

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3855 of 9th June, 2011

B. 13/11

BILL

FOR

AN ACT to amend the Nature Protection Act, 1991.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Nature Protection (Amendment) Act 2011 and comes into operation on the day of publication.

Amendment of the Nature Protection Act, 1991.

2.(1) The Nature Protection Act, 1991, is amended as follows.

(2) For section 24A substitute—

“Fees for entry into a nature conservation area.

24A.(1) The fees payable to Government for entry into a nature conservation area shall be those set out in paragraph 1(1) of Schedule 10.

(2) With the exception of the fee for persons entering by foot at Jew’s Gate or Willis’s Road the payment by a person of the relevant fee set out in paragraph 1(1) of Schedule 10 exempts such person from the requirement to pay a further fee under section 24B for entry into the tourist sites within a nature conservation area.

Fees for entry into tourist sites within a nature conservation area.

24B. The fees payable to Government for entry into tourist sites within a nature conservation area shall be those set out in paragraph 1(2) of Schedule 10.

Fees (Miscellaneous).

24C.(1) The Minister may exempt particular persons, vehicles, categories of persons or categories of vehicles from payment of the fees set out in Schedule 10 to the extent set out in such exemption.

(2) Fees recovered in accordance with sections 24A and 24B shall constitute revenue of and be paid into the Consolidated Fund.

Terms and conditions of entry.

24D. The Minister may by Order published in the Gazette—

- (a) set the terms and conditions of entry into a nature conservation area (including times and dates);
- (b) define which sites in a nature conservation area are “tourist sites” for the purposes of this Act.

Offences.

24E.(1) A person who—

- (a) conveys another person in a public service vehicle into a nature conservation area; or
- (b) assists another person to enter a nature conservation area;

other than on the payment of the relevant fee is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale and in the case of a second or subsequent conviction at level 4 on the standard scale.

- (2) A third conviction for an offence against sub-section (1) shall render the offender ineligible to hold a road service licence, a licence to drive a public service vehicle or a licence to act as a conductor of a public service vehicle for a period of 12 months and the Transport Commission shall immediately revoke any such licence (including any road service licence) which the offender may hold.
- (3) A person who—
- (a) contravenes; or
 - (b) assists another in contravening;

a term or condition of entry included in an Order made under section 24D is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

- (4) A person who—
- (a) enters a tourist site within a nature conservation area;
or
 - (b) assists another to enter a tourist site within a nature conservation area;

other than on the payment of the relevant fee is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

Exclusion Orders.

- 24F.(1) The Minister for Transport may issue an Order excluding a holder of a public service vehicle licence from entering into a nature conservation area in the course of his business as a driver of a public service vehicle for such a period of time as shall be set out in the Order up to 3 months.
- (2) The Minister for Transport may only issue such an Order if he is satisfied that there is reasonable cause to believe that the

person has conveyed a person or persons into a nature conservation area without the payment of the relevant fee.

- (3) A copy of an Order made under this section shall be served on the person against whom it is directed.
- (4) A person aggrieved by an Order made under this section may appeal to the Supreme Court on a point of law; the Order shall remain in force until such time as the appeal is determined and a decision has been made by the Minister for Transport under subsection (6) or the period of time set out in the Order expires (whichever is the sooner).
- (5) In determining an appeal under subsection (4)–
 - (a) where the court is of the opinion that the relevant decision is wrong in law the Court–
 - (i) shall make a declaration to that effect;
 - (ii) shall inform the appellant and the Minister for Transport of such declaration; and
 - (iii) may, where it considers it appropriate to do so, request that the Minister for Transport reconsider the relevant decision.
 - (b) where the court is not of the opinion that the relevant decision is wrong in law the Court shall–
 - (i) confirm the Order of the Minister for Transport; and
 - (ii) inform the appellant and the Minister for Transport of such confirmation.
- (6) Where the Minister for Transport receives a request under subsection (5)(a)(iii) he shall reconsider the relevant decision de novo.
- (7) If without reasonable excuse a person does anything which he is prohibited from doing by an exclusion order, the person

commits an offence and is liable on summary conviction, to a fine at level 5 on the standard scale.”.

(5) After Schedule 9 insert—

“SCHEDULE 10

Sections 24A and 24B

Admission Fees.

1.(1) Subject to subparagraph (5) and paragraph 2, the fee for admission to the Upper Rock Nature Reserve shall be as follows—

- (a) £0.50 for each person entering by foot at Jews’ Gate or Willis’s Road;
- (b) £10.00 for each person aged 12 years of age and over entering in a private motor vehicle at Jews’ Gate or Willis’s Road;
- (c) £5.00 for each person aged from 5 to 11 years of age inclusive entering in a private motor vehicle at Jews’ Gate or Willis’s Road;
- (d) £2.00 for each private motor vehicle;
- (e) £5.00 for each person for entry at Jews’ Gate or Willis’s Road in a taxi or as part of a tour group with a tour operator.

(2) Subject to section 24A(2), the fee for admission to all the tourist sites within the Upper Rock Nature Reserve shall be as follows—

- (a) £9.50 for each person aged 12 years of age and over who entered the Upper Rock Nature Reserve by foot at Jews’ Gate or Willis’s Road;

- (b) £4.50 for each child aged from 5 to 11 years of age inclusive who entered the Upper Rock Nature Reserve by foot at Jews' Gate or Willis's Road;
 - (c) £5.50 for each person aged 12 years of age and over for entry from the cable car middle or top stations if the admission ticket is pre-purchased at the cable car bottom station (if not pre-purchased the fee shall be £10.00);
 - (d) £5.00 for each child aged from 5 to 11 years of age inclusive for entry from the cable car middle or top stations.
- (3) The fees in subparagraphs (1) and (2) are cumulative.
- (4) The fees set in subparagraphs (1)(b) and (1)(c) shall be reduced by £1.00 where the person concerned has previously paid £1.00 for entry to the 100 Ton Gun.
- 2.(1) A person holding a valid Gibraltar identity card relating to that person may enter the Upper Rock Nature Reserve and all tourist sites within the Upper Rock Nature Reserve without paying a fee on production of that card.
- (2) Gibraltar registered vehicles shall be exempted from payment of the fee in paragraph 1(1)(d).
- (3) A child aged under 5 years of age may enter the Upper Rock Nature Reserve and all tourist sites the Upper Rock Nature Reserve without paying a fee.
- (4) Passengers in a taxi engaged for a city service journey shall be exempted from payment of the fee in paragraph 1(1)(e) and shall for the purposes of paragraph 1(2) be deemed to have entered the Upper Rock Nature Reserve by foot at Jew's Gate.
- (5) In subparagraph (4) "city service journey" means a one-way fare which is either—

- (a) to or from a specific residence in a nature conservation area for a resident or visitor to that residence, or
- (b) in respect of a public or private function occurring in a nature conservation area which is not part of the general tourist attraction of the Upper Rock and which does not involve a stop at or a visit to any part of the Upper Rock except where the event is occurring”.

3.(1) The Upper Rock Nature Reserve (Admission Fees) Regulations 2001 are revoked.

(2) The provisions of Schedule 10 of the Nature Protection Act supersede all other arrangements relating to admission fees to the Upper Rock Nature Reserve and fees collected under such other arrangements shall be deemed to have been duly collected under this Act.

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