

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5013 GIBRALTAR Thursday 24th November 2022

LEGAL NOTICE NO. 324 OF 2022

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (OS 35 COLLISION) (No.4) REGULATIONS 2022

In exercise of the powers conferred on her by section 11 of the Civil Contingencies Act 2007, and all other enabling powers, the Minister with responsibility for Civil Contingencies, acting with the consent of the Chief Minister, has made these Regulations-

Title.

1. These Regulations may be cited as the Civil Contingencies Emergency (OS 35 Collision) (No.4) Regulations 2022.

Commencement.

2. These Regulations come into operation on 25 November 2022 and expire on 23 December 2022.

Statement in accordance with section 11(2) of the Act.

3. The Minister declares that –

- (a) on 30 August 2022 there was a collision in BGTW involving the ships OS 35 and Adam LNG. OS 35 was beached in the vicinity of Catalan Bay beach in order to prevent it from sinking. OS 35 contains quantities oils, some of which has leaked and continues to leak into the sea causing disruption or destruction of plant life or animal life;
- (b) the conditions in section 12 of the Act are met;
- (c) these regulations contain only provisions which are appropriate for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency in respect of which the regulations are made; and
- (d) the effect of these regulations is in due proportion to that aspect or effect of the said emergency.

Enforcement of restrictions on navigation.

4.(1) Where the Captain of the Port has created a restriction on navigation, whether by way of an exclusion zone or otherwise, in relation to the vessel OS 35, the following may take such steps as are necessary for the enforcement of the restrictions-

- (a) a police officer;
- (b) a customs officer;
- (c) a port officer;
- (d) a wildlife warden appointed under the Nature Protection Act, 1991.

(2) A person who without reasonable excuse fails to comply with instructions issued pursuant to subregulation (1) commits an offence.

Prosecution.

5.(1) Where a person commits an offence under regulation 4 and the instructions are issued by a police officer, that person may be proceeded with under section 177 of the Crimes Act 2011.

(2) Where a person commits an offence under regulation 4 and the instructions are issued by a customs officer that person may be proceeded with under section 107 of the Imports and Exports Act, 1986.

(3) Where a person commits an offence under regulation 4 and the instructions are issued by a port officer or a wildlife warden that person is liable on summary conviction to imprisonment for 3 months or to fine not exceeding level 5 on the standard scale, or to both.

Dated: 24th November 2022.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations confer powers to help enforce navigational restrictions issued by the Captain of the Port consequent on the collision of the OS 35 and Adam LNG.