

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 3596 of 3rd May, 2007**

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**B. 29/07**

**BILL**

**FOR**

**AN ACT** to amend the Oil in Territorial Waters Act.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Oil in Territorial Waters (Amendment) Act 2007.

**Amendments to the Oil in Territorial Waters Act.**

2. The Oil in Territorial Waters Act is amended as follows—

(a) section 3(1) is replaced by—

“ (1) If any oil or mixture containing oil is discharged into territorial waters from any vessel, from any place on land or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel) then, subject to the provisions of this Act,-

(a) if the discharge is from a vessel, the owner, charterer or master of the vessel;

(b) if the discharge is from a place on land, the occupier of that place and the person or persons under whose supervision any transfer of oil was taking place; or

(c) if the discharge is from apparatus used for transferring oil to or from a vessel, the person in charge of the apparatus and the person under whose supervision the apparatus was being used,

is guilty of an offence and liable, on summary conviction to a fine up to level 5 on the standard scale and, on conviction on indictment, to a fine.”;

(b) the following new section is inserted after section 3–

**“Further provision on offences.**

3A (1) Where a person convicted of an offence under section 3 was employed or acting under the direction of a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of–

(a) a director, manager, secretary or other similar officer of the body corporate; or

(b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) In addition to any fine imposed under section 3, and without prejudice to section 9(2), any person convicted of an offence under section 3 or this section may be ordered to pay the costs or expenses of removing any pollution or making good damage attributable to the offence.”;

- (c) in section 6(4), substitute “up to level 4 on the standard scale” for “£500” in both places;
  - (d) in section 7(2), substitute “up to level 3 on the standard scale” for “£200”;
  - (e) in section 8(2), substitute “up to level 1 on the standard scale” for “£10” and “up to level 2 on the standard scale” for “£100”.
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**EXPLANATORY MEMORANDUM**

This Act amends the Oil in Territorial Waters Act to provide for an increase level of fines for oil pollution and to provide for corporate liability, when appropriate.

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