

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,227 of 7th June, 2001**

---



I ASSENT,  
DAVID DURIE,  
GOVERNOR.

6th June, 2001.



**GIBRALTAR**

**No. 19 of 2001**

**AN ACT** to amend the Public Health Act in order to provide for the transposition into the law of Gibraltar Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Public Health Act (Amendment) Act 2001.

**Amendment of section 99 of the Public Health Act.**

2.(1) Section 99 of the Public Health Act shall be amended in accordance with the provisions of this section.

(2) Subsection (1) shall be amended as follows–

(a) for the definition of “Directive”, there shall be substituted the following definition–

““Directive” means Council Directive 80/778/EEC as substituted by Council Directive 98/83/EC;”

(b) following the definition of “Directive” there shall be inserted the following definition–

“domestic distribution system” means the pipes, fittings and other appliances installed between taps from where water is drawn for human consumption and the distribution network, to the extent that they are not the responsibility of the water supplier in its capacity as a water supplier;”

(3) For subsection (2) there shall be substituted the following subsection–

“(2) “Potable water” means–

(a) all water, either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers;

(b) all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent national

authority is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.”.

**Amendment of section 110 of the Public Health Act.**

3.(1) Section 110 of the Public Health Act shall be amended in accordance with the provisions of this section.

(2) For subsection (1) there shall be substituted the following subsection–

“(1) The Government shall secure that potable water supplied in Gibraltar complies with the provisions of Council Directive 80/778/EEC as substituted by Council Directive 98/83/EC (hereinafter “the directives”): to achieve that purpose, the Government may by rules make provision–

- (a) for the purpose of implementing any Community obligation of Gibraltar under the directives or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by Gibraltar under or by virtue of the directives to be exercised; or
- (b) for the purpose of dealing with matters arising out of or related to any such obligation or rights.”.

(3) For subsection (3) there shall be substituted the following subsection–

“(3) The competent national authority may exempt from the provisions of the Directive water intended exclusively for those purposes for which the competent national authority is satisfied that the quality of the water has no influence, either directly or indirectly, on the health of the consumers concerned.”.

(4) Subsection (5) shall be amended by substituting for all words appearing after the words “shall not require standards” the following words–

“qualities or values which are more stringent than those provided for in the directives and which the competent national authority considers are likely to affect the wholesomeness and cleanliness of the foodstuff in its finished form.”.

**Amendment of section 111 of the Public Health Act.**

4. Section 111(1) of the Public Health Act shall be amended by substituting for the words “except as provided for in Article 10.2 of the Directive” the words “except in accordance with section 110(3)”.

---

Passed by the Gibraltar House of Assembly on the 1st day of June, 2001.

D.J. REYES,

Clerk to the Assembly.