

Nru. 95

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Ugo Mifsud Bonnici, M.P., Ministru ta' l-Edukazzjoni u ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Lulju, 1989.

A BILL introduced by the Honourable Ugo Mifsud Bonnici, M.P., Minister of Education and the Interior, and read the First time at the Sitting of the 25th July, 1989.

ATT biex ihares l-Ambjent.

AN ACT to protect the Environment.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex ihares l-Ambjent.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah Att ta' l-1990 biex ihares l-ambjent. Titolu
fil-qosor.
2. Ikun id-dmir tal-Gvern illi, fl-isem u fl-interess tal-generazzjoni tal-lum u ta' dawk li ġejjin: Dmirijiet
tal-Gvern.
 - (a) jieħu dawk il-miżuri kollha, (kemm preventivi kif ukoll korrettivi) li jkunu meħtieġa biex ihares l-ambjent ta' Malta;
 - (b) jahdem flimkien ma' gvernijiet u entitajiet ohra biex ihares l-ambjent tad-dinja kollha;
 - (c) jagħti każ tal-ħtieġa tal-ħarsien ta' l-ambjent meta jiddeċiedi materji ekonomiċi jew soċjali;
 - (d) ixerred f'Malta tagħrif, dwar l-ambjent; dwar tniġġiż jew theddid ta' tniġġiż u jiffavorixxi s-sehem ta' kull persuna fil-ħarsien ta' l-ambjent;
 - (e) ifittex li japplika tagħrif u riżorsi xjentifiċi u tekniċi meta jiddeċiedi dwar materji li jolqtu l-ambjent;
 - (f) ifittex li l-ikel u x-xorb, l-art, il-baħar u l-arja jkunu ħielsa mit-tniġġiż minn xi sustanzi tossiċi jew minn xi użu ta' xi enerġija mhix meħtieġa jew mill-hoss;
 - (g) ihares id-diversità bioloġika ta' l-ispeċi kollha;
 - (h) ihares il-wirt komuni ta' l-umanità.

Kompetenza
ministerjali
u dmir
taċ-ċittadini.

3. (a) Id-dmirijiet imsemmija fl-artikolu ta' qabel ghandhom jitqiesu li huma dmirijiet tal-Ministri kollha, b'dana li d-dmirijiet partikolari imposti fuq Ministri msemmija f'din il-liġi jew f'xi liġi oħra partikolari ghandhom jitqiesu bhala imposti fuq il-Ministri hemm indikati, waqt li fejn ebda Ministru partikolari ma huwa msemmi, l-inkarigu u d-dmir jitqies impost fuq il-Ministru responsabbli għall-Ambjent;

(b) Ghandu jkun hemm Uffiċjal responsabbli għall-harsien ta' l-ambjent u l-Ministru ghandu jiddelega lil dan l-uffiċjal dawk id-dmirijiet u s-setgħat li jidhirlu xierqa;

(ċ) Ikun id-dmir ta' kull persuna li ma tagħmilx hsara lill-ambjent u li tikkonkorri mal-Gvern f'dawk il-miżuri li jiehu l-Gvern kemm għall-prevenzjoni u kemm bhala korrettiv biex ihares l-ambjent kemm għall-ġenerazzjonijiet ta' illum u kemm għal dawk li ġejjin.

L-EWWEL PARTI

Osservazzjoni u Informazzjoni

Direttivi u Kodiċi ta' Prattika dwar il-Kwalità ta' l-Ambjent

Dmirijiet
tal-Ministru.

4. Ikun id-dmir tal-Ministru li:

(a) jistabilixxi jew jikkordina fejn diġà jeżistu, sistemi ta' kontroll tal-kwalità ta' l-ambjent;

(b) jiġbor, jeżamina, jipparaguna u jippubblika kull tant żmien, l-informazzjoni mogħtija mill-istituzzjonijiet jew minn fonti siewja;

(ċ) jordna riċerka u studju dwar in-natura, il-ġarr, it-tixrid u l-effetti tat-tingiż ta' l-ambjent, kif ukoll dwar il-mod kif it-tingiż jiġi kontrollat, imnaqqas jew imneħħi, u jara li tinghata għajnuna u tagħrif dwar dan;

(d) jistudja l-impatt fuq l-ambjent ta' proġetti ta' żvilupp kemm industrijali kif ukoll ta' kull tip ieħor;

(e) jistudja u jsegwi tibdil u disturbi ta' l-eko-sistemi;

(f) jordna riċerka u studju dwar il-harsien tal-wirt storiku.

Kollaborazzjoni
f'dan il-qasam.

5. Il-Ministru ghandu, biex iwettaq dmirijietu, ifittex il-kollaborazzjoni ta' gvernijiet u enti oħra nazzjonali u barranin, u jghin dawk l-għaqdiet volontarji li jzidu l-kuxjenza dwar il-htieġa tal-harsien ta' l-ambjent.

6. Il-Ministru jista' b'regolamenti:

(a) jifformula miri li jispjegaw f'termini ta' kwalità u kwantità, skopijiet li jridu jintlahqu fl-isforz tal-kontroll tal-kwalità ta' l-ambjent;

(b) jaghti direttivi rigward il-mod partikolari ta' kif isir użu mill-ambjent;

(c) jaghti direttivi ta' kwalità ambjentali rigward il-massimu jew il-minimu permess bhala kwantità jew konċentrazzjoni, fil-hruġ u applikazzjoni ta' sustanzi waqt xogħlijiet, intrapriži jew attivitajiet anki industrijali u agrikoli;

(d) jistabilixxi kodiċijiet ta' prattika, li jiddeterminaw proċeduri, metodi u limiti ta' skarigu, applikabbli għal xogħlijiet u attivitajiet sew waqt it-twettiq kif ukoll dwar dak li għandu jsir wara t-tlestija tax-xogħol jew attività.

Dawn il-miri, direttivi u kodiċijiet ta' prattika għandhom ikollhom bhala materja:

(a) l-ambjent, naturali u storiku;

(b) ir-riċiklaġġ, rijutilizzazzjoni, it-trattament, il-ħażna, u r-rimi ta' materjal;

(c) dawk l-attivitajiet kollha tal-bniedem li jolqtu l-ambjent;

(d) il-konservazzjoni tar-riżorsi naturali u l-iżvilupp ekwilibrat.

7. Il-Ministru responsabbli għas-Saħha jista' b'regolamenti b'żieda mas-setgħat taħt liġijiet oħra, jifformula l-miri, direttivi u Kodiċi ta' Prattika f'dawk l-oqsma kollha ta' attività li jolqtu s-saħha tan-nies.

Drittijiet u dmirijiet tal-Ministru responsabbli għas-saħha.

8. (1) Il-Ministru responsabbli għax-Xogħlijiet Pubbliċi jista' b'regolamenti, bis-setgħa ta' din il-liġi b'żieda mas-setgħat taħt liġijiet oħra, jifformula l-miri, direttivi u kodiċi ta' Prattika, fil-materji kollha li għandhom x'jaqsmu ma' xogħlijiet ta' natura mekkanika, elettrika jew inġinerija ċivili.

Drittijiet u dmirijiet tal-Ministru responsabbli għax-Xogħlijiet Pubbliċi u tal-Ministru responsabbli għall-Biedja u Sajd.

(2) Il-Ministru responsabbli għal Biedja u Sajd jista' b'regolamenti b'żieda mas-setgħat mogħtija taħt liġijiet oħra jifformula l-miri, direttivi u Kodiċi ta' Prattika fil-materji kollha li għandhom x'jaqsmu mal-Biedja u Sajd.

IT-TIENI PARTI

Sustanzi Tossiċi

9. Jitqiesu sustanzi tossiċi dawk li jagħmlu ħsara lill-ħajja jew lis-saħha tal-bniedem direttament jew permezz ta' ħsara fl-ambjent.

Sustanzi tossiċi.

Lista ta' sustanzi.

10. Il-Ministru jista' jippubblika fil-Gazzetta lista ta' sustanzi tossiċi u jagħmel regolamenti dwar l-użu u l-pussess ta' dawn is-sustanzi.

Avviż ta' kontestazzjoni.

11. Kull min iħoss li għandu jikkontesta l-inklużjoni jew in-nuqqas ta' inklużjoni ta' xi sustanza fil-lista ta' sustanzi tossiċi, jista' jibgħat avviż ta' kontestazzjoni lill-Ministru fi żmien xahar mill-pubblikazzjoni fil-Gazzetta tal-lista msemmija fl-artikolu preċedenti.

Awtorità ta' Verifika.

12. Kull avviż ta' kontestazzjoni għandu jiġi riferit mill-Ministru lill-Awtorità ta' Verifika nominata skond l-artikolu 44 ta' dan l-Att, fi żmien xahar.

Lista ta' sustanzi potenzjalment tossiċi.

13. Il-Ministru jista' jippubblika lista ta' sustanzi li fid-diskrezzjoni tiegħu jidhirlu li huma potenzjalment tossiċi, u jista' wkoll jagħmel regolamenti dwar l-użu u l-pussess tagħhom wara li jkun għaddew tliet xhur minn mindu sustanza tiġi inkluża fil-lista ta' sustanzi potenzjalment tossiċi.

Dritt għall-informazzjoni.

14. Sabiex ikun jista' jiddetermina jekk sustanza hix tossika jew jekk hemmx il-possibbiltà li ssir tossika, jew inkella biex jistabilixxi l-metodi tal-kontroll, il-Ministru jista' jesigi minghand kull persuna dik l-informazzjoni u dawk l-elementi oħra ta' aċċertament li l-Ministru jista' jindika bil-miktub. Iżda kulmin ikun ġie mitlub li jagħti informazzjoni jew elementi ta' aċċertament, jista' meta jagħti din l-informazzjoni jew elementi, iġharraf illi qieghed jagħti din l-informazzjoni jew elementi ta' aċċertament, b'mod konfidenzjali u l-Ministru ma għandux jikxef din l-informazzjoni jew dawn l-elementi, b'ebda mod:

Iżda l-konklużjonijiet ta' natura xjentifika u r-regolamenti li johroġ il-Ministru fuq il-bażi ta' dawn l-aċċertamenti ma għandhomx jitqiesu bhala ksur ta' konfidenzjalità.

Rikors ta' aċċertament.

15. Kull min jidhirlu li jista' jassisti l-Ministru biex jiehu deċiżjoni dwar in-natura tossika ta' xi sustanza, jista' spontanjamment jagħmel rikors lill-Ministru biex dan jirreferi xi informazzjoni jew element ta' aċċertament lill-Awtorità ta' Verifika nominata skond l-Artikolu 44 ta' dan l-Att.

Setgħa biex jagħmel regolamenti.

16. (1) Il-Ministru jista' fil-każ ta' sustanzi tossiċi u, wara li jkun għadda ż-żmien imsemmi fl-artiklu 13 ta' dan l-Att fil-każ ta' sustanzi li jistgħu jkun tossiċi, jagħmel regolamenti biex:

(a) jipprojbixxi l-importazzjoni f'dawn il-gżejjer ta' dawn is-sustanzi;

(b) jimponi kundizzjonijiet biex jiġu mpurtati, trasportati jew maħżuna dawn is-sustanzi;

(ċ) jindika l-mod preċiż ta' kif dawn is-sustanzi jew fdalijiet tagħhom għandhom jiġu meqruda jew mormija.

(2) Il-Ministru jista' wkoll jitlob garanziji għall-ghoti ta' permessi ta' importazzjoni, użu, trasport, maħżna, qirda jew rimi ta' dawn is-sustanzi jew il-fdalijiet tagħhom.

17. Meta l-Ministru jiddikjara xi sustanzi bhala tossiċi skond l-artikolu 10 ta' dan l-Att jew xi sustanzi potenzjalment tossiċi skond l-artikolu 13 ta' dan l-Att; huwa jista' jagħmel dan anki meta l-prova xjentifika ma tkunx assoluta, billi jadotta l-kriterju tal-prekawzjoni.

Setgħat tal-Ministru responsabbli għall-Ambjent.

Kombustibbli

18. Ebdha persuna ma tista' tipproduċi, timporta, iżzomm, tittrasporta jew toffri għall-bejgħ jew tbigh, kombustibbli li:

Projbizzjoni.

(a) fih element, komponent jew additiv f'koncentrazzjoni jew kwantità oghla mil-livell indikat b'regolamenti mahruġa mill-Ministru;

(b) ikollu kwalitajiet fiżiċi projbiti fl-istess regolamenti.

19. Il-Ministru jista' b'regolamenti:

Kontenut tar-regolamenti taht l-artikolu preċedenti.

(a) jiffissa livelli massimi u minimi ta' kwantità jew koncentrazzjoni ta' xi element, komponent jew additiv f'kombustibbli, biex jassigura li ma jsirx jew li jitnaqqas it-tniġġiż ta' l-arja;

(b) jiddetermina liema proprjetajiet fiżiċi f'kombustibbli għandhom jiġu projbiti biex ma jiżdidx it-tniġġis atmosferiku;

(ċ) jobbliga kull persuna li tipproduċi, timporta, iżzomm jew tittrasporta, toffri għall-bejgħ jew tbigh kombustibbli li (i) iżzomm registri li jindikaw xi jsir mill-kombustibbli; (ii) tforni kampjuni, meta mitluba mill-Ministru; (iii) tforni kull informazzjoni utli fir-rigward tal-produzzjoni, importazzjoni, trasport, żamma fil-pussess, espożizzjoni jew bejgħ tal-kombustibbli.

20. Kull min jidhirlu li xi livell indikat taht ir-regolamenti jew xi kwalità fiżika preskritta jew li ma għetx preskritta, jew ma humiex ta' hsara inkella li r-regolamenti ma jipproteġux biżżejjed hsara li jidher li qed issir, jista' fi żmien tliet xhur mill-hruġ tar-regolamenti, jagħti avviż ta' kontestazzjoni bil-miktub lill-Ministru li għandu jirreferi dan fi żmien xahar lill-Awtorità ta' Verifika nominata skond l-artikolu 44 ta' dan l-Att.

Avviż ta' kontestazzjoni.

Sustanzi Li Jagħmlu Xi Hsara, Anki Jekk Mhux Tossiċi

21. Il-Ministru jista' jindika b'avviż fil-Gazzetta, illi xi sustanza partikolari, meta wżata b'xi mod, tista' tkun ta' hsara għall-ambjent, anki jekk ma tkunx tossika jew potenzjalment tossika, u jista' wkoll wara tliet xhur mill-pubblikazzjoni ta' l-avviż li jindika s-sustanza u l-hsara, jagħmel regolamenti biex jirregola l-mod ta' l-użu u l-pussess ta' l-istess sustanza, jew jimponi l-projbizzjoni ta' l-użu u tal-pussess tagħha b'xi mod partikolari, biex tonqos il-hsara jew titneħħa għal kollox.

Setgħat tal-Ministru ta' l-Ambjent dwar ċerti sustanzi.

Avviż ta' kontestazzjoni.

22. Kull min jidhirlu li għandu jissottometti xi argument jew prova biex juri li l-avviż tal-Ministru li jindika li xi sustanza wżata b'xi mod tista' tkun ta' hsara ma hux xjentifikament korrett, għandu fi żmien xahar mill-pubblikazzjoni jagħti avviż ta' kontestazzjoni bil-miktub lill-Ministru li għandu fi żmien xahar jirreferi l-istess lill-Awtorità ta' Verifika nominata taht l-artikolu 44 ta' dan l-Att.

IT-TIELET PARTI

Rażan tal-Hoss u Energija

Setgħat tal-Ministru ta' l-Ambjent dwar il-hoss.

23. (1) Il-Ministru jista', b'regolamenti jindika livelli ta' *decibel* ta' hoss, relattivi għall-attivitajiet partikolari, kif ukoll fil-każ ta' ċerti attivitajiet, metodi biex l-ambjent jiġi protett minn hsejjes żejda.

(2) Il-Ministru jista', b'regolamenti, jistabilixxi proċeduri dwar il-produzzjoni, kontroll u użu ta' enerġija li ma tkunx magħmula mill-użu ta' xi kombustibbli.

Avviż ta' kontestazzjoni.

24. (1) Kull min jidhirlu li xi regolamenti magħmula taht l-artikolu 23 ta' dan l-Att għandhom ikunu xort'ohra, jista' jagħti avviż ta' kontestazzjoni lill-Ministru għar-reviżjoni jew revoka tagħhom b'avviż ta' kontestazzjoni bil-miktub u li jsir fi żmien xahar mill-pubblikazzjoni ta' dawk ir-regolamenti.

(2) Il-Ministru għandu fi żmien xahar minn meta jkun irċieva avviż ta' kontestazzjoni jirreferi l-istess avviż lill-Awtorità ta' Verifika nominata taht l-artikolu 44 ta' dan l-Att.

IR-RABA' PARTI

Skarigi fil-Baħar

Skarigi fil-baħar projbiti.

25. Hadd ma jista' jiskariga fil-baħar, kemm jekk dan isir mill-art, kemm mill-ajru jew minn fuq bastiment jew pjattaforma, jew opra ohra, ebda sustanza ta' kwalunkwe natura, u hadd ma jista' jgħabbi fuq bastimenti, ajruplani jew opri ohra, ebda sustanza ta' kwalunkwe natura sabiex tiġi skarigata fil-baħar minghajr il-permess bil-miktub tal-Ministru.

Huma esklużi minn din il-projbizzjoni generali:

(a) dawk l-iskarigi li huma normali u neċessarji biex jithaddem il-bastiment, il-pjattaforma, l-ajruplan jew opri ohra;

(b) dawk l-iskarigi li huma inċidentali għall-esplorazzjoni, sfruttament jew proċessar ta' riżorsi ta' taht il-baħar;

(ċ) dawk l-iskarigi li jsiru neċessarji biex tiġi salvata l-hajja tal-bniedem jew għas-sigurtà ta' l-istess bastiment, pjattaforma, ajruplan jew opra ohra:

Izda wkoll il-persuna responsabbli mill-bastiment, pjattaforma, ajruplan jew opra oħra, li tkun skarigat sustanzi fil-baħar għandha malli jkun possibbli tavża b'dan lill-Ministru u tindika sa fejn tista' l-post fejn sar l-iskarigu.

26. Il-projbizzjoni prevista fl-artikolu 25 ta' dan l-Att għandha titqies li qed issir għal kullimkien u mhux biss għall-ibhra territorjali Maltin, u l-permess li jista' jingħata minn xi awtorità ta' pajjiżi oħra firmatarji ta' xi konvenzjoni internazzjonali jew xi protokoll magħha marbuta dwar il-harsien mit-tniġġiż ta' l-ibhra, mill-iskarigu ta' rifjuti u materji oħra, għandu jitqies bhala ekwivalenti għall-permess mogħti mill-Ministru kif previst fl-artikolu 25 ta' dan l-Att u l-artikoli li ġejjin:

Permessi minn Awtoritajiet ta' pajjiżi oħra.

B'dan izda, illi fil-każ ta' skargar fl-ibhra territorjali ta' Malta, dak il-permess mogħti mill-Ministru biss għandu jitqies bhala permess mogħti taħt l-artikolu 25 ta' dan l-Att.

27. Il-Ministru jista' jagħti permess għall-iskargar fil-baħar ta' sustanzi, basta li jkun sodisfatt illi:

Permess mill-Ministru.

(a) is-sustanza tiġi magħmula malajr inoffensiva bl-azzjoni fiżika, kimika jew bijoloġika tal-baħar, u ma tirrendix organiżmi tal-baħar li jittieklu tali li ma jittiklux, jew ta' toġhma hażina, inkella li tipperikola s-saħħa tal-bnedmin jew ta' annimali;

(b) is-sustanza ma jkunx fiha sustanza oħra fi kwantità jew konċentrazzjoni oġhla milli permess b'regolamenti;

(ċ) l-iskargar jew ix-xhit ta' ċerta kwantità ta' dik is-sustanza kien meħtieġ biex tiġi evitata sitwazzjoni ta' urġenza b'riskji inaċċettabbli għas-saħħa tal-bniedem u ma kienx hemm soluzzjoni oħra tajba;

(d) is-sustanza tiġi mibdula bil-hruq jew mod ieħor, f'sustanza li ma jkunx jidher li tipperikola l-ambjent tal-baħar.

28. Fl-ġhoti tal-permess skond l-artikolu preċedenti, il-Ministru jista':

Il-Ministru jista' jimponi.

(1) jimponi dawk il-kundizzjonijiet u termini li jidhiru neċessarji fl-interess tal-ħajja tal-bniedem, tal-ħajja marina jew ta' xi użu legittmu tal-baħar jew biex jissodisfa dmirijiet fuqu mposti minn xi konvenzjoni internazzjonali u mingħajr ma titnaqqas il-ġeneralità ta' dan jista' jimponi kundizzjonijiet u termini relattivi għal kull waħda minn dawn li ġejjin li jkunu applikabbli:

(a) in-natura u l-kwantità tas-sustanza li tagħha jiġi permess l-imbark, l-iskargar jew ix-xhit;

(b) il-mod u l-frekwenza ta' l-iskargar awtorizzat;

(ċ) il-mod ta' l-imbark u l-istiva tas-sustanza;

(d) il-post fejn għandu jsir l-iskargar jew ix-xhit;

(e) ir-rotta tal-bastiment jew ajruplan li jgorr is-sustanza sal-post ta' l-iskargar jew xhit;

(f) xi prekawzjonijiet partikolari li ghandhom jittiehdu dwar l-imbark, it-trasport, l-iskargar jew ix-xhit tas-sustanza;

(g) id-dati jew il-perijodu partikolari tas-sena li ghalihom japplika l-permess.

(2) jindika taht liema cirkostanzi jirriserva d-dritt li jirrevoka immedjatament il-permess.

Avviż ta'
kontestazzjoni.

29. (1) Kull min jidhirlu li xi permess gie miċhud jew revokat, jew xi termini jew kundizzjonijiet imposti ma humiex xierqa, jew li xi permess inghata meta ma kellux jinghata jew kellu jinghata taht termini u kundizzjonijiet xort'ohra jew li xi permess ghandu jinżamm, jista', fi żmien ġimgħa mill-ghoti jew ċaħda tal-permess, jagħti avviż bil-miktub ta' kontestazzjoni lill-Ministru għar-reviżjoni jew revoka ta' l-istess.

(2) Il-Ministru għandu fi żmien ġimgħa minn meta jirċievi l-avviż ta' kontestazzjoni jirreferi l-istess avviż lill-Awtorità ta' Verifika nominata taht l-artikolu 44 ta' dan l-Att.

IL-HAMES PARTI

Rimi u Rdim fl-Art

Setgħat
tal-Ministru.

30. Il-Ministru jista' b'regolamenti jippreskrivi l-postijiet fejn u metodi kif wiehed jista' jiddisponi fl-art minn ċerti sustanzi, u jista' jagħti wkoll permess speċjali b'kundizzjonijiet partikolari għar-rimi u rdim taht l-art ta' ċerti sustanzi.

Avviż ta'
kontestazzjoni.

31. Kull min jidhirlu li r-regolamenti maħruġa taht l-artikolu preċedenti jaggravawh u ma humiex ġustifikati, u kull min jidhirlu li l-permess speċjali għal xi rimi ta' sustanza partikolari gie rifjutat mingħajr raġuni valida, kif ukoll min jidhirlu li dawn ir-regolamenti jew xi permess speċjali ma jissalvagwardawx biżżejjed is-saħħa tal-bniedem jew l-ambjent, jista' jagħti avviż ta' kontestazzjoni lill-Ministru fi żmien xahar mill-hraġ ta' l-istess regolamenti jew fi żmien ġimgħa miċ-ċaħda jew minn mindu sar jaf b'xi permess speċjali, u l-Ministru għandu fi żmien xahar min-notifika tal-kontestazzjoni mir-regolamenti jew fi żmien ġimgħa min-notifika tal-kontestazzjoni miċ-ċaħda jew għoti ta' permess speċjali jirreferi l-istess avviż ta' kontestazzjoni lill-Awtorità ta' Verifika nominata skond l-artikolu 44 ta' dan l-Att.

IS-SITT PARTI

Harsien tal-Flora u l-Fawna

Setgħat
tal-Ministru.

32. Il-Ministru jista' biex jistgħu jitharsu speċi ta' Flora u Fawna johroġ regolamenti li jiddikjaraw xi speċi ta' Flora u Fawna protetta u jista' wkoll jiddikjara xi arja ndikata f' dawn il-gżejjer jew fl-ibhra territorjali arja ta' riserva naturali.

33. (1) Il-Ministru jista' wara d-dikjarazzjoni li speċje partikolari ta' Flora u Fawna hija protetta jew wara li xi arja tiġi dikjarata riserva naturali, skond l-artikolu preċedenti johroġ regolamenti biex jagħmel effettiva l-istess protezzjoni.

Regolamenti għall-protezzjoni ta' speċje u ta' riservi naturali.

(2) Il-Ministru jista', biex ihares l-identità bioloġika ta' dawn il-gżejjer u l-ibhra tagħhom, jagħmel regolamenti dwar l-importazzjoni jew l-esportazzjoni tal-flora u fawna.

34. (1) Kull min jidhirlu li dikjarazzjoni ta' speċje ta' Flora u Fauna bħala speċje protetta jew ta' riserva naturali, hija ingustifikata, u kull min iħoss ruhu aggravat bir-regolamenti maħruġa mill-Ministru taħt l-artikolu preċedenti u kull min jidhirlu li xi regolamenti hekk maħruġa ma jħarsux biżżejjed xi speċje protetta jew xi riserva naturali kif dikjarat taħt l-artikolu 32 ta' dan l-Att, jista' fi żmien xahar jagħti avviż ta' kontestazzjoni bil-miktub lill-Ministru.

Avviż ta' kontestazzjoni.

(2) Il-Ministru għandu fi żmien xahar min-notifika ta' din il-kontestazzjoni jissottometti l-istess lill-Awtorità ta' Verifika nominata skond l-artikolu 44 ta' dan l-Att.

IS-SEBA PARTI

II-Wirt Storiku

35. (1) Il-Ministru jista' jiddikjara xi bini, imkien jew fdal ta' monumenti bħala wiehed protett minhabba l-importanza tiegħu storika, arkittettonika, jew artistika, jew minhabba l-interess ta' l-istudju tal-ġeoloġija, paleontoloġija, jew arkeoloġija; u jista' ukoll jagħmel regolamenti biex iwettaq din il-protezzjoni, kif ukoll għar-restawr ta' xi bini jew imkien.

Setgħat tal-Ministru.

(2) Il-Ministru għandu, qabel ma jiddikjara xi bini jew imkien bħala post protett jitlob il-parir ta' l-Awtorità ta' Verifika nominata skond l-Artikolu 44 ta' dan l-Att.

(3) Fi żmien xahar mill-bidu fis-seħh ta' dan l-artikolu, il-Ministru għandu jippubblika fil-Gazzetta lista ta' bini, imkejjen u fdal ta' monumenti hekk protetti u lista riveduta li tinkludi l-imkejjen kollha protetti għandha tiġi stampata fil-Gazzetta kull tliet snin.

36. (1) Il-Ministru jista' jagħmel regolamenti speċjali biex jiġi konservat il-karattru ta' l-ibliet u l-irhula ta' Malta u b'mod partikolari iżda mhux biss ta' l-Imdina, Valletta, Furjana, Bormla, l-Isla, il-Birgu u ċ-Ċittadella ta' Ghawdex, u jista' jimponi metodi partikolari ta' restawr, manutenzjoni u dekorazzjoni ta' bini f'dawn l-ibliet. Fil-każ ta' nuqqas ta' konformità mar-regolamenti jista' wkoll jipprovi jew għar-restawr, manutenzjoni u dekorazzjoni mill-Gvern bi spejjeż tas-sid, jew għall-akkwist mill-Istat għall-istess skop.

Setgħat ohra.

(2) Il-Ministru jista' jiddikjara li ċerti oġġetti ta' mportanza artistika, storika jew xjentifika ma jistgħux jiġu esportati minn dawn il-Gżejjer, u jista' wkoll jagħmel regolamenti għall-protezzjoni jew restawr ta' dawn l-oġġetti, kif ukoll għall-akkwist tagħhom mill-Istat.

(3) Hadd ma jista' jagħmel skavi arkeoloġiċi sew fl-art kif ukoll fil-ibhra territorjali ta' dawn il-Gżejjer mingħajr il-permess bil-miktub tal-Ministru li jista' wkoll jimponi kundizzjonijiet speċjali biex dan isir.

Eżenzjonijiet.

37. Il-Ministru jista' wkoll jagħti permessi speċjali biex jeżenta xi mkien jew xi oġġett mill-applikazzjoni ta' dawn ir-regolamenti, iżda kull eżenzjoni jeħtieġ li tiġi pubblikata fil-Gazzetta.

Avviż ta' kontestazzjoni.

38. (1) Kull min jidhirlu li xi mkien f'Malta u Ghawdex għandu jiġi nkluż, jew maqtuġh barra mil-lista ta' l-imkejjen protetti previsti fl-Artikolu 35 ta' dan l-Att, jew li xi oġġetti messhom jew ma messhomx ikunu esportabbli minn dawn il-Gżejjer, jew li xi eżenzjoni għet mogħtija jew għet miċħuda ingustament, inkella li xi regolamenti mahruġa mill-Ministru taħt din il-Parti ta' dan il-Att huma żbaljati jew inadegwati, jista' jibgħat avviż ta' kontestazzjoni lill-Ministru fi żmien xahar mill-pubblikazzjoni tar-regolamenti u fil-każ tar-rifjut ta' xi eżenzjoni minn mindu jirċievi dan ir-rifjut.

(2) Il-Ministru għandu fi żmien xahar minn meta jirċievi dan l-avviż ta' kontestazzjoni jirreferi l-avviż lill-Awtorità ta' Verifika nominata skond l-Artikolu 44 ta' dan l-Att.

IT-TMIEN PARTI

Valutazzjoni ta' Impatt Ambjentali

Impatt ambjentali.

39. Qabel ma jingħata permess minn xi organu tal-Gvern biex jista' jitwettaq proġett li aktarx ikollu effett fuq l-Ambjent, minhabba fost hwejjeġ ohra, in-natura, l-entità jew l-istess post fejn sejjer isir, il-Ministru għandu jiġi mgharraf mill-awtorità ta' kompetenza biex toħroġ il-permess, bit-talba għall-permess biex isir il-proġett u bid-dettalji kollha li huma meħtieġa biex issir il-valutazzjoni, u l-Ministru għandu fi żmien tliet xhur minn meta jirċievi din l-informazzjoni jibgħat din il-valutazzjoni lil dak l-organu tal-Gvern. Ebda proġett tal-Gvern li jbidde l-ambjent sostanzjalment ma għandu jibda jitwettaq jekk ma jkunx ġie sottomess lill-Ministru għall-valutazzjoni ta' l-impatt ambjentali u l-valutazzjoni tkun għet riċevuta iżda l-Ministru ikollu d-dmir li jara li l-valutazzjoni ssir fi żmien qasir kemm jista' jkun, u mhux aktar tard minn tliet xhur minn meta l-proġett jiġi sottomess.

Kontenut tal-valutazzjoni.

40. Valutazzjoni ta' l-impatt ambjentali għandha tidentifika, tid-deskrivi u tivvaluta, f'kull każ, l-effetti diretti u indiretti fuq l-ambjent iżda b'mod speċjali u indikat separatament:

- (a) fuq il-bnedmin, fuq il-Fawna u l-Flora;
- (b) fuq l-art, l-ilma, l-arja, il-klima u l-pajsagġ;
- (c) fuq il-ġid ekonomiku u fuq il-wirt storiku;
- (d) fuq l-ambjent soċjali.

41. Il-Ministru jista' jeżenta proġett sottomess għall-valutazzjoni mill-bżonn ta' din il-valutazzjoni ta' l-impatt ambjentali, jekk ikun jidhirlu li fi kwalunkwe każ l-impatt ambjentali jkun minimu. Eżenzjoni.

42. Kull min ikun responsabbli għat-talba biex jinghata l-permess għat-twettiq ta' proġett li dwaru tkun ser issir il-valutazzjoni u kull kap ta' Dipartiment tal-Gvern li jkun ser iwettaq proġett b'impatt ambjentali, għandu jfornixxi lill-Ministru kull informazzjoni mitluba u b'mod speċjali: Informazzjoni li għandha tinghata lill-Ministru.

- (a) deskrizzjoni tal-proġett, bid-dimensjoni, disinn u s-sit propost;
- (b) spjegazzjoni tal-passi ġà mehuda jew li jkunu ser jittiehdu biex jitnaqqsu l-effetti ta' hsara;
- (c) id-data xjentifiċi li jservu ta' bażi għall-proġett;
- (d) spjegazzjoni fil-qosor tal-proġett li tfiehem l-iskop tiegħu.

43. Kull min jidhirlu li xi valutazzjoni ta' impatt ambjentali laqgħet hażin jew kienet il-kawża ta' ċaħda ta' permess ta' twettiq ta' proġett, jew kull min jaħseb li l-ġhoti ta' permess ġie influwenzat minn valutazzjoni ta' impatt ambjentali favorevoli, iżda mhux ġustifikat, jista' jitlob li tinghatalu kopja bi hlas ta' l-istess valutazzjoni u jkun jista' fi żmien xahar jagħti lill-Ministru avviż ta' kontestazzjoni, u l-Ministru fi żmien xahar minn meta jirċievi dan l-avviż ta' kontestazzjoni għandu jirreferi din l-kontestazzjoni lill-Awtorità ta' Verifika nominata taht l-Artikolu 44 ta' dan l-Att. Avviż ta' kontestazzjoni.

ID-DISA' PARTI

Awtorità ta' Verifika

44. (1) Il-President fuq il-parir tal-Prim Ministru għandu b'avviż fil-Gazzetta jahtar Awtorità ta' Verifika biex tisma' u tiddeċiedi fuq avviżi ta' kontestazzjoni magħmula taht xi disposizzjoni jew ohra ta' dan il-Att. Komposizzjoni ta' Awtorità ta' verifika.

(2) L-Awtorità għandha tkun magħmula minn President u numru ta' assessuri.

(3) Il-President ta' l-Awtorità għandu jkun persuna li jkun serva f'kariga pubblika ta' importanza waqt li l-assessuri għandhom ikunu persuni li speċjalizzaw f'xi wahda mid-dixxiplini li għandhom rilevanza fil-harsien ta' l-ambjent naturali jew storiku.

(4) Persuna ma tkunx tista' tiġi nominata biex isservi fl-Awtorità u lanqas ma tista' tkompli bhala President jew assessur sakemm tkun membru tal-kamra tad-Deputati.

(5) Il-President ta' l-Awtorità u kull assessur għandu qabel ma jidhol għall-kariga tiegħu, jagħmel u jissottoskrivi dikjarazzjoni bil-gurament f'idejn il-President tar-Repubblika.

(6) Kull President ta' l-Awtorità u kull assessur għandu jibqa' fil-kariga tiegħu għal perijodu ta' tliet snin.

(7) Il-President ta' l-Awtorità għandu biex jinstema' xi avviż ta' kontestazzjoni, jagħżel erba' assessuri minn fost l-assessuri li jkunu kompetenti għal dak il-każ.

(8) Il-President ta' l-Awtorità ikollu vot deċiżiv fil-każ ta' voti ndaq s iżda ma jkollux vot oriġinali.

Setgħat u
dmirijiet
ta' l-Awtorità.

45. (1) L-Awtorità għandha biex tisma' u tiddeċiedi fuq xi avviż ta' kontestazzjoni tiltaqa' f'post magħżul għaliha mill-Prim Ministru u għandha tagħti d-deċiżjoni tagħha wara li, jekk jidhrilha, tisma' provi ukoll viva voce u wara li tkun semgħet is-sottomissjonijiet kemm tal-Ministru kif ukoll ta' dik il-persuna li tkun għamlet l-avviż ta' kontestazzjoni.

(2) L-Awtorità tista' iżomm seduti fil-pubbliku jew bil-magħluq, b'dan iżda s-smiegh dwar informazzjoni li min ikun qed jagħtiha jiddikjara li jkun qed jagħtiha b'mod kunfidenzjali, għandu jsir dejjem bil-magħluq.

(3) Il-Ministru sabiex id-dispożizzjonijiet ta' din it-Taqsima jkunu jistgħu jsehħu aħjar u bla ħsara għall-ġeneralità ta' dak li ntqal qabel, jista' jagħmel regoli:

(a) li jippreskrivu l-proċedura li l-Awtorità għandha tuża fis-smiegh tal-każi quddiemha u r-records li għandhom jinżammu;

(b) li jippreskrivu l-mod li bih l-Awtorità għandha tiltaqa' u l-hinijiet li fihom għandhom isiru l-laqgħat;

(c) li jippreskrivu d-drittijiet li għandhom jithallsu dwar każi mressqa quddiem l-Awtorità.

(4) Kull deċiżjoni ta' l-Awtorità ta' Verifika tingħata fil-miftuħ anki meta tkun instemgħet xhieda jew ingħatat sottomissjoni in camera.

46. Id-deċiżjoni mogħtija mill-Awtorità ta' Verifika ma għandhiex sahha eżekuttiva, iżda jekk il-Ministru ma jaġixxi skond deċiżjoni ta' l-Awtorità, ikun jinkombi fuqu li jipprova fi kwalunkwe azzjoni fil-Qrati ordinarji li tista' ssir kontra tiegħu għal danni jew għal inibizzjoni, li huwa kellu raġunijiet validi biex ma joqgħodx fuq din id-deċiżjoni, li għandha titqies bħala li stabbiliet *prima facie* il-qagħda korretta.

Effett tad-deċiżjoni ta' l-Awtorità tal-Verifika.

L-GHAXAR PARTI

Danni Ċivili u Pieni Kriminali

47. Kull min bi ksur ta' regolamenti jew b'negliġenza, jikkaguna dannu lill-Ambjent naturali u storiku jkun passibbli ta' azzjoni ta' danni risarċibbli lill-Gvern ta' Malta u proponibbli mill-Ministru. Meta ma jkunx possibbli li d-dannu kaġunat jiġi kwantifikat bi preċiżjoni l-Qrati ordinarji jistgħu jillikwidaw id-danni *arbitrio boni viri*.

Danni ċivili.

Dan il-hlas ta' danni kaġunati lill-Ambjent ma jeżentax lil min ikkaguna dawn id-danni mill-hlas ta' danni li seta' kkaġuna wkoll lill-proprjetà tal-Gvern jew ta' persuni oħra.

48. Meta fl-artikoli preċedenti l-Ministru nġhata s-setgħa li johroġ regolamenti, dana jinkludi wkoll is-setgħa li johloq reati għal min jikser ir-regolamenti, u din is-setgħa tinkludi wkoll is-setgħa ta' impozizzjoni tas-sanzjonijiet inkluża dawk ta' konfiska ta' mezzi li jipproduċu danni ambjentali, sospensjoni jew tnehhija ta' licenzi, b'dana iżda li l-piena restrittiva tal-libertà inflitta ma tista' qatt tisboq dik ta' sentejn habs.

Delitti u peni taht ir-regolamenti.

49. Sabiex jinvestiga il-kommissjoni ta' reati kommessi jew il-kontestazzjoni ta' danni kaġunati, l-Uffiċċjal għall-harsien ta' l-Ambjent jista' jaċċedi fuq kull post, vettura, bastiment, pjattaforma, ajruplan, jew opra oħra b'dana li jekk jiġi kontestat lilu d-dritt li hekk jaċċedi huwa għandu juri awtorizzazzjoni għal dan l-iskop mahruġa taht il-firma tal-Ministru.

Dritt ta' aċċess.

IL-HDAX-IL PARTI

Bidu fis-Sehh, Revoka, Tifsir

50. Dan l-Att jiġi fis-sehh fid-data li jstabilixxi l-Ministru b'avviż pubblikat fil-Gazzetta, b'dana li l-Ministru jista' jindika granet differenti għal artikoli jew subartikoli differenti, u l-ligijiet u r-regolamenti indikati fl-Iskeda ta' dan l-Att għandhom jiġu revokati fid-dati li jindika l-Ministru b'avviż pubblikat fil-Gazzetta, u jista' jindika dati differenti għal ligijiet, artikoli u regolamenti differenti, bla preġudizzju għal dak li sar taht l-istess ligijiet, artikoli u regolamenti.

Bidu fis-sehh u revoka ta' ligijiet u regolamenti.

51. F'din il-liġi l-kliem li ġej ghandu jkollu dan it-tifsir:

“addittiv” ghandha tfisser sustanza miżjudja;

“Ambjent” ghandha tfisser l-insjem jew il-ġabra ta' dawk l-elementi u kundizzjinijiet, kemm naturali u kemm xogġol il-bniedem, li hawn fid-dinja, u b'mod partikolari:

- (a) l-arja, l-ilma u l-art;
- (b) is-saffi kollha ta' l-atmosfera;
- (ċ) il-meterja kollha organika jew inorganika, u l-esseri kollha li jghixu;
- (d) is-sistemi naturali;
- (e) il-bixra tal-pajsagg, fil-kampanja, fl-irhula, fl-ibliet;

“Antikitajiet” ghandha tfisser dawk il-hwejjeġ eqdem minn hamsin sena li ghandhom xi siwi ghaty-taghrif ta' l-istorja;

“decibel” ghandha tfisser unità ta' qies fir-rigward tal-hoss;

“ekosistema” tfisser sistema ta' interazzjoni bejn organiżmi fl-ambjent naturali;

“fawna” ghandha tfisser il-ġabra, bhala isem kollettiv ta' l-animali kollha ta' kull tip;

“flora” ghandha tfisser il-ġabra, bhala isem kollettiv tal-hxejjex kollha ta' kull tip;

“kodiċi ta' Prattika” ghandha tfisser ġabra ta' normali li ghandhom jinżammu minn min qiegħed jeżegwixxi xogħol partikolari indikat;

“kombustibbli” ghandha tfisser meterja li sservi biex tiproduċi enerġija permezz ta' hruq jew ossidazzjoni;

“kontaminant” ghandha tfisser kull sustanza li thassar il-kwalitajiet ta' sustanzi ohra;

“rdim” ghandha tfisser tfigħ b'tagħbija ta' sustanza;

“rimi” ghandha tfisser tfigħ b'abbandun ta' sustanza;

“skargu” ghandha tfisser hruġ, emissjoni ta' sustanza fl-arja jew fil-baħar;

“sustanza” ghandha tfisser kull meterja kemm organika kif ukoll inorganika, hajja jew le, u tinkludi kemm kumbinazzjoni ta' elementi ta' identità molekulari partiolari, kif jinstabu fin-natura jew bhala riżultat ta' reazzjoni kimika, kif ukoll mistura ta' sustanzi b'identità molekulari diversa;

“tninggis” għandha tfisser il-proċess naturali jew artifiċjali li jirrizulta bl-introduzzjoni ta' xi kontaminant fl-ambjent.

S K E D A

- Parti 7, Parti 8 Parti 15 tal-Kodiċi tal-Pulizija (Kapitolu 10)
- Artikolu 119 tal-Kodiċi tal-Pulizija (Kapitolu 10)
- Artikolu 121 (2) (3) tal-Kodiċi tal-Pulizija (Kapitolu 10)
- Artikolu 227 tal-Kodiċi tal-Pulizija (Kapitolu 10)
- Artikolu 228 tal-Kodiċi tal-Pulizija (Kapitolu 10)
- Att XI ta' l-1925 dwar protezzjoni ta' l-Antiktajiet (Kapitolu 54)
- Avviż tal-Gvern 269 ta' l-1933
- Avviż tal-Gvern numru 85 ta' l-1932
- Avviż tal-Gvern numru 206 ta' l-1934
- Avviż Legali 48 ta' l-1948 — (Regolamenti li jemendaw regolamenti dwar is-sajd)
- Avviż Legali 19 ta' l-1964 — (Regolamenti li jemendaw regolamenti dwar is-sajd)
- Avviż Legali 80 ta' l-1978 — (Regolamenti li jemendaw regolamenti dwar is-sajd)
- Avviż Legali 58 ta' l-1979 — (Regolamenti li jemendaw regolamenti dwar is-sajd)
- Att numru III ta' l-1966, Pestiċidi — (Kontroll ta' l-importazzjoni, bejgh u użu)
- Avviż Legali 22 ta' l-1967 — (Regolamenti ta' l-1967 dwar l-importazzjoni, bejgh u użu tal-Pestiċidi)
- Avviż Legali 81 ta' l-1971 — Bidu fis-seħħ
- Att numru XVIII ta' l-1967 dwar l-Arja Pura
- Regolamenti ta' l-1969 dwar Duhhan Iswed (Perjodi permessi)
- Regolamenti ta' l-1969 dwar Duhhan Iswed (Bastimenti) (Perjodi permessi)
- Ordni ta' l-1971 għall-Bord ta' l-Arja Pura (Proċeduri)

Att XII ta' l-1977. Att biex jiġi Evitat u Kkontrollat it-Tniġġis tal-Baħar

Regolamenti ta' l-1980 dwar Aġġisafar u Fniek Slavaġ

Avviż Legali 68 ta' l-1980

Avviż Legali 25 ta' l-1983

Att VIII ta' l-1968 dwar l-Iskart

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jipprovdi liġi komprensiva biex tagħti l-poteri kollha meħtieġa biex l-ambjent jiġi protett.

**A BILL
entitled**

AN ACT to protect the Environment.

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. This Act may be cited as The Environment Protection Act, 1990. Short title.

2. It shall be the duty of the Government for and on behalf of the present and future generations, to: Duties of the Government.
 - (a) take all those measures, both preventive and remedial, that may be necessary for the protection of the environment of Malta;
 - (b) collaborate with other Governments and Entities for the protection of the world environment;
 - (c) take into account the need to protect the environment when deciding on economic or social matters;
 - (d) disseminate in Malta knowledge about the environment; about pollution or threats of pollution; and facilitate the help of all persons in the protection of the environment;
 - (e) endeavour to apply scientific and technical knowledge and resources when deciding upon matters that affect the environment;
 - (f) endeavour that food and drink, the land, the sea and the air be free of contamination from any toxic substances or from the use of any unnecessary energy or from noise;
 - (g) safeguard the biological diversity of all species;
 - (h) safeguard the common heritage of mankind.

Ministerial duties and duties of the citizen.

3. (a) The duties mentioned in the preceding section shall be deemed to be imposed on all Ministers, provided that where in this or any particular law specific duties are charged on a Minister, such duties shall be deemed to be imposed on the named Minister, and where no particular Minister is mentioned, such charge and duty shall be deemed to be imposed on the Minister responsible for the Environment.

(b) There shall be an Official responsible for the Protection of the Environment and the Minister shall delegate to this official all duties and powers which the Minister may deem suitable.

(c) It shall be the duty of every person not to cause damage to the environment and to concur with the Government in all those measures, both preventive and remedial, which the Government may take to protect the environment for the present and future generations.

PART ONE

Monitoring and Information

Directives and Codes of Practice concerning the quality of the Environment

Duties of the Minister.

4. It shall be the duty of the Minister responsible for the Environment to :

(a) establish or coordinate where extant, systems of control of the quality of the environment;

(b) collect, process, compare and publish on a periodic basis data provided by stations or other useful source;

(c) order research to be conducted and studies to be made relating to the nature, transportation, dispersion and effects of environmental pollution, as well as methods for its control, reduction or abatement, as well as ensure that assistance and information is given in this regard;

(d) study the environmental impact of development projects of an industrial or any other nature;

(e) study and monitor changes and disturbances of ecosystems;

(f) order research and study on the preservation of historical heritage.

Collaboration in this field.

5. The Minister responsible for the Environment, shall, in order to perform his duties, seek the collaboration of other Governments and of national and foreign entities, and shall assist those voluntary associations which augment the awareness of the necessity of protecting the environment.

6. The Minister may, by regulations:

Objectives,
directives and
Codes of
Practice.

(a) formulate objectives which lay down, in qualitative and quantitative terms, the goals to be achieved in the effort to control the quality of the environment;

(b) give directives with regard to particular uses of the environment;

(c) give environmental quality guidelines concerning the maximum or minimum permissible as quantity or concentration, in the discharge and application of substances, during works, undertakings or activities, also of an industrial or agricultural nature;

(d) establish codes of practice which determine procedures, methods and limits of discharge, applicable to works or activities, with regard both to the time of actual execution as well as to the time after the completion of the works or activity.

These objectives, directives and Codes of Practice should relate to:

(a) the natural and historical environment;

(b) the recycling, re-utilisation, treatment, storage and disposal of materials;

(c) all human activities which affect the environment;

(d) the conservation of natural resources and sustainable development.

7. The Minister responsible for Health may by regulations, in addition to other powers under other laws, formulate objectives, directives and Codes of Practice in all the areas of activity which concern human health.

Rights and
duties of
the Minister
responsible for
Health.

8. (1) The Minister responsible for Public Works may by regulations, in addition to other powers under other laws, formulate objectives, directives or Codes of Practice, in all matters concerning the execution works of a mechanical, electrical, or civil engineering nature.

Rights and
duties of the
Minister
responsible for
Public Works
and of the
Minister
responsible for
Agriculture
and Fisheries.

(2) The Minister responsible for Agriculture & Fisheries may by regulations, in addition to other powers under other laws, formulate objectives, directives or codes of practice, in all matters pertaining to agriculture and fisheries.

PART TWO

Toxic Substances

9. Those substances which are directly harmful to life or human health or indirectly cause harm to the environment shall be deemed to be toxic substances.

Toxic
substances.

List of toxic substances.

10. The Minister responsible for the Environment may publish in the Gazette a list of toxic substances and may make regulations concerning the use and possession of these substances.

Notice of objection.

11. Any person who considers that he should object to the inclusion or omission of any substance in the list of toxic substances may enter a notice of objection in writing to the Minister within one month from the publication in the Gazette of the list mentioned in the next preceding section.

Authority of Review.

12. Every notice of objection shall be referred by the Minister to the Authority of Review established under Section 44 of this Act within one month.

List of potentially toxic substances.

13. The Minister may publish a list of substances which in his discretion he deems to be potentially toxic, and may make regulations concerning their use after the lapse of three months from the date when that particular substance has been listed as potentially toxic.

Right to information.

14. For the purpose of determining whether a substance is actually toxic or whether there is a possibility of its becoming toxic, as well as to be able to establish the methods of control, the Minister may require from any person any information and other elements of ascertainment which the Minister may indicate in writing. Provided that whosoever may have been called upon to supply information or other elements of ascertainment, may, in supplying this information or other elements, signify that this is being done in confidence and the Minister shall not divulge such information or elements of ascertainment in any way:

Provided that the conclusions of a scientific nature and the regulations published by the Minister on the basis of these ascertainments shall not be deemed to be in breach of this confidentiality.

Application to ascertain.

15. Whosoever deems that he may assist the Minister in deciding upon the toxic nature of any substance, may, on his own initiative, apply to the Minister for the reference of any information or elements of ascertainment to the Authority of Review appointed under Section 44 of this Act.

Power to make regulations.

16. (1) The Minister may in the case of toxic substances and, after the lapse of the period of time mentioned in section 13 of this Act, in the case of potentially toxic substances, make regulations to:

(a) prohibit the importation into these islands of these substances;

(b) impose conditions on the importation, carriage or storage of these substances;

(c) specify the precise manner in which these substances or their residues may be destroyed or disposed of.

(2) The Minister may also demand the giving of any guarantee in connection with the importation, use, carriage, storage, destruction or disposal of these substances or their residues.

17. When the Minister declares a substance as toxic according to Section 10 of this Act or a substance as potentially toxic according to Section 13 of this Act; he may act in this manner even in the absence of absolute scientific proof by adopting the precautionary criterion.

Powers of the Minister.

Fuels

18. No person shall produce, import, transport, keep in possession, offer for sale or sell any fuel that:

Prohibition.

(a) contains an element, component or additive in a concentration or quantity that exceeds the level indicated in regulations issued by the Minister;

(b) has certain physical qualities prescribed by these regulations.

19. The Minister may, by regulations:

Contents of regulations under previous section.

(a) fix maximum and minimum quantities, components or additives in a fuel so as to ensure that the air is not polluted or that such pollution is lessened;

(b) determine which physical properties in a fuel should be prohibited so as to ensure that atmospheric pollution is not increased;

(c) require any person who produces, imports, keeps in possession, transports, offers for sale or sells a fuel, to (i) maintain registers which indicate what is done with the fuel; (ii) furnish samples when required by the Minister; (iii) furnish all useful information with regard to the production, importation, transport, possession, offer for sale or sale of the fuel.

20. Whosoever is of the opinion that a level indicated by regulations or any physical quality of a fuel, prescribed or not prescribed, either are not harmful or that harm that is being caused is not adequately protected by the regulations, may within three months of the publication thereof give notice of objection thereto to the Minister who shall refer this objection within one month to the Authority of Review appointed under Section 44 of this Act.

Notice of objection.

Harmful even if not toxic Substances

21. The Minister may, by notice in the Gazette, indicate that a particular substance, when used in a particular way, may be harmful to the environment, even if not toxic or potentially toxic, and may also,

Powers of the Minister concerning certain substances.

after the lapse of three months from publication of the notice which indicates the substance and harm, make regulations to regulate the mode of use and possession of the same substance or impose the prohibition of a particular mode of its use and possession, in order to lessen the harm or eliminate it completely.

Notice of objection.

22. Whosoever deems it proper that he should submit arguments or proof to show that the notice of the Minister indicating that a substance used in a particular mode may be harmful is not scientifically correct may submit a notice of objection in writing to the Minister within one month from the publication of the notice and the Minister shall within one month refer the objection to the Authority of Review appointed under section 44 of this Act.

PART THREE

Noise and Energy Control

Powers of the Minister with regard to noise.

23. (1) The Minister may, by regulations, indicate permitted levels of noise by decibel in respect of particular activities and also, in the case of certain activities, methods for the protection of the environment from excessive noise.

(2) The Minister may, by regulations, determine procedures for the production, control and use of energy that is not produced through the use of any fuel.

Notice of objection.

24. (1) Whosoever considers that any regulations made under section 23 of this Act should be otherwise, may submit a notice of objection to the Minister for their revision or revocation by a notice of contestation in writing and made within one month from the publication of those regulations.

(2) The Minister shall within one month from receipt of a notice of contestation refer that notice to the Authority of Review established under section 44 of this Act.

PART FOUR

Discharges into the Sea

Prohibition of discharges into the sea.

25. No person shall discharge into the sea any substance of whatsoever nature, whether from the land, from the air or from a ship or platform or other craft, and no person shall load any substance for discharge into the sea, on a ship, airplane or other craft without a written permit from the Minister.

This general prohibition does not apply to:

(a) such discharges as are normal and necessary for the operation of the ship, platform, airplane or other craft;

(b) such discharges as are incidental to the exploration, exploitation or processing of underwater resources;

(c) such discharges as become necessary to save human life or for the safety of the same ship, platform, aircraft or other anthropogenic structure:

Provided that the person responsible for the ship, platform, aircraft or other craft, which has made such discharge into the sea, shall as soon as possible give notice of such fact to the Minister and indicate, as far as possible, the place of discharge.

26. The prohibition as provided in Section 25 of this Act shall be deemed to be imposed for all seas and not solely for the Maltese territorial waters, and the permit that may be given by any authority of other countries signatories of any international convention or any protocol relating to it regarding the prevention of marine pollution; the dumping of wastes, and other matter, shall be deemed to be equivalent to the permit given by the Minister under Section 25 and the following sections of this Act:

Permits from
Foreign
Authorities.

Provided that in the case of Maltese Territorial waters, only the permit granted by the Minister shall be deemed granted under Section 25 of this Act.

27. The Minister may grant a permission to discharge into the sea any substance, provided he is satisfied that:

Permission
by Minister.

(a) the substance is rapidly rendered harmless by the physical, chemical or biological process of the sea, and that it does not render normally edible marine organisms in edible or palatable or endanger human or animal health;

(b) the substance does not contain another substance in a quantity or concentration that exceeds the quantity or concentration determined by or under the regulations;

(c) the discharge or disposal of a certain quantity of that substance is necessary to avert an emergency that poses an unacceptable risk relating to human health and admits of no other feasible solution; or

(d) the substance is to be transformed by incineration or other means so that the substance that results from such transformation is a substance in respect of which there does not seem to be any threat of danger to the marine environment.

28. In granting any permit as provided in the last preceding section, the Minister may:

The Minister
may impose
modalities.

(1) impose such conditions and terms as he considers necessary in the interest of human life, marine life or any legitimate use of the sea or to satisfy commitments imposed upon him under international conventions, and without limiting the generality of the foregoing, may contain terms and conditions relating to such of the following as are applicable:—

(a) the nature and the quantity of the substance that may be loaded, dumped or disposed of;

(b) the method and frequency of dumping or disposal authorised;

(c) the manner of loading and stowing the substance authorised to be dumped or disposed of;

(d) the site at which dumping or disposal may take place;

(e) the route to be followed by the ship or aircraft transporting the substance to the site of the dumping or disposal;

(f) any special precautions to be taken in respect of the loading, transporting, dumping or disposal of the substance;

(g) the dates or particular period of the year for which the permit is valid.

(2) indicate under which circumstances he reserves the right to revoke the permit forthwith.

Notice of
Contestation.

29. Whosoever feels that a permit has been refused or revoked, or that the terms and conditions imposed are not reasonable, or that a permit has been granted when it should not have been granted or should have been granted under different terms and conditions, or that a permit should be withdrawn, may, within one week of the date when the permit was granted or refused, submit to the Minister a notice of contestation in writing for its revision or revocation.

(2) The Minister shall, within one week of the receipt of a notice of contestation, refer the same to the Authority of Review set up under section 44 of this Act.

PART FIVE

Disposal and Dumping on Land

Powers of
the Minister.

30. The Minister may, by regulations, provide places and methods for disposing on land of certain substances, and may also grant special permits under particular conditions for the disposal and dumping on land of certain substances.

31. Whosoever deems that the regulations issued in terms of the preceding section cause hardship to him and that they are not justified, and whosoever deems that a request for a special permit for the disposal of a particular substance has been unjustly refused, and whosoever deems that these regulations or some special permit do not adequately protect the health of human beings or the environment, may lodge a notice of objection with the Minister within one month from the issue of these regulations or within one week from the refusal of a special permit or the knowledge of such grant, and the Minister shall within a month from the notification of the objection to the regulations or within a week from the notification of the objection to the refusal or grant of a special permit refer this notice of objection to the Authority of Review appointed under Section 44 of this Act.

Notice of
objection.

PART SIX

Protection to the Flora and Fauna

32. The Minister may, so that species of the Flora and Fauna be safeguarded, issue regulations declaring a particular species of Flora or Fauna a protected species and may also declare a specified area of these Islands or the territorial waters a Nature Reserve.

Powers of the
Minister.

33. (1) The Minister may, after the declaration that a particular species of Flora and Fauna is protected or after that a particular area has been declared a Nature Reserve under the last preceding section, make regulations so far as to render effective this protection.

Regulations
for the
protection of
Nature
Reserves.

(2) The Minister may, to safeguard the biological identity of these islands and their waters, make regulations concerning the import and export of flora and fauna.

34. (1) Whosoever deems that a declaration of a particular species of Flora and Fauna as a protected species or of a Nature Reserve is unjustified and whosoever deems that the regulations issued by the Minister in terms of the preceding section cause hardship to him, and whosoever deems that any regulations so issued, do not provide adequate protection to any protected species or Nature Reserve so declared in terms of Section 32 of this Act, may, within a month, give notice of objection in writing to the Minister.

Notice of
objection.

(2) The Minister shall within a month from the notification of this objection submit this notification of objection to the Authority of Review appointed under Section 44 of this Act.

PART SEVEN

The Historical Heritage

35. (1) The Minister may declare any building site or remains of historical significance as protected due to its historical architectonic or

Powers
of the
Minister.

artistic importance, or because of its interest to the study of geology, paleontology or archaeology, and may make regulations to effect this protection as well as for the restoration of building or site.

(2) Before declaring any place or site as protected, the Minister shall seek the advice of the Authority of Review appointed under Section 44 of this Act.

(3) Within one month from the coming into force of this section, the Minister shall publish in the Gazette a list of buildings, sites and remains so protected, and a revised list including all the sites so protected shall be published in the Gazette every three years.

Other Powers.

36. (1) The Minister may make special regulations for the conservation of the character of the towns and villages of Malta, and in particular but not only of Mdina, Valletta, Floriana, Cospicua, Senglea, Vittoriosa and for the Cittadella at Gozo, and may impose particular methods of restoration, maintenance and decoration of buildings within these cities. In the case of lack of conformance with regulations, he may also provide for the restoration, maintenance and decoration at the owner's expense or for the compulsory acquisition by the state for the same purpose.

(2) The Minister may declare that certain objects of artistic, historical or scientific importance may not be exported from these Islands, and may also make regulations for the protection or the restoration of these objects, as well as for their acquisition by the State.

(3) It shall not be lawful to conduct archaeological excavations on land or within the territorial waters of these Islands, without the written consent of the Minister who may impose special conditions for this purpose.

Exceptions.

37. The Minister may grant special permission to exempt a site or object from the application to these regulations, but every exemption must be published in the Gazette.

Notice of objection.

38. (1) Whosoever deems that any place in Malta and Gozo should be included or cancelled from the list of protected sites as provided in Section 35 of this Act, or that some objects should or should not be exportable from these islands, or that an exemption had been issued or had been unjustly refused or that some regulations issued by the Minister in terms of this part of this Act are wrong or inadequate, may submit a notice of objection to the Minister within one month from the publication of such regulations, or the granting of exemption or in the case of a refusal of an exemption, within one month from the receipt thereof.

(2) The Minister shall within one month of the receipt of this notice of objection refer the notice of objection to the Authority of Review appointed under Section 44 of this Act.

PART EIGHT

Environmental Impact Assessments

39. Before any organ of Government grants a permit for the execution of a project which is likely to have an impact on the environment, because of its nature, entity and locality, among other considerations, the Minister shall be informed by the Authority competent to allow the permit, of the application for such permit to realise a project, of all details required for an assessment to be made, and the Minister shall, within three months from the receipt of such information, copy such an assessment to that organ of Government. No government project which will substantially change the environment shall be executed before being submitted to the Minister for an assessment of the environmental impact, and such assessment has been received, but the Minister shall have the duty to see that such an assessment is made in the shortest possible time and not later than three months from the date of submission of the project.

Environmental
Impact.

40. The Environment Impact Assessment shall identify, describe and assess, in every case, the direct and indirect effects on the environment, but especially and separately declared:

Contents of
Assessment.

- (a) on human beings, the Fauna and the Flora;
- (b) on the soil, water, air, climate and landscape;
- (c) on the economy and the historical heritage;
- (d) on the social environment.

41. The Minister may exempt a project submitted for the assessment from being subjected to an Environmental Impact Assessment if in his opinion, in any case, the environmental impact would be minimal.

Exemption.

42. Whosoever shall be responsible for the application for a permit to put into execution a project the environmental impact of which is to be assessed, and every head of a government department executing a project with an environmental impact, shall furnish the Minister with all requested information and especially with:

Information
to be
submitted to
the Minister.

- (a) a description of the project, its dimensions, design and proposed site;
- (b) an explanation of the steps taken or about to be taken to diminish harmful effects;
- (c) scientific data which serve as basis for the project;
- (d) a brief explanation of the project which explains the aim thereof.

Notice of objection.

43. Whosoever deems that an Environmental Impact Assessment has influenced unduly or has been the cause of the refusal of the permit to implement a project or who deems that a permit has been given under the influence of an unjustified Environmental Impact Assessment favourable to the project, may ask for a copy of the assessment under payment, and may within one month send a notice of objection to the Minister, and the Minister shall within one month of the receipt of such notice of objection, refer this objection to the Authority of Review appointed under Section 44 of this Act.

PART NINE

Authority of Review

Composition of Authority of Review.

44. (1) The President on the advice of the Prime Minister shall by notice in the Gazette appoint an Authority of Review to hear and determine notices of objection made under any disposition of this Act.

(2) The Authority shall be composed of a President and a number of assessors.

(3) The President of the Authority shall be a person who has served in a high public office while the assessors shall be persons who have specialized in one or another of those disciplines which are of relevance in the protection of the natural or historical environment.

(4) A person shall be disqualified from being appointed to serve or from continuing to be a President of the Authority or an assessor as long as he is a member of the House of Representatives.

(5) The President of the Authority and every assessor shall before entering into his office make and subscribe a declaration on oath before the President of the Republic.

(6) Every President of the Authority and every assessor shall remain in office for a period of three years.

(7) The President of the Authority shall select four assessors from amongst those specially competent to hear a particular notice of objection.

(8) The President shall have a casting vote but not an original vote.

Powers and duties of the Authority.

45. (1) The Authority shall for the purpose of hearing and determining on a notice of objection convene in a place appointed for it by the Prime Minister and it shall deliver its decision after, if it so deems fit, hearing evidence viva voce and after having heard the submission of the Minister and of that person who had entered the notice of objection.

(2) The Authority may hold its sittings in public or in camera, provided however that the hearing of any evidence tendered by a person declaring that he is so doing in a confidential manner, shall always be heard in camera.

(3) The Minister may make rules for the better carrying out of this part and without prejudice to the generality of the foregoing, may make rules;

(a) prescribing the procedure to be adopted by the Authority in the hearing of cases submitted to it and the records to be kept;

(b) prescribing the manner in which the Authority shall be convened and the times at which meetings are to be held;

(c) prescribing fees to be paid in respect of cases brought before the Authority.

(4) All decisions of the Authority of Review shall be given openly even when evidence and submissions were given in camera.

46. The decision given by the Authority of Review shall not have executive force, but if the Minister shall not act according to the decision of the Authority, in any action for damages or for inhibition which may be instituted against him, the onus of proof that he had valid reason not to abide by the decision, which shall be deemed *prima facie* to have established the correct position, shall lie with him.

Effects of the decision of the Authority of Review.

PART TEN

Civil Damages and Punishments in Criminal Law

47. Whosoever, through disobedience of regulations or through negligence causes damage to the Natural and Historical Environment, shall be liable to an action for damages payable to the Government of Malta which action shall be instituted by the Minister. When it will not be possible to quantify precisely the damages caused, the ordinary courts may liquidate such damages *arbitrio boni viri*.

Civil Damage.

This payment of damages caused to the Environment shall not exempt whoever caused these damages from the payment of damages which may have been caused also by him to the property of the Government or to other persons.

48. When in the preceding sections, the Minister is empowered to make regulations, this shall include the right to create crimes for infringement of regulations and this power shall encompass that of imposition of sanctions including that of confiscation of the means which produce damage to the Environment, suspension or revocation of licences, but the punishment of restriction of personal liberty shall never exceed imprisonment of two years.

Crimes and punishments under the regulations.

Right of
Inspection.

49. In order to investigate the commission of crimes or the verification of damages caused, the Official for the Protection of the Environment or his delegates may accede to any place, vehicle, ship, platform, airplane, or other craft, provided that should their right to entry be checked, they shall be bound to show an authorisation for the purpose issued under the signature of the Minister.

PART ELEVEN

Operation, Repeal, Interpretation

Entry into
operation
and repeal of
previous laws
and regulations.

50. This Act shall come into effect on the date established by the Minister by notice published in the Gazette, but the Minister may establish different dates for different sections or subsections and the Laws and Regulations set out in the Schedule of this Act shall cease to have effect from the date of the notice published in the Gazette, without prejudice to acts and procedures performed under those laws and regulations, provided that the Minister may appoint separate dates for the revocation of each separate law or regulation appearing in the said Schedule.

Interpretations.

51. In this law the following words should be so interpreted.

“additive” means an added substance.

“antiquities” means all those objects dating more than fifty years which have some relevance for the knowledge of history.

“code of practice” means a collection of norms to be adhered to by any person in the execution of a particular kind of work as indicated.

“contaminant” means any substance which harms the qualities of other substances.

“decibel” means a unit of measure with regard to sound.

“discharge” means the introduction or emission of a substance in the air or in the sea.

“dumping” means the definitive throwing away of a substance both when such a substance is mixed and covered, as well as when this is not done.

“ecosystem” means a system of integrating organisms in a natural environment.

“environment” means the whole of the elements and conditions, natural or man-made, existing in the earth, and in particular:

- (a) the air, water and land;
- (b) all the layers of the atmosphere;
- (c) all organic and inorganic matter, and all living organisms;
- (d) all ecosystems;
- (e) the landscape, taken to mean both open country, village and town aspect.

“fauna” means all types of animals collectively considered.

“flora” means all types of vegetation collectively considered.

“fuel” means any form of matter which is used to produce energy by combustion or oxidation.

“pollution” means the natural or artificial process resulting from the introduction of any contaminant into the environment.

“substance” means any matter, organic or inorganic, living or not, and includes any combination of elements of a particular molecular identity, existing in nature or the result of a chemical reaction, as well as the mixture of substances of a different molecular identity.

SCHEDULE

Part 7, Part 8, Part 15 of the Code of Police Laws (Chapter 10)

Section 119 of the Code of Police Laws (Chapter 10)

Section 121(2) (3) of the Code of Police Laws (Chapter 10)

Section 227 of the Code of Police Laws (Chapter 10)

Section 228 of the Code of Police Laws (Chapter 10)

Act XI of 1925 for the Antiquities Act (Chapter 54)

Government Notice 269 of 1933

Government Notice 85 of 1932

Government Notice 206 of 1934

Legal Notice 48 of 1948 (Regulations to amend the Fisheries Regulations)

Legal Notice 19 of 1964 (Regulations to amend the Fisheries Regulations)

Legal Notice 80 of 1978 (Regulations to amend the Fisheries Regulations)

Legal Notice 58 of 1979 (Regulations to amend the Fisheries Regulations)

Act III of 1966, Pesticides (control of importation, sale and use)

Legal Notice 22 of 1967 (Regulations to control the importation, sale and use of Pesticides 1967)

Legal Notice 81 of 1987 — Coming into Force

Act XVIII of 1967 — Clean Air Act

1969 Regulations on Black Smoke (Permitted Periods)

1969 Regulations on Black Smoke (Ships) (Permitted Periods)

Order on the Clean Air Board (Procedures) 1971

Act XII of 1977 — Marine Pollution (Prevention and Control) Act

Rules on Birds and Wild Rabbits 1980

Legal Notice 68 of 1980

Legal Notice 25 of 1983

Act VIII of 1968 The Litter Act

Objects and Reasons

The Object of this Bill is to provide a comprehensive law to give all those powers necessary to protect the environment.