

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

NO. 2,621 of 18th July 1991

I ASSENT,

ADREW CARTER,

ACTING GOVERNOR.

18th July, 1991.



GIBRALTAR

No. 21 of 1991.

AN ORDINANCE to amend the Petroleum Ordinance.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Ordinance may be cited as the Petroleum (Amendment) Ordinance, 1991.

Amendment to section 9.

2. Section 9 of the Petroleum Ordinance is amended—

(a) by inserting the figure "(1)" after the figure "9";

(b) by omitting the expression "on summary conviction to a fine of £50." and substituting the following

"(a) on summary conviction to a fine at level 5 on the standard scale;

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(b) on conviction on indictment to a fine of ten times the amount at level 5 on the standard scale.";

(c) by inserting new subsections (2), (3), (4), (5), (6) and (7) as follows

"(2) Where the effect of a contravention of the Ordinance in respect of which a person is convicted of an offence under subsection (1) has resulted in the leakage, spillage or escape of petroleum, the court by which he is convicted, in addition to dealing with him in any way, permissible under this or any other ordinance, may make an order requiring him to carry out, or cause to be carried out, within such period as may be specified in the order, such operations for the purposes of removing any leaked, spilled or escaped petroleum and remedying the damage caused by such leakage, spillage or escape as may be so specified.

(3) In the case of an order under subsection (2) made by the Magistrates Court, the period specified in the order shall not begin to run

(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against the decision of the Magistrates Court;

(b) when notice of appeal is given within the period so prescribed until the determination of the appeal.

(4) At any time before an order under subsection (2) has been complied with or fully complied with, the court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the court that a change in circumstance has made compliance or full compliance with the order impracticable or unnecessary.

(5) if, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction

(a) to a fine at level 5 on the standard scale; and

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(b) in the case of a continuing offence, to a further fine at level 5 on the standard scale for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the Licensing Authority may carry out such operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.

(7) Where in the opinion of the Licensing Authority it is unsafe or impracticable or will cause irreparable damage if action to remove leaked, spilled or escaped petroleum and to remedy damage caused by such leak, spill or escape is delayed until such time as an order may be made under subsection (2), the Licensing Authority may take such steps as are reasonably necessary to remove the leaked, spilled or escaped petroleum and to remedy the damage caused by such leak, spill or escape and the court, where a person is convicted of an offence under subsection (1), and in addition to dealing with him in any way, permissible under this or any other ordinance, may order that the costs thereby incurred by the Licensing Authority shall be reimbursed to them by the person convicted."

Passed by the Gibraltar House of Assembly on the 9th day of July, 1991.

C. M. COOM

Clerk to the Assembly.