Nru. 931

ATT DWAR IL-PROTEZZJONI TAL-AMBJENT (KAP. 549)

Artiklu 69 tal-Att dwar il-Protezzjoni tal-Ambjent

Ordni ta' Emerġenza għall-Konservazzjoni tal-Bejta tal-Fekruna fil-Bajja tal-Ġnejna

L-AWTORITÀ għall-Ambjent u r-Riżorsi qiegħda b'dan toħroġ Ordni ta' Emerġenza għall-Konservazzjoni fuq is-sit kif deskritt hawn isfel skont id-dispożizzjoni tal-Artikolu 69 tal-Att dwar il-Protezzjoni tal-Ambjent għall-iskop ta' konservazzjoni ta':

Il-Bajja tal-Ġnejna

u ż-żona tal-madwar hekk kif indikat fil-mappa tas-sit taħt Skeda I (ara l-mappa tas-sit fuq paġna 7341), aktar 'il quddiem imsejħa 'Żona ta' Emerġenza għall-Konservazzjoni', minħabba li dan is-sit huwa ta' importanza ekoloġika u xjentifika u hemm bżonn ta' konservazzjoni.

Ir-regolamenti li ġejjin għandhom japplikaw:

1. Għall-fini tal-Ordni ta' Emerġenza għall-Konservazzjoni, il-kliem 'Awtorità'; 'konservazzjoni'; u 'persuna' għandu jkollhom l-istess tifsira mogħtija lilhom fl-Att dwar il-Protezzjoni tal-Ambjent.

2. Iż-Żona ta' Emerġenza għall-Konservazzjoni tista' tkun sorveljata kontinwament inter alia permezz ta' site post temporanju.

3. Ebda persuna m'għandha, fiż-Żona ta' Emerġenza għall-Konservazzjoni, sakemm mhux bl-awtorizzazzjoni tal-Awtorità:

a) bi kwalunkwe mod, tieħu jew tipprova tieħu, tiddisturba, tikkawża ħsara jew teqred xi bajd, frieħ jew adulti tal-fkieren tal-baħar, kemm ħajjin jew mejtin;

b) tidħol jew tipprova tidħol, jew b'xi mod tassisti persuna oħra biex tidħol fiż-żona magħluqa mill-Awtorità;

c) tneħħi kull tip ta' oġġett jew parti minn, apparat u tagħmir użat sabiex tiġi magħluqa żona mill-Awtorità, jew kwalunkwe installazzjoni anċillari jew sinjali uffiċjali installati mill-Awtorità;

d) iddendel, twaħħal jew tehmeż jew tipprova ddendel, twaħħal, jew tehmeż xi oġġett fuq l-apparat u tagħmir użat sabiex tiġi magħluqa iż-żona madwar il-bejta mill-Awtorità jew, bi kwalunkwe mezz ieħor tikkomprometti jew tipprova tikkomprometti l-integrità tat-tagħmir jew apparat użat;

No. 931

ENVIRONMENT PROTECTION ACT (CAP. 549)

Article 69 of the Environment Protection Act

Ġnejna Bay Turtle Nesting Emergency Conservation Order

THE Environment and Resources Authority is hereby issuing an Emergency Conservation Order in respect of the site as described below in accordance with Article 69 of the Environment Protection Act, for the purpose of conservation of:

Ġnejna Bay

and its surroundings as per site plan under Schedule I (see site plan on page 7341), hereinafter referred to as 'the Emergency Conservation Area', due to the ecological and scientific importance of the site and the need for conservation.

The following regulations shall apply:

1. For the purpose of the Emergency Conservation Order, the terms 'Authority'; 'conservation'; and 'person' shall have the same meaning as that defined in the Environment Protection Act.

2. The Emergency Conservation Area may be monitored continuously *inter alia* by means of a temporary site post.

3. No person shall, within the Emergency Conservation Area, unless authorised by the Authority:

a) in any way, take or attempt to take, disturb, damage or destroy any eggs, turtle hatchlings or adult marine turtle, whether alive or dead;

b) enter or attempt to enter, or in any way assist any other person to enter the area cordoned-off by the Authority;

c) remove any portion of, or object making up, the cordoning installed by the Authority or any ancillary installation or any official signage installed by the Authority;

d) hang, affix or append or attempt to hang, affix or append any object on the cordoning installed by the Authority around the nest or in any manner compromise or attempt to compromise the integrity of the cordoning;

e) tpoġġi jew tipprova tpoġġi kwalunkwe tip ta' oġġett jew materjal ieħor fiż-żona magħluqa mill-Awtorità;

f) tħalli xi annimal tagħha jew li huwa fil-kontroll tagħha jidħol jew jipprova jidħol fiż-żona magħluqa mill-Awtorità jew jagħmel ħsara lill-apparat u tagħmir installat sabiex tiġi magħluqa ż-żona;

g) tnaddaf, jew tneħħi żibel, skart jew kwalunkwe oġġett ieħor miż-żona magħluqa mill-Awtorità, sakemm mhux bl-idejn;

h) tpoġġi jew tipprova tpoġġi kwalunkwe oġġett, li fi kwalunkwe ħin bejn tlugħ ix-xemx u nżul ix-xemx, jista' jitfa' jew joħloq dell fiż-żona magħluqa mill-Awtorità;

i) tiddepożita kwalunkwe żibel, sakemm mhux fir-reċipjenti taż-żibel jew faċilitajiet oħra pprovduti għal dan il-għan;

j) issuq, timmanuvra jew tipparkja kwalunkwe vettura f'distanża ta' anqas minn għoxrin (20) metru miż-żona magħluqa mill-Awtorità;

k) tħaddem ġeneraturi li jiġġeneraw l-elettriku permess tal-fjuwil jew apparat mekkaniku ieħor li jaħdem bil-fjuwil fuq l-art;

l) tagħmel użu jew tkun fil-pussess ta' kwalunkwe apparat li jarmi mewġ elettromanjetiku jew kwalunkwe tip ta' radjazzjoni li tkun manifatturata biex teżamina taħt il-wiċċ tal-art jew li tgħaddi minn ġol-oġġetti.

m) idoqq mużika b'volum għoli;

n) ikollha fil-pusses, tarma, taħraq jew tqabbad kwalunkwe tip ta' materjal pirotekniku, logħob tan-nar jew splussiv ieħor;

o) tinstalla kwalunkwe nassa, xibka, tip ta' konz jew apparat simili li jista' b'xi mod jaqbad jew jagħmel ħsara lil bajd tal-fkieren, il-frieħ jew adulti tal-fkieren;

p) tkala jew ikollha fil-pusses kwalunkwe xibka tal-parit, xkitt jew kull xorta ta' xibka tas-sajd;

q) tneħħi kull tip ta' fdalijiet tal-alka magħmula minn *Posidonia oceanica* jew *Cymodocea nodosa* minn quddiem iż-żona magħluqa mill-Awtorità faċċata tal-baħar għajr bl-idejn jew bl-użu ta' għodda tal-idejn mhux mekkanizzati.

4. Mis-sitta u nofs ta' filgħaxija (6.30 p.m.) ta' kull ġurnata sas-sebgħa u nofs ta' filgħodu (7.30 a.m.) tal-ġurnata ta' wara, ebda persuna m'għandha, fiż-Żona ta' Emerġenza għall-Konservazzjoni:

e) place or attempt to place any object or material into the area cordoned off by the Authority;

f) allow any animal under his ownership or responsibility to enter or attempt to enter the area cordoned off by the Authority or to otherwise damage the cordoning so installed;

g) remove any litter, waste or article whatsoever from the area cordoned off by the Authority unless by hand;

h) place or attempt to place any object that, at any time between sunrise and sunset, may cast a shadow inside the area cordoned off by the Authority;

i) deposit any litter, unless this is deposited in the litter bins or other litter collection facilities provided for such purpose;

j) drive, manoeuvre or park any vehicle within a distance of 20m from the area cordoned-off by the Authority;

k) utilise fuel powered electricity generators or fuel powered mechanised equipment on land;

l) make use or be in possession of any device capable of emitting electromagnetic waves or any kind of radiation which is purposely manufactured to scan below the surface of the ground or through objects;

m) play loud music;

n) be in possession of, set up, light up or let off any sort of pyrotechnic material, fireworks or explosives;

o) install any trap, net, any type of long-line or similar devices that in any way may catch or harm any turtle egg, turtle hatchling or adult turtle;

p) deploy or be in possession of any gill net; trammel net or fishing net of any sort; or

q) remove any *Posidonia oceanica* or *Cymodocea nodosa* wrack (*alka*) from the seaward side in front of the area cordoned-off by the Authority unless by hand or with the use of hand-held unmechanised tools;

4. From half past six in the evening (6.30 p.m.) of any day until half past seven in the morning (7.30 a.m.) of the following day, no person shall within the emergency conservation area:

a) tipparteċipa fi kwalunkwe attività organizzata li tikkonsisti fi grupp ta’ iżjed minn 10 persuni;

b) tipparteċipa fi kwalunkwe attività ta’ catering jew barbecues fuq l-art; jew

c) tikkampja jew tipparteċipa fi kwalunkwe attività ta’ kkampjar sakemm mhux bl-awtorizzazzjoni tal-Awtorità.

5. Ebda persuna m’għandha fiż-żona fejn japplikaw iktar restrizzjonijiet kif indikat fil-mappa tas-sit fi Skeda I:

a) tipparteċipa fi kwalunkwe attività organizzata li tikkonsisti fi grupp ta’ iżjed minn 10 persuni;

b) tipparteċipa fi kwalunkwe attività ta’ catering jew barbecues fuq l-art; jew

c) tikkampja jew tipparteċipa fi kwalunkwe attività ta’ kkampjar sakemm mhux bl-awtorizzazzjoni tal- Awtorità.

6. Mingħajr preġudizzju għad-dispożizzjonijiet ta’ hawn fuq, ebda persuna m’għandha, mill-4 ta’ Awwissu, 2023, mis-sitta u nofs ta’ filgħaxija (6.30 p.m.) ta’ kull ġurnata sas-sebgħa u nofs ta’ filgħodu (7.30 a.m.) tal-ġurnata ta’ wara u fiż-żona fejn japplikaw iktar restrizzjonijiet kif indikat fil-mappa tas-sit fi Skeda I:

a) tqiegħed, tħalli jew tinstalla kwalunkwe oġġett, jew tipprova tqiegħed, tħalli jew tinstalla kwalunkwe oġġett li jista’ b’xi mod ifixkel jew ixekkel il-passaġġ jew għandu l-potenzjal li jfixkel jew ixekkel il-passaġġ tal-frieħ tal-fkieren miż-żona magħluqa mill-Awtorità lejn il-baħar;

b) fil-baħar, tpoġġi jew tqiegħed kwalunkwe oġġett jew installazzjoni jew tipprova tpoġġi jew tqiegħed kwalunkwe oġġett jew installazzjoni li jista’ raġonevolment b’xi mod ifixkel jew ixxekkel il-passaġġ jew li raġonevolment għandu l-potenzjal li jfixkel jew ixxekkel il-passaġġ tal-frieħ tal-fkieren lejn il-baħar miftuħ;

c) tħaffer ħofor fir-ramel;

d) tagħmel użu minn jew tkun fil-pussess ta’ kull xorta ta’ apparat li jitfa’ dwal għal skopijiet ta’ sajd jew għall-qbid ta’ fawna:

Iżda dawn id-dispożizzjonijiet ta’ hawn fuq għandhom japplikaw ukoll fi kwalunkwe ħin f’każ li l-bajd ifaqqsu barra mill -ħinijiet ristretti.

7. Minkejja kwalunkwe awtorizzazzjoni jew permess maħruġ mill-Awtorità jew kwalunkwe awtorizzazzjoni jew permessi maħruġa taħt liġijiet oħrajn, ma jista’ jsir l-ebda

a) participate in any organised activity involving a group of more than 10 persons;

b) participate in any catering activity or any barbecue, on land; or

c) camp or participate in any camping activity unless authorised by the Authority.

5. No person shall within the area subject to further restrictions as indicated in the site plan in Schedule I:

a) participate in any organised activity involving a group of more than 10 persons;

b) participate in any catering activity or any barbecue, on land; or

c) camp or participate in any camping activity unless authorised by the Authority.

6. Without prejudice to the above provisions, from the 4th August, 2023, from half past six in the evening (6.30 p.m.) of any day until half past seven in the morning (7.30 a.m.) of the following day, no person shall within the area subject to further restrictions as indicated in the site plan in Schedule I:

a) place, deposit or install any object, or attempt to place, install or deposit any object, that in any way may hinder or has the potential to hinder the safe passage of juvenile turtles from the area cordoned-off by the Authority to the sea;

b) at sea, place or deploy any object or installation or attempt to place or deploy any object or installation, that in any way may reasonably hinder or has the potential to reasonably hinder the safe passage of juvenile turtles towards the open sea;

c) dig any holes in the sand;

d) utilise or be in possession of any sort of lighting device for fishing purposes or the capturing of any fauna:

Provided that the above provisions shall also apply at any time in the event of a hatching episode occurring outside of such restricted times.

7. Notwithstanding any authorisations or permits already afforded by the Authority or any other permits or authorisations issued under any other law, no form of mechanised beach

forma ta' tindif tar-ramel b'mod mekkanizzat jew interventi mekkaniċi fiż-Żona ta' Emerġenza għall-Konservazzjoni skont Skeda I, sakemm mhux bil-permess mill-Awtorità.

8. Mill-4 ta' Awwissu, 2023 sad-data indikata fil-paragrafu 10, ebda persuna m'għandha fiż-Żona ta' Emerġenza għall-Konservazzjoni jew fil-viċinanzi taż-Żona ta' Konservazzjoni ta' Emerġenza, mis-sitta u nofs ta' filgħaxija (6.30 p.m.) ta' kull ġurnata sas-sebgħa u nofs ta' filgħodu (7.30 a.m.) tal-ġurnata ta' wara, tiġġenera dawl jekk mhux mgħotti b'tali mod li ma jkunx viżibbli b'mod dirett miż-żona magħluqa mill-Awtorità jew jekk id-dawl mhux mgħotti b'filtru kkulurit aħmar:

Iżda din id-dispożizzjoni m'għandhiex tapplika għad-dawl tan-navigazzjoni obbligatorju użat mill-bastimenti.

9. Ebda persuna ma tista' fiż-Żona ta' Konservazzjoni ta' Emerġenza jew fil-viċinanzi taż-Żona ta' Konservazzjoni ta' Emerġenza tiġġenera storbju jew vibrazzjonijiet eċċessivi.

10. Din l-Ordni ta' Emerġenza għall-Konservazzjoni hija valida mid-data tal-pubblikazzjoni sat-3 ta' Settembru, 2023, u hija mingħajr preġudizzju għar-Regolamenti dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali (L.S. 549.44) u tar-Regolamenti dwar il-Ħarsien tar-Rettili (L.S. 549.02).

11. (1) Il-Protezzjoni mogħtija liż-Żona ta' Emerġenza għall-Konservazzjoni għandu jkollha l-istess effett daqs dik mogħtija lis-siti li jidħlu taħt il-kappa tan-Network Ekoloġiku Nazzjonali u Siti Speċjali ta' Konservazzjoni ai termini tar-Regolamenti dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali (L.S. 549.44).

(2) Il-provvedimenti inklużi fl-Ordni ta' Emerġenza għall-Konservazzjoni huma:

(i) ikkunsidrati bħala miżuri ta' konservazzjoni li jindirizzaw l-objettivi globali ta' konservazzjoni bl-għan li jipproteġu l-fekruna tal-baħar, *Caretta caretta,* u l-bejta tagħha; u

(ii) meħtieġa sabiex dan is-sit protett jiġi mħares skont il-provvedimenti tar-regolamenti 14 u 19 tar-Regolamenti dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali (L.S. 549.44).

12. Kwalunkwe persuna li taġixxi bi ksur ta' xi dispożizzjoni ta' din l-Ordni ta' Emerġenza għall-Konservazzjoni tkun punibbli skont l-Att dwar il-Protezzjoni tal-Ambjent (Kap. 549).

Is-7 ta' Lulju, 2023

cleaning activity or mechanical interventions shall occur within the Emergency Conservation Area designated under Schedule I, unless duly permitted by the Authority.

8. From 4th August, 2023 until the date indicated in paragraph 10, no person shall within the Emergency Conservation Area or in the vicinity of the Emergency Conservation Area, from half past six in the evening (6.30 p.m.) of any day until half past seven in the morning (7.30 a.m.) of the following day, generate any light unless screened in such a way as not to be directly visible from the area cordoned-off by the Authority or such light covered with a red coloured filter:

Provided that this provision shall not apply to compulsory navigational lights of seagoing vessels.

9. No person shall within the Emergency Conservation Area or in the vicinity of the Emergency Conservation Area generate any excessive noise or vibrations.

10. This Emergency Conservation Order shall be valid from the date of issue up to the 3rd September, 2023, and shall be without prejudice to the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) and the Reptile (Protection) Regulations (S.L. 549.02).

11. (1) The protection allocated to the Emergency Conservation Area has the same effect as the inclusion of the area in the National Ecological Network and Special Areas of Conservation in terms of the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44).

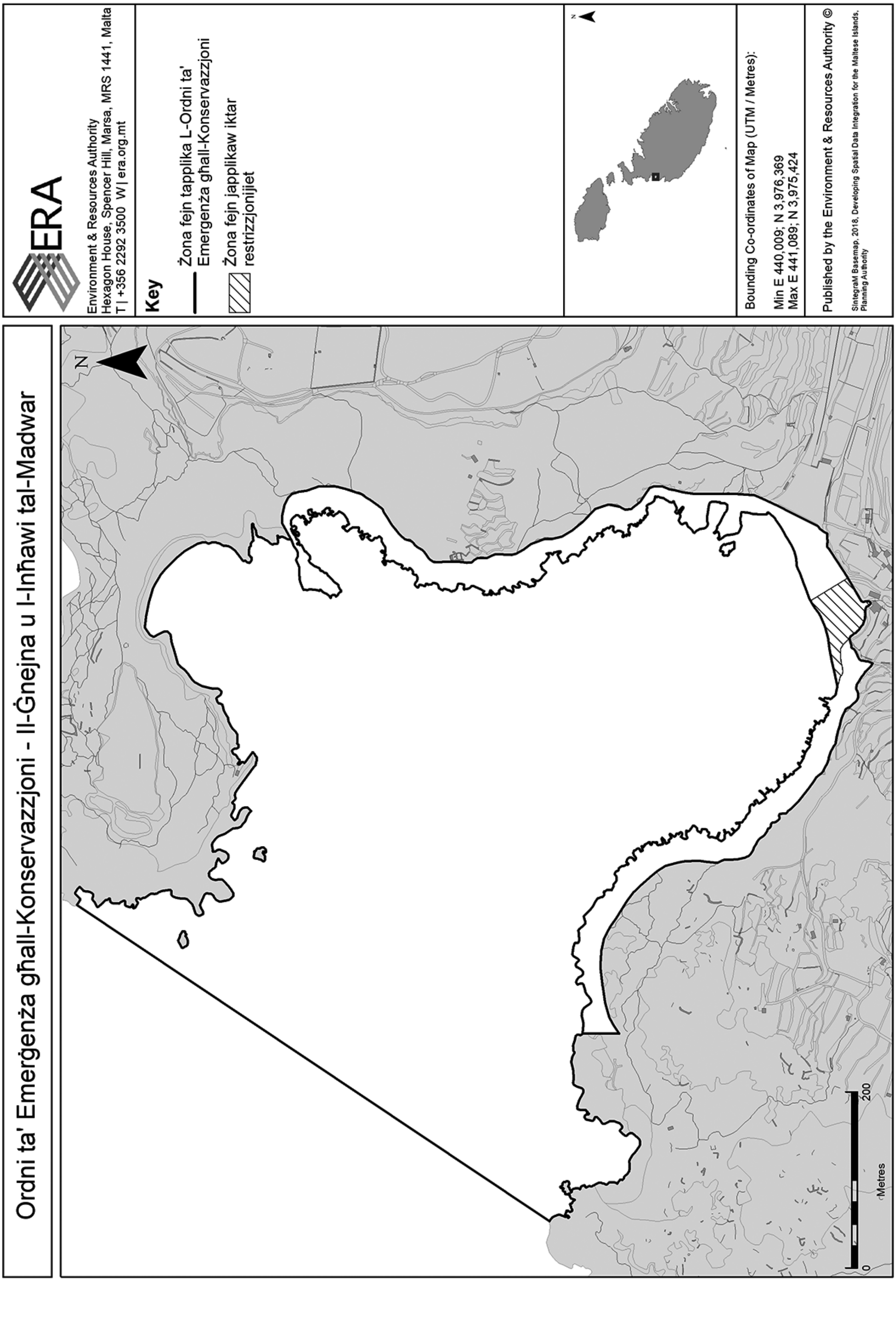
(2) The provisions included in this Emergency Conservation Order are:

(i) considered as conservation measures addressing the overall conservation objective aimed at protecting the loggerhead turtle, *Caretta caretta*, in its nesting site; and

(ii) required for such protected site in line with the requirements of regulations 14 and 19 of the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44).

12. Any person who acts in contravention of any provision of this Emergency Conservation Order shall be punishable in accordance with the Environment Protection Act (Cap. 549).

7th July, 2023


Ordni ta' Emerġenża għall-Konservazzjoni - Il-Ġnejna u l-Inħawi tal-Madwar
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Key
Żona fejn tapplika L-Ordni ta' Emerġenża għall-Konservazzjoni
Żona fejn japplikaw iktar restrizzjonijiet
N
Bounding Co-ordinates of Map (UTM / Metres):
Min E 440,009; N 3,976,369
Max E 441,089; N 3,975,424
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