

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 4026 of 19 September, 2013**

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LEGAL NOTICE NO. 127 OF 2013.

**ENVIRONMENT ACT 2005**

**ENVIRONMENT (CONTROL OF DUST) (AMENDMENT)  
REGULATIONS 2013**

In exercise of the powers conferred on it by section 18(c) of the Environment Act 2005, and all other enabling powers, the Government has made the following Regulations—

**Title and commencement.**

1. These Regulations may be cited as the Environment (Control of Dust) (Amendment) Regulations 2013 and come into operation on the day of publication.

**Amendments to the Environment (Control of Dust) Regulations 2010.**

2.(1) The Environment (Control of Dust) Regulations 2010 are amended in accordance with this regulation.

(2) In regulation 11—

(a) in sub-regulation (1) insert—

(i) “of” before “assessing whether the dust control”;

(ii) “,” after “implemented”;

(b) for sub-regulation (2) substitute—

“Where the authorised person is not satisfied that the dust control plan is being implemented, or is being properly implemented, and dust emissions are being created by an activity or operation as set out in regulation 3, that person shall issue a notice in writing prohibiting that activity and setting out those matters that must be addressed and the time by which it must be done.”;

- (c) in sub-regulation (3) insert “a” before “notice issued under subregulation (2)”.

(3) For regulation 13 substitute–

“(1) A person who undertakes an activity or operation without a valid certificate of approval commits an offence and is liable on summary conviction to a fine not exceeding twice level 5 on the standard scale.

(2) A person who undertakes an activity or operation to which these Regulations apply commits an offence if that person–

(a) fails to make any suitable provision for the prevention or reduction of dust emissions in relation to that activity or operation; or

(b) creates or allows dust emissions to be created by that activity or operation,

and a person guilty of an offence under this sub-regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) A person who without reasonable excuse obstructs or interferes with an authorised person in the execution of his duty, or fails to comply with the requirements of a prohibition notice served under regulation 11(2), commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

Dated 19th September, 2013.

Dr JOHN CORTES,  
Minister with responsibility for the Environment,  
For the Government.