

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3888 of 3 November, 2011

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LEGAL NOTICE NO. 226 OF 2011.

**INTERPRETATION AND GENERAL CLAUSES ACT**

**PUBLIC HEALTH ACT (AMENDMENT NO.6) REGULATIONS 2011**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act and in order to give effect to Commission Regulation (EC) No. 1418/2007 Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, the Government has made the following Regulations–

**Title and commencement.**

1. These Regulations may be cited as the Public Health Act (Amendment No.6) Regulations 2011 and come into operation on the day of publication.

**Amendment of Public Health Act.**

2. The Public Health Act is amended as follows–

(a) in section 98A after the definition of “BGTW” insert the following definition–

““Commission Regulation (EC) No 1418/2007” means Commission Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, as amended from time to time;”;

- (b) in section 98M(1) after the words “Article 3(1)(a) or (b)”, insert the words “or Article 3(5)”;
- (c) after section 98P insert the following sections–

**“Requirements for export of waste listed in Annex III or IIIA to non-OECD Decision countries.**

98PA.(1) This section applies to waste–

- (a) listed in Annex III or IIIA of the TSW Regulation; and
  - (b) the export of which is not prohibited under Article 36.
- (2) A person who transports waste destined for recovery in any country listed in the Annex to Commission Regulation (EC) No 1418/2007 (being a country to which the OECD Decision does not apply) commits an offence if he does so in breach of that Regulation.
- (3) A person who transports waste destined for recovery in any other country to which the OECD Decision does not apply commits an offence if he does so without complying with the procedure of prior written notification and consent as described in Article 35, in accordance with the second paragraph of Article 37(2).
- (4) In either case, he commits an offence if he transports such waste in breach of Article 37(4) (requirement for consignment only to facilities operating or authorised to operate under the applicable national law of the country of destination).

**Requirements for export of waste classified under more than one entry in Annex III etc. to non-OECD Decision countries.**

98PB.(1) This section applies to waste specified in Article 37(5) of that is–

- (a) destined for recovery in a country to which the OECD Decision does not apply; and
  - (b) the export of which is not prohibited under Article 36.
- (2) A person who transports such waste commits an offence if he does so—
- (a) without the procedure of prior written notification and consent as described in Article 35 having been complied with in accordance with Article 37(5); or
  - (b) in breach of Article 37(4) (requirement for consignment only to facilities operating or authorised to operate under the applicable national law of the country of destination).”

Dated 3rd November, 2011.

P R CARUANA,  
Chief Minister,  
For the Government.

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**EXPLANATORY MEMORANDUM**

These Regulations amend the Public Health Act to give effect to Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply.

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Unit 3, New Harbours  
Government Printers for Gibraltar,  
Copies may be purchased at 6, Convent Place, Price £0.40p**