

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 3476 of 23 June, 2005**

LEGAL NOTICE NO. 96 OF 2005.

PUBLIC HEALTH ORDINANCE

**PUBLIC HEALTH (AIR QUALITY) (OZONE) (AMENDMENT)
RULES 2005**

In the exercise of the powers conferred upon him by section 337 of the Public Health Ordinance, and for the purposes of transposing, in part, 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, the Governor has made the following Rules—

Title.

1. These Rules may be cited as the Public Health (Air Quality) (Ozone) (Amendment) Rules 2005.

Amendment of Public Health (Air Quality) (Ozone) Rules 2004.

2.(1) The Public Health (Air Quality) (Ozone) Rules 2004 are amended in accordance with this rule.

(2) In rule 2 for the definition of “the public” substitute “means natural or legal persons, including health care bodies and other organizations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment”.

(3) After rule 5 insert—

“Public Participation.

5A.(1) Without prejudice to rule 5(5) where a plan or programme is required by rule 5(1) the Minister shall, in accordance with subrules (2) and (3), ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under rule 5(1).

(2) The Minister 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 plans or programmes or for their 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 plans and programmes 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—
 - (i) the decisions taken and the reasons and considerations on which those decisions are based; and
 - (ii) the public participation process.

(3) The Minister shall publish any information required to carry out his functions under subrules (1) and (2) in such manner as he 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 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 subrules (1) and (2).”.

Dated this 23rd day of June, 2005.

By Command,

P R BARTON,

Deputy Governor.

EXPLANATORY MEMORANDUM

These Rules make provision for public participation in accordance with 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