

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4888 GIBRALTAR Wednesday 18th August 2021

B. 16/21

BILL

FOR

AN ACT to amend the Petroleum Act to provide for an increase in certain penalties; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Short title.

1. This Act may be cited as the Petroleum (Amendment No.2) Act 2021.

Commencement.

2. This Act comes into operation on the day of publication.

Amendment to Act.

3.(1) The Petroleum Act is amended in accordance with the provisions of this section.

(2) In section 7(1)-

(a) in paragraph (m) for “.” substitute “;”; and

(b) after paragraph (m) insert-

“(n) create offences in connection with the breach of any rule or other matter provided for therein and provide for the penalties in relation to any such breach.”.

(3) After section 7(1) insert-

“(1A) Section 23(b) and (e) of the Interpretation and General Clauses Act does not apply to rules made under this section.”.

(4) In section 9(1) omit “, the rules thereunder”.

Amendment to Rules.

4.(1) The Petroleum Rules are amended in accordance with the provisions of this section.

(2) For rule 38 substitute-

“Offences.

38.(1) Except where subrule (2) applies, a person who contravenes any of the provisions of these Rules or any condition of a licence or permit issued under these Rules is guilty of an offence and is liable—

- (a) on summary conviction to a fine at level 5 on the standard scale or a term of imprisonment of six months or to both;
- (b) on conviction on indictment to a fine of ten times the amount at level 5 on the standard scale or a term of imprisonment of 5 years or to both.

(2) A person who contravenes rule 24, 26A, 31 or 32A is guilty of an offence and is liable on conviction on indictment-

- (a) to a fine not exceeding the greater of ten times level 5 on the standard scale or fifty times the value of the petrol, petroleum spirit or motor fuel by which the offence is committed or a term of imprisonment of 10 years or to both; or
- (b) in any case where the commission of the offence has resulted in death or serious injury, to life imprisonment.”.

EXPLANATORY MEMORANDUM

This Bill amends the Petroleum Act to extend the rule making powers so that these may be used to create offences and impose penalties.

This Bill also amends the Petroleum Rules and creates offences for the breach of rules and conditions in permits and licences. The breach of specified rules (24, 26A, 31 or 32A) may only be tried on indictment and are subject to the following penalties-

- (a) a fine not exceeding the greater of ten times level 5 on the standard scale or 50 times the value of the petrol, petroleum spirit or motor fuel used in the commission of the offence;
- (b) a term of imprisonment of 10 years;
- (c) a combination of a fine and a term of imprisonment or;
- (d) life imprisonment, where there has been loss of life or serious injury.

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