

# **THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE**

**No. 4921 GIBRALTAR Thursday 2nd December 2021**

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**B. 18/21**

## **GIBRALTAR NATIONAL PARK BILL 2021**

### **ARRANGEMENT OF CLAUSES**

Clause

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# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4921 GIBRALTAR Thursday 2nd December 2021

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B. 18/21

## BILL

FOR

**AN ACT** to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.

**ENACTED** by the Legislature of Gibraltar.

### PART I PRELIMINARY

#### **Title.**

1. This Act may be cited as the Gibraltar National Park Act 2021.

#### **Commencement.**

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

#### **Interpretation.**

3. In this Act, unless the context otherwise requires—

“cultural heritage” includes structures and other remains resulting from human activity of all periods, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes;

“Gibraltar Nature Reserve” means all that area designated as a nature conservation area and known as the Gibraltar Nature Reserve under the Nature Conservation (Designation of Gibraltar Nature Reserve) Order 2019;

“Marine Nature Reserve” means all that area designated as a marine nature area under the Nature Protection (Designation of Marine Nature Area) Order 2014;

“Minister” means the Minister with responsibility for the Environment;

“Gibraltar National Park” means the area designated under section 7 of this Act;

“natural heritage” includes the flora and fauna of land or sea, its geological and physiographical features and its natural beauty and amenity.

## **PART II**

### **GIBRALTAR NATIONAL PARK COORDINATION BOARD**

#### **Establishment of the Gibraltar National Park Coordination Board.**

4.(1) The Gibraltar National Park Coordination Board (hereinafter referred to as “the Coordination Board”) is established and is charged with promoting and exhibiting the natural, geographic, historical and cultural assets within the Gibraltar National Park that contribute towards Gibraltar’s global value and shall exercise the functions conferred on it by this Act.

(2) The Coordination Board has the following functions—

- (a) to promote and exhibit the natural geographic, historical and cultural assets within the Gibraltar National Park;
- (b) to encourage the provision or improvement of facilities in the Gibraltar National Park;
- (c) to promote and exhibit the natural and cultural heritage assets of Gibraltar;
- (d) to consider what additional areas should be designated as part of the Gibraltar National Park under this Act;
- (e) to consider and make recommendations to the Minister as to what action needs to be taken for the purposes of section 7(1);
- (f) to review the progress made under paragraph (e) and to make any recommendations to the Minister or other persons as appropriate;
- (g) to give advice to appropriate planning authorities in relation to areas within the Gibraltar National Park;
- (h) to advise any Government Minister in response to proposals for the development of land in or in the vicinity of the Gibraltar National Park;
- (i) to advise the appropriate planning authority in connection with the preparation or amendment of a development plan or in connection with an application for permission to develop any such land;

- (j) to make recommendations to the Minister or other Government Ministers as to any proposals for the development of land in or in the vicinity of the Gibraltar National Park which are inconsistent with the maintenance of the areas within the Park;
- (k) to notify the Minister or other Government Ministers of what action needs to be taken in relation to land within or in the vicinity of the Gibraltar National Park; and
- (l) to perform other functions under this or any other Act.

(3) The Coordination Board may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on it by or under this or any other Act.

#### **Constitution of Coordination Board.**

5.(1) Subject to subsection (2) the Coordination Board consists of the Minister, who is the chairperson, and at least 3 but no more than 7 other members as the Minister may appoint, of whom one may be appointed to be deputy chairperson.

(2) The Minister may, from time to time, by giving notice to the Coordination Board members-

- (a) stand down as a member of the Coordination Board and such notice must state which member is the chairperson;
- (b) re-join the Coordination Board, at which time the Minister becomes the chairperson.

(3) The members of the Coordination Board shall be appointed by the Minister by notice published in the Gazette and shall hold office for a period of 2 years, and the Minister may reappoint a person who is or has been a member.

(4) In appointing members of the Coordination Board, the Minister shall have regard to the desirability that the Coordination Board as a whole shall have knowledge and experience in the following areas:

- (a) environmental matters;
- (b) the cultural heritage of Gibraltar; and
- (c) the natural heritage of Gibraltar.

(5) The Minister may also appoint to the Coordination Board, any representative of a person or body which has responsibility for the management of any premises, building or land contained within the Gibraltar National Park, and in any case such a representative shall only attend any meeting of the Coordination Board at which such premises, building or land shall be discussed.

(6) A member of the Coordination Board may resign by notice to the Minister.

(7) The Minister may remove a member of the Coordination Board who—

- (a) is incapacitated;
- (b) is bankrupt or makes an arrangement with a creditor;
- (c) has been convicted of an indictable offence; or
- (d) is otherwise unfit or unable to discharge the functions of a member.

(8) The Coordination Board may, with the approval of the Minister, appoint a secretary to the Coordination Board, and may appoint such number of other officers and staff as the Minister may determine.

(9) The procedure of the Coordination Board shall be such as they may determine, save that the quorum at a meeting of the Coordination Board is any 3 members and decisions will be taken by majority vote.

(10) A member of the Coordination Board who has a pecuniary, personal or other interest in any matter before the Coordination Board—

- (a) must declare that interest on the first occasion on which the matter is due to be considered by the Coordination Board; and
- (b) must not participate in the consideration of the matter unless the member concerned, at the same time that the interest is declared, informs the other members present of the reasons why the interest is of a nature that does not prevent the member from participating in consideration of that matter, and the other members present decide, by majority vote, that the member concerned may participate in the consideration of the matter; and
- (c) a declaration or withdrawal from participation under this subsection must be recorded in the minutes of the Coordination Board.

(11) For the purposes of subsection (10) a person does not have a pecuniary, personal or other interest in a matter only by virtue of practising a profession in Gibraltar or having a position or ownership interest in an entity that may be affected by the matter, but only in the sense that the matter is or will be of application or interest to the person or entity in the same way as all other persons or entities which are or will be similarly affected or interested.

(12) The validity of any proceeding of the Coordination Board shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

### **Annual Report of Coordination Board.**

6.(1) The Coordination Board shall, as soon as possible after the thirtieth day of September in each year, make to the Minister a report on the discharge by it of its functions under this Act during the period of twelve months ending with that day.

(2) Without prejudice to the generality of subsection (1), the report of the Coordination Board for any period shall include a record of all questions with which the Coordination Board have been concerned during that period and which appear to the Coordination Board to be of general public interest, indicating the purport of any representations or recommendations made by the Coordination Board with respect thereto, and the conclusions (if any) reached thereon.

(3) The Minister shall lay a copy of the annual report before Parliament as soon as practicable after it has been received by the Minister.

## **PART III GIBRALTAR NATIONAL PARK**

### **Gibraltar National Park.**

7.(1) The provisions of this Part shall have effect for the purpose of—

- (a) conserving and enhancing the natural beauty, wildlife and natural and cultural heritage of the areas specified in subsection (2); and
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

(2) The specified areas are those areas to which it appears to the Coordination Board that for reason of—

- (a) their natural beauty;
- (b) their bio-diversity and natural heritage;
- (c) their cultural heritage; or
- (d) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,

it is especially desirable that the necessary measures shall be taken for the purposes mentioned in subsection (1).

(3) The Coordination Board shall from time to time consider what areas additional to those designated pursuant to this Act, there are in Gibraltar falling within section 7(2) to determine in what order they should be designated as the Gibraltar National Park and shall advise the Minister accordingly.

(4) The Coordination Board will—

- (a) when applying subsection (2)(a) in relation to an area, take into account its wildlife and natural and cultural heritage, and
- (b) when applying subsection (2)(b) in relation to that area, take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public.

(5) In addition to those areas designated by this Act in subsection (6) below, any areas, as may be designated by the Coordination Board, and confirmed by the Minister by order in accordance with section 8 of this Act, shall be known as, and are hereinafter referred to as, the Gibraltar National Park.

(6) For the purposes of this Act, and subject to section 8, areas that are listed and demarcated on the plan in the Schedule shall be designated as being within the Gibraltar National Park.

(7) Plans of the Gibraltar National Park shall be deposited at the offices of the Minister and shall be displayed on the Government's Geographical Information Systems.

(8) Nothing in this section shall be construed as modifying the effect of any provision of this Act whereby any specific power or duty is conferred or imposed on the Coordination Board or whereby an obligation is imposed on any other person to consult with the Coordination Board.

#### **Designation and variation of the Gibraltar National Park.**

8. The Minister may by order, after consultation with the Coordination Board, amend the Schedule to add, remove or amend the designation of an area within the Gibraltar National Park.

#### **Development plans relating to the Gibraltar National Park.**

9. In preparing a development plan, or proposals for any alterations of or additions to a development plan, for any area being or including the whole or any part of the Gibraltar National Park, or any area immediately adjacent to the Gibraltar National Park, the authority or authorities who are required to prepare the plan or, as the case may be, who are entitled to alter or add to it shall consult with the Coordination Board and take into consideration any observations made by it.



**PART IV**  
**SUPPLEMENTARY PROVISIONS**

**Power to make regulations and other subsidiary legislation.**

10. The Minister may make such regulations, rules, orders or other subsidiary legislation as may be useful or necessary for the application of this Act, including, without limitation—

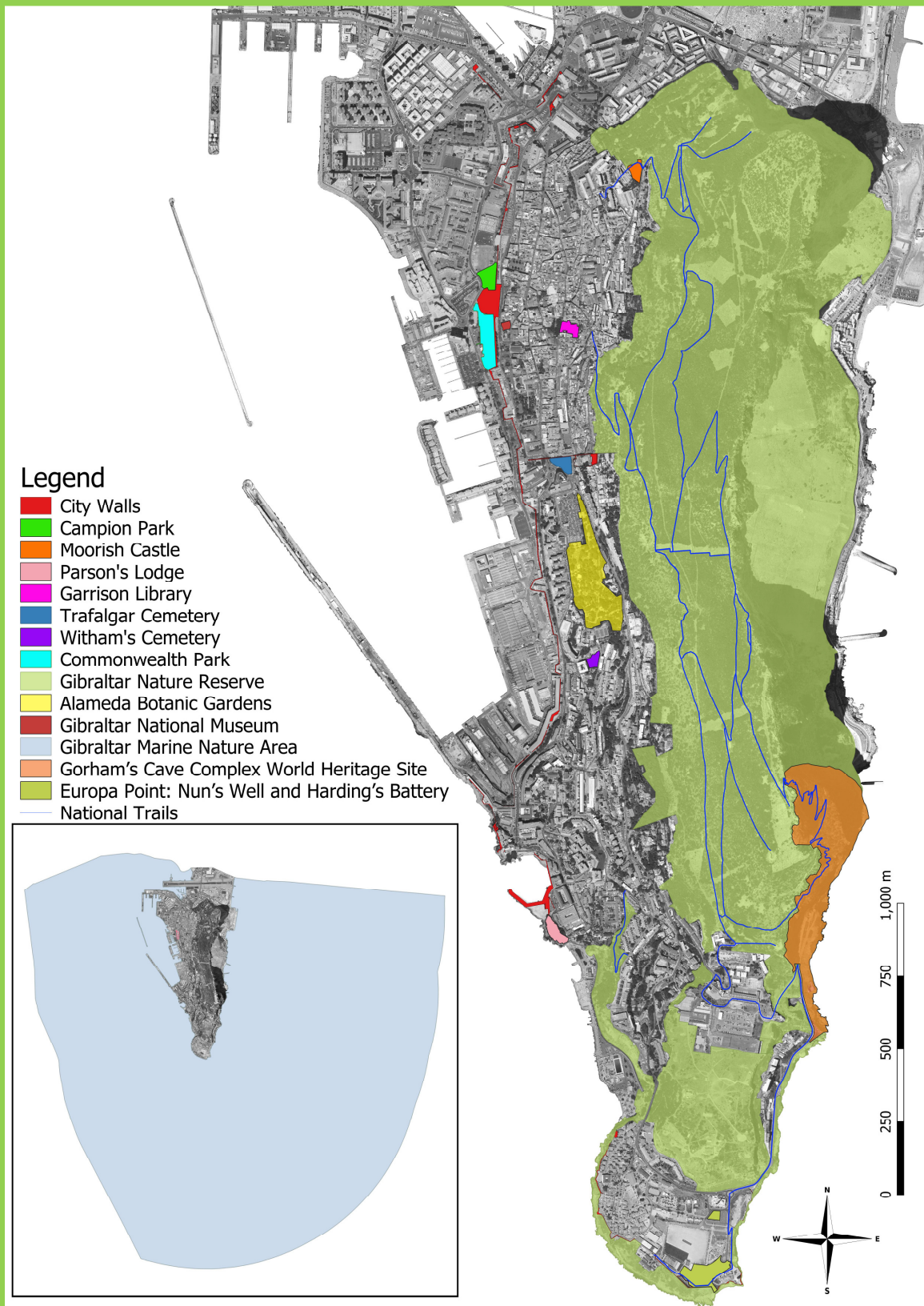
- (a) any fees payable for any purpose; or
- (b) the creation of offences in respect of breaches of any provisions of this Act.

**SCHEDULE**  
**Gibraltar National Park**

*Section 7(6)*

The following areas are designated under section 7 of this Act, as being within the Gibraltar National Park:

- (1) Gibraltar Nature Reserve
- (2) Gibraltar Marine Nature Area
- (3) Gorham's Cave Complex World Heritage Site
- (4) Parson's Lodge
- (5) The Moorish Castle
- (6) Commonwealth Park as defined in the Commonwealth Park Act 2014
- (7) Gibraltar Botanic Gardens
- (8) Trafalgar Cemetery
- (9) City Walls
- (10) Europa Point area incorporating Nun's Well and Harding's Battery
- (11) The National Trails as defined in the Gibraltar National Trails Act 2021
- (12) The Gibraltar National Museum
- (13) Witham's Cemetery
- (14) The Garrison Library
- (15) Alameda Botanic Gardens
- (16) Campion Park



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**EXPLANATORY MEMORANDUM**

This Act provides for the designation of the Gibraltar National Park and for the establishment of the Gibraltar National Park Coordination Board.