
Prime Minister

Minister for the Environment, Sustainable Development
and Climate Change

Chairperson,
Environment and Resources Authority

L.N. --- of 2018

**ENVIRONMENT PROTECTION ACT
(CAP. 549)**

Trees and Woodlands Protection Regulations, 2018

By virtue of the powers conferred by articles 54 and 55 of the Environment Protection Act 2016, the Minister for the Environment, Sustainable Development and Climate Change, after consultation with the Environment and Resources Authority, has made the following regulations:

Title

1. (1) The title of these regulations is the Trees and Woodlands Protection Regulations, 2018.

(2) Regulation 20 of these regulations shall come into force on such a date as the Minister responsible for the environment may by notice in the Gazette appoint.

Scope

2. (1) The objectives of these regulations are the protection of trees and woodlands in the Maltese Islands, their safeguarding, and the regulation of activities that may have an effect thereon.

S.L.549.64

(2) These regulations shall repeal and replace the Trees and Woodlands Protection Regulations, 2011. Notwithstanding this, any Tree Protection Areas previously declared under the Trees and Woodland Protection Regulations, 2011, shall remain in force and have effect as if entered into under regulation 7 of these Regulations.

PART I: INTERPRETATION AND ADMINISTRATION

Definitions

3. (1) In these regulations, unless the context otherwise requires:

Cap. 549

“Act” means the Environment Protection Act 2016;

“agricultural land” means arable land that is lawfully used for cultivation, and excludes any non-arable land or wild trees even if located within the confines of an agricultural holding;

“Authority” or “Competent Authority” means the Environment and Resources Authority as established in Article 6 of the Act;

“compensatory planting” means the planting or provision of one or more trees, as a replacement or compensation for other trees that have been, or will be, uprooted, felled, damaged or removed;

“director” means the director responsible for environment protection within the Authority or any person delegated or commissioned by the Director or otherwise acting lawfully on his behalf;

Cap. 433

“director responsible for plant health” means the director as defined in the Plant Quarantine Act or any person delegated or commissioned by the Director or otherwise acting lawfully on his behalf;

“green areas, and natural or rural/green enclaves in Urban Area (development zone)” means areas that are specifically zoned in the relevant approved Local Plan, or any planning scheme, as areas which are to remain free from built development, or which are to be safeguarded as elements of natural heritage, or as surviving countryside remnants, notwithstanding their location within the Urban Area (development zone boundary);

"horticulturally-grown trees" means planted trees that are grown through horticulture and in artificial environments such as agricultural land, private gardens, roadsides and paved areas, and excludes trees in protected areas or in areas outside the development zone growing in their natural environment, whether originally planted or not;

“licensing authority” means the authority or any other person delegated or commissioned by the authority to lawfully act on its behalf;

“licensed tree specialist” shall have the same meaning assigned to it in regulation 20;

“near any tree” means any area within a distance of five metres away from the circumference of the tree canopy or within the distance of ten metres away from the tree trunk, whichever is the larger;

"outside the development zone" or "ODZ" means land outside the boundary for development in a planning scheme or local plan;

“permit” means an authorisation to carry out a specific intervention, and does not include any licence or registration issued in terms of regulation 20;

“person” means any person, whether natural or legal, corporate or incorporate, and includes any person acting on his own behalf or under the instructions of any other person;

“poison” means any substance, or concentration of such substance, which is harmful to a specimen, and includes, but is not limited to, any application of such substance through injection, spraying, deposition or irrigation;

“primary branches” means branches originating from the main trunk or trunks of tree;

“protected area” means any area which is legally protected, scheduled or legally designated for conservation in view of its ecological, scientific or landscape-related value, in terms of the Environment Protection Act, 2016 or the Development Planning Act, 2016, as well as any site protected in terms of regulation 7;

“protected tree” means those trees falling under Schedule I;

“prune” or “pruning” means the cutting away of primary branches, secondary branches, offshoots, or suckers;

“Register” means the Register of Licensed Tree Specialists duly authorised to carry out interventions on trees;

"registered farmer" means a farmer registered with the Department of Agriculture;

“remove the bark” includes stripping off of the bark or part thereof, as well as ring-barking or girdling;

“secondary branches” means branches originating from the primary branches of the tree;

“site” includes a single property or more than one property, irrespective of who is the owner;

“specimen” means tree or parts of tree;

“surgical intervention” means any treatment required to save a tree from disease, mechanical damage, or structural collapse, as well as any treatment to prevent further deterioration of an already damaged tree;

“tree” means a perennial plant, whether dead or alive, which in its adult form has a main woody trunk or trunks and woody branches;

“tree protection area” shall have the meaning assigned to it in regulation 7 and includes any Tree Protection Areas declared through the Trees and Woodland Protection Regulations, 2011;

“tree preservation order” means any tree scheduled through a Notice in the Government Gazette issued through the provisions of the Development Protection Act, 1992;

“urban conservation area” or “UCA” means a historic area (village core) as identified in a planning scheme or local plan or other currently approved planning policies;

“urban public open space” includes roads, pavements, piazzas, public gardens, parks, cemeteries, roundabouts, central strips and other traffic islands, and ancillary landscaped areas;

“wild trees” means trees which are not horticulturally-grown;

“woodland” includes natural or semi-natural vegetation communities characterised by trees such as natural forest or woodland remnants, semi-natural woodland, primary and secondary maquis, coastal maquis, and riparian or rupestral copses.

Administration of these regulations

4. The Competent Authority shall be responsible for the administration, implementation, compliance assurance and enforcement of these regulations.

PART II: PROTECTION OF TREES AND WOODLANDS

Protected Trees and Woodlands

5. Trees, woodlands and sites indicated in Schedule I are protected.

Criteria for selection of important sites

6. The Authority shall compile a list of important sites that contain:
 - (a) characteristic Maltese woodland communities;
 - (b) trees or woodland communities which are rare, threatened, endangered or that have a reduced or restricted distribution in Malta;
 - (c) woodland habitats critical to the survival, reproduction and recovery of endangered, threatened, vulnerable or endemic flora and fauna;

(d) trees or woodland communities of scientific, ecological, aesthetic, historical, cultural, arboricultural, silvicultural, agricultural, educational or landscape interest;

(e) prominent landmark trees;

S.L.445.02

(f) historical trees listed in the List of Historical Trees having an Antiquarian Importance Order; or

(g) ex-situ live collections of rare, threatened or endangered specimens.

Provided that the Authority may establish an important site for any other specimen which merits protection.

Provided further that for the terms of this regulation trees can mean a single specimen.

Tree Protection Areas

7. (1) Any site selected by the Authority in line with the criteria established in regulation 6 may be designated as a Tree Protection Area.

Implementation

(2) The Authority shall publish the details of the site with boundaries clearly delineated on a map, in the Government Gazette and on the Authority's website. Such designated areas shall be protected in terms of the Act and shall be subject to any provisions the Authority deems fit.

Management of Protected Areas

(3) The Authority may prepare or delegate the preparation of guidance documents to secure the effective protection and conservation of such site.

(4) A protected area shall remain protected notwithstanding any deliberate or accidental cause whereby a protected area or its surroundings, or tree or part thereof, is destroyed, damaged or killed.

Integration into the National Ecological Network

S.L. 549.44

(5) Without prejudice to the Flora, Fauna and Natural Habitats (Protection) Regulations, any designated tree protection area shall also form part of the National Ecological Network.

Registered Index

8. The protected areas established by virtue of regulation 7 shall be registered in an index held for that purpose on the Authority's website.

PART III: TREES DETRIMENTAL TO BIODIVERSITY OR TO THE NATURAL ENVIRONMENT

Detrimental Trees

9. (1) Trees listed in Schedule II are deemed to be detrimental to the natural environment.
- (2) No person shall propagate, sow, plant, import, export, transport, sell, exchange or donate any specimen of species listed in Schedule II unless duly permitted.

Removal Orders

10. (1) The competent authority may, within such time as it determines, order any owner or occupier of a site in which any tree listed in Schedule II is sited to remove, uproot, kill or destroy any such tree, where such removal would, in the authority's opinion, constitute an environmental improvement.

(2) The Authority may request or issue a works method statement to ensure that an order issued under sub-regulation (1) is executed with minimal damage to biodiversity, to any building or structure worthy of retention or to the surrounding environment.

(3) The Authority may implement the required intervention, in part or in full, as it deems most appropriate, at the expense of the person who fails to comply with an order issued under sub-regulation (1).

(4) If the owner or occupier of the site where such tree is located is unknown, the Authority may publish the order in the Government Gazette and may implement the required intervention at its own expense after ninety (90) days from the publication of the order, without prejudice to its right to reclaim any expenses due in terms of sub-regulation (3) once such person is identified.

Provided that, in instances which require immediate action, the Authority may implement the required intervention, in part or in full as it deems most appropriate, without prejudice to its right to reclaim any expenses incurred once such person is identified.

Eradication, control and relocation programmes

11. (1) The Authority may implement, finance or commission projects or programmes on a national level or localised level for the eradication, control, removal or relocation of:
- (a) one or more species listed in Schedule II; or
 - (b) any other trees adversely affecting their surrounding environment.

(2) The Authority may also seek or require the participation or collaboration of other persons or institutions as it deems reasonable or necessary to this effect. Such projects and programmes shall duly take into account the wider environmental considerations pertinent to the sites in question, and may also include additional measures for the

prevention, remediation, mitigation or containment of the adverse environmental effects associated with such trees.

Staying or restriction of transportation, importation, possession, discarding or disposal of trees.

(3) Without prejudice to the powers and obligations vested in the Director responsible for Plant Health, the Authority may stop or restrict the transportation, importation, possession, discarding or disposal of trees which in its opinion may endanger the biological diversity of trees or woodlands in Malta, or may be detrimental in any way to the environment.

12. The provisions of Part III shall be applicable to the trees listed in Schedule II at all stages of growth.

PART IV: REGULATION OF ACTIVITIES

13. No person shall carry out or permit to carry out any activity which in the opinion of the Authority may be damaging to any specimen covered under Schedule I.

Prohibited intervention

14. No person shall, except with the prior permission of the Authority, fell, cut, remove the bark or leaves of, uproot, remove timber from, hard prune, poison, burn, affix anything to, pierce, saw or in any way destroy, kill, mutilate, destabilise or significantly damage, any tree, or part thereof if the specimen is listed in Schedule I.

Exceptions

15. (1) The provisions of regulation 14 shall not apply to the pruning of horticulturally-grown trees for the purpose of:
- (a) reviving already damaged trees, or preventing their further deterioration or improving their health;
 - (b) preserving their strength, enhancing their overall health, removing water sprouts or suckers, grafting, improving their fruit productivity or avoiding likely injury to persons or likely damage to property; or
 - (c) controlling growth for the purpose of avoiding the entry of mice or rats within a building. Provided that any branch or offshoot to be pruned must lie within not more than one and a half metres (1.5m) from such building and as long as the pruning does not affect the main trunk of the tree.

Provided that the actions are carried out in line with good practice, at the appropriate time of the year and as long as all necessary measures and precautions are taken to minimise any adverse effects.

Provided further that such intervention does not mutilate, deform, destabilise, kill, weaken or otherwise significantly affect the tree.

S.L.445.02

(2) The provisions of sub-regulation (1) do not apply to trees which fall under Table 1 of Part A of Schedule I and the trees falling under the List of Historical Trees having an Antiquarian Importance Order.

(3) In any event of doubt, disagreement, claim or contestation as to whether an action meets the criteria or requirements of sub-regulation (1) the onus lies with the person or entity carrying out or intending to carry out the action.

(4) Notwithstanding the provisions of sub-regulations (1), (2) and (3), if the Authority is of the opinion that the works may have unreasonable, unavoidable or unacceptable environmental impacts, or has reasonable doubts as to whether the criteria set out in sub-regulation (1) are duly satisfied, it may still intervene to:

- (a) prevent, restrict or stop works;
- (b) impose limitations, specifications, or conditions as relevant;
- (c) request further information, clarifications or evidence about the situation;
- (d) request clarifications about, or amend, the methodologies to be used;
- (e) require that the works be submitted for its prior authorisation, without prejudice to its eventual decision;
- (f) impose any remedial measures to prevent, limit, mitigate, reverse or offset any damage inflicted by works which are in progress or which have already been carried out; or
- (g) adopt a combination of the above-listed actions.

S.L.433.03

(5) The provisions of regulation 14 shall not apply to activities related to pruning, cutting, felling, treatment and, or destruction of any tree that harbours quarantine pests and diseases as listed in Schedules I and II of the Plant Quarantine (Harmful Organisms) Regulations, after written approval by the director responsible for plant health:

Provided that the tree does not fall under Table 1 of Part A of Schedule I.

Harmful, combustible or explosive substances

16. (1) No person shall dump, throw, pour, place, bury in the ground or deposit:
- (a) any biocide, defoliant, acid, alkali, saline water, or any poisonous, corrosive or growth-inhibiting chemical substance;
 - (b) any tyre, rubber or polystyrene;
 - (c) any fuel, or other combustible or explosive material; or
 - (d) refuse or other waste, rubble or scrap,
- near any protected tree or any protected area:

Provided that the Authority may authorise the use of substances prohibited by paragraph (a) or any other treatment for weeding or surgical interventions which in its opinion may be reasonably required.

(2) The prohibition in sub-regulation (1) shall not apply to the use of substances for the treatment of trees for the purpose of preserving their strength, improving their overall health, improving their fruit productivity or preventing their deterioration:

Provided that the Authority may prohibit such use, irrigation or treatment if it is of the opinion that the conservation of the specimen in question would be in conflict with the conservation of the trees, woodland, the ecosystem or with any relevant management plan.

Fire

17. (1) No person shall:

- (a) set fire to any protected tree;
- (b) generate a fire near any tree covered in Schedule I; or
- (c) let off fireworks within twenty (20) metres from a tree covered by Schedule I.

(2) The prohibitions set out in sub-regulation (1) shall not apply to:

- (a) a fire directly connected with or necessary for the management of a protected area, with the prior approval of, or upon request by, the Authority; or
- (b) a controlled fire within the confines of a private dwelling.

Trading in products and derived from prohibited activities

S.L.549.38

18. Without prejudice to any related environment regulations, no person shall sell, trade in, or otherwise commercially exploit, any products derived from activities prohibited by these regulations, except with the prior written authorisation of the Authority.

Register of licensed specialists

19. (1) The Authority may establish, publish, and from time to time update, a Register of Licensed Tree Specialists, hereinafter referred to as "the Register", and may delegate such function to any public entity or committee.

(2) No person shall carry out interventions on:

- (a) trees of historic or antiquarian importance as indicated in List of Historical Trees having an Antiquarian Importance Order;
- (b) trees protected under regulation 7;
- (c) trees protected by a Tree Preservation Order; or
- (d) trees in urban public open spaces

unless duly licensed in line with these regulations:

S.L.445.02

Provided that for the interventions mentioned in paragraph (b) registered farmers may be allowed to prune trees on their property as long as the tree is not significantly impacted by such interventions.

(3) To be a Licensed Tree Specialist, applicants shall be in possession of:

- (a) the minimum requirements established by the licensing authority; and
- (b) a clean track record in relation to interventions falling within the scope of these regulations.

(4) Applicants for a Licensed Tree Specialist shall apply in the manner prescribed by the licensing authority, and shall provide all the information requested by the licensing authority together with a registration fee as established in Schedule III. The licensing authority shall not process any application if this is not accompanied by the required submissions and fees.

(5) The licensing authority shall inform the applicant for a Licensed Tree Specialist in writing, with its decision to grant, partly or provisionally grant, or refuse the registration. If the registration is refused or is granted partly or provisionally, the licensing authority shall give detailed reasons for its decision.

(6) Registrations as a Licensed Tree Specialist issued to eligible persons shall be valid for one year but may be renewed by the licensing authority upon payment of the relevant renewal fee, and when the provisions of these regulations have not been contravened.

(7) The granting of such a licence shall apply without prejudice to any additional legal obligation that may be relevant.

PART V: PERMITS

Permits

20. (1) Any intervention on any tree listed under Schedule I of these regulations requires a prior permit from the competent authority:

Provided that the director responsible for Plant Health shall not require a permit to carry out interventions related to phytosanitary purposes except for specimens falling under Schedule I paragraph 1.

(2) In deciding whether to issue such permits, the Authority shall consider the impacts, implications, risks and benefits on:

- (a) the existing trees or woodland per se;
- (b) the species, habitats, ecosystems associated with the trees, as may be relevant;

- (c) the structural integrity of buildings, structures, infrastructure, or natural physical features located in the vicinity and meriting retention;
- (d) the landscape, general character, and environmental characteristics of the site and its surroundings;
- (e) the integrity of any protected area, and the continued effectiveness of any protection, as may be relevant; and
- (f) any other material considerations as deemed relevant by the Authority.

(3) The Authority shall not issue a permit if it is of the opinion that the activity is not sufficiently justified or that the adverse impacts, implications or risks of the activity outweigh any possible benefits.

Application in writing

21. (1) A person shall submit an application to the Authority in writing at least three weeks prior to the carrying out of the activity.

(2) The application shall:

- (a) be accompanied by the relevant documents and any other requisite information as specified and required by the Authority, including but not limited to, a site plan showing the positions of all the affected trees, and photographs of the affected trees to facilitate their identification;
- (b) declare whether the application falls under any one of the criteria listed under sub-regulation (2) of regulation 20;
- (c) be submitted as directed by the Authority; and
- (d) be accompanied by a permitting fee as prescribed in Schedule III.

Applicable terms and conditions

22. (1) The Authority may impose any conditions it deems appropriate in such permits.

(2) The period of validity of the permit shall be clearly indicated in the permit.

(3) In cases of refusal of the application for a permit, the authority shall inform the applicant of the reasons for such refusal.

(4) The Authority may amend, vary, suspend, or revoke any permit or other authorisation granted under these regulations, and may order that the tree or site affected by the permitted activity be restored to the condition that preceded the permit, giving reasons for its decision. In such instances, the following terms shall apply:

- (a) in the case of a permit or authorisation issued on the basis of incorrect, incomplete, misleading or fraudulent information contained in the relevant permit application or in any other submitted documentation having a material influence on the permitting decision, the Authority shall not be liable to any claims

for damages, whereas the applicant shall be liable for the full expenses of restoration and for the remediation of any damage and adverse effects arising from the activity or from works carried out and may also be subjected to any applicable penalties; whereas

(b) in the case of a permit or authorisation, already issued, where there is no such responsibility or fault on the part of the applicant, the applicant shall be entitled to any reasonable claims for the recovery of material costs and remediation of any physical damage consequent to the Authority's decision.

(5) The Authority may not issue or renew a permit if the applicant has defaulted on any of the terms, conditions, obligations, approved specifications or limitations of any other permit, licence, approval or authorisation issued by the Authority in relation to the site in question or otherwise affecting it, whether under these regulations or not.

(6) A permit granted under these regulations shall not exonerate the applicant from also obtaining all other permits, licences, approvals and authorisations that may be required by law, including consent from owners or from third parties wherever relevant, and a permit shall not be construed as an in-principle commitment or agreement toward the issuing of any permit, licence, approval, consent, authorisation or concession that is beyond the scope of these regulations, and vice-versa.

(7) A permit granted under these regulations shall not be construed as an approval or sanctioning of any other interventions that is beyond the scope of these regulations, even where shown, omitted or implied in any submitted document or in any approved document appended to the permit or linked thereto in any other way.

Preventive, mitigatory and compensatory measures

23. (1) Without prejudice to regulations 20, 21, and 22, the Authority may apply one or more of the following measures, to avoid, mitigate or offset the adverse impacts of a permitted activity or intervention by:

- (a) limitation of the activity or intervention such that the existing trees or their habitat, or both, can be retained alive *in situ* with least adverse impact thereon;
- (b) ordering transplantation within the same site;
- (c) ordering transplantation to a different location;
- (d) ordering compensatory planting within the same site or in another location, or both;
- (e) ordering contribution to the Environment Fund; or
- (f) ordering compensation through an alternative environmental benefit:

Provided that the Authority may also stipulate the period within which the measures are to be implemented to its satisfaction.

Permits for scientific or educational studies

24. (1) Without prejudice to any other obligation and condition laid down by the Authority, a permit holder of a *bona fide* scientific or educational permit shall submit to the Authority the following within a month from the expiry of the permit:
- (a) a detailed report of the activities undertaken;
 - (b) the aim of the study, and what field of work or activity was carried out;
 - (c) the methodology employed;
 - (d) the outcome and results achieved in connection with the permit; and
 - (e) any other details as may be requested by the Authority in the permit.

(2) A copy of the published results and other publications, if any, relevant to this permit shall reach the Authority within three (3) months from the date of publication.

Emergency Permits

25. The Director may, in cases of emergency or grave danger, issue a temporary permit for the carrying out of any activity regulated by these regulations, and in so doing he may issue any such directives, terms and conditions, and decisions as he deems appropriate.

Public register

26. Details of the applications submitted for a permit under these regulations, and of the decision taken thereupon, shall be recorded in an electronic register available for public inspection. The records shall identify, as relevant:
- (a) the site;
 - (b) the nature and extent of the proposal;
 - (c) the applicant;
 - (d) the decision taken to approve, partly approve, refuse or invalidate the application; and
 - (e) the terms, conditions and limitations imposed in the permit, or the reasons for refusal or invalidation.

Person on site to hold copy of permit

27. During the execution of a permitted activity or operation, any person who is on site in connection with such activity or operation shall be in possession of a copy of the permit. This permit shall be shown upon request to any officer of the Authority and any duly authorised law enforcement official. The Authority may also require that the permit is affixed in a prominent position on site, easily visible to, and readable by, the public, or in any other location as may be reasonably specified by the Authority.

PART VI: COMPLIANCE AND ENFORCEMENT

28. The Authority may impose an administrative fine upon any person who infringes any provision of these regulations or who fails to comply with any directive or decision given by the Authority in ensuring compliance with these regulations.

Part VII: PENALTIES

Penalties

29. (1) Any person who, wilfully or through imprudence, negligence or incompetence:

- (a) fails to comply with any provision of these regulations, or with any order lawfully given in terms of any provision of these regulations;
- (b) contravenes any restriction, prohibition, order or requirement arising from these regulations, or imposed by the Authority in accordance with these regulations;
- (c) acts in contravention of any provisions of these regulations; or
- (d) conspires with, aids, abets, counsels, instigates, procures or knowingly allows any other person to contravene or fail to comply with the provisions of these regulations or of any restriction, order, prohibition or requirement imposed by or under these regulations; or
- (e) attempts to do any of those indicated in paragraphs (a) to (d) hereof,

shall be guilty of an offence against these regulations.

(2) Any person who commits, or attempts to commit, an offence against these regulations shall be liable to the penalties as indicated in Schedule IV of these Regulations.

Remediation and mitigation expenses

(3) The Court shall also order the offender to pay for any direct, indirect or consequential damage caused, in particular:

- (a) the full expenses incurred for remedying to the Authority's satisfaction the damage caused to the site, or to the status of the tree species, or to both, as relevant; and
- (b) any other expense incurred for any other measure required to remedy the damage and the infringement, or to mitigate, contain or prevent more widespread impact.

Causes of damage

(4) The Court shall also order the offender to remove the causes of the offence and to undo anything which was done without a permit, within a time fixed by the Court sufficient for the purpose but which does not exceed three (3) months from the date of judgment. If the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not more than one hundred and fifty euro (€150), for every day that the default continues after the expiration of the said time, as the Court may fix.

Cap. 9

(5) The provisions of article 23 and 30(1) of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, however the disqualification from holding or obtaining a license, permit, authorisation or clearance shall in no case be for less than one year.

Damage by vehicles

(6) Without prejudice to the other provisions of this regulation, the provisions of this regulation shall also apply in cases of negligence and voluntary damage by means of a vehicle.

SCHEDULE I

PROTECTED TREES

Part A

Table 1

The following species are hereby protected in all locations in Malta:

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Anagyris foetida</i>	Il-Fula tal-Klieb	Bean Trefoil Tree; Mediterranean Stinkwood
<i>Arbutus unedo</i>	L-Imbragla	Strawberry Tree; Cane Apple
<i>Celtis australis</i>	Il-Buglar; iċ-Ċeltis	Nettle Tree
<i>Ephedra fragilis</i>	L-Efedra	Shrubby Horsetail; Joint Pine
<i>Fraxinus angustifolia</i>	Il-Fraxxnu; is-Siġar tal-Paċenzja	Narrow-Leaved Ash
<i>Lycium</i> spp., including: <i>Lycium barbarum</i> <i>Lycium europaeum</i> <i>Lycium intricatum</i> <i>Lycium schweinfurthii</i>	L-Għawseġ	Mediterranean Tea-Tree; Tea-Tree; Boxthorn; Southern Boxthorn
<i>Mespilus germanica</i>	Fomm il-Lipp; Omm il-Epp; In-Naspli t-Tedeski	Medlar; Mediterranean Medlar
<i>Paliurus spina-christi</i>	Ix-Xewk tal-Kuruna; Ix-Xewk ta' Kristu	Christ's Thorn Tree
<i>Phillyrea latifolia</i>	L-Olivastru; il-Fillirja	Mock Privet; Jasmine Box
<i>Phillyrea media</i>	L-Olivastru; il-Fillirja	Mock Privet; Jasmine Box
<i>Pistacia x saportae</i>	Id-Deru l-Bagħal	Hybrid Mastic Tree
<i>Pistacia terebinthus</i>	Il-Botna; L-Iskornabekk; Is-Siġar tat-Turpentina; It-Trementina; Is-Siġar tal-Fosdoq; it-Terebintu	Terebinth; Turpentine Tree
<i>Prunus mahaleb</i>	Iċ-Ċirasa Bagħlija; Iċ-Ċirasa s-Selvaġġa	Mahaleb Cherry
<i>Prunus spinosa</i>	Il-Prajn tax-Xewk	Sloe; Blackthorn
<i>Prunus x dasycarpa</i>	Iż-Żabrikott	Black Apricot
<i>Pyrus amygdaliformis</i>	Il-Lanġas Selvaġġ	Almond-Leaved Pear

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Pyrus pyraster</i>	Il-Lanġas Bagħal; il-Lanġas Selvaġġ	Wild Pear
<i>Pyrus syriaca</i>	Il-Lanġas Selvaġġ	Syrian Pear
<i>Quercus ilex</i>	Il-Balluta; Is-Siġar tal-Ġandar	Holm Oak; Evergreen Oak
<i>Rhamnus oleoides</i>	Iż-Żiju	Lesser Buckthorn; Olive-Leaved Buckthorn
<i>Rhus coriaria</i>	Ix-Xumakk tal-Konz	Common Sumach
<i>Salix alba</i> s.l.	Iż-Żafżafa; Iż-Żafżafa l-Kbira; Iż-Żafżafa l-Bajda	White Willow
<i>Salix pedicellata</i>	Iż-Żafżafa ż-Żgħira	Mediterranean Willow
<i>Sorbus aucuparia</i>	Iż-Żorba s-Selvaġġa	Rowan; Mountain Ash
<i>Sorbus domestica</i>	Iż-Żorba	Service Tree
<i>Spartium junceum</i>	Il-Ġenista s-Safra	Spanish Broom
<i>Tetraclinis articulata</i>	L-Għargħar	Arar tree; Sandarac Gum Tree; Mediterranean Alerce; Barbary Arbor-Vitae
<i>Ulmus canescens</i> [= <i>Ulmus minor</i> subsp. <i>canescens</i>]	In-Nemmiesa; Is-Siġar tan-Nemus; l-Ulmu; l-Ulmu ta' Malta	Hoary Elm; Grey-Leaved Elm
<i>Ulmus</i> spp., including: <i>Ulmus americana</i> <i>Ulmus laevis</i> <i>Ulmus minor</i> s.str. <i>Ulmus glabra</i> <i>Ulmus procera</i>	L-Ulmu	Elm Trees
<i>Vitex agnus-castus</i>	L-Għadiba; Il-Virgi; Il-Bżar tal-Patrijiet; L-Għadbiera; Is-Siġar tal-Virgi	Chaste Tree; Virgin Bush.

Table 2

The following species are protected within protected areas, in ODZ, in green areas, and natural or rural/green enclaves in Urban Area (development zone), or in urban public open spaces:

Provided that the species marked with an asterisk (*) are only protected if wild.

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Ceratonia siliqua</i>	Il-Ħarruba	Carob
<i>Cercis siliquastrum</i>	Is-Siġra ta' Ġuda; il-Ħarrub ta' Ġuda	Judas Tree; Mediterranean Redbud
<i>Chamaerops humilis</i>	Il-Ġummara	Dwarf Fan Palm
<i>Crataegus azarolus</i>	L-Ġhanzalur	Azarole; Crete Hawthorn
<i>Crataegus monogyna</i>	Iż-Żagħrun	Whithorn; Common Hawthorn
<i>Crataegus x ruscinonensis</i>	I-Ġhanzalur Selvaġġ	Hybrid Hawthorn
<i>Cupressus sempervirens</i>	Iċ-Ċipress	Italian Cypress
<i>Cydonia oblonga</i>	L-Isfargel	Quince
<i>Juniperus phoenicea</i>	Il-Ġnibrū; Il-Ġniepru; L-Ġhargħar	Phoenician Juniper
<i>Laurus nobilis</i>	Ir-Randa	Bay Laurel; Sweet Bay
<i>Malus domestica</i> s.l.*	It-Tuffieħ tal-Billudja*	Apple*
<i>Malus sylvestris</i> *	It-Tuffieħ Selvaġġ*	Wild Apple*
<i>Morus alba</i>	Is-Siġar taċ-Ċawqli	White Mulberry
<i>Morus nigra</i>	Is-Siġar tat-Tut	Black Mulberry
<i>Myrtus communis</i>	Ir-Riħan	Myrtle
<i>Nerium oleander</i> *	Id-Difla; Siġret il-Ġarab; Siġret il-Bass; Is-Siġar tal-Wirdien; I-Oleandru *	Oleander*
<i>Olea europaea</i> s.l.	Iż-Żebbuġa; Iż-Żejtuna	Olive
<i>Olea oleaster</i>	Iż-Żebbuġ Selvaġġ	Wild Olive
<i>Phoenix dactylifera</i>	Il-Palm tat-Tamar; In-Naħla; Is-Siġar tat-Tamar	Date Palm
<i>Pinus</i> spp., including <i>Pinus halepensis</i>	Iż-Żnuber; Is-Siġar tal-Prinjol; Is-Siġar ta' I-Arżnu; I-Arżnu s-Selvaġġ	Pines
<i>Pistacia lentiscus</i>	Id-Deru; Id-Delu	Lentisk; Mastic Tree
<i>Populus alba</i>	Il-Luqa; Is-Siġar taċ-Ċopp	White Poplar

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Prunus dulcis</i> *	Is-Siġar tal-Lewż*	Almond*
<i>Punica granatum</i> *	Is-Siġar tar-Rummien; Is-Siġar tal-Bullar*	Pomegranate*
<i>Rhamnus alaternus</i>	L-Alaternu	Mediterranean Buckthorn
<i>Sambucus ebulus</i>	In-Nittiena; Is-Sebuqa Selvaġġa	Dwarf Elder
<i>Sambucus nigra</i>	Is-Sambuka; Is-Sebuqa l-Kbira	Common Elder
<i>Tamarix</i> spp., including <i>Tamarix africana</i>	Il-Bruk; it-Tarfa	Tamarisks
<i>Viburnum tinus</i>	Il-Meruna; il-Viburnu	Laurustinus
<i>Ziziphus zizyphus</i> [= <i>Ziziphus jujuba</i>]	Iż-Żinzel	Jujube

Part B

1. Without prejudice to the Table 1 and Table 2 the following are hereby protected:

(i) all trees that are visible on the 1967 aerial photos or are more than fifty (50) years of age, are protected if located within protected areas, ODZ, within an Urban Conservation Area (UCA) or in an urban public open space;

S.L.445.02

(ii) Trees, woodlands and sites of historic or antiquarian importance as listed in the List of Historical Trees Having an Antiquarian Importance Order;

(iii) Trees, woodlands and sites or their biological diversity protected under regulation 7, as directed by the relevant notice issued under that regulation or any other protected area; and

(iv) Trees, woodlands and sites protected by a Tree Preservation Order or by an approved management plan for a protected area, as directed by such Order or Plan.

Provided that in the competent authority's opinion these are not causing any damage or adverse effect to the environment or to structures or features of natural or cultural heritage value.

Provided further that unless otherwise specified in the relevant notice, Order or Plan, the protection provided by points (iii) and (iv) shall not apply to trees listed in Schedule II.

SCHEDULE II

INVASIVE, ALIEN OR ENVIRONMENTALLY-INCOMPATIBLE SPECIES

The species listed below shall be subject to the provisions of regulation 9, however trees belonging to the species marked with an asterisk (*) shall be subject to the terms of paragraph 1 (i) of Part B of Schedule I.

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
<i>Acacia cyclops</i>	L-Akaċja tal-Għajn	Coastal Wattle
<i>Acacia saligna</i> [= <i>Acacia cyanophylla</i>]	L-Akaċja	Blue-Leaved Wattle; Blue-Leaved Acacia; Weeping Wattle
<i>Ailanthus altissima</i> [= <i>Ailanthus glandulosa</i>]	Ix-Xumakk; Ix-Xumakk Falz	Tree-of-Heaven; False Sumach; Japanese Varnish Tree
<i>Casuarina</i> spp.*	Il-Każwarina*	Australian pine tree; Sheoak*
<i>Eucalyptus camaldulensis</i> * [= <i>Eucalyptus rostrata</i>]	L-Ewkaliptus; Is-Siġra tal-Gamem*	Red Gum; Red River Gum*
<i>Eucalyptus gomphocephala</i> *	L-Ewkaliptus; Is-Siġra tal-Gamem*	Tuart*
<i>Leucaena leucocephala</i> [= <i>Acacia leucocephala</i> ; <i>Albizzia lebbek</i> auct. fl. Melit.]	L-Albizzja; Il-Gażżija l-Bajda	Lead Tree; White Popinac; Cow Tamarind
<i>Nicotiana glauca</i>	It-Tabakk tas-Swar; Is-Siġra tat-Tabakk; It-Tabakk l-Isfar	Tree Tobacco; Mustard Tree
<i>Pittosporum tobira</i> *	Il-Pittosporum*	Shrubby Putterlick; Japanese Mock Orange*
<i>Ricinus communis</i>	Ir-Riġnu; Il-Ħarwija	Castor Oil Tree
<i>Schinus terebinthifolius</i>	Is-Siġra tal-Bżar; Il-Bżar Falz	Brazilian Pepper
<i>Vachellia karroo</i> [= <i>Acacia karroo</i> ; = <i>Acacia horrida</i> auct. fl. Melit.]	Il-Gażżija tax-Xewk; Ix-Xewk ta' Kristu; L-Akaċja tax-Xewk	Karoo Thorn; Sweet Thorn

SCHEDULE III

FEES

1. Fee for registration as Licensed Tree Specialist	€ 20 yearly
2. Fee for renewal of registration of Licensed Tree Specialist	€15 in the case of submission for renewal after the expiry date of the current registration
	€10 in case of renewal before expiry date
3. Fee for application for permit under these Regulations	€ 20 per application

SCHEDULE IV

PENALTIES

Any person who commits, or attempts to commit, an offence against these regulations shall be liable to the following penalties:

i) on first conviction relating to wild trees listed under Table 1 of Part A of Schedule I to the following fine (*multa*) for each specimen:

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME	APPLICABLE PENALTY (€)			
			Total destruction of tree		Other offence not being total destruction	
			Min	Max	Min	Max
<i>Anagyris foetida</i>	Il-Fula tal-Klieb	Bean Trefoil Tree; Mediterranean Stinkwood	10,000	50,000	5,000	30,000
<i>Arbutus unedo</i>	L-Imbragla	Strawberry Tree; Cane Apple	25,000	85,000	7,000	35,000
<i>Celtis australis</i>	Il-Buglar; iċ- Ċeltis	Nettle Tree	10,000	50,000	5,000	30,000
<i>Ephedra fragilis</i>	L-Efedra	Shrubby Horsetail; Joint Pine	25,000	85,000	7,000	35,000
<i>Fraxinus angustifolia</i>	Il-Fraxxnu; is- Siġar tal- Paċenzja	Narrow-Leaved Ash	25,000	85,000	7,000	35,000
<i>Lycium</i> spp., including: <i>Lycium barbarum</i> <i>Lycium europaeum</i> <i>Lycium intricatum</i> <i>Lycium schweinfurthii</i>	L-Għawseg	Mediterranean Tea-Tree; Tea-Tree; Boxthorn; Southern Boxthorn	25,000	85,000	7,000	35,000
<i>Mespilus germanica</i>	Fomm il-Lipp; Omm il-Epp; In- Naspli t-Tedeski	Medlar; Mediterranean Medlar	25,000	85,000	7,000	35,000
<i>Paliurus spina- christi</i>	Ix-Xewk tal- Kuruna; Ix- Xewk ta' Kristu	Christ's Thorn Tree	25,000	85,000	7,000	35,000

<i>Phillyrea latifolia</i>	L-Olivastru; il-Fillirja	Mock Privet; Jasmine Box	25,000	85,000	7,000	35,000
<i>Phillyrea media</i>	L-Olivastru; il-Fillirja	Mock Privet; Jasmine Box	25,000	85,000	7,000	35,000
<i>Pistacia x saportae</i>	Id-Deru l-Bagħal	Hybrid Mastic Tree	10,000	50,000	5,000	30,000
<i>Pistacia terebinthus</i>	Il-Botna; L-Iskornabekk; Is-Siġar tat-Turpentina; It-Trementina; Is-Siġar tal-Fosdoq; it-Terebintu	Terebinth; Turpentine Tree	10,000	50,000	5,000	30,000
<i>Prunus mahaleb</i>	Iċ-Ċirasa Bagħlija; Iċ-Ċirasa s-Selvaġġa	Mahaleb Cherry	25,000	85,000	7,000	35,000
<i>Prunus spinosa</i>	Il-Prajn tax-Xewk	Sloe; Blackthorn	25,000	85,000	7,000	35,000
<i>Prunus x dasycarpa</i>	Iż-Żabrikott	Black Apricot	25,000	85,000	7,000	35,000
<i>Pyrus amygdaliformis</i>	Il-Lanġas Selvaġġ	Almond-Leaved Pear	25,000	85,000	7,000	35,000
<i>Pyrus pyraster</i>	Il-Lanġas Bagħal; il-Lanġas Selvaġġ	Wild Pear	25,000	85,000	7,000	35,000
<i>Pyrus syriaca</i>	Il-Lanġas Selvaġġ	Syrian Pear	25,000	85,000	7,000	35,000
<i>Quercus ilex</i>	Il-Balluta; Is-Siġar tal-Ġandar	Holm Oak; Evergreen Oak	10,000	50,000	5,000	30,000
<i>Rhamnus oleoides</i>	Iż-Żiju	Lesser Buckthorn; Olive-Leaved Buckthorn	10,000	50,000	5,000	30,000
<i>Rhus coriaria</i>	Ix-Xumakk tal-Konz	Common Sumach	25,000	85,000	7,000	35,000
<i>Salix alba</i> s.l.	Iż-Żafżafa; Iż-Żafżafa l-Kbira; Iż-Żafżafa l-Bajda	White Willow	25,000	85,000	7,000	35,000
<i>Salix pedicellata</i>	Iż-Żafżafa ż-Żgħira	Mediterranean Willow	25,000	85,000	7,000	35,000
<i>Sorbus aucuparia</i>	Iż-Żorba s-Selvaġġa	Rowan; Mountain Ash	25,000	85,000	7,000	35,000

<i>Sorbus domestica</i>	Iż-Żorba	Service Tree	25,000	85,000	7,000	35,000
<i>Spartium junceum</i>	Il-Ġenista s-Safra	Spanish Broom	25,000	85,000	7,000	35,000
<i>Tetraclinis articulata</i>	L-Għargħar	Arar tree; Sandarac Gum Tree; Mediterranean Alerce; Barbary Arbor-Vitae	10,000	50,000	5,000	30,000
<i>Ulmus canescens</i> [= <i>Ulmus minor</i> <i>subsp. canescens</i>]	In-Nemmiesa; Is-Siġar tan-Nemus; I-Ulmu; I-Ulmu ta' Malta	Hoary Elm; Grey-Leaved Elm	25,000	85,000	7,000	35,000
<i>Ulmus</i> spp., including: <i>Ulmus americana</i> <i>Ulmus laevis</i> <i>Ulmus minor</i> s.str. <i>Ulmus glabra</i> <i>Ulmus procera</i>	L-Ulmu	Elm Trees	10,000	50,000	5,000	30,000
<i>Vitex agnus-castus</i>	L-Għadiba; Il-Virgi; Il-Bżar tal-Patrijiet; L-Għadbiera; Is-Siġar tal-Virgi	Chaste Tree; Virgin Bush.	10,000	50,000	5,000	30,000

ii) on first conviction relating to horticulturally-grown trees listed in Table 1 of Part A of Schedule I to the following fine (*multa*) for each specimen:

- (a) not less than two thousand five hundred euro (€2,500) but not exceeding twenty thousand euro (€20,000) for the total destruction of a tree; or
- (b) not less than one thousand two hundred and fifty euro (€1,250) but not exceeding seven thousand euro (€7,000) for other offences not involving the total destruction of a tree.

iii) on first conviction relating trees located in a Tree Protection Area or a Tree Preservation Order to the following fine (*multa*) for each specimen:

- (a) not less than five thousand euro (€5,000) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or
- (b) not less than two thousand euro (€2,000) but not exceeding fifteen thousand euro (€15,000) for other offences not involving the total destruction of a tree;.

iv) on first conviction relating to trees located in protected areas other than Tree Protection Areas and Tree Preservation Orders to the following fine (*multa*) for each specimen:

(a) not less than four thousand euro (€4,000) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than one thousand two hundred and fifty euro (€1,250) but not exceeding ten thousand euro (€10,000) for other offences not involving the total destruction of a tree.

v) on first conviction relating to trees of more than fifty (50) years old and located within an Urban Conservation Area (UCA) to the following fine (*multa*) for each specimen:

(a) not less than one thousand five hundred euro (€1,500) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than five hundred (€500) but not exceeding two thousand five hundred (€2,500) for other offences not involving the total destruction of a tree;

vi) on first conviction relating to trees of more than 50 years old, or which are listed in Table 2 of Part A of Schedule I, and located in ODZ to the following fine (*multa*) for each specimen:

(a) not less than one thousand five hundred euro (€1,500) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than five hundred euro (€500) but not exceeding two thousand five hundred euro (€2,500) for other offences not involving the total destruction of a tree;

vii) on first conviction relating to trees of more than 50 years old, or which are listed in Table 2 of Part A of Schedule I, and located in green areas, natural or rural/green enclaves in Urban Area (development zone), or in urban public open spaces to the following fine (*multa*) for each specimen:

(a) not less than one thousand two hundred and fifty euro (€1,250) but not exceeding twenty thousand euro (€20,000) for the total destruction of a tree; or

(b) not less than four hundred (€400) but not exceeding two thousand euro (€2,000) for other offences not involving the total destruction of a tree.

viii) on first conviction relating to offences against Part III or regulation 19 to a fine (*multa*) of not less than two hundred and fifty euro (€250) and not exceeding two thousand and five hundred euro (€2,500) for each specimen;

ix) on second or subsequent offences, the penalties indicated in the preceding paragraphs are to be increased by 25% or to imprisonment for a term not exceeding two years, or to both such fines and imprisonment.

x) on first conviction relating to offences against Regulation 20(2) an additional fine of one hundred (€100) euro per specimen affected, and €600 per specimen in case of a second or subsequent offence.

