

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3318 of 19 December, 2002



I ASSENT,

DAVID R C DURIE

GOVERNOR.

16 DECEMBER, 2002.



GIBRALTAR

No. 17 of 2002

AN ACT to amend the Public Health Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Public Health (Amendment) Act 2002 and comes into operation on the day appointed by the Minister for the Environment by notice in the Gazette.

Amendment to the Public Health Act.

2.(1) The Public Health Act is amended in accordance with the provisions of this section.

(2) In section 192B (3)(b), sub-paragraphs (ii) and (v) shall be deleted.

(3) At the end of section 192D the following sub-section shall be added—

“(8) The Government shall carry out appropriate periodic inspections on—

(a) establishments and undertakings which carry out the prescribed activities set out in subsection (2); and

(b) producers of hazardous waste.”.

(4) For section 192E (2)(a) there shall be substituted the following paragraph—

“collecting or transporting waste on a professional basis; or”.

(5) At the end of section 192E the following sub-section shall be added—

“(8) The Government shall carry out appropriate periodic inspections on establishments and undertakings which carry out the prescribed activities set out in sub-section (2).”.

(6) For section 192F there shall be substituted the following section—

“192F(1) Subject to sub-section (2), a holder shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale if without reasonable excuse he causes waste to be handled by—

- (a) a person other than a private or public waste collector; or
- (b) a person acting in contravention of section 192D (1).

(2) A person shall not be guilty of an offence under sub-section (1) if he recovers or disposes of waste himself in accordance with section 192D.”.

(7) For sub-section (2) of section 192KA there shall be substituted the following sub-section–

“(2) Subject to sub-section (5), any other waste which–

- (a) subject to sub-section (3) displays the properties specified in Part II of Schedule 11A; or
- (b) is clinical waste,

is hazardous waste.”.

(8) For sub-section (1) of section 192KB there shall be substituted the following sub-section–

“(1) Where a person carries out a prescribed activity within the meaning of section 192D he shall do so without–

- (a) mixing hazardous waste with waste which is not hazardous waste; or
- (b) mixing different types of hazardous waste set out in Schedule 11A.”.

(9) After sub-section (4) of section 192KB there shall be added the following sub-sections–

“(5) A producer of hazardous waste shall make and maintain the records required under paragraphs (a) and (aa) of section 192L (1).

(6) A person who carries out a prescribed activity as described in section 192D (2)(a)(i) or (ii) in or on any land shall send details of the activity which identifies the nature and location of the waste to the Government where it shall be placed on the register referred to in section 192Q (14).

(7) A person who fails to comply with the provisions of sub-section (6) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

(10) In sub-section (1) of section 192L–

(a) after paragraph (aa) (ii) there shall be added–

“(iii) records of prescribed activity as described in section 192D (2)(a)(i) or (ii) in or on any land until his licence is terminated for whatever reason, and”;

(b) for paragraph (b) there shall be substituted the following paragraph–

“(b) make this information available on request to–

(i) the Government; and

(ii) in the case of hazardous waste, the previous holder.”.

(11) In sub-section (7) of section 192L (2), after the words “sub-section (1)” the word “a” shall be deleted.

(12) For Schedules 12 and 13 there shall be substituted the Schedules set out in the Schedule.

SCHEDULE

Section 2(12)

“SCHEDULE 12

Section 192A

DISPOSAL OPERATIONS

1. Deposit into or onto land (e.g. landfill, etc.)
2. Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
3. Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
4. Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
5. Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
6. Release into a water body except seas/oceans
7. Release into seas/oceans including sea-bed insertion
8. Biological treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered 1 to 12
9. Physico-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered 1 to 12 (e.g. evaporation, drying, calcination, etc.)
10. Incineration on land
11. Incineration at sea
12. Permanent storage (e.g. emplacement of containers in a mine, etc.)
13. Blending or mixing prior to submission to any of the operations numbered 1 to 12
14. Repackaging prior to submission to any of the operations numbered 1 to 13

15. Storage pending any of the operations numbered 1 to 14 (excluding temporary storage, pending collection, on the site where it is produced)

SCHEDULE 13

Section 192A

OPERATIONS WHICH MAY LEAD TO RECOVERY

1. Use principally as a fuel or other means to generate energy
2. Solvent reclamation/regeneration
3. Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
4. Recycling/reclamation of metals and metal compounds
5. Recycling/reclamation of other inorganic materials
6. Regeneration of acids or bases
7. Recovery of components used for pollution abatement
8. Recovery of components from catalysts
9. Oil re-refining or other reuses of oil
10. Land treatment resulting in benefit to agriculture or ecological improvement
11. Use of wastes obtained from any of the operations numbered 1 to 10
12. Exchange of wastes for submission to any of the operations numbered 1 to 11
13. Storage of wastes pending any of the operations numbered 1 to 12 (excluding temporary storage, pending collection, on the site where it is produced)

Public Health (Amendment) Act, 2002 [No. 17 of 2002]

Passed by the Gibraltar House of Assembly on the 18th day of November, 2002.

Dennis J Reyes

Clerk to the Assembly.