

LOCAL COUNCILS ACT (CAP. 363)

Protection of Public Land (Gharb Local Council) Bye-Laws, 2001

IN exercise of the powers conferred by articles 34 and 60 of the Local Councils Act, and in conformity with the provisions of article 35(8) of this Act, the Gharb Local Council has made the following Bye-Laws:—

1.1 The title of these Bye-Laws is the Protection of Public Land (Gharb Local Council) Bye-Laws, 2001. Citation and commencement.

1.2 These Bye-Laws shall come into force one month after their publication in the Gazette.

2. In these Bye-Laws, unless the context otherwise requires:— Interpretation.

“Act” means the Local Councils Act;

“bicycle” means a bicycle of any size which is propelled by means of pedals, irrespective of the number of wheels it has, and includes a tricycle;

“Council” means the Gharb Local Council;

“fixtures” means a bench, boundary wall, pole, sign, notice board, apparatus, barricade, chair, facilities intended for the recreation of children, and any ornament, structure or thing fixed or placed on public land;

“locality” means the Gharb Local Council;

“public land” means any space open to the public within the boundaries of the locality of Gharb that falls under the authority and administration of the Council according to the provisions of the Act and includes a public garden, small public garden, centre-strip, road, pavement, pathway and any other open space intended for use or recreation by the public.

3. No person shall remove or place elsewhere any fixture, unless so authorised by the Council, or make wrong use, or cause damage to, or in any other way tamper with fixtures placed or constructed on public land. Removal or placing of fixtures.

Wrong use of
fixtures.

4. No. person shall:–

- (a) commit acts of vandalism or in any other way cause damage to the fixtures; or
- (b) commit acts of vandalism or in any other way cause damage to trees, plants and flowers that are planted on public land; or
- (c) if over the age of fourteen years, use swings and other fixtures intended for the recreation of children; or
- (d) use a bicycle in that part of the public land which is marked by means of signs put up by the Council indicating that no bicycles are permitted there; or
- (e) remove or place elsewhere, without the written authority of the Council, any fixtures or other objects situated on public land; or
- (f) cut flowers, plants, trees and other vegetation that are on public land.

Removal of
offender.

5. Without prejudice to any other action that may be taken by virtue of these Bye-Laws, any person who is in breach of these Bye-Laws may be expelled from the public land by a police officer or a Local Warden.

Penalty.

6. Any person who contravenes or fails to comply with any of the provisions of these Bye-Laws shall be deemed to have committed a contravention, and shall, on conviction, be liable, unless a higher penalty is applicable under any other law:–

6.1.1 for a first contravention to a fine (*ammenda*) of twenty Maltese liri (Lm20).

6.1.2 for a second or subsequent contravention to a fine (*ammenda*) of thirty Maltese liri (Lm30); and

6.1.3 in the case of a continuing contravention, to a fine (*ammenda*) of five Maltese liri (Lm5) for each day that the contravention continues.

Civil damages.

7. The imposition of a penalty under this article shall be without prejudice to the right of the Council to recover any civil damages caused by the commission of any contravention under these Bye-Laws, including the right to carry out the repairs at the expense of the guilty person.