

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4566 of 11 April, 2019

LEGAL NOTICE NO.084 OF 2019.

INTERPRETATION AND GENERAL CLAUSES ACT

NATURE PROTECTION ACT 1991 (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred on it by section 23(g)(ii) of the Interpretation and General Clauses Act and for the purposes of further transposing into the law of Gibraltar Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Nature Protection Act 1991 (Amendment) Regulations 2019.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment of Act.

3.(1) The Nature Protection Act 1991 (“the Act”) is amended in accordance with the provisions of this regulation.

(2) In section 17Q of the Act-

- (a) in the heading of the section for “marine site” substitute “site and European marine site”;
- (b) in subsection (1) after “European” insert “site or a European”;
- (c) substitute subsection (2) with “As soon as possible after a site becomes a European site or a European marine site, the Minister shall establish the conservation objectives for that site.”;
- (d) after subsection (2) insert-

“(3) The Minister shall, by notice in the Gazette, indicate the Government’s website at which the conservation objectives referred to in subsection (2) can be accessed.

(4) The Minister shall, by notice in the Gazette, notify the public of any update to the Government’s website at which the conservation objectives referred to in subsection (2) can be accessed.”.

(3) In section 17R of the Act-

(a) in the section heading for “a management scheme” substitute “management plans” and for “Marine Site” substitute “sites and European marine sites”;

(b) in subsection (1) for “may by notice in the Gazette establish management plans for a European marine site” substitute “shall, in view of the site’s conservation objectives established in accordance with Section 17Q.(2), establish management plans for a European site or a European marine site”;

(c) in subsection (2)-

(i) for “scheme” substitute “Minister” and remove the words “,in particular”;

(ii) in paragraph (a) for “scheme” substitute “plans”;

(iii) in paragraph (b) after the words “to be taken;” insert the word “or”;

(iv) in paragraph (c) for “scheme” substitute “plans” and substitute the words “in the notice” for “to them”;

(d) substitute subsection (3) with-

“The plans may, in particular-

(a) establish necessary conservation measures for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of species for which the site is designated; and

(b) list the steps that will be taken with respect to the site to avoid the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the site is designated.”;

(e) after subsection (3) insert-

“(4) The Minister shall, by notice in the Gazette, indicate the Government website at which the management plans referred to in subsection (1) can be accessed.

(5) The Minister may amend a management plan for a European site or a European marine site either generally or in any particular respect.

- (6) When the Minister amends a management plan for a European site or a European marine site, the Minister shall, by notice in the Gazette, indicate the Government website at which the management plans amended in accordance with subsection (4) can be accessed.
- (7) The Minister shall, by notice in the Gazette, notify the public of any update to the Government's website at which the management plans established in accordance with subsection (1) or updated in accordance with subsection (5) can be accessed."

Dated 11th April, 2019

PROF J CORTES,
for the Government

EXPLANATORY MEMORANDUM

These regulations amend the Nature Protection Act 1991 in order to further transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.