

CHAPTER 411

CIVIL PROTECTION ACT

To provide for the establishment of a Civil Protection Department and an Assistance and Rescue Force, and for matters connected therewith or ancillary thereto.

1st December, 1999

ACT XV of 1999, as amended by Acts IV, XXVIII of 2015 and XIX of 2017 and XXI of 2020 and XVI of 2022.*

<p>1. The short title of this Act is Civil Protection Act.</p> <p>2. In this Act, unless the context otherwise requires:-</p> <p style="padding-left: 20px;">"the Department" means the Department of Civil Protection established by article 3;</p> <p style="padding-left: 20px;">"Directors" means the Directors of the Department of Civil Protection who shall be assuming any such function or duty as indicated by the Director General;" and immediately thereafter there shall be added the following new definition:</p> <p style="padding-left: 20px;">"Director General" means the Director General of the Department of Civil Protection and includes any officer designated or authorised by the Director General to act on his behalf;</p> <p style="padding-left: 20px;">"disaster" means an unforeseeable event which causes or threatens to cause damage to the lives and health of a significant number of people, or to property or to vital supply resources of the population or to the environment, and the urgency of the situation requires the co-operation of authorities, institutions, and organisations for prompt remedial action;</p> <p style="padding-left: 20px;">"the Force" means the Rescue and Assistance Force established by article 8 consisting of the Director General, the Directors, the Deputy Directors, the Chief Assistance and Rescue Officers, the Station Officers, the Leading Assistance and Rescue Officers, the Assistance and Rescue Officers and the Fire Safety Inspectors or any officers in equivalent grades who exercise equivalent duties;</p> <p style="padding-left: 20px;">"the Commander" means the Commander appointed to act as such under article 9;</p> <p style="padding-left: 20px;">"the Council" means the Civil Protection Council established under article 5;</p> <p style="padding-left: 20px;">"the Minister" means the Minister responsible for Civil Protection and includes, to the extent and authority given, any person or body of persons authorised by the said Minister for any of the purposes of this Act.</p> <p>3. There shall be a Civil Protection Department which shall be a department of Government headed by the Director General of Civil Protection and which shall have the functions set out in article 4.</p>	<p>Short title.</p> <p>Interpretation.</p> <p><i>Amended by:</i> <i>XXVIII. 2015.2;</i> <i>XIX. 2017.2;</i> <i>XVI.2022.7.</i></p> <p>Establishment of Department.</p> <p><i>Amended by:</i> <i>XVI.2022.8.</i></p>
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*see also transitory provision in article 20 of Act IV of 2015.

Functions of the Department.

Amended by:
XIX. 2017.3.

4. The functions of the Department shall be -

- (a) to prepare contingency plans to respond to a disaster as well as to natural, industrial and other emergencies that may occur;
- (b) to organise and co-ordinate training facilities and courses for personnel that may be required in a national or regional disaster or in an emergency as aforesaid, in accordance with the provisions of the Academy of Disciplined Forces Act:", and immediately thereafter there shall be added the following new proviso:

Provided that training which does not fall within the scope of the Academy of Disciplined Forces Act may be provided subject to a written approval from the Academy;

- (c) to establish the infrastructural set-up required to ensure co-ordination between the various departments of Government, local councils and non-governmental organisations which can be called upon to respond in a national or regional disaster or in an emergency as aforesaid;
- (d) to establish general guidelines in relation to vulnerability and risk assessment studies:

Provided that, the responsibility for the carrying out of vulnerability and risk assessments in relation to such public events, shall always lie on the organizer, notwithstanding the guidelines that the Department of Civil Protection may from time to time establish;

- (e) to promote public awareness of civil protection issues;
- (f) to maintain an assistance and rescue force;
- (g) to prepare regulations under this Act and under the Emergency Powers Act that may be required to respond to a national or regional disaster or an emergency as aforesaid;
- (h) in general to perform such other functions in connection with civil protection as the Minister may from time to time assign to it;
- (i) to take all necessary action, initiatives and setting of standards and code of practice as well as inspect and enforce regulations made in accordance with this Act for the prevention of fire in buildings of whatever nature, use or dimension; and
- (j) make and enforce regulations in relation to health and safety procedures in activities to be listed in regulations made under this Act wherein the public attends.

5. (1) There shall be established a Council to be designated the "Civil Protection Council" having the functions and duties set out in this Act.

(2) The Council shall be appointed by the Prime Minister as follows:

(a) a number of representative members, being not more than five, who shall be chosen from amongst public officers occupying a senior position and performing duties in the ministries responsible for public works, environment, telecommunication and transport services, health services, economic affairs, fuel and energy affairs, and Gozo affairs and;

(b) one member who shall be chosen from amongst persons having knowledge and experience in matters relating to civil protection after consultations with representatives of voluntary organisations concerned with such matters.

(2A) One member shall be appointed by the Local Councils Association established in terms of regulation 3 of the Local Councils (Association) Regulations.

Civil Protection Council.
Amended by:
XIX. 2017.4;
XXI of 2020;
XVI.2022.9.

S.L. 363. 06

(3) The Chairman shall be the Minister responsible for Civil Protection and the Deputy Chairman shall be the Permanent Secretary in the same Ministry, and the Commissioner of Police, the Commander Armed Forces, the Head Security Service, and the Director General of Civil Protection shall be *ex officio* members.

(4) The appointed members shall hold office for such term, not being more than three years, as may be specified in their letter of appointment.

(5) Where the seat of any appointed member is vacated before the expiration of the term fixed in his letter of appointment, the Prime Minister shall appoint another person to replace such member for such term, not being a term of more than three years, as the Prime Minister may specify in his letter of appointment.

Provided that the Council may act notwithstanding any such vacancy.

(6) The Deputy Chairman shall act instead of the Chairman whenever the Chairman is absent from a meeting of the Council or is unable to act as Chairman for any reason.

(7) Notwithstanding any other provision of this article the Prime Minister may at any time terminate the appointment of an appointed member, if in his opinion such appointed member is unfit to continue in office or has become incapable of properly performing his functions.

(8) The Director General of Civil Protection shall act as secretary of the Council.

(9) The Council shall meet as often as necessary but in no case less frequently than once in every three calendar months.

(10) The Council shall regulate its own proceedings.

Functions of the Council.

*Amended by:
XIX. 2017.5;
XVI.2022.10.*

6. (1) It shall be the function of the Council -

- (a) to formulate, direct and co-ordinate all national policy issues and practices relating to civil protection;
- (b) to direct and co-ordinate within its sphere of competence the carrying out of and preparations for the civil protection tasks required in the event of a public emergency or disaster;
- (c) to advise and recommend to the Minister the appropriate person, based on his special personal qualities of decision making, competencies and experience, to act as commander and overall national co-ordinator of civil protection services and measures in any particular emergency or disaster;
- (d) to approve contingency plans and associated guidelines and codes relating to public emergencies and disasters;
- (e) to monitor the workings of the Department of Civil Protection;
- (f) to advise the Minister on any measures that afford protection to the public in the event of a public emergency or a disaster;
- (g) to encourage and support at national and local level general emergency preparedness capable of responding to all kinds of emergencies, whatever the cause;
- (h) to co-ordinate and encourage the development of civil protection voluntary organisations.

(2) (a) For the purposes of sub-article (1)(d) and (f), there shall be a Strategic Committee made up of the Director General, Civil Protection, and representatives of the Ministry responsible for Civil Protection, as appointed by the Minister, as well as other members from the Department and other entities as may be appointed by the Minister from time to time in consultation with the entity concerned.

(b) The Committee shall be responsible for the drafting of standard operating procedures and other documents relating to emergency response.

(3) The Council may, with the concurrence of the Minister, from time to time establish such advisory commissions as it may consider necessary to assist it in its functions; any such commission shall have an advisory and consultative function, and its findings or recommendations shall not be binding on the Council or the Minister.

Powers of Minister to make regulations.

*Amended by:
XIX. 2017.6.*

7. (1) The Minister responsible for Civil Protection may by regulation provide:-

- (a) generally for regulating civil protection matters;
- (b) for the procedures to be adopted with respect to any disaster or public emergency occurring in Malta, including any investigation relating thereto; and

regulations under this paragraph may contain provisions -

- (i) requiring that notice be given of any such disasters or emergency as aforesaid at such times, in such manner and by such persons as may be specified in the regulations;
- (ii) applying, without modification, for the purpose of investigations held with respect to any such accident any of the provisions of any other enactment relating to investigations in cases of disaster;
- (iii) prohibiting, pending investigation, access to or interference in the area where a disaster has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such area.
- (c) for establishing the objectives and provisions, directives, codes of practice and guidelines relating to preparedness and response issues;
- (d) for establishing the system and requirements for civil protection planning;
- (e) for determining, with the concurrence of the Minister responsible for Finance, the method and payment of compensation levels for material losses incurred by persons during an emergency in terms of the Emergency Powers Act and during a disaster as defined in that Act;
- (f) for prescribing or making provision for any matter that is to be or may be prescribed under this Act;
- (g) for penalties of an administrative nature;
- (h) for establishing provisions and procedures with a view to promoting fire safety;
- (i) for prescribing provisions and procedures with a view to maintaining a high level of health and safety during public events:
Provided that the organiser of the public event shall be responsible for the carrying out of vulnerability and risk assessments in relation to such public events, notwithstanding any regulations that the Minister may prescribe from time to time;
- (j) for prescribing, amending or repealing the Schedules to this Act.

(2) The payment of any compensation under the provision of such regulations shall be a charge upon the Consolidated Fund.

(3) Without prejudice to the powers of the Minister under the foregoing sub-articles of this article, every officer of the Department of Civil Protection may prohibit access to any area

Cap. 178.

where a disaster or other emergency has occurred during the time that rescue operations and investigations concerning the disaster or the cause of the emergency are taking place.

Establishment of an Assistance and Rescue Force.

Amended by:

IV.2015.15.

Amended by:

XIX.2017.7.

XVI.2022.11.

8. (1) There is hereby established a force to be known as the Assistance and Rescue Force.

(2) The Assistance and Rescue Force shall be headed by the Director General or any officer designated or authorised by the Director General to act on his behalf as may be prescribed by the Minister.

(3) Before entering upon his duties an officer of the Assistance and Rescue Force shall take the oath of office according to the Schedule to this Act.

(4) The functions of the Assistance and Rescue Force shall be -

- (a) to maintain an adequate service for prompt intervention in the case of fire and rescue on land and at sea, flooding, sea salvage, rescue and any other natural or man-made disaster situation which requires the immediate assistance of a public force or special equipment;
- (b) to intervene in any emergency or disaster;
- (c) to carry out any of the duties assigned to it by the Director General of Civil Protection.

(5) The government and discipline of the Force shall be such as may be prescribed by regulations made by the Minister under article 7 and such regulations may contain provisions concerning the recruitment to the Force and the terms and conditions of service, the discharge from and the training of the Force, including the transfer of any member thereof to any other force, as well as any other matter relating to the Force.

(6) Regulations as aforesaid may provide for the extension to the members of the Force of any one or more of the duties and powers of the officers of the Police Force, subject to such modifications, adaptations and restrictions, and in such circumstances as may be specified in the regulations.

(7) The members of the Force shall be entitled to join a trade union.

(8) A candidate for appointment as an officer in the Assistance and Rescue Force must have attained eighteen (18) years of age and must not be above thirty-nine (39) years of age:

Provided that, any member of the Civil Protection Volunteer Corps who is above thirty-nine (39) years of age may still be eligible for appointment as an officer in the Assistance and Rescue Force if he has been active in the Corps for at least two (2) years.

Appointment and powers of the Commander.

Amended by:

XVI.2022.12.

9. (1) The Minister may, in any national or regional disaster or emergency, or in anticipation thereof, appoint a person to act as overall Commander as provided in article 6(1)(c) and may revoke any such appointment.

(2) In any emergency, disaster or other operation covered by

this Act, the Commander, if one has been appointed, or the Director General or the highest ranking officer of the Assistance and Rescue Force present on the scene shall have the following powers, in addition to all other powers pertaining to his office under this Act or any other law -

- (a) to order the immediate requisition of any movable or immovable thing, which is indispensably necessary in his judgement for any operation;
- (b) to order the evacuation from any premises of persons and to debar any person from entering on any such premises;
- (c) to enter any premises, including a private residence, at any time without the need of a warrant from any higher authority;
- (d) to cause damage to private property where this is indispensably necessary to avoid any threat to the life of others, or the spreading of the effects of any event.

(3) In any of the cases mentioned in paragraphs (a), (b) and (d) of the preceding sub-article, the owner shall have the right for compensation.

(4) The demand for any such compensation shall be made within one year from the date of the occurrence, and the Court of Magistrates in its civil jurisdiction shall be competent to hear and decide any such claim, notwithstanding any other law delimiting its jurisdiction.

10. (1) Any person who unlawfully removes and applies for his own benefit or that of any other person any thing which is abandoned by its owner on account of any disaster, fire, or other event when the life of the owner or any other person was in jeopardy, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period of not less than six months and not more than ten years.

Offences.

Provided that in assessing punishment, the Court shall take into consideration not only the value of the thing, but also the circumstances of hardship to which the owner was exposed in abandoning the thing.

(2) When the offence is committed by any person who is lawfully entrusted under this Act or any other law to assist persons in danger of losing their life or their property, the punishment shall be increased by two degrees.

(3) Any person who enters without due authorisation any area delimited by officers of the Department of Civil Protection shall, for the mere fact of entering, be guilty of an offence, and shall be liable on conviction to imprisonment for a period of not less than one month and not more than six months.

(4) Any person who refuses to comply immediately with a requisition of any thing ordered under any power conferred by this Act, even if verbally communicated to him, shall be guilty of an offence and shall be liable on conviction to imprisonment for a

period not exceeding three months.

(5) Any person who refuses or fails to comply with any order, even if verbally given by an officer acting within the powers of this Act, or who interferes or obstructs with operations of assistance and does not desist from his actions when warned, even verbally, shall be guilty of an offence, and shall be liable on conviction to imprisonment for a term not exceeding three months.

(6) Any person who fails to comply with any regulation issued under this Act shall be guilty of a contravention, unless the specific regulation imposes a penalty which is stated to be of an administrative nature.

(7) It shall not be a defence to a charge under this article that the person was acting as a professional person in mass communications and that the acts were intended as an exercise of the right to inform.

Saving.
Amended by:
XIX. 2017.8.

Pensions regulations.
Added by:
XXVIII. 2015.3.

11. *(Deleted by Act XIX. 2017.8.)*

12. (1) The Minister, with the concurrence of the Minister responsible for Finance, may make regulations for the granting of pensions to persons who have served in the Force.

(2) Any regulations made under this article may with retroactive effect confer a benefit upon or remove a disability attaching to any person or class of persons.

(3) Any pension granted under this Act shall be computed in accordance with the provisions in force at the actual date of the officer's retirement.

(4) No regulation made under this article shall have effect unless it has been approved by a prior resolution of the House of Representatives.

Pensions to be charged on revenues of Malta.
Added by:
XXVIII. 2015.3.

Removal from office.
Added by:
XXVIII. 2015.3.

13. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension in accordance with this Act.

14. It shall be lawful for the Minister to remove from his office at any time an officer of the Force who:

- (i) is considered unlikely to become, or has ceased to be, an efficient officer of the Force;
- (ii) is incapable by reason of some infirmity of mind or body of discharging the duties of his office when such infirmity is likely to be permanent; and
- (iii) it is considered, having regard to the conditions of the Force, the usefulness of the office thereto, and all the circumstances of the case, that such officer should in the public interest no longer serve as a member of the Force.

15. No pension shall be granted to any officer of the Force except on his retirement from the Force in any one of the following cases:

- (i) on or after he has completed twenty-five years service in the Force;
- (ii) on the abolition of his office;
- (iii) on compulsory retirement for the purpose of facilitating improvement in the organisation of the Force, by which greater efficiency and economy can be effected;
- (iv) in the case of termination of employment in the public interest as provided in this Act; and
- (v) on medical evidence to the satisfaction of the Minister that such officer of the Force is incapable by reason of infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Circumstances in which pension may be granted.
Added by:
XXVIII. 2015.3.

16. Subject to any regulations made under this Act determining the maximum pension grantable to an officer of the Force as may be in force from time to time, where a person has been appointed an officer of the Force, any period previous to that appointment during which that person has served as an officer of the Force, prisons officer or as a member of a disciplined force as defined in article 47(1) of the Constitution shall be deemed as service as an officer of the Force for the purpose of any pension that may be granted under this Act or any regulations made thereunder.

Saving as to officers of the Force.
Added by:
XXVIII. 2015.3.

17. Where the services of an officer of the Force are terminated on the grounds referred to in article 14(iii), and a pension cannot otherwise be granted under the provisions of this Act, such officer may be granted a pension not exceeding in amount that for which he would be eligible if he retired from the Force in the circumstances described in article 15(v).

Retirement on the grounds of public interest.
Added by:
XXVIII. 2015.3.

18. Pensions, gratuities and allowances payable under this Act to any officer of the Force shall also be payable to the person entitled thereto in other Member States of the European Community net of any taxes and transaction charges in accordance with Article 5 of Council Directive 98/49/EC of the 29th June, 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Cross-border payments.
Added by:
XXVIII. 2015.3.

19. Where any officer of the Force is posted in another Member State of the European Community, such officer shall be entitled to receive adequate information as to his rights under Article 7 of Council Directive 98/49/EC of the 29th June, 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Information to persons entitled to pension, gratuity or allowance.
Added by:
XXVIII. 2015.3.

20. (1) The Force may make use of animals in the performance of certain operations and in ceremonial functions.

Animals used by the Force.
Added by:
XIX. 2017.9.
Amended by:
XVI. 2022.13.

(2) The Director General shall ensure that these animals are treated in the best way possible and compatibly with the nature of

such animals, and that they are not subjected to any cruel treatment.

(3) Unless otherwise advised by a veterinary surgeon, an animal that is no longer of use to the Force, for any reason whatsoever, shall preferably be donated to any person or body that can continue to treat the animal well in its retirement. The Force shall never put down an animal merely because no suitable person has been immediately found to take care of that animal.

SCHEDEULE

(Article 8)

Oath of Office of Officer in the Assistance and Rescue Force

"I
solemnly swear/affirm that I shall faithfully execute according to law
and without fear or favour the office of
.....* in the Assistance and Rescue
Force established by article 8 of the Civil Protection Act."

** specify here the name of the office in the Assistance and Rescue Force.*
