

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3886 of 27 October, 2011

---

---

LEGAL NOTICE NO. 215 OF 2011.

**INTERPRETATION AND GENERAL CLAUSES ACT**

**WASTE (INCINERATION) ACT 2003 (AMENDMENT)  
REGULATIONS 2011**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and all other enabling powers, and in order to partly transpose Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, the Government has made the following Regulations—

**Title and commencement.**

1. These Regulations may be cited as the Waste (Incineration) Act 2003 (Amendment) Regulations 2011 and come into operation on the day of publication.

**Amendment of Act.**

2. The Waste (Incineration) Act 2003 (“the principal Act”) is amended in accordance with these Regulations.

**Amendment of section 2.**

3.(1) In section 2 of the principal Act—

- (a) immediately before the definition of “co-incineration plant” insert the following definitions—

““automotive battery or accumulator” means any battery or accumulator used for automotive starter, lighting or ignition power;

“battery” or “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and

consisting of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable), but does not include a battery or accumulator which is excluded from the scope of the Environment (Waste) Regulations 2007 pursuant to regulation 14B of those Regulations;”;

- (b) after the definition of “incineration plant” insert the following definition–

““industrial battery or accumulator” means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;”.

- (2) After subsection (2) insert the following subsection–

“(3) The terms “automotive battery or accumulator” and , “battery or accumulator” in subsection (1) shall be interpreted in the same way as those terms are interpreted and applied in the Environment (Waste) Regulations 2007.”

**New section 7A.**

3. After section 7 of the principal Act insert–

**“Additional requirements for waste batteries and accumulators.**

7A.(1) Subject to subsection (2) a permit under this Act or Part VA of the Public Health Act shall not allow the disposal by incineration of waste industrial and automotive batteries and accumulators.

- (2) Subsection (1) shall not apply to the incineration of residues of any batteries that have undergone both treatment and recycling, provided that the treatment and recycling–

- (a) used best available techniques, in terms of the protection of health and the environment; and

- (b) complied, as a minimum, with European Union legislation, in particular as regards health and safety and waste management.”.

Dated 27th October, 2011.

P R CARUANA,  
Chief Minister,  
For the Government.

---

**EXPLANATORY MEMORANDUM**

These Regulations partly transpose Directive 2006/66/EC on batteries and accumulators by amending the Act so that subject to the exception set out in section 7A(2) the incineration of waste industrial and automotive batteries will not be allowed.

