

Subsidiary Legislation made under s..

CIVIL CONTINGENCIES EMERGENCY (SULLAGE PLANT) REGULATIONS 2011

(LN. 2011/104)

Commencement **6.7.2011**

Amending enactments	Relevant current provisions	Commencement date
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In exercise of the powers conferred on her by section 11 of the Civil Contingencies Act 2007, and of all other enabling powers, the Minister for Civil Contingencies, acting with the consent of the Chief Minister, has—

- A. Declared that she is satisfied that—
- (a) There is an emergency at the building and industrial premises known as the Sullage Plant, North Mole, Gibraltar, namely that following the explosion and fire at the Sullage Plant that occurred on Tuesday 31st May and Wednesday 1st June it is impossible to assess without execution of these Regulations, that the structural integrity of the tanks and other containment structures at the Sullage Plant have not been compromised to the point that their imminent collapse may occur thereby causing significant further pollution of the marine environment and further damage to property in the port in vicinity of the said sullage plant and further risking human life, health or safety;
 - (b) Conditions in section 12 of the Civil Contingencies Act 2007 are met;
 - (c) These regulations contain only provisions which are appropriate for the purpose of preventing, controlling or

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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.

B. Made the following regulations—

1. These Regulations are made for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency in respect of which the Regulations are made.
2. The Captain of the Port and his staff and agents shall as soon as possible enter the Sullage Plant and remove or cause to be removed from all tanks and containment structures at the Sullage Plant all sullage, reconditioned oils and other liquids.
- 3.—
 - i. Engineers, surveyors and inspectors appointed by the Government for that purpose shall have the right to enter any and all parts of the building and any premises forming part of the Sullage Plant for the purpose of carrying out a structural survey thereof to assess the extent of the defects in the building, tanks and other structures and the danger posed thereby.
 - ii. Such engineers, surveyors and inspectors may carry out intrusive inspections for which purpose they may penetrate walls and other parts of the building, tanks and structures limiting the damage thereto the minimum necessary for that purpose.
 - iii. If access to any premises within the building, tanks or structures is not facilitated by the occupier thereof, a police officer may use reasonable force to gain entry into such premises.
4. It is provided that the Commissioner of Police or any officer of the Royal Gibraltar Police acting under his direction or the Captain of the Port has a power to give

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directions or orders which are in his opinion necessary for carrying out the purposes of these Regulations.

5. The Captain of the Port shall use all powers at his disposal to prevent the recommencement of operations by the operators of the Sullage Plant.
6. Any person who—
 - a. fails to comply with a provision of these Regulations;
 - b. fails to comply with a direction or order given or made under these Regulations; or
 - c. obstructs a person in the performance of a function under or by virtue of these Regulations

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for three months or to a fine at level five on the standard scale.

- C. These regulations—
 - (a) may be cited as the Civil Contingencies Emergency (Sullage Plant) Regulations 2011; and
 - (b) shall come into operation on the 6h July 2011 and shall lapse after the period of 30 days therefrom.