

Subsidiary Legislation made under s.4.

## **Release of Balloons Regulations 2019**

**LN.2019/056**

*Commencement*                      **21.3.2019**

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### **ARRANGEMENT OF REGULATIONS**

Regulation

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*In exercise of the powers conferred on the Government by section 4 of the Litter Control Act 1990, and all other enabling powers, and for the purposes of protecting sea mammals, other marine life and land animals from ingesting deflated balloons, and for the prevention of litter on land and sea caused by the release of balloons, the Minister with responsibility for the Environment has made the following regulations—*

**Title.**

1. These regulations may be cited as the Release of Balloons Regulations 2019.

**Commencement.**

2. These regulations come into operation on the date of publication.

**Interpretation.**

3. In these regulations, unless the context otherwise requires—

“balloon” means balloons that are filled with helium or other substance which causes the balloon to rise or float in the air, including, without limitation, any balloons made from metallized nylon, metalized plastic or any foil-like substance;

“Minister” means the minister with responsibility for the Environment.

“statutory maximum fine” means a fine at the highest level on the standard scale.

**Prohibition on releasing balloons.**

4.(1) Any person who knowingly or intentionally releases any balloons or causes any balloons to be released at any outdoor celebration, promotional activity, sporting or other public event shall be guilty of an offence.

(2) Regulation 4(1) shall apply to the following places-

- (a) any free public open place;
- (b) any place on land designated as a litter control area.

**Evidence**

5. In any proceedings under these regulations-

- (a) it is not necessary to establish the exact number of balloons released;

- (b) evidence that a balloon rose or floated into the air is evidence that the balloon was filled with helium or other substance which caused the balloon to rise or float in the air;
- (c) it is not necessary to establish that the balloon landed or was deposited onto land or water in Gibraltar.

**Exceptions.**

6. Regulation 4 shall not apply to-

- (a) balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- (b) hot air balloons that are recovered after launching; or
- (c) balloons released indoors which do not escape into the open air.

**Fines.**

7.(1) A person convicted of an offence under regulation 4 shall be liable to the statutory maximum fine.

(2) In the case of a second or subsequent conviction, a person shall be liable to a fine, which shall be double the statutory maximum fine.

**Offences by corporations etc.**

8.(1) Where an offence under regulation 4 which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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(3) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(4) Where an offence against these regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.