

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3441 of 29 November, 2004



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

24th November 2004.



GIBRALTAR

No. 39 of 2004

AN ACT to amend the Pollution Prevention and Control Act 2001 in order to complete the transposition into the law of Gibraltar Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control and to allow the Environmental Agency to charge for its costs, including the costs of using specialist or other consultants.

ENACTED by the Legislature of Gibraltar.
Title.

1. This Act may be cited as the Pollution Prevention and Control (Amendment) Act 2004.

Amendments to the Pollution Prevention and Control Act 2001.

2. The Pollution Prevention and Control Act 2001 is amended as follows—

- (a) for section 3(2) substitute the following—

“(2) No existing industrial activity of the type referred to in the Schedule shall be carried on after 30 October 2007 without a permit granted in accordance with section 5.”;

- (b) for section 5 substitute the following—

“Applications for permits for existing installations.

5. Any existing installation undertaking an industrial activity of the type referred to in the Schedule shall apply to the Agency, after 30 October 2004, for a permit to continue the activity, and subsections (2) to (4) of section 4 shall apply.”;

- (c) for section 9 substitute the following—

“Offences.

9.(1) A person who conducts an industrial activity for which a permit is required under section 3 without such a permit is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.

(2) A person who fails to comply with the requirements of subsection (2) or (3) of section 7 is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.”;

- (d) after section 9 insert the following—

“Charges & Consultants.

9A.(1) Where the Agency incurs costs in carrying out its functions under this Act it may charge a fee (determined in accordance with this section) to a person carrying on an activity to which this Act applies.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the Agency in carrying out its functions including those referred to in subsection (3).

(3) Where, in the opinion of the Agency, it can properly carry out its functions under this Act only by using specialists or other consultants, the costs of such specialists or other consultants shall be included in the fee payable under subsection (1).

(4) The Agency shall provide the person by whom the fee is payable under subsection (1) with a detailed statement of the work done and costs incurred.

(5) Until the fee (or such proportion of it as the Agency may specify) is paid the person shall be deemed not to have complied with the requirements of this Act.

(6) The fee or such part of it as remains unpaid shall be recoverable as a civil debt.”;

- (e) in paragraph 5.1 of Schedule 1 after “Public Health Act” add “and which have a capacity exceeding 10 tonnes per day.”;
- (f) in paragraph 5.3 of Schedule 1 after “disposal of non-hazardous waste” add “as defined in paragraphs 8 or 9 of Schedule 12 to the Public Health Act.”.

Passed by the Gibraltar House of Assembly on the 1st day of November,
2004.

D. J. REYES,

Clerk to the Assembly.

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