

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4550 of 07 March, 2019

B. 06/19

BILL

FOR

AN ACT to amend the Public Health Act in order to provide for improvement notices and relevant penalties in regard to the control of major accident hazards involving dangerous substances.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Public Health (Amendment) Act 2019.

Commencement.

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

Amendment to the Public Health Act.

3.(1) The Public Health Act is amended in accordance with the provisions of this section.

(2) After section 95Q, insert–

“Improvement notices.

95QA.(1) The competent authority may issue the operator of any establishment or installation or any part thereof with an improvement notice where it is found that the measures taken by the operator for the prevention and mitigation of major accidents are deficient but not seriously deficient enough to issue a prohibition notice under section 95Q.

(2) An improvement notice issued under subsection (1) must state–

- (a) that the competent authority is of the opinion that the measures taken by the operator for the prevention and mitigation of major accidents are deficient;
 - (b) the reasons as to why it is of that opinion;
 - (c) that the competent authority requires the operator to remedy the deficiency; and
 - (d) the time in which the deficiency must be remedied.
- (3) Where a notice has been served on an operator under subsection (1), the operator shall comply with it (including any such notice as modified on appeal).
- (4) Section 330 (appeals against enforcement of certain notices) shall apply in relation to a notice served under this section.”.
- (3) In section 95S, for “level 4” substitute “level 5”.

EXPLANATORY MEMORANDUM

This Bill amends the Public Health Act.