

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3386 of 8 January, 2004**

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LEGAL NOTICE NO. 3 OF 2004

**PUBLIC HEALTH ACT**

**PUBLIC HEALTH (POLLUTION OF GROUNDWATER)  
(AMENDMENT) RULES 2004**

In exercise of the powers conferred on him by section 70 of the Public Health Act, and of all other enabling powers, the Governor has made the following rules-

**Title.**

1. These rules may be cited as the Public Health (Pollution of Groundwater) (Amendment) Rules 2004.

**Amendment to Public Health (Groundwater) Rules 1995.**

2. The Public Health (Groundwater) Rules 1995 are amended by inserting after rule 11-

**“Indirect Discharges**

11A.(1) Where a person is proposing to undertake or is undertaking an activity on or in the ground which may lead to either an indirect discharge of any substance in List 1 or the pollution of groundwater as a result of an indirect discharge of any substance in List 2 the competent authority shall serve a notice in writing-

- (a) prohibiting him from carrying out that activity, or
- (b) authorising that activity subject to such conditions as are specified in the notice.

(2) A person who carries out an activity in contravention of a notice issued under sub-rule (1) is guilty of an offence and shall be liable on summary conviction to a fine at level 1 on the standard scale in respect of a first conviction and to a fine at level 2 on the standard scale or for a term of imprisonment not exceeding 3 months in respect of a second or subsequent conviction.”.

Dated the 8th day of January 2004.

By Command,

D G BLUNT

Deputy Governor.

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**Explanatory Memorandum**

These rules insert a new rule in the Public Health (Groundwater) Rules 1995 to provide for the control of activities which may lead to the pollution of groundwater.