

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4585 of 13 June, 2019

B. 26/19

BILL

FOR

AN ACT to amend the Environmental Protection (Trees) Act 2014 making it a requirement to seek the written consent of the Development and Planning Commission before topping a tree that is not subject to a Tree Preservation Order, send a copy of the application for consent to the Minister and to also make it an offence to wilfully damage or destroy a tree that is not subject to such an Order.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Environmental Protection (Trees) (Amendment) Act 2019.

Commencement.

2. This Act comes into operation on the day of publication.

Amendment of the Environmental Protection (Trees) Act 2014.

3.(1) The Environmental Protection (Trees) Act 2014 is amended in accordance with this section.

(2) In section 13—

(a) substitute subsection (1) with the following—

“13.(1) Subject to subsection (1A), a person shall not cut down, uproot, top, wilfully damage or wilfully destroy a tree to which this Part applies.”;

(b) after subsection (1) insert—

“(1A) A person may cut down, uproot or top a tree—

(a) with the written consent of the Commission and, where consent is given, subject to conditions, in accordance with those conditions; or

(b) if an application for consent under section 14 has been made and the person has not received notice—

(i) of the Commission’s decision; or

(ii) that his application is being considered,

within 28 days beginning with the day the application for consent is received by the Commission.”.

(3) In section 14—

(a) in subsection (1), for “cut down or uproot” substitute “cut down, uproot or top”; and

(b) after subsection (2) insert—

“(3) A copy of an application for consent made under this section must be sent to the Minister.”.

EXPLANATORY MEMORANDUM

This Act makes it an offence to cut down, uproot, top, wilfully damage or wilfully destroy a tree that is not the subject of a Tree Preservation Order under Part II of the Environmental Protection (Trees) Act 2014 (“the Act”). Under section 14, the Commission will now be able to provide written consent to cut down, uproot or top a tree to which Part III of the Act applies and there will also be a requirement to forward an application for consent under section 14 to the Minister for the Environment.