

MEMORANDUM BY THE MINISTER OF AGRICULTURE, POWERAND COMMUNICATIONS, REGARDING AN AMENDMENT  
TO THE EXPLOSIVES ORDINANCE

The use of explosives in the sea is of great detriment to the reproductive elements of all marine organisms. Where fish are concerned the explosion destroys a number of semi-pelagic and pelagic fish - generally in a mature stage - far greater than that which is hooked or taken into the boats by means of the pole net. Those fish in the immediate inner area of the explosion are deformed and gutted beyond recognition and sink to the bottom; the remnants are subjected to cerebral haemorrhage and the breaking of the spinal chord, besides other damages, which however do not make them uneatable or unsuitable for sale. It is very hard to prove from these features that the fish were actually caught by the use of explosives, unless analytical proof is achieved of these characteristics together with perhaps taints of explosives permeating the fish. Attempts are being made, in conjunction with the Medical and Health Department and the Royal University to evolve a basic method of detection of fish killed by explosives but so far this is in the embryo stage and cannot until some time elapses come to fruition.

This method of indiscriminate destruction of fish is condemned and punished in all but a very few countries. In Maltese water, however, because of the relative scarcity of fish, it is all the more important that its practice be not only discouraged but punished very severely; in that it contributes in no small measure the further depletion of the availability of this very valuable source of nutrition for the population, besides destroying irremediably the reproductive potential, and at that the life itself of the shoals coming within the central area of the explosion.

Unfortunately the extermination of fish by the use of explosives is becoming a frequent practice all along the coast, both in Malta and in Gozo, and attempts to detect defaulters "in flagrante", have very rarely been successful, due to the fact that when the culprits detect the fisheries patrol vessel from afar they throw all the incriminating articles into the sea. To offset this, the Department of Agriculture and Fisheries, are submitting a 'preliminary proposal' for the provision of £1,000 as a recurrent item in the estimates for the hire of a small fishing luzzu for the purpose of making the patrol as inconspicuous as possible. The Police have offered their co-operation by providing free of charge, a plain clothes officer to accompany the fisheries officers in the attempt to curb this illegal practice.

As the law stands there is an avenue of evasion, in that the culprits have to be caught red handed. It is therefore felt necessary that an amendment should be enacted to the existing Explosives Ordinance, in order to afford a certain amount of flexibility to the executive authorities in the detection of defaulters. This amendment is to cover the carriage of explosives of any kind in any fishing vessel or other craft and features on the attached draft bill. It is hoped that the Hon. Ministers will agree with the proposed amendments.

22nd October, 1965.

lcv

L-Arkivij: Nazjonali ta' Malta

A B I L L  
entitled

An Act further to amend the Explosives Ordinance,  
Cap. 56.

BE IT ENACTED by the Queen's most Excellent  
Majesty, by and with the advice and consent of the House  
of Representatives of Malta, in this present Parliament  
assembled, and by the authority of the same, as follows:-

Short title

1. This Act may be cited as the Explosives (Amend-  
ment) Act, 1965, and shall be read and construed as one  
with the Explosives Ordinance, hereinafter referred to as  
'the principal law.'

Amendment  
of section  
26, of the  
principal  
law

2. Section 26 of the principal law shall be amended  
as follows:-

- (a) the present section 26 shall be renumbered as  
subsection (1); and
- (b) immediately after subsection (1) thereof, there  
shall be added the following:-

"(2) Where any explosives are found in any  
boat, such explosives shall, unless the contrary  
is proved, be deemed for the purposes of  
subsection (1) of this section to be kept  
in his or their possession by the person or  
persons in the boat for fishing purposes."

Objects and reasons

The purpose of this Bill is to establish a  
rebuttable presumption that any explosives found in  
any boat, are kept by the person or persons in the  
boat for fishing purposes.

EXTRACTS FROM THE EXPLOSIVES ORDINANCE

Section 26

It shall not be lawful for any person, at any time or in any place, to make use of or keep in his possession explosives for fishing purposes.

Section 34

Whoever shall commit an offence against the provisions of Section 26, shall, on conviction be liable to hard labour for a term from one to nine years.