NATURE PROTECTION ACT, 1991

Principal Act

Act. No. 1991-11	Commencement	9.5.1991
	Assent	9.5.1991

ARRANGEMENT OF SECTIONS.

PART I. PRELIMINARY.

Section

- 1. Short Title.
- 2. Interpretation and application.

PROTECTION OF WILD BIRDS, WILD ANIMALS AND WILD PLANTS.

- 3. Protection of wild birds, their nests and eggs.
- 4. Exceptions to section 3.
- 5. Prohibition of certain methods of killing or taking wild birds.
- 6. Sale etc of wild or dead wild birds, eggs etc.
- 7. Protection of captive birds.
- 8. Protection of certain wild animals.
- 9. Exceptions to section 8.
- 10. Prohibition on certain methods of killing or taking wild animals.
- 11. Protection of wild plants.
- 12. Introduction of new species.
- 13. Power to grant licences.
- 14. False statements
- 15. Attempts to commit offences.
- 16. Enforcement.
- 17. Penalties, forfeitures etc.

PART III.

NATURE CONSERVATION.

- 18. Areas of special interest.
- 19. Penalties in relation to nature conservation areas and marine nature areas.
- 20. Nature Conservancy Council.
- 21. Wildlife Warden.
- 22. Offences by bodies corporate etc.

This version is out of date

- 23. Amendment to Schedules.
- 24. Regulations.
- 25. Amendment to Animals and Birds Act.
- SCHEDULE 1 SPECIFIED WILD ANIMALS.
- SCHEDULE 2 EXCLUDED PLANTS.
- SCHEDULE 3 ENDANGERED WILD BIRDS, WILD ANIMALS AND WILD PLANTS.

AN ACT TO PROVIDE FOR THE PROTECTION OF WILD BIRDS, ANIMALS AND PLANTS AND FOR THE DESIGNATION AND PRESERVATION OF PROTECTED AREAS FOR THE PURPOSE OF NATURE CONSERVATION AND MATTERS INCIDENTAL THERETO.

PART I. PRELIMINARY.

Title and commencement.

1. This Act may be cited as the Nature Protection Act 1991 and shall come into effect on a date to be appointed by the Governor by notice in the Gazette and different days may be so appointed for different purposes.

Interpretation and application.

- 2.(1) In this Act, unless the context otherwise requires—
 - "advertisement" includes a catalogue, circular of pricelist;
 - "aviculture" means the breeding and rearing of birds in captivity;
 - "destroy", in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and "destruction" shall be construed accordingly;
 - "firearm" has the meaning given to it in section 2 of the Firearms Act;
 - "habitat" means an area used in relation to wild birds and animals for feeding, breeding and nesting and in relation to wild plants the area in which normal growth occurs;
 - "marine nature area" means an area designated under section 18(2);
 - "Nature Conservancy Council" means the Gibraltar Nature Conservancy Council which is the scientific authority established under section 4 of the Endangered Species Act 1990;
 - "nature conservation area" means an area designated under section 18(1);
 - "pick", in relation to a plant, means gather, cut or pluck any part of the plant without uprooting it;
 - "poultry" means domestic fowls, geese, ducks, guinea fowls, pigeons, quails and turkeys;

This version is out of date

- "sale" includes hire, barter and exchange and cognate expressions shall be construed accordingly;
- "uproot", in relation to a plant, means dig up or otherwise remove the plant from the land or other medium on which it is growing;
- "vehicle" includes aircraft, hydrofoil, hovercraft and boat;
- "wild animal" means any animal (other than a bird) of a kind which is or (before it was killed or taken) was resident in or a visitor to Gibraltar in a wild state;
- "wild bird" means any bird of a kind which is ordinarily resident in :x is a visitor to Gibraltar in a wild state but does not include poultry;
- "wild plant" means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which grows in Gibraltar in a wild state.
- (2) A bird shall not be treated as bred in captivity for the purpose of this Act unless its parents were lawfully in captivity when the egg was laid.
- (3) Any reference in this Act to an animal or bird or any species includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal or bird of that species.
- (4) The provisions of this Act extend to the territorial waters adjacent to Gibraltar.

PROTECTION OF WILD BIRDS, WILD ANIMALS AND WILD PLANTS.

Protection of wild birds, their nests and eggs.

- 3.(1) Subject to the provisions of this Part, if any person intentionally—
 - (a) kills, injures or takes any wild bird;
 - (b) takes, damages or destroys the nest of any wild bird by any method while that bird's nest is in use or being built; or
 - (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—

- (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
- (b) any egg of a wild bird or any part of such an egg,

he shall be guilty of an offence.

- (3) A person shall not be guilty of an offence under subsection (2) if he shows that—
 - (a) the bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or
 - (b) the bird or egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.
- (4) Subject to the provisions of the Part, if any person intentionally-
 - (a) disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - (b) disturbs dependent young of such a bird,

he shall be guilty of an offence.

- (5) In this section "wild bird" does not include any bird which is shown-
 - (a) to have been bred in captivity; or
 - (b) to have been imported into Gibraltar in accordance with the requirements of any other relevant Act.

Exceptions to section 3.

- 4.(1) Notwithstanding anything in the provisions of section 3, a person shall not be guilty of an offence by reason of—
 - (a) the taking of any wild bird, if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of passing that bird within a period of 12 hours to a person licensed under section 13(1) to tend it and release it when no longer disabled;

This version is out of date

- (b) the killing of any wild bird, if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or
- (c) any act made unlawful by those provisions, if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.
- (2) Notwithstanding anything in the provisions of section 3, a person licensed under section 13 shall not be guilty of an offence by reason of—
 - (a) the killing or taking of a wild bird or the injuring of such bird in the course of an attempt to kill it;
 - (b) the taking, damaging or destruction of the nest of a wild bird;
 - (c) the taking or destruction of any egg of a wild bird; or
 - (d) the disturbance of a wild bird or dependent young of such a bird,

where that act was carried out in accordance with and for the purposes of the licence.

Prohibition of certain methods of killing or taking wild birds.

- 5.(1) Subject to the provisions of this Part, if any person-
 - (a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming into contact therewith, that is to say, any spring, traps, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance;
 - (b) uses for the purpose of killing or taking any wild bird any such article as is specified in paragraph (a), whether or not of such a nature and so placed as specified in paragraph (a), or any net, baited board, bird-lime or substance of a like nature to bird-lime;
 - (c) uses for the purpose of killing or taking any wild bird
 - (i) any bow or crossbow, sling or catapult;
 - (ii) any explosive;
 - (iii) any automatic or semi-automatic weapon;

- (iv) any shotgun;
- (v) any device for illuminating a target or any sighting device for night shooting;
- (vi) any form or artificial lighting or any mirror or other dazzling device;
- (vii) any gas or smoke not falling within paragraphs (a) or (b);
- (viii) any chemical wetting agent; or
- (ix) any live animal or bird;
- (d) uses as a decoy, for the purpose of killing or taking any wild bird, any sound recording or any live bird or other animal whatever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured; or
- (e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or taking that bird,

he shall be guilty of an offence.

- (2) The Governor may by order, either generally or in relation to any kind of wild bird specified in that order, amend subsection (1) by adding any method of killing or taking wild birds, or by omitting any such method which is mentioned in that subsection.
- (3) In any proceedings under subsection (1)(a), it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking, in accordance with a licence granted under section 13, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to wild birds.

Sale etc. of wild or dead wild birds, egg etc.

- 6.(1) Subject to the provisions of this Part, if any person—
 - (a) sells, offers or exposes for sale, or has in his possession or transports the purpose of sale, any live wild bird or an egg of a wild bird or any part of such an egg; or

This version is out of date

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

- (2) Subject to the provisions of this Part, if any person shows or causes or permits to be shown for the purposes of any competition or in any premises in which a competition is being held—
 - (a) any live wild bird; or
 - (b) any live bird one of whose parents was such a wild bird,

he shall be guilty of an offence.

- (3) In this section "wild bird" does not include any bird which is shown—
 - (a) to have been bred in captivity; or
 - (b) to have been imported into Gibraltar in accordance with the requirements of any other Act.

Protection of captive birds.

- 7.(1) If any person keeps or confines any bird whatever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence.
- (2) Subsection (1) does not apply to poultry, or to the keeping or confining of any bird-
 - (a) while that bird is in the course of conveyance, by whatever means:
 - (b) while that bird is being shown for the purpose of any public exhibition or competition, if the time during which the bird is kept or confined for those purposes, does not in the aggregate exceed 72 hours; or
 - (c) while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner.
 - (3) Every person who-
 - (a) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatever at or in the course of which

captive birds are liberated by hand or by any other means whatever for the purpose of being shot immediately after their liberation; or

(b) being the owner or occupier of any land, permits that land to be used for the purposes of such an event,

shall be guilty of an offence.

Protection of certain wild animals.

- 8.(1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal of a kind specified in Schedule 1, he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal of a kind specified in Schedule 1, or any part of, or anything derived from, such an animal, he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) if he shows that-
 - (a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or
 - (b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.
 - (4) Subject to the provisions of this Part, if any person intentionally—
 - (a) damages or destroys, or obstructs access to, any structure or place which any wild animal of a kind specified in Schedule 1 uses for shelter or protection; or
 - (b) disturbs any such animal while it is occupying the structure or place which it uses for that purposes,

he shall be guilty of an offence.

- (5) Subject to the provisions of this Part, if any person—
 - (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal (other than such an animal shown to have been imported into

Gibraltar in accordance with the provision of any other relevant law) of a kind specified in Schedule 1, or any part of, or anything derived from, such an animal; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(6) In any proceedings for an offence under subsections (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Exceptions to section 8.

- 9.(1) Nothing in subsection (4) of section 8 shall make unlawful anything done within a dwelling house.
- (2) Notwithstanding anything in section 8, a person shall not be guilty of an offence by reason of—
 - (a) the taking of any such animal if he shows that the animal had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;
 - (b) the killing of any such animal if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of it recovering; or
 - (c) any act made unlawful by that section if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.
- (3) Notwithstanding anything in section 8, a person licensed under section 13(2) shall not be guilty of an offence by reason of the killing or injuring of a wild animal of a kind specified in Schedule 1, if he shows that his actions are in accordance with the terms of that licence.

Prohibition of certain methods of killing or taking wild animals.

- 10.(1) Subject to the provisions of this Part, if any person—
 - (a) sets in position any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;

- (b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, any bow or crossbow, any sling or catapult, any explosive, and electrical device for killing or stunning, any seine or gill net, any pot or device for raking of sea-bed, any automatic or semi-automatic weapon, any shotgun, any device for illuminating a target or sighting device for night shooting, any form of artificial light or any mirror or other dazzling device or any gas or smoke;
- (c) uses as a decoy, for the purpose of killing or taking any wild animal, any live animal or bird whatever or any sound recording;
- (d) uses any mechanical propelled vehicle in immediate pursuit for the purpose of driving, killing or taking any wild animal; or
- (e) uses any live bird, mammal for the purpose of killing or taking any wild animal,

he shall be guilty of an offence.

- (2) Subject to the provisions of this Part, if any person sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal of a kind specified in Schedule 1 which comes into contact therewith, that is to say, any trap or snare or any poisonous, poisoned or stupefying substance, he shall be guilty of an offence.
 - (3) subject to the provisions of this Part, if any person—
 - (a) sets in position any snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith; and
 - (b) while the snare remains in position fails, without reasonable excuse, to inspect it, or cause it to be inspected, at least once every day,

he shall be guilty of an offence.

(4) The Governor may be order, either generally or in relation to any kind of wild animal specified in that order, amend sub-section (2) by adding any method of killing or taking wild animals, or by omitting any such method which is mentioned in that sub-section.

- (5) In any proceedings for an offence under this section the animal in question shall be presumed to have been a wild animal unless the contrary is shown.
- (6) In any proceedings for an offence under sub-section (2) it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking in accordance with a licence granted under section 13(2), any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to any wild animals of a kind specified in Schedule 1.

Protection of wild plants.

- 11.(1) Subject to the provisions of this Part, if any person intentionally picks, cuts, uproots ort destroys any wild plant (other than a plant specified in schedule (2) otherwise than in accordance with the licence granted under section 13 he shall be guilty of an offence.
 - (2) Subject to the provisions of this Part, if any person—
 - (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant (other than a plant specified in Schedule 2), or any part of, or anything derived from, such a plant; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

- (3) Notwithstanding anything in sub-section (1), a person shall not be guilty of an offence by reason of any act made unlawful by that sub-section if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.
- (4) In any proceedings for an offence under sub-section (1) or (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Introduction of new species.

12.(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Gibraltar in a wild state, he shall be guilty of an offence.

- (2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which does not ordinarily grow in the wild in Gibraltar, he shall be guilty of an offence.
- (3) Subject to sub-section (4), it shall be a defence to a charge of committing an offence under sub-section (1) or (2) to prove that the accused took all reasonable steps and exercised all diligence to avoid committing the offence.
 - (4) Where the defence provided by sub-section (3) involves an allegation that the commission of the offence was due to the act or default by another person, the person charged shall not, without leave of the Court, be entitled to rely on the defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

Power to grant licences.

- 13.(1) Sections 3,4,5,6(2) and 7 do not apply to anything done—
 - (a) for scientific or educational purposes;
 - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;
 - (c) for the purpose of conserving wild birds;
 - (d) for the purpose of tending a disabled wild bird and releasing it when no longer disabled;
 - (e) for the purposes of preserving public health or public or air safety;
 - (f) for the purpose for preventing the spread of disease;

if it is done under and in accordance with the terms of a licence granted by the Governor after consultation with the Nature Conservancy Council.

- (2) Sections 8(1), (2) and (4), 10(1) and (2) and 11(1) do not apply to anything done—
 - (a) for scientific or educational purposes;
 - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;

This version is out of date

- (c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;
- (d) for the purpose of preserving public health or public safety;
- (e) for the purpose of preventing the spread of disease;

if it is done under and in accordance with the terms of a licence granted by the Governor after consultation with the Nature Conservancy Council.

- (3) Subject to sub-section (4), a licence under the foregoing provisions of this section—
 - (a) may be, to any degree, general or specific;
 - (b) may be granted either to persons of a class or to a particular person;
 - (c) may be subject to compliance with any specified conditions;
 - (d) may be modified or revoked at any time by the Governor after consultation with the Nature Conservancy Council; and
 - (e) subject to paragraph (d), shall be valid for the period stated in the licence;

and the Governor may charge therefor such reasonable sum (if any) as he may determine.

- (4) A licence under sub-sections (1) or (2) which authorises any person to kill wild birds or wild animals shall specify the area within which the methods by which the wild bird or wild animals may be killed.
- (5) No licence may be grated under this section which may have the effect of causing the extinction in Gibraltar of any wild birds, wild animals or wild plants specified in Schedule 3.
- (6) A licence granted for the purpose of allowing disabled wild birds to be tended shall specify the arrangements to be made for registering with the Nature Conservancy Council any bird so tended and for recording the release or otherwise of such bird.
- (7) Notwithstanding the provisions of this section the Governor shall grant to a public officer such licence as may be necessary to enable that officer to carry out his duties under any other Act.

False statements made for obtaining a licence.

- 14. A person who, for the purposes of obtaining, whether for himself or another, the grant of a licence under section 13–
 - (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
 - (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular, shall be guilty of an offence.

Attempts to commit offences.

- 15.(1) Any person who attempts to commit an offence under the foregoing provisions of this Part, shall be guilty of an offence and shall be punishable in like manner as for the said offence.
- (2) Any person who for the purposes of committing an offence under the foregoing provisions of the Part, has in his possession anything capable of being used for committing the offence, shall be guilty of an offence and shall be punishable in like manner as for the said offence.

Enforcement.

- 16. If a Police officer or a person appointed for the purpose of enforcing this Act under section 21 suspects with reasonable cause that any person is committing or has committed an offence under this Part, the officer or person appointed may without warrant—
 - (a) stop and search that person;
 - (b) search or examine any thing or vehicle which that person may then be using or have in his possession;
 - (c) seize and detain for purposes of proceedings under this Part, anything which may be evidence of the commission of the offence or may be liable to be forfeited under section 17.

Penalties, forfeitures etc.

- 17.(1) Subject to sub-section (3), a person guilty of an offence under sections 3, 5, 6, 8, 10, 11 or 15 shall be liable—
 - (a) on summary conviction to a fine at level 5 on the standard scale or 6 months imprisonment or both; or

- (b) on conviction on indictment to imprisonment for 2 years and to a fine.
- (2) Subject to sub-section (3), a person guilty of an offence under sections 7, 12 or 14 shall be liable on summary conviction to a fine at level 4 on the standard scale or 6 months imprisonment or to both.
- (3) Where an offence to which sub-sections (1) or (2) applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.
- (4) The Court by which any person is convicted of an offence under this Part—
 - (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or thing in respect of which the offence was committed; and
 - (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 12, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.

PART IIINATURE CONSERVATION.

Areas of special interest protected for the purpose of nature conservation etc.

- 18.(1) Subject to the provisions of sub-section (3) where the Governor is of the opinion after consultation with the Nature Conservancy Council that an area of land not being a European site is of special interest—
 - (a) by reason of any of its flora, fauna or geological or physiographical features;
 - (b) by reason of being the habitat of any wild bird, wild animal of a kind specified in Schedule 1 or wild plant (other than a plant specified in Schedule 2);
 - (c) for the purpose of securing the survival in Gibraltar of any kind of wild bird, wild animal of a kind specified in Schedule 1 or wild plant (other than a plant specified in Schedule 2);

- (d) for the purpose of complying with any international obligation;
- (e) for the purpose of providing under suitable conditions and control, special opportunities for the study of, and research into, matters relating to flora and fauna and the physical conditions in which they live, or the study of geological and geophysical features of special interest in the area,

he may by order designate that area to be a nature conservation area.

- (2) Subject to the provisions of sub-section (3), where the Governor is of the opinion after consultation with the Nature Conservancy Council that any land covered (continuously or intermittently) by waters or parts of the sea within territorial waters is of special interest for the purpose of—
 - (a) conserving marine flora or fauna or geological or physiographical features of special interest in the area;
 - (b) providing under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of geological and physiographical features of special interest in the area;
 - (c) for the purpose of complying with any international obligation;

he may by order designate such an area as a marine nature area.

- (3) No order shall be made under sub-sections (1) or (2) by the Governor in respect of any land being part of Crown Lands held in right of the Government of the United Kingdom without the consent first obtained of the Secretary of State.
- (4) Subject to sub-section (5) no person shall carry out on any land to which this sub-section applies any operation which—
 - (a) appears to the Governor to be likely to destroy or damage the flora, fauna, or geological or physiographical features by reason of which the land is land which paragraph (a) or, as the case may be, paragraph (b) of sub-section (1) applies; and
 - (b) is specified in the order applying this sub-section to the land.
- (5) Sub-section (4) shall not apply in relation to any operation carried out, or caused or permitted to be carried out, by the owner or occupier of the land—

- (a) one of them has, after the commencement date, given the Nature Conservancy Council notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out; and
- (b) the operation is carried out with the written consent of the Nature Conservancy Council.
- (6) The Governor may, after consultation with the Nature Conservancy Council, make regulations for the protection of any area designated as a marine nature area under sub-section (2) and without prejudice to the generality of the foregoing such regulations may provide—
 - (a) for prohibiting or restricting, either absolutely or subject to any exceptions—
 - (i) the entry into or movement within the area of persons and vessels;
 - (ii) the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the area, or the doing anything therein which will interfere with the sea bed or damage or disturb any object in the area; or
 - (iii) the depositing of rubbish in the area;
 - (b) for the issue, on such terms and subject to such conditions as may be specified in the regulations, of permits authorising entry into the area or the doing of anything which would otherwise be unlawful under the regulations; and
 - (c) may be so made as to apply either generally or with respect to particular parts of the area or particular times of the year.
- (7) Nothing in the regulations made under sub-section (6) shall
 - (a) prohibit or restrict the exercise of any right of passage by a vessel other than a pleasure boat; or
 - (b) prohibit, except with respect to particular parts of the area at particular times of the year, the exercise of any such right by a pleasure boat.
- (8) Nothing in regulations made under sub-section (6) shall make unlawful—

- (a) anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;
- (b) anything done more than 30 metres below the sea bed; or
- (c) the exercise by a relevant authority of any powers given to that authority under any enactment.
- (9) In this section "vessel" includes a hydrofoil, hovercraft and any aircraft capable of landing on water and "pleasure boat" shall be construed accordingly.
- (10) References in this section to birds, animals or plants of any description include references to eggs, seeds, spores, larva or other immature stages of birds, animals or plants of that description.

Penalties etc. in relation to nature conservation areas and marine nature areas.

- 19.(1) A person who, without reasonable excuse, contravenes sub-section (4) of section 18, shall be liable—
 - (a) on summary conviction to a fine at level 4 on the standard scale or 3 months imprisonment or both;
 - (b) on conviction on indictment to 2 years imprisonment and a fine.
- (2) Where an operation in respect in respect of which a person is convicted of an offence under sub-section (1) has destroyed or damaged any part of the flora, fauna, or geological or physiographical features by reason of which the land on which it was carried out is of special interest, the Court by which he is convicted, in addition to dealing with him in any way, may make an order requiring him to carry out, within such period as may be specified in the order, such operations for the purpose of restoring the land to its former condition as may be so specified.
- (3) In the case of an order under sub-section (2) made by the Magistrates' Court, the period specified in the order shall not begin to run—
 - (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against the decision of the Magistrates' Court;
 - (b) where notice of appeal is given within the period so prescribed, until the determination of the appeal.

- (4) At any time before an order under sub-section (2) has complied with or fully complied with, the Court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the Court that a change in circumstance has made compliance or full compliance with the order impracticable or unnecessary.
- (5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction—
 - (a) to a fine at level 4 on the standard scale or 3 months imprisonment or both; and
 - (b) in the case of a continuing offence, to a further fine not exceeding one tenth of the maximum fine under (a) above for each day during which the offence continues after conviction.
- (6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the Nature Conservancy Council may enter the land and carry out these operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.
- (7) Regulations made under section 18(6) may provide, in relation to offences created by those regulations—
 - (a) on summary conviction for a fine not exceeding the maximum fine at level 4 on the standard scale and a period of imprisonment not exceeding 3 months;
 - (b) on conviction on indictment for a period of imprisonment not exceeding 2 years and a fine.

PART IV MISCELLANEOUS

Nature Conservancy Council.

- 20.(1) It shall be the duty of the Nature Conservancy Council to' advise the Governor—
 - (a) on any question which he may refer to it; and
 - (b) on any question on which it considers it should offer its advice,

and shall provide such advice—

- (a) in connection with the administration of this Act; and
- (b) generally in connection with the protection and survival in Gibraltar of wild birds, wild animals and wild plants and the protection of areas of special interest.
- (2) The Nature Conservancy Council may publish reports relating to the performance of its duties under this Act.

Wildlife Warden.

- 21.(1) The Governor may, after consultation with the Nature Conservancy Council appoint by notice any person to be a Wildlife Warden or an honorary Wildlife Warden for the purposes of this Act.
- (2) The Governor may make regulations for the purpose of determining the powers and duties of any person appointed under sub-section (1).

Offences by bodies corporate etc.

- 22.(1) Where body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who is purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of the body corporate are managed by its members, sub-section (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Amendment of Schedules.

23. The Governor may, after consultation with the Nature Conservancy Council vary by order any Schedule to this Act.

Regulations.

24. The Governor may, after consultation with the Nature Conservancy Council, make regulations for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing such regulations may provide for—

This version is out of date

- (a) fees or charges payable in respect of any application, licence or other document under this Act, or any other matter in the administration of this Act;
- (b) the forms or contents of applications, licences, registers and other documents required for the purposes of this Act;
- (c) the procedure to be followed for the establishment of a nature conservation area or a marine nature area;
- (d) the protection and regulation of (subject to the provisions of section 18) nature conservation areas and marine nature areas;
- (e) the powers and functions of Wildlife Wardens appointed under section.22;

SCHEDULE 1.

Section 8

SPECIFIED WILD ANIMALS

NAME
MAMMALIA
MAMMALS
Insectivora
Erinaceidae
Talpidae
Soricidae

COMMON NAME
MAMMALS
Insectivores
hedgehogs
moles
shrews

ChiropteraBatsall speciesall species

PrimatesApes & monkeysMacaca sulvanusBarbary Macaque

CarnivoraCarnivoresVulpes vulpesRed Fox

Rodentia Rodents

Eliomys quercinus Garden dormouse

Lagomorpha Rabbits & hares

Oryctolagus cuniculus Rabbit

PinnipediaSealsMonachus monachusMonk Seal

Cetacea Whales, porpoises and dolphins

all species all species

AMPHIBIANS all species all species

REPTILIA REPTILES all species all species

PISCES FISH
Hippocampus spp. seahorses
Syngnathus spp. pipefish
Thalassoma spp. Turkish wrasse
Blennius spp, blennies
Gobius spp. gobies

This version is out of date

Chromogobius spp. gobies
Thorogobius spp. gobies

INSECTA INSECTS

LepidopteraButterflies and MothsIphiclides podalinusScarce SwallowtailEuchloe tagisPortuguese Dappled WhiteAnthocaris beliaMorroco Orange Tip

Gonepterix rhamni Brimstone Danaus chryssipus Plain Tiger

Melanargria ines
Pyronia cecilia
Southern Gatekeeper
Strymonidia spini
Blue-spot Hairstreak
Tomares ballus
Provence Hairstreak
Zizeenia knysna
Carcharodus alceae
Mallow Skipper

Spialia sertorius Red Underwing Skipper
Gegenes nostrodamus Mediterranean Skipper
Borbo borbonica Zeller's Skipper
Zygaena fausta gibraltarica Bibraltar Burnet Moth

DictyopteraMantidsall speciesall species

ARACHNIDA SPIDERS

Macrothele calpetana Gibraltar Funnel-web Spider

CRUSTACEA CRUSTACEANS
Lepas anatifera Goose Barnacle
Maja spp. spider crabs.

CHILOPODA CENTIPEDES & MILLIPEDES Scholopendra cingulatus

MOLLUSCA

Bivalvia

Bivalves

Bivalves

Atrina pectinata Brittle Pen Shell
Pinna nobilis Noble Pen Shell
PINNA RUDIS Rough Pen Shell

GastropodaGastropodsHaliotis tuberculataSea Ormer

Patella ferruginea Ribbed Mediterranean Limpet

Monodonta spp. toothed topshells Jujubinus spp. top shells

Jujubinus spp. top shells
Gibbula spp. top shells
Acicula norrisi

Thais haemastoma Rock Shell Aplysia spp. sea hares

Onchidella celtica

Lauria cylindracea Chrysalis Snails

Truncatellina cylindrica Cylindrical Whorl Snail

Pyramidula rupestris Rock Snail

Chondrina calpica Granopupa granum Ferussacia follicula

Charonia spp. tritons
Epitonium spp. wentletraps
Trivia spp. cowries
Cypraea spp. cowries

Mitra zonata Zoned Mitre Shell Bolinus brandaris Purple Dye Murex Hexaplex trunculus Banded Murex

Cecilioides spp.

Testacella maugei Mauge's slug Vitrea contracta Glass Snail

Oxychilus draparnaudi Oxychilus hudatinus Parmacella valencienii

Milax nigricans
Deroceras ponsonbyi
Trichia hispida
Black slug
Ponsonbyi's slug
Hairy snail

Helicella apicina Helicella conspurcata

Candidula intersecta Wrinkled snail
Cernuella virgata Striped snail
Cochlicella acuta Pointed snail

Caracollina lenticula Osteophora calpeana

Cumbium olla

CephalopodaCephalopodsArgonauto argoPaper NautilusEledone spp.Lesser Octopus

ECHINOIDEA SEA URCHINS Echinus actutus Common Sea Urchin

ANTHOZOA ANEMONES, CORALS,

Madreporaria

Balanophyllia regiaRegal CoralClodocora cespitosaCarpet CoralDendrophyllia rameaYellow Coral

Lophelia pertusa coral

This version is out of date

Leptopsammia pruroti Yellow Cup Coral

Astroides calcycularis Star Coral

Alcyonacea

Alcyonium palmatum Deadman's fingers

Parerythropodium corralloides soft coral

Gorgonacea

Eunicella cavolinii Yellow Gorgonian Eunicella clavata Violet Sea Whip

Eunicella singularis gorgonian

Eunicella verrucosa White Gorgonian

Corallium rubrum Red Coral

SCHEDULE 2

Section 11

Name Common Name

GYMNOGRAMMACEAE

Anogramma leptophylla Annual Gymnogram

ASPLENIACEAE

Ceterach offifinarum Rusty-back Fern

Asplenium trichomanes Maidenhair Spleenwort

POLYPODIACEAE

Polypodium australe Southern Polypody

EPHEBRACEAE

Ephedra tragilis Joint Pine

MORACEAE

Ficus carica Fig

URTICACEAE

Nettle

Pellitory-of-the-wall

Urtica dubia Parietaria diffusa Parietaria lusitanica

SANTALACEAE

Osyris quadripartita

ARISTOLOCHIACEAE

Aristolochia baetica Pipe Vine

POLYGONACEAE

Polygonum aviculare Common Knotgrass

Rumex intermedius Emex spinosa

CHENOPODIACEAE

Beta vulgaris Bee

 $Chenopodium\ ambrosioides$

Chenopodium murale Nettle-leaved Goosefoot

Chenpodium album Fat Hen

AMARANTHACEAE

amaranthus blitoides

amaranthus lividus

Achyranthes

NYCTAGINACEAE

Mirabilis jalapa Four o'clock Plant

AIZOACEAE

Carpobrotus edulis Hottentot Fig

CARYOPHYLLACEAE

Arenaria leptoclados Lersser Thyme-leaved Sandwort

Minuartia hybrida Fine-leaved Sandwort

Stellaria media Chickweed
Stellaria pallida Lesser Chickweed

Cerastium glomeratum Sticky Mouse-ear Chickweed

Sagia apetala Common Pearlwort

Paronychia argentea

This version is out of date

Herniaria lusitanciaCiliate Rupture-wortPolycarpon tetraphyllumFour-leaved All-seed

Spergularia marina Silene obtusifolia Silene obtusifolia Silene colorata

Pink Mediterranean Catchfly

Silene nocturna

RANUNCULACEAE

Clematis cirrhosaVirgin's BowerRanunculus bullatusBullate ButtercupRanunculus paludosusFan-leaved Buttercup

PAPAVERACEAE

Papaver rhoeas Corn Poppy

Glaucium flavumYellow Horned PoppyFumaria capreolataRamping Fumitory

Fumaria sepium

CRUCIFERAE

Sisymbrium officinaleHedge MustardCardamine hirsutaHairy BittercressLobularia maritimaSweet AlisonBiscutellaBucklet Mustard

Diplotaxis siifolia

Hirschfeldia incana Hoary Mustard

Cakile maritimaSea RocketRaphanus raphanistrumWild Raddish

RESEDACEAE

Reseda luteola Dyers Rocket
Reseda alba Upright Mignonette

CRASSULACEAE

Umbilicus rupestris Wall Pennywort

Umbilicus horizontalis Sedum sediforme

Sedum album White Stonecrop

Sedum rubens

ROSACEAE

Rubus ulmifolius

Sanguisorba minor Salad Burnet

LEGUMINOSAE

Albizia lophantha

Calicotome villosa Thorny Broom

Teline linifolia Astragalus boeticus

Psoralea bituminbsa Pitch Trefoil

Vicia tenuifolia Slender-leaved Tufted Vetch

Vicia sativa Common Vetch
Vicia lutea Yellow Vetch

Lothyrus clymenum

Pisum sativum Pea

Ononis reclinata Small Restharrow

Ononis viscosa

Melilotus indica Small-flowered Melilot

Medicago truncatula Vedicago littoralis

Medicago polymorphaHairy MedickTrifolium glomerdtumClustered CloverTrifolium tomentosumWooly TrefoilTrifolium campestreHop TrefoilTrifolium scabrumRough TrefoilTrifolium stellatumStar Clover

Lotus edulis

Lotus ornithopodioides

Lotus corniculatus

 Lotus creticus
 Southern Birdsfoot Trefoil

 Coronilla valentina
 Shrubby Scorpion Vetch

Birdsfoot Trefoil

Hippocrepis Scorpiurus

OXALIDACEAE

Oxalis pes-caprae Bermuda Buttercup

GERANICAEAE

Geranium rutundifoliumRound-leaved CranesbillGeranium molleDovesfoot CranesbillGeranimu purpureumLesser Herb RobertErodium laciniatum

Erodium malaciodes Soft Storksbill
Erodium moschantum Musk Storksbill

TROPAEOLACEAE

Tropaeolum majus Nasturtium

LINACEAE

Linum strictum Upright Yellow Flax

EUPHORBIACEAE

Mercurialis annua Actual Mercury

Euphorbia squamigera Euphorbia terracina Euphorbia peplus Euphorbia medicaginea

Malva hispanica

RUTACEAE

Ruta angustifolia Fringed Rue

ANACARDIASEAE

Pistacia terebinthus Terebinth; Turpentine Tree

Pistacia lentiscus Lentisc

Schinus molle Californian Pepper Tree

RHAMNACEAE

Rhamnus alaternus Mediterranean Buckthorn

MALVACEAE

Malva sylvertisCommon MallowLavatera creticaSmaller Tree Mallow

CUCURBITACEAE

Ecballium elaterium Squirting Cucumber

CACTACEAE

This version is out of date

Opuntia fleus-indiea Prickly Pear

Opuntia tuna

MYRTACEAE

Eucalyptus camaldulensis Red Gum
EucalyptuS globulus Blue Gum

THELIGONACEAE

Theligonum cynocrambe

ARALIACEAE

Hedera helix Ivy

UMBELLIFERAE

Smyrnium olusatrumAlexandersCrithmum maritimumRock SamphireFoeniculum vulgareFennel

Kundmannia sicula
Elaeoselinum foetidum
Thapsia villosa
Torilis arvensis

Daucus carota

orilis arvensis Spreading Hedge Parsley

Wild carrot

PRIMULACEAE

Anagallis arvensis Pimperrnel

OLEACEA

Jasminum fruticans

Jasminum fruticansWild JasmineOlea europaeaOlive

GENTIANACEAE

Blackstonia perfoliata Yellow Wort
Centaurium erythraea Common Centaury

APOCYNACEAE

Vinca difformis Intermediate Periwinkle

RUBIACEAE
Shersrdia arvensis Field Madder
Galium aparine Cleavers

Galium verrucosum Galium murale Valantina muralis

Rubia peregrina Wild Madder

CONVOLVULACEAE

Convolvulus arvensis Field Bindweed

Convolvulus althaeoides Mallow-leaved Bindwood

BORAGINACEAE

Heliotropium eurooaeum

Echium creticum

Borago officinalis Borage

VERBENACEAE

Limtana camara

LABIATAE

Teucrium fruticansTree GermanderTeucrium poliumFelty Germander

Prasium majus
Phlomis purpurea
Calamintha sylvatica

lomis purpurea Purple Jerusalem Sage

Calamintha sylvatica Micromeria graeca

Rosmarinus officinalis Rosemary

Lavandula dentata Toothed Lavender

SOLANACEAE

Solanum luteum luteum Solanum luteum alatum Solanum sodomagum

Solanum sodomaeum False Sodom

Nicotiana glauca Apple Shrub Tobacco

SCROPHULARIACEAE

Snapdragon

Antirrhinum majus cirrhigerum Antirrhinum majus tortuosum

Antirrhinum majus tortuosum Snapdragon

Misopates orontium Weasel's Snout

Linaria amethystea

Cymbalaria muralis

Veronica cymbalaria

Ivy-leaved Toadflax

Pale Speedwell

Veronica arvensis Wall Speed well

ACANTHACEAE

Acanthus mollis Bear's Breech

OROBANCHACEAE

Orobanche ramosaBranched BroomrapeOrobanche minorLesser Broomrape

Orobanche crenata
Orobanche sanguinea

PLANTAGINACEAE

Plantago coronopusBuckshorn PlantainPlantago lagopusHaresfoot PlantainPlantago afraBranched Plantain

CAPRIFOLIACEAE

Lonicera implexa Honeysuckle

VALERIANACEAE

Fedia cornucopiae Centranthus calcitrapae

Centranthus ruber Red Valerian

DIPSACACEAE

Scabiosa atropurpurea Mournful Widow

CAMPANULACEAE

Campanula erinus Annual Bellflower

COMPOSITE

Aster squamatus
Conyza albida
Conyza bonariensis
Helichrysum rupestre
Phagnalon saxatile

Dittrichia viscosa Aromatis Inula

Pallenis spinosa

Asteriscus maritimus Sea Aster
Chrysanthemum coronarium Crown Daisy

Senecio bicolor Silver Ragwort; Cineraria

Senecio vulgaris Groundsel

Calendula suffruticosa

Calendula arvensis Marigold

This version is out of date

Carlina corymbosa Flat-topped Carline Thistle

Carduus tenuiflorus Galactites tomentosa Centaurea sonchifolia

Centaurea melitensis Maltese Star Thistle

Centaurea pullata
Carthamus arborescens

CHICORIOIDEAE

Scolymus hispanicus Spanish Oyster Plant

Hyoseris radiata
Hedypnois arenaria
Urospermum picroides
Reichardia picroides
Reichardia intermedia
Lenotondon taraxacoides
|Aetheorhiza bulbosa
Sonchus oleraceus

Sonchus oleraceus Common Sow-Thistle

Sonchus tenerrimus Lactuca tenerrima Andryala intergrifolia

LILIACEAE

Asphodelus albus White Asphodel
Asphodelus ramosus Asphodel

Aloe arborescens
Colchicum lusitanum

Urginea maritimaSea SquillAllium roseumRose GarlicAllium triquetrumTriquetous GarlicAllium ampleoprasumWild LeekAllium sphaerocephalonRound-heated Leek

Nothoscoredum inordorum

Asparagus albus Spiny asparagus

Ruscus hypophyllum

Smilax aspera Smilax

AMARYLLIDACEAE

Narcissus papyraceus Paper-white Narcissus

DIOSCOREAGEAE

Tamus communis Black Bryony

IRIDACEAE

Iris germanicaFleur-de-LisGynandriris sisyrinchiumBarbary NutFreesia refractaFreesia

Gladiolus communis

GRAMINEAE

Lolium multiflorum Italian Rye Grass

Vulpia geniculata Vulpia ciliata

Desmazeria rigida Hard Poa

Desmazeria marinaStiff Sand-grass; Darnel PoaPoa annuaAnnual Meadow-grass

Poa infirma

Dactyllis glomerata Cacosfoot

Melica minuta

Bromus diandrus Freat Brome
Bromus madritensis Compact Brome

Brachypodium distachion Trisetum paniceum

Elymus farctus farctus x Hybrid Sea Couch

Elymus repens

Triticum aestivum Bread Sea Couch

Hordeum murinum

Avena barbata Bread Wheat
Avena sterilis Wall Barley

Lagurus ovatus

Piptatherum miliaceum Anumated Oat Piptatherum coerulescens Hare's Tail

Stripa tenacissima

Arundo donax Giant Reed; Cane
Cynodon dactylon Bermuda Grass

Panicum repens Hyparrhenia hirta

Phalaris canareinsisCanary GrassDigitaria sanguinalisHairy Finger-grass

ARACEAE

Arisarum vulgare Friar's Cowl

CYPERACEAE

Cyperus rotundus

This version is out of date

SCHEDULE 3.

Wild Birds, Wild Animals and Wild Plants in respect of which no licence shall be issued under section 13 which may result in the extinction in Gibraltar of that wild bird, wild animal or wild plant.

Name Common Name

Phalacrocorax aristotelis desmarestii Western Mediterranean Shag

Falconiformes anmy bird of prey
Alectoris barbara Barbary Partridge

Tytonidae and Strigiade any owl
Vulpes vulpes Red Fox

Macaca sylvanusBarbary macaqueAcicula norris(Gibraltar endemic snail)Osteophora calpeana(Gibraltar endemic snail)Cecilioides spp.(Gibraltar endemic snail)Macrothele calpetanaGibraltar Funnel-web Spider

 Cerastium gibraltaricum
 Gibraltar Chickweed

 Silene tomentosa
 Gibraltar Sea Champion

 Iberis gibraltarca
 Gibraltar Candytuft

 Saxifraga glodulifera
 Gibraltar Saxifrage

 Ononis natrix
 Gibraltar Restharrow

Ononis natrixGibraltar RestharrowLimonium emarginatumGibraltar Sea LavenderThymus wildenowiiGibraltar Thyme

Petroselinum crispum Parsley

Ferula tingitana Giant Tangier Fennel

Succowia balearica