

# FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5197 GIBRALTAR Monday 23rd December 2024

---

---

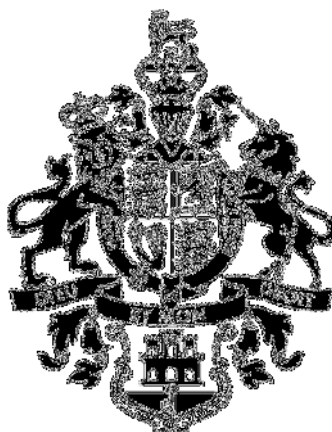


I ASSENT,

LIEUTENANT GENERAL SIR  
BEN BATHURST KCVO CBE

GOVERNOR.

23<sup>rd</sup> December 2024



**GIBRALTAR**

**No. 30 of 2024**

**AN ACT** to amend the Litter Control Act, 1990.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Litter Control (Amendment) Act 2024.

**Commencement.**

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

**Amendment of the Litter Control Act, 1990.**

3.(1) The Litter Control Act, 1990 is amended in accordance with the provisions of this section.

(2) In section 2 -

(a) after the definition of "authorized officers" insert -

"British Gibraltar Territorial Waters" means the area of sea, the seabed 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, extends to three nautical miles and to the median line in the Bay of Gibraltar;

(b) after the definition of "free public open places" insert -

"Gibraltar Nature Reserve" means all that area designated as a nature conservation area and known as the Gibraltar Nature Reserve under the Nature Conservation (Designation of Gibraltar Nature Reserve and Upper Rock Nature Reserve) Order 2023;

"keeper" in relation to a vehicle is the person in whose name the vehicle is registered;

(c) substitute the definition of "litter" with -

"litter" means anything whatsoever if it is thrown down, dropped or otherwise deposited in, into or from any place being a free public open place including British Gibraltar Territorial Waters, or a litter control area;

(3) At the end of section 5, insert -

"(9) If the place to which the offence relates forms part of the Gibraltar Nature Reserve or British Gibraltar Territorial Waters, this shall be treated as an aggravating factor by any court sentencing an offender for an offence under this section."

(4) After section 5, insert —

**“Littering from a vehicle; civil penalty.**

5A.(1) The litter authority may give a penalty notice to a person who is the keeper of a vehicle where there is reason to believe that litter is thrown, dropped or otherwise deposited from the vehicle (whether or not by the vehicle's keeper).

- (2) A penalty notice is a written notice requiring the person to pay a penalty and may be issued to that person by —
- (a) handing it to him; or
  - (b) addressing it to him and leaving it at his last known address; or
  - (c) sending it by registered post to him at his last known address.
- (3) The form of notices under this section, and their content shall be such as the Government may by regulation prescribe.
- (4) The provisions of this section shall apply to dangerous litter as they apply to litter.
- (5) The amount of a penalty issued under this section is the amount specified in Schedule 3, which is recoverable by the litter authority as a civil debt.
- (6) If a penalty is not paid in full within 14 days following the date of service of that notice, the amount of the penalty increases by 100% with effect from the day after the last day of the 14-day period.
- (7) A penalty is taken to be paid when it is received by the litter authority.
- (8) A penalty notice must not be given —
- (a) after the end of the period of 35 days beginning with the day on which the littering in question occurred; or
  - (b) if a notice under section 6 of this Act has been given to a person in respect of the same offence (whether or not the person is the vehicle's keeper); or
  - (c) if a prosecution has been brought against a person under section 5 of this Act in respect of the same offence (whether or not the person is the vehicle's keeper and whether or not the prosecution has concluded or was successful).
- (9) The litter authority may cancel a penalty notice issued under this section at any time by informing the recipient in writing.

Passed by the Gibraltar Parliament on the 18<sup>th</sup> day of December 2024.

JOHN B REYES,  
Clerk to the Parliament.