

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3510 of 29 December, 2005



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

22nd December, 2005.



GIBRALTAR

No. 71 of 2005

AN ORDINANCE to amend the Public Health Ordinance to transpose parts of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

ENACTED by the Legislature of Gibraltar.

Public Health (Amendment No.2) Ordinance 2005
[No. 71 of 2005]

Title.

1. This Ordinance may be cited as the Public Health (Amendment No.2) Ordinance 2005.

Amendment of the Public Health Ordinance.

2. The Public Health Ordinance is amended in section 192M by inserting after subsection (2)–

“(2A) Where the Government is either making a waste management plan or reviewing a plan made under subsection (1) the Government shall, in accordance with subsection (2B) and (2C), ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of that plan.

(2B) The Government shall–

(a) ensure that the public is informed, whether by public notices or other appropriate means such as electronic media, about any proposals for such a plan or for its modification or review;

(b) ensure that relevant information about the proposals referred to in paragraph (a) is made available to the public, including information about the right to participate in decision-making;

(c) ensure that the public is entitled to make comments before decisions on the plan are made;

(d) in making those decisions, take due account of the results of the public participation; and

(e) having examined the comments made by the public, make reasonable efforts to inform the public about–

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(i) the decisions taken and the reasons and considerations on which those decisions are based; and

(ii) the public participation process.

(2C) The Government shall publish any information required to carry out its functions under subsections (2A) and (2B) in such manner as it considers appropriate for the purpose of bringing it to the attention of the public and shall—

(a) make copies of such information accessible to the public; and

(b) specify in a notice (which may be posted on a website) the detailed arrangements made to enable participation in the preparation, modification or review of the plans or programmes, including—

(i) the address to which comments may be submitted; and

(ii) the time-frame for any such comments allowing sufficient time for each of the different stages of public participation required by subsections (2A) and (2B).

(2D) In this section “public” includes natural or legal persons and non-governmental organisations having an interest in the environment.

(2E) This section shall not apply to a waste management plan in respect of which the Environment Ordinance 2005 applies”.

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Passed by the Gibraltar House of Assembly on the 13th day of December, 2005.

D. J. REYES,
Clerk to the Assembly.

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