

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4889 GIBRALTAR Thursday 19th August 2021

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LEGAL NOTICE NO. 374 OF 2021

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### ENVIRONMENT (MARITIME SPATIAL PLANNING) (EU EXIT) (AMENDMENT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 11 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations-

#### **Title.**

1. These Regulations may be cited as the Environment (Maritime Spatial Planning) (EU Exit) (Amendment) Regulations 2021.

#### **Commencement.**

2. These Regulations are deemed to have come into operation on 1 January 2021.

#### **Amendment of the Environment (Maritime Spatial Planning) Regulations 2016.**

3.(1) The Environment (Maritime Spatial Planning) Regulations 2016 are amended in accordance with this regulation.

(2) In regulation 3-

(a) before the definition of “competent authority” insert-

““BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;”;

(b) in the definition of “Directive 2008/56/EC” for “as amended from time to time” substitute “as it had effect immediately before 1 January 2021”;

(c) in the definition of “Directive 2014/89/EC” for “as amended from time to time” substitute “as it had effect immediately before 1 January 2021”;

- (d) omit the definition of “EU Integrated Maritime Policy”;
  - (e) for the definition of “marine waters” substitute “BGTW”;
  - (f) immediately after the definition of “maritime spatial planning” for “; and” substitute “.”;
  - (g) omit the definition of “Member State”.
- (3) In regulation 5-
- (a) in subregulation (1) for “implementation of Directive 2014/89/EU” substitute “purposes of these Regulations”;
  - (b) omit subregulations (3) and (4).
- (4) In regulation 8(4)-
- (a) omit paragraph (f);
  - (b) in paragraph (g) for “that are not Member States” substitute “outside Gibraltar”.
- (5) In regulation 10(3) for paragraphs (a) and (b) substitute “any retained EU law”.
- (6) Omit regulation 11.
- (7) In regulation 12-
- (a) in the heading for “the European Union” substitute “Gibraltar”;
  - (b) for “the European Union” substitute “Gibraltar”;
  - (c) after “cooperation” insert “and shall where possible take into account issues of a transnational nature.”.
- (8) Omit regulation 13.

Dated: 19<sup>th</sup> August 2021.

PROF J CORTES  
Minister with responsibility for the Environment

**EXPLANATORY MEMORANDUM**

These Regulations are made in exercise of the powers in section 11 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular, these regulations amend the Environment (Maritime Spatial Planning) Regulations 2016.