

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,059 of 13th August, 1998



I ASSENT,

M J ROBINSON,

ACTING GOVERNOR.

13th August, 1998.



GIBRALTAR

No. 32 of 1998

AN ACT to transpose into the law of Gibraltar Council Directive 94/67/EC on the incineration of hazardous waste.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Public Health Act (Amendment) Act 1998.

Amendment to Public Health Act.

2.(1) The Public Health Act shall be amended in accordance with subsections (2) to (5).

(2) In section 192A the following definitions shall be inserted in the appropriate places in alphabetical order –

“Incineration of Hazardous Waste Directive” means Council Directive 94/67/EC on the incineration of hazardous waste”;

“specified hazardous waste” means hazardous waste which is not –

- (a) combustible liquid waste including waste oil, provided that it meets the following criteria –
 - (i) the mass content of polychlorinated aromatic hydrocarbons such as polychlorinated biphenyls (PCB) or pentachlorinated phenol (PCP), amounts to concentrations not higher than those set out in European Community instruments;
 - (ii) the waste is not rendered hazardous by virtue of containing other constituents listed in Annex II to Directive 91/689/EEC in quantities or concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive 75/442/EEC; and
 - (iii) the net calorific value amounts to at least 30MJ per kilogram;
- (b) combustible liquid waste which cannot cause, in the flue gas directly resulting from its combustion, emissions other than those from gasoil (as defined in Article 1(1) of Directive 75/716/EEC) or a higher concentration of emissions than those resulting from the combustion of gasoil as so defined;
- (c) hazardous waste resulting from the exploration for, and the exploitation of oil, and gas resources from off-shore installations and incinerated on board;

- (d) municipal waste covered by Directives 89/369/EEC and 89/429/EEC;
- (e) sewage sludges from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to Directive 91/689/EEC in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive 75/442/EEC;”.

(3) In section 192B after sub-section (2)(bb) there shall be inserted the following –

“(bbb) The Incineration of Hazardous Waste Directive;”.

(4) In section 192D(2) after paragraph (c) there shall be added the following-

“(d) additionally, in the case of specified hazardous waste, incineration.”.

(5) After section 192J there shall be inserted the following –

“Provisions as to specified hazardous waste.

192JA. Disposal by way of incineration of specified hazardous waste shall be carried out only in an incineration plant licensed under the Specified Hazardous (Incineration Plants) Act 1998.”.

Passed by the Gibraltar House of Assembly on the 3rd day of July, 1998.

D J REYES,

Clerk to the Assembly.

