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**NATURE CONSERVATION AREA  
(UPPER ROCK NATURE RESERVE) (PROTECTION AND  
REGULATION) REGULATIONS, 1993**

**Subsidiary  
1993/052**

*This version is out of date*

Regulations made under section 21 and 24.

**NATURE CONSERVATION AREA (UPPER ROCK  
NATURE RESERVE) (PROTECTION AND  
REGULATION) REGULATIONS, 1993**

**(LN. 1993/052)**

**1.4.1993**

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**ARRANGEMENT OF REGULATIONS.**

Regulation

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4. Use of vehicles etc.
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*In exercise of the powers conferred on me by sections 21 and 24 of the Nature Protection Act 1991, and after consultation with the Nature Conservancy Council, and of all other enabling powers, I have made the following regulations-*

**Title and commencement.**

1. These regulations may be cited as the Nature Conservation Area (Upper Rock Nature Reserve) (Protection and Regulation) Regulations 1993 and shall come into effect on the 1st day of April 1993.

**Interpretation and application.**

2.(1) In these regulations, unless the context shall otherwise require,-

"Authority" means the Government or such undertaking as may be appointed by the Government from time to time to be the Authority;

"domestic livestock" means any animal whether kept for commercial purposes or for pleasure which is or may be a source of food and includes poultry;

"flying machine" includes hang gliders, microlites and remote control model flying machines;

"protected plant" means any wild plant other than a plant specified in Schedule 2 of the Nature Protection Act 1991;

"permitted route" means the roads specified by the Authority by a notice displayed in the Reserve and shall not include paths;

"Reserve" means the Nature Conservation Area designated in the Nature Conservation Area (Upper Rock) Designation Order 1993;

"vehicle" includes pedal cycles and motor cycles.

(2) The provisions of section 2 of the Nature Protection Act 1991 shall be applied to these regulations.

**Access.**

3.(1) No person shall enter or remain in the Reserve between sunset and sunrise except with the prior written consent of the Authority to do so

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which consent may specify the part or parts of the Reserve that that person may enter or remain in.

(2) A person to whom written consent has been given in accordance with sub-regulation (1) shall not enter or remain in any part of the Reserve except the part or parts of the Reserve specified in such consent.

(3) The Authority may, in its discretion and for the purpose of the good management of the Reserve, close or restrict access to any part of the Reserve or to any road or path in the Reserve.

(4) Where, in exercise of its powers under sub-regulation (3), the Authority has restricted or closed any part of the Reserve or any road or path, the Authority shall place signs indicating-

- (a) the area to which the closure or restriction applies;
- (b) whether or not the area is closed or if access is restricted, the nature of the restriction;
- (c) the period of time for which the closure or restriction is in operation.

(5) Where, in accordance with the provisions of this regulation, the Authority has closed or restricted access to any area, road or path in the Reserve, no person shall enter in that area or onto the road or path or into the road or path in contravention of the restriction, as the case may be.

## **Use of vehicles etc.**

4.(1) No vehicle shall be used in the Reserve except on permitted routes or with the prior written consent of the Authority.

(2) No person shall use a flying machine in the Reserve.

(3) No person shall ride a horse or donkey or any other animal in the reserve, or use any animal-drawn transport.

(4) No vehicle shall be parked in the Reserve except in an area designated for this purpose by the Authority.

## Nature Protection

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### Protection of wild life.

5.(1) No person shall, without the prior written consent of the Authority, in the Reserve,-

- (a) hunt, shoot or capture wild life by means except in accordance with a licence granted under the Act;
- (b) take into or use firearms or other weapons, traps or snares;
- (c) enter in to any cave or tunnel used as a roost by bats;
- (d) uproot or damage trees or plants or pick any protected plant;
- (e) collect or use any wildlife product;
- (f) graze or permit to graze any domestic livestock;
- (g) plant or grow any plant which, in the view of the Authority, is undesirable in the Reserve;
- (h) introduce any animal or plant which is of a kind which is not ordinarily resident or is not a regular visitor to Gibraltar in a wild state or does not grow in the wild in Gibraltar, as the case may be;
- (i) feed any wild animal in the Reserve;
- (j) disturb any wild animal or wild bird in the Reserve;
- (k) climb or use climbing equipment on any cliff in the Reserve;

(2) Subject to the provisions of sub-regulations (3) and (4), no animal other than a wild animal, may be taken into or kept in the Reserve.

(3) Any person resident in the Reserve or having the exclusive use of property in the area of the Reserve, may apply for a licence to take into the Reserve, an animal other than a wild animal.

(4) A dog which is displaying a current licence disc issued in accordance with the Animals and Birds Act may be taken into any part of the Reserve

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except a part from which by a notice displayed in the Reserve the Authority has excluded-

- (a) dogs; or
- (b) dogs unless kept on lead, unless kept on a lead.

(5) Where a person has made an application under sub-regulation (3), the Authority shall grant the application subject to such conditions as to the safe keeping of the animal as in the view of the Authority are necessary to protect the Reserve, unless the Authority is satisfied that because of the species of the animal or the nature of the particular animal or the circumstances of the location in which it is proposed to keep the animal, it would endanger the wild animals, wild birds or wild plants of the Reserve if the application were to be granted.

## **Structures.**

6.(1) No person shall erect whether permanently or temporarily any structure which may obstruct the visibility of the Reserve or change the appearance of the Reserve except with the prior written consent of the Authority and subject to such conditions as the Authority may impose for the protection of the Reserve.

(2) No person shall damage or deface any structure including any natural structure in the Reserve.

## **Conduct of research in the Reserve.**

7. Scientific study may be undertaken in the Reserve-

- (a) with the prior written consent of the Authority and subject to such conditions as the Authority may impose for the purpose of protecting the Reserve;
- (b) subject to the requirement that-
  - (i) the results of such research shall be presented to the Authority;
  - (ii) specimens may only be collected with the prior written consent of the Authority.

## Nature Protection

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### Nuisances.

8. No person shall, in the Reserve,-

- (a) deposit litter or waste;
- (b) light a fire except-
  - (i) in an area designated for this purpose by the Authority; and
  - (ii) having previously received the consent in writing of the Authority;
- (c) use a radio, television, cassette or disc player except where such equipment is fitted with headphones and is operated in such a manner as to be inaudible to any person other than the person wearing the headphones:

Provided that a person who is resident in the Reserve or has the exclusive use of property in the area of the Reserve may use such equipment in the property in which he is resident or of which he has exclusive use in such a manner as not to cause disturbance outside the area of that property;

- (d) hawk or sell goods for gain unless having the prior written consent of the Authority and subject to such conditions as may be imposed in that consent;
- (e) camp or set up camping facilities except in an area designated for this purpose by the Authority and with the prior written consent of the Authority.

### Wild life wardens.

9.(1) Any person appointed as a Wild Life Warden in accordance with section 21 of the Nature Protection Act 1991, shall carry out such duties in the Reserve as the Authority shall specify and shall have the power, in the Reserve, to stop any person who, it appears to the wild life warden, has

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failed to comply with the requirements of these regulations and require that person to give to the warden details of the person's name and address evidenced by the production of an identity card or passport.

(2) Any wild life warden shall have, in the Reserve, the powers specified in section 16 of the Nature Protection Act 1991.

**Offences.**

10. Failure to comply with the provisions of these regulations, shall be an offence punishable on summary conviction by a fine at level 3 on the standard scale.