible for the environment;

“nature reserve” are such areas as are listed in Schedule IV to these regulations;

“near any tree” means five metres away from the circumference of the tree canopy;

“owner” means either the direct owner or any person who holds a title of lease, emphyteusis or any other right of possession, or both owner of property and title together, jointly or separately;

“person” means any person, whether natural or legal, corporate or incorporate, and includes any person acting on his own behalf or under the instructions of any employer, master or owner;

“smoking requisite”, “cigarette” and “tobacco” have the same definition as is given to them in section 2 of the Tobacco (Smoking Control) Act;

“surgical intervention” means any treatment required to save a tree from disease or mechanical damage, weeding, as well as treatments to prevent further damage in an already damaged tree;

“tree” means a tree or a shrub in all the stages of growth, and includes plants with a woody stem;

“woodland area” means land bearing not less than twenty trees, whether sited naturally or planted by man, on either public or privately owned land.

5. (1) The Director in consultation with the director responsible for agriculture, shall be responsible for the administration and execution of these regulations. Administrative and executive rights.

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

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

6. No person shall fell or attempt to fell, cut or attempt to cut, debark or strip off or attempt to debark or strip off the bark or leaves of a tree, uproot or attempt to uproot, remove or attempt to remove timber, affix or attempt to affix something to, or in any way destroy or attempt to destroy, damage or attempt to damage, any tree or part thereof listed in Schedules I, II and III and of any tree or part thereof sited in an area listed in Schedule IV to these regulations, except by way of management or surgical intervention performed by the Department or by the Department of Agriculture or by persons authorized by these departments: Damages to trees.

Provided that the cutting off of leaves does not apply to trees listed in Schedules II and III.

7. (1) No person shall in the vicinity of any tree, dump or attempt to dump, throw or attempt to throw, pour or attempt to pour, let fall or let reach or attempt to let fall or let reach any fuel, poison, acid, alkali, fertilizer, herbicide, defoliant, pesticide, chemical or any other substance near any tree listed in Schedules I, II, III or near any tree sited in an area listed in Schedule IV to these regulations, which may harm any such tree, save for uncontaminated water for irrigation purposes and substances for the treatment of trees and of arable land. Dumping of substances.

Provided that the Director may authorize the use of substances or other treatments for surgical interventions which may in the opinion of the Director be required.

(2) No person shall place, attempt to place, or let be placed any tyre, rubber, polystyrene, paper or any other combustible material near any tree listed in Schedules I, II, III or near any tree sited in an area listed in Schedule IV to these regulations.

(3) No person shall bury in the ground or attempt to bury in the ground, deposit or attempt to deposit any soil, manure, waste, rubbish, stones, rubble, scrap metal or any other form of refuse near any tree listed in the Schedules I, II or III or near any tree sited in an area listed in Schedule IV to these regulations.

(4) No person shall carry out or attempt to carry out any action, or act in any way which, in the opinion of the Director may be damaging to the biological identity or to any tree listed in Schedules I, II and III, or to any tree sited in an area listed in Schedule IV to these regulations.

(5) The areas listed in Schedule IV shall remain protected notwithstanding that any tree sited in any area listed in Schedule IV is destroyed or dies.

Uprooting of trees.

8. (1) Any person desiring to uproot any tree listed in the Schedules I, II and III or any tree sited in an area listed in Schedule IV to these regulations shall require a licence previously to be obtained from the Department, in such manner that the required clearance would have been previously obtained from the Department of Agriculture.

(2) Such licence shall be affixed on site, and not on the tree, and kept for at least three weeks before the uprooting of such tree.

(3) During the tree uprooting operation, a copy of the licence shall be in the possession of any person who is in site during such uprooting.

(4) The application for the uprooting of a tree which is sited in any area listed in Schedule IV hereof shall be published in the Gazette at least three weeks before the granting of the licence.

Replant of trees.

9. The Minister may, for reasons of public health or safety, or for any scientific reason, give authority for the taking of cuttings and suckers or the uprooting or destruction of any tree listed in Schedules I, II and III to these regulations, provided that as a general rule the Minister shall direct that where technically practicable and possible, the tree shall be uprooted and replanted elsewhere. In such circumstances the Minister shall require that the uprooting or destruction of any tree, as well as the transportation and transplantation of any tree, shall be carried out by persons who are, in his opinion qualified for the purpose.

10. (1) To further contribute towards the protection of trees listed in Schedules I, II and III, and such trees sited in such areas listed in Schedule IV to these regulations, the Minister may indicate a list of alien invasive species, as listed in Schedule V to these regulations, which cannot be propagated, sown, planted, imported or sold in Malta. Alien invasive species.

(2) The Director may take steps to order the uprooting of any tree listed in Schedule V to these regulations.

11. Without prejudice to the provisions of articles 46, 47 and 48 of the Development Planning Act, and of policy RCO 33 of the Structure Plan, the Minister may make a Tree Preservation Order to generally protect a specified individual tree or specified groups of trees of aesthetic, historical, cultural, arboricultural, or scientific interest, to protect them from uprooting, destruction, or damage, and to regulate any other activity which may cause harm or death of such trees, whether such trees are growing in the wild, or in public areas or gardens or other spaces, or on private land. Tree Preservation Order.

12. Any person who without authority kindles or attempts to kindle a fire in any woodland or near any tree listed in schedules I, II and III or in any of the sites listed in Schedule IV to these regulations, or causes a fire as a result of his imprudent or negligent use of smoking requisites, cigarettes and tobacco, fireworks or other combustible matter, or omits to take adequate precautions in connection therewith, shall be guilty of an offence: Fire in woodland.

Provided that the above provision shall not apply to —

(a) any person who kindles a controlled fire with the written consent of the Director; or

(b) any person who, by using a construction situated within a woodland area or within 500 metres from the perimeter thereof, kindles a controlled fire at such construction for his own domestic purposes; or

(c) any person who, by using a cultivated field situated within a woodland area, kindle a fire in such field which can be controlled.

13. (1) No person shall allow or attempt to allow animals to cause damage through grazing to any tree listed in Schedules I, II, and III to these regulations. Grazing in woodland areas.

(2) No person shall allow or attempt to allow animals graze in an area listed in Schedule in Schedule IV to these regulations.

(3) The owner of any such animal that causes any damage may be ordered to pay such compensation for the damage caused as the Court may direct. If an animal belongs to more than one owner, all the owners may be ordered jointly and severally to pay compensation for the damage caused by such animal.

14. The Director may stop the importation of trees which in his opinion may endanger the biological identity of Malta, or for any other reason in the national interest.

Offences and penalties.

15. (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 provisions 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 relating to trees listed in Part A of Schedule I and trees sited in an area listed in Schedule IV to these regulations to a fine (*multa*) of not less than Lm200 but not exceeding Lm1,000 for each tree of less than ten years of age; and

(b) on a first conviction relating to trees listed in Part A of Schedule I and trees sited in an area listed in Schedule IV to these regulations to a fine (*multa*) of not less than Lm200 but not exceeding Lm10,000 for each tree of more than ten years of age;

(c) on a first conviction relating to trees listed in Part B of Schedule I and in Schedules II and III to these regulations to a fine (*multa*) of not less than Lm100 but not exceeding Lm1,000 for each tree of less than ten years of age;

(d) also on a first conviction relating to trees listed in part B of Schedule I and in Schedules II and III to these regulations, to a fine (*multa*) of not less than Lm150 but not exceeding Lm10,000 for each tree of more than ten years of age; and

(e) on a second or subsequent conviction, to a fine (*multa*) of not less than Lm200 but not exceeding Lm20,000 for every tree, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(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, so however that the disqualification from holding or obtaining a licence, permit or authority 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.

SCHEDULE I

STRICTLY PROTECTED TREES

PART A

GYMNOSPERMS

<u>Scientific name</u>	<u>Maltese name</u>	<u>English name</u>
<i>Ephedra fragilis</i>	Efedra	Shrubby Horsetail/Joint Pine
<i>Tetraclinis articulata</i>	Gharghar	Arar Tree /Sandarac Gum Tree/Alerce.

ANGIOSPERMS

<u>Scientific name</u>	<u>Maltese name</u>	<u>English name</u>
<i>Anagyris foetida</i>	Fula tal-Klieb	Bean Trefoil Tree
<i>Cercis siliquastrum</i>	Sigra ta' Ġuda /Harrub ta' Ġuda	Judas Tree /Mediterranean Redbud
<i>Chamaerops humilis</i>	Ġummar Safrani /Ġummara	Dwarf Fan Palm
<i>Crataegus azarolus</i>	Ghanzalor	Azarole/Crete Hawthorn
<i>Crataegus monogyna</i>	Żaghrun	Whithorn /Common Hawthorn
<i>Crataegus x ruscinonensis</i>	Ghanzalor Selvaġġ	Hybrid Hawthorn
<i>Darniella melitensis</i>	Sigra tal-Irmied/Xebb	Maltese Salt Tree
<i>Fraxinus angustifolia</i>	Fraxxnu /Sigra tal-Paċenzja	Narrow-Leaved Ash
<i>Lycium europaeum</i>	Ghawseġ	Mediterranean Tea-Tree /Mediterranean Boxthorn
<i>Lycium intricatum</i>	Ghawseġ	Southern Tea-Tree /Southern Boxthorn
<i>Mespilus germanica</i>	Omm il-Epp /Fomm il-Lipp/Naspli Tedeski	Medlar
<i>Myrtus communis</i>	Rihan	Myrtle
<i>Paliurus spina-christi</i>	Xewk tal-Kuruna/ta' Kristu	Christ's Thorn
<i>Periploca angustifolia</i>	Sigret il-Harir	African Wolfbane
<i>Phillyrea latifolia</i>	Fillirja	Mock Privet/Jasmine Box
<i>Phillyrea media</i>	Fillirja	Mock Privet/Jasmine Box
<i>Pistacia x saportae</i>	Deru Baghal	Hybrid Mastic Tree
<i>Pistacia terebinthus</i>	Skornabekk	Terebinth/Turpentine Tree
<i>Populus alba</i>	Luqa	White Poplar
<i>Prunus spinosa</i>	Prajn tax-Xewk	Sloe/Blackthorn

<u>Scientific name</u>	<u>Maltese name</u>	<u>English name</u>
<i>Pyrus cf. amygdaliformis</i> [= <i>Pyrus cf. spinosus</i>] <i>Pyrus pyraster</i>	Langas Selvaġġ Langas Bagħal /Langas Selvaġġ	Almond-Leaved Pear Wild Pear
<i>Quercus ilex</i> <i>Rhamnus alaternus</i> <i>Rhamnus oleoides</i>	Balluta/Siġra tal-Ġandar Alaternu Ziju	Holm Oak/Evergreen Oak Mediterranean Buckthorn Lesser Buckthorn /Olive-Leaved Buckthorn
<i>Rhus coriaria</i> <i>Salix alba</i> <i>Salix pedicellata</i> <i>Sambucus ebulus</i> <i>Sambucus nigra</i> <i>Spartium junceum</i> <i>Tamarix africana</i> <i>Tamarix spp.</i> <i>Ulmus canescens</i> [= <i>Ulmus minor</i> ssp. <i>canescens</i>] <i>Ulmus minor</i> [= <i>Ulmus minor</i> ssp. <i>minor</i>] <i>Ulmus procera</i> <i>Vitex agnus-castus</i>	Xumakk tal-Konz Żafżafa l-Kbira Żafżafa ż-Żghira Nittiena/Sebuqa Selvaġġa Sambuka/Sebuqa l-Kbira Genista s-Safra Bruka Bruk Nemmiesa /Siġra tan-Nemus Ulmu Ulmu Virga/Siġra tal-Virgi /Għadiba/Bżar tal-Patrijiet	Common Sumach White Willow Mediterranean Willow Dwarf Elder Common Elder Spanish Broom African Tamarisk Tamarisks Hoary Elm /Grey-Leaved Elm Common Elm English Elm Chaste Tree /Virgin Bush.

Part B

GYMNOSPERMS

<u>Scientific name</u>	<u>Maltese name</u>	<u>English name</u>
<i>Cupressus sempervirens</i>	Ċipress	Italian Cypress /Mediterranean Cypress
<i>Juniperus phoenicea</i> <i>Pinus brutia</i>	Ġniepru/Ġnibru Żnuber il-Ħamra /Żnuber tal-Lvant	Phoenicean Juniper Brutia Pine /Calabrian Pine
<i>Pinus halepensis</i> <i>Pinus pinea</i>	Żnuber/Siġra tal-Prinjol /Siġra ta' l-Arżnu Żnuber ta' l-Ikel /Żnuber ta' l-Umbrella	Aleppo Pine /Jerusalem Pine Stone Pine /Umbrella Pine

GIMNOSPERMI

<u>Scientific name</u>	<u>Maltese name</u>	<u>English name</u>
<i>Celtis australis</i> <i>Pistacia lentiscus</i> <i>Quercus robur</i> <i>Viburnum tinus</i>	Bagular Deru/Deluha Balluta Inġliża /Siġra tar-Ruvlu Viburnum	Nettle Tree Lentisk/Mastic Tree English Oak /Pedunculate Oak Laurustinus

SCHEDULE II
PROTECTED TREES

ANĠJOSPERMI

<u>Scientific name</u>	<u>Maltese name</u>	<u>English name</u>
<i>Ceratonia siliqua</i>	Harruba	Carob Tree
<i>Laurus nobilis</i>	Randa	Bay Laurel/Sweet Bay
<i>Morus alba</i>	Ċawsli	White Mulberry
<i>Morus nigra</i>	Tuta	Black Mulberry
<i>Olea europaea</i> sensu lato	Żebbuġa	Olive
<i>Phoenix dactylifera</i>	Palma tat-Tamar	Date Palm
<i>Punica granatum</i>	Rummiena /Siġra tal-Bullar	Pomegranate
<i>Ziziphus zizyphus</i> [= <i>Ziziphus jujuba</i>]	Żinżel	Jujube.

SCHEDULE III
PROTECTED TREES

All such trees of more than 50 years of age, which:

- * are not listed in Schedule V;
- * are not causing any damage to the biological identity of trees listed in Schedules I and II.

SCHEDULE IV
PROTECTED AREAS

(a) Protected Areas in Malta

- * Wied il-Miżieb and Il-Wied tax-Xaqrani (limits of Mellieha)
- * Il-Wied ta' l-Imġiebah (limits of Mellieha)
- * Il-Ballut (at Wardija, limiti of St Paul's Bay)
- * Part of Wied ir-Rum (fil-limiti ta' Had-Dingli)
- * Wied Hażrun (limits of Had-Dingli)
- * Ta' Baldu (fil-limiti ta' Had-Dingli)
- * Ġnien il-Kbir (limits of Rabat and Siġġiewi)
- * Il-Buskett (limits of Rabat, Siġġiewi and Had-Dingli)

- * Wied il-Girgenti (limits of Siggiewi)
- * Il-Wied ta' l-Imtahleb and Wied Markozz (at Mtahleb, limits of Rabat)
- * Wied il-Hut (at Mtahleb, limits of Rabat)
- * Wied Gerżuma and Wied il-Bahrija (limits of Bahrija)
- * Il-Maqluba (limits of Qrendi)
- * Wied il-Baruni (limits of Marsaskala)
- * Wied Żembaq (limits of Birżebbuġa)
- * Wied Moqbol (fil-limiti taż-Żurrieq)
- * The area between Wied ta' l-Arkata and Ta' Sparati (at Bidnija, limits of Mosta/St. Paul's Bay)
- * Part of Wied il-Ghasel (limits of Mosta)
- * Wied Ghollieqa (limits of San Ġwann)
- * Wied Qirda (limits of Haż-Żebbuġ)
- * Wied Bloq (limits of Haż-Żebbuġ/Hal-Qormi)
- * Wied Anġlu (limits of Hal-Gharghur/Naxxar)
- * The area of San Pawl tat-Tarġa (limits of Naxxar/Hal-Gharghur)

(b) Protected Areas in Gozo

- * Ta' Lambert (limits of Xewkija)
- * The area between Ghajn Damma and Pergla (limits of Xaghra)
- * Wied San Blas and Wied Bingemma (limits of Nadur)
- * Il-Qawra (part of Dwejra, limits of San Lawrenz)

(ċ) Protected Areas in Comino

- * The area of Il-Hażina
- * Il-Qala ta' Santa Marija

SCHEDULE V

INVASIVE OR DAMAGING SPECIES FOR THE ENVIRONMENT

<i>Scientific name</i>	<i>Maltese name</i>	<i>English name</i>
<i>Acacia saligna</i>	Akaċja	Blue-Leaved Wattle /Blue-Leaved Acacia
<i>Acacia karroo</i>	Akaċja tax-Xewk	Kangaroo Thorn
<i>Ailanthus altissima</i>	Xumakk	Tree-of-Heaven
[= <i>Ailanthus glandulosa</i>]	/Xumakk Falz	
<i>Albizzia lebbek</i>	Albizzja	Siris Tree
<i>Ricinus communis</i>	Riġnu	Castor Oil Tree
<i>Schinus terebinthifolius</i>	Siġra tal-Bżar	Brazilian Pepper