

FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No.

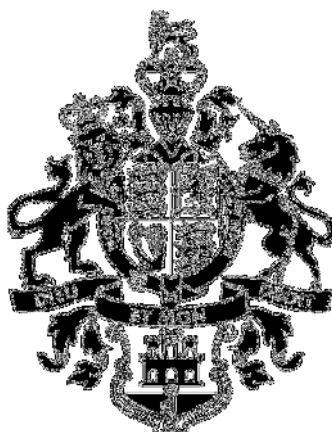
GIBRALTAR

2025



I ASSENT,

GOVERNOR.



GIBRALTAR

No. 12 of 2025

AN ACT to create the offence of damaging electrical infrastructure and to provide for the imposition of a financial penalty when such electrical infrastructure has been damaged.

ENACTED by the Legislature of Gibraltar.

Short title.

1. This Act may be cited as the Electricity Infrastructure (Damage) Act 2025.

Commencement.

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

Amendment of Gibraltar Electricity Authority Act 2003.

- 3.(1) The Gibraltar Electricity Authority Act 2003 is amended in accordance with the provisions of this section.

(2) In the heading of Part VI for “Offences” substitute “Offences and Financial Penalties”.

(3) After section 38 insert-

“Causing a power outage

Damage causing power outage.

38A.(1) A person commits an offence if, in circumstances not already provided for under sections 31 or 32, that person causes damage to any part of the electrical infrastructure and that damage causes a power outage to all or any part of Gibraltar.

(2) A person who is guilty of an offence under subsection (1) is liable on summary conviction to a fine at level 5 on the standard scale.

(3) In this section “electrical infrastructure” includes electric lines, cables and any plant or machinery that delivers electricity to end users.

Strict liability.

38B. In proceedings for an offence under section 38A, it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

Employer’s liability.

38C. Where the offence under section 38A is committed by a person acting in the course of employment, that person’s employer is also liable, in the same manner and to the same extent, as if it had committed the offence.

Financial penalty.

38D.(1) The Authority may impose a financial penalty on a person if satisfied that the person’s conduct amounts to an offence under section 38A, and where section 38C

(*Employers liability*) applies, the Authority may alternatively impose the financial penalty on the employer.

- (2) Only one financial penalty under this section may be imposed on a person in respect of the same conduct.
- (3) The amount of the financial penalty imposed under this section is to be determined by the Authority but must not be more than £100,000.
- (4) The Authority may not impose a financial penalty in respect of any conduct amounting to the relevant offence if-
 - (a) the person has been convicted of the offence in respect of that conduct; or
 - (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.
- (5) Schedule 4 deals with-
 - (a) the procedure for imposing financial penalties;
 - (b) appeals against financial penalties;
 - (c) enforcement of financial penalties; and
 - (d) guidance in respect of financial penalties.
- (6) The Government may by Order amend the amount specified in subsection (3).

Payment into the Consolidated Fund.

38E. Any monies recovered by the Authority from the payment of financial penalties are to be paid into the Consolidated Fund.”.

- (4) After Schedule 3 insert-

“SCHEDULE 4
Financial Penalties

Notice of intent

1. Before imposing a financial penalty on a person under section 38D the Authority must give the person notice of the authority’s proposal to do so (a “notice of intent”).
2. The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.
3. The notice of intent must set out-
 - (a) the amount of the proposed financial penalty;
 - (b) the reasons for proposing the financial penalty; and
 - (c) information about the right to make representations under paragraph 4.

Right to make representations

- 4.(1) A person who is given a notice of intent may make written representations to the Authority about the proposal to impose a financial penalty.
 - (2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given (“the period for representations”).

Final notice

5. After the end of the period for representations the Authority must-
 - (a) decide whether to impose a financial penalty on the person; and
 - (b) if it decides to impose a financial penalty, decide the amount of the penalty.
6. If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty.
7. The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.
8. The final notice must set out-
 - (a) the amount of the financial penalty;

- (b) the reasons for imposing the penalty;
- (c) information about how to pay the penalty;
- (d) the period for payment of the penalty;
- (e) information about rights of appeal; and
- (f) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

9.(1) The Authority may at any time-

- (a) withdraw a notice of intent or final notice; or
- (b) reduce the amount specified in a notice of intent or final notice.

(2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

10.(1) A person to whom a final notice is given may appeal to the Magistrates' Court against-

- (a) the decision to impose the penalty; or
- (b) the amount of the penalty.

(2) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.

(3) An appeal under this paragraph-

- (a) is not to be a re-hearing of the Authority's decision; but
- (b) may be determined having regard to matters of which the Authority was unaware.

(4) On an appeal under this paragraph the court may confirm, vary or cancel the final notice.

(5) The final notice may not be varied under sub-paragraph (4) to impose a financial penalty which is greater than the penalty that the Authority could have imposed.

Recovery of financial penalty

11.(1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.

(2) The Authority may recover the penalty or part thereof as if it were a financial debt owed to it.

(3) In proceedings for the recovery of a financial penalty or part of a financial penalty, a certificate which is-

- (a) signed by the chief executive of the Authority; and
- (b) states that the amount due has not been received by a date specified in the certificate,

is conclusive evidence of that fact.

(4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.”.

Passed by the Gibraltar Parliament on the 5th day of November 2025.

P A Borge McCarthy,
Clerk to the Parliament.