

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5324 GIBRALTAR Friday 10th July 2026

LEGAL NOTICE NO. 173 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

ENVIRONMENTAL CRIME REGULATIONS 2026

In exercise of the powers conferred on it by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and all other enabling powers, and in order to make provision for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar on the protection of the environment through criminal law, the Government has made these Regulations—

PART 1 PRELIMINARY

Title.

1. These Regulations may be cited as the Environmental Crime Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

3. In these Regulations—

“designated environmental offence” means an offence under an enactment specified in Schedule 2;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“environmental crime offence” means an offence under regulation 4 of these Regulations;

“habitat within a protected site” means any habitat of a species for which an area is classified as a special protection area pursuant to the Nature Protection Act, 1991, or any natural habitat or habitat of a species for which a site is designated as a special area of conservation pursuant to the Nature Protection Act, 1991;

"Implementation Date" has the meaning given in section 3 of the Treaty on Gibraltar and the European Union Act 2026;

“legal person” means any entity having the status of legal person under Gibraltar law, or where applicable, the law of a Member State of the European Union, but does not include—

- (a) the Government;
- (b) a Member State of the European Union;
- (c) a public body acting in the exercise of the Government’s authority or the authority of a Member State of the European Union; and
- (d) a public international organisation, being an organisation, whose members are—
 - (i) countries or territories;
 - (ii) governments of countries or territories;
 - (iii) other public international organisations; or
 - (iv) a mixture of any of the above.

“officer”, in relation to a legal person, means a person who has a leading position within the legal person by virtue of—

- (a) a power of representation of the legal person;
- (b) authority to take decisions on behalf of the legal person; or
- (c) authority to exercise control within the legal person,

and includes a director, manager, secretary, chief executive or other similar officer of the legal person, or a person purporting to act in any such capacity;

“substantial damage” shall be assessed having regard to the factors set out in regulation 7;

“the Directive” means Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, as it may be amended from time to time.

PART 2

ENVIRONMENTAL CRIME OFFENCES

Offences.

4.(1) A person who, intentionally or by gross negligence, does any of the following commits an offence—

- (a) discharging, emitting or introducing a quantity of materials or substances, energy or ionising radiation into air, soil or water, without lawful authority or in contravention of a condition of any permit, licence or authorisation, which causes or is likely to cause death of, or serious injury to, any person or substantial damage to the quality of air, soil or water, or substantial damage to an ecosystem, animals or plants;
- (b) placing on the market a product which, in breach of a prohibition or requirement under any enactment aimed at protecting the environment, when used by several users, regardless of their number, results in the discharge, emission or introduction of a quantity of materials, energy or ionising radiation into air, soil or water and which causes or is likely to cause death of, or serious injury to, any person, or substantial damage to the quality of air soil or water, or substantial damage to an ecosystem, animals or plants;

(2) A person who commits an offence under subregulation (1)(a) or (b) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

Qualified offence.

5.(1) Where conduct constituting an offence under regulation 4, or a designated environmental offence, causes—

- (a) the destruction of, or widespread and substantial damage which is either irreversible or long-lasting to, an ecosystem of considerable size or environmental value, or to a habitat within a protected site; or
- (b) widespread and substantial damage which is either irreversible or long-lasting to the quality of air, the quality of soil or the quality of water,

the person commits a qualified offence.

(2) A person who commits a qualified offence under this regulation is liable on conviction on indictment to imprisonment for a term not exceeding 8 years, or to a fine, or to both.

(3) A qualified offence under this regulation shall be charged as a separate count on the indictment.

Application of these Regulations to existing offences.

6. Part 3 of these Regulations shall also apply to the designated environmental offences.

Assessment of substantial damage.

7. In determining whether damage is or is likely to be substantial for the purposes of regulation 4 or any designated environmental offence, the court shall have regard to—

- (a) the baseline condition of the affected environment;
- (b) whether the damage is long-lasting, medium-term or short-term;
- (c) the extent of the damage; and
- (d) the reversibility of the damage.

Assessment of likelihood of damage.

8. In determining whether conduct is likely to cause damage for the purposes of regulation 4, the court shall have regard to—

- (a) whether the conduct relates to an activity which is considered risky or dangerous and which required an authorisation that was not obtained or was not complied with;
- (b) the extent to which a value or a threshold laid down in any applicable regulatory requirement is exceeded; and
- (c) whether the material or substance is classified under any enactment as dangerous, hazardous or otherwise harmful.

Assessment of quantity.

9. In determining whether a quantity is negligible for the purposes of any designated environmental offence in Schedule 2 or for the purposes of regulation 5, the court shall have regard to—

- (a) the number of items affected by the offending conduct;
- (b) the extent to which a regulatory threshold is exceeded;
- (c) the conservation status of the species of fauna or flora concerned; and
- (d) the cost of restoration of the environment to its previous condition, where restoration is feasible.

PART 3
PENALTIES AND ENFORCEMENT

Application of this Part.

10. This Part applies to—

- (a) environmental crime offences under regulation 4; and
- (b) designated environmental offences under the enactments specified in Schedule 2 to the extent specified.

Penalties.

11.(1) A person who commits an offence under regulation 4(1)(a) or (b) where the offence causes the death of a person is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

(2) A person who commits a qualified offence under regulation 5 is liable on conviction on indictment to imprisonment for a term not exceeding 8 years, or to a fine, or to both.

(3) A person who commits an offence under regulation 4(1)(a) or (b), not falling within subregulation (1) or (2), is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

Accessory penalties.

12. In addition to any penalty imposed under regulation 11, or under the provisions of an enactment listed in Schedule 2, the court may order any one or more of the following—

- (a) that the offender shall restore the environment to its previous condition within a specified period, where such restoration is feasible;
- (b) that the offender shall pay compensation for environmental damage caused, where restoration is not feasible or the offender fails to restore;
- (c) exclusion of the offender from access to public funding, including tender procedures, grants, concessions and licences, for a period not exceeding 5 years;
- (d) disqualification from holding the position of officer within a legal person for a period not exceeding 5 years;

- (e) withdrawal of permits or authorisations relating to activities that resulted in the commission of the offence;
- (f) a temporary ban on standing for or holding public office; and
- (g) publication of the whole or any part of the judicial decision relating to the offence and the penalties imposed, where the court is satisfied that such publication is in the public interest and subject to applicable data protection legislation.

Aggravating circumstances.

13. In sentencing a person for an environmental crime offence or a designated environmental offence, the court shall treat as an aggravating factor (to the extent that such factor does not form part of a constituent element of the offence)—

- (a) that the offence caused the destruction of, or irreversible or long-lasting substantial damage to, an ecosystem;
- (b) that the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime;
- (c) that the commission of the offence involved the use of false or forged documents;
- (d) that the offence was committed by a person holding public office, in the performance of that person's duties;
- (e) that the offender has been previously convicted of an offence of the same nature;
- (f) that the offence generated or was expected to generate substantial financial benefits, or avoided substantial costs;
- (g) that the offender destroyed evidence or intimidated witnesses or complainants; and
- (h) that the offence was committed within a specially protected area or in relation to a specially protected species.

Mitigating circumstances.

14. The court shall treat as a mitigating factor—

- (a) that the offender has restored the environment to its previous condition (where not under obligation to do so), or has taken steps before the commencement of an investigation to minimise the impact or extent of the damage, or has remediated the damage caused; and

- (b) that the offender has provided the competent authorities with information that those authorities would not otherwise have been able to obtain, assisting the identification or bringing to justice of other offenders or the finding of evidence.

Liability of legal persons.

15.(1) A legal person commits an offence where an offence to which this Part applies has been committed for the benefit of that legal person by an officer of that legal person, acting either individually or as part of an organ of that legal person.

(2) A legal person also commits an offence where the lack of supervision or control by an officer of that legal person has made possible the commission of an offence to which this Part applies for the benefit of that legal person by a person under its authority.

(3) The liability of a legal person under this regulation shall not preclude criminal proceedings against any natural person who commits, incites or is an accessory to the offence.

Penalties for legal persons.

16.(1) A legal person which commits an offence under regulation 15 in respect of an environmental crime offence under regulation 4(1)(a) or (b), or in respect of a designated environmental offence specified in Part 1 of the table in Schedule 2, is liable to a fine, the maximum of which shall not be less than the greater of—

- (a) 5 per cent of the total worldwide turnover of the legal person in the business year preceding the year in which the offence was committed or, if later, the business year preceding the year of the decision to impose the fine; or
- (b) £35,000,000.

(2) A legal person which commits an offence under regulation 15 in respect of a designated environmental offence specified in Part 2 of the table in Schedule 2, is liable to a fine, the maximum of which shall not be less than the greater of—

- (a) 3 per cent of the total worldwide turnover of the legal person in the relevant business year; or
- (b) £20,000,000.

(3) A legal person which commits an offence under regulation 15 in respect of a qualified offence under regulation 5 is liable to a fine exceeding the maximum that would otherwise be applicable under subregulation (1), as the court considers just.

(4) Where it is not possible to determine the fine on the basis of worldwide turnover, the court shall have regard to such other financial information as is available concerning the legal person's means, size and financial circumstances.

(5) For the purposes of this regulation, "total worldwide turnover" means the total amount of revenue derived from the supply of goods and provision of services falling within the legal person's ordinary activities, after deduction of trade discounts, value added tax and other taxes directly related to turnover, in the relevant business year as shown in the audited accounts of the legal person or, where such accounts are unavailable, such other evidence of turnover as the court considers appropriate.

Additional sanctions for legal persons.

17. In addition to any fine imposed under regulation 16, the court may order any one or more of the following—

- (a) restoration of the environment to its previous condition or payment of compensation for damage caused;
- (b) exclusion from entitlement to public benefits or aid;
- (c) exclusion from access to public funding, including tender procedures, grants, concessions and licences;
- (d) temporary or permanent disqualification from the practice of business activities;
- (e) withdrawal of permits or authorisations to pursue activities which resulted in the commission of the offence;
- (f) placing under judicial supervision;
- (g) winding-up of the legal person;
- (h) closure of any establishment used for the commission of the offence;
- (i) an obligation to establish due diligence schemes for the purpose of enhancing compliance with environmental requirements; and
- (j) publication of the judicial decision, where the court is satisfied that such publication is in the public interest and subject to applicable data protection legislation.

Application of Proceeds of Crime Act 2015.

18. The Proceeds of Crime Act 2015 shall apply to environmental crime offences and to designated environmental offences as it applies to criminal conduct within the meaning of that Act.

Prosecution of offences.

19. An offence under these Regulations may be prosecuted in Gibraltar where—

- (a) the offence was committed in whole or in part within Gibraltar;
- (b) the offence was committed on board a ship or aircraft registered in Gibraltar;
- (c) the damage constituting an element of the offence occurred in Gibraltar; or
- (d) the offender is—
 - (i) a British citizen; or
 - (ii) habitually resident in Gibraltar.

PART 4

NATIONAL STRATEGY AND DATA

National strategy.

20.(1) The Government shall, not later than 21 May 2027, establish and publish a national strategy on combatting environmental criminal offences.

(2) The national strategy shall address at least—

- (a) the objectives and priorities of policy in relation to environmental crime;
- (b) the roles and responsibilities of competent authorities; and
- (c) how the specialisation of enforcement professionals shall be supported and resources allocated.

(3) The national strategy shall be reviewed and, where necessary, updated at regular intervals not exceeding 5 years.

Statistical data.

21.(1) The Government shall ensure that a system is in place for the recording, production and provision of anonymised statistical data on the reporting, investigative and judicial stages of proceedings in relation to environmental crime offences and designated environmental offences.

(2) The competent authorities shall record and provide to the Government such data as is necessary for the purposes of subregulation (1), including as a minimum—

- (a) the number of offences registered and adjudicated;
- (b) the number of cases dismissed;
- (c) the number of natural persons prosecuted and convicted;

(d) the number of legal persons prosecuted, convicted or fined; and

(e) the types and levels of penalties imposed.

(3) In this regulation, "competent authorities" includes —

(a) the Royal Gibraltar Police within the meaning of the Police At 2006;

(b) the Director of Public Prosecutions within the meaning of the Director of Public Prosecutions Act 2018;

(c) the Registrar of the Supreme Court within the meaning of the Supreme Court Act;
and

(d) the Magistrates' Court within the meaning of the Magistrates' Court Act.

(4) A consolidated review of the statistics collected under this regulation shall be published at intervals not exceeding 3 years.

PART 5 CONSEQUENTIAL AMENDMENTS, TRANSITIONAL AND SAVING PROVISIONS

Amendments to existing enactments.

22. The enactments specified in Schedule 1 are amended in accordance with the provisions of that Schedule.

No retrospective effect.

23. Nothing in these Regulations shall render any person liable to criminal proceedings in respect of any conduct occurring wholly before the coming into operation of these Regulations.

Savings.

24. Nothing in these Regulations shall affect any proceedings commenced before the coming into operation of these Regulations, which shall continue and be determined as if these Regulations had not been made.

SCHEDULE 1

(Regulation 22)

AMENDMENTS TO EXISTING ENACTMENTS

Amendment of the Crimes Act 2011.

1. In section 7(2) of the Crimes Act 2011—

- (a) at the end of subsection (c) for “.” substitute “; and”; and
- (b) after subsection (c) insert—

"An offence under the Environmental Crime Regulations 2026 or a designated environmental offence within the meaning of those Regulations."

Amendment of the Town Planning Act 2018.

2. After section 49 of the Town Planning Act 2018, insert—

"Environmental damage caused by development without consent.

49A.(1) A person who intentionally carries out development without the full planning permission required by section 18, or without any environmental impact assessment required by the Town Planning (Environmental Impact Assessment) Regulations 2019, which causes or is likely to cause substantial damage to the quality of air or soil or the quality or status of water, or substantial damage to an ecosystem, animals or plants, commits an offence.

(2) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

(3) In this section, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026."

Amendment of the Invasive Alien Species (Enforcement and Permitting) Regulations 2020.

3.(1) After regulation 5 of the Invasive Alien Species (Enforcement and Permitting) Regulations 2020, insert—

"Aggravated offence: environmental damage.

- 5A.(1) A person who intentionally or by gross negligence contravenes Article 7(1) of the Principal Regulation, and whose conduct causes or is likely to cause death of, or serious injury to, any person, or substantial damage to the quality of air, the quality of soil or the quality of water, or substantial damage to an ecosystem, animals or plants, commits an offence.
- (2) A person who intentionally or by gross negligence contravenes a condition of a permit issued under regulation 32 or of a licence granted under regulation 33, and whose conduct causes or is likely to cause death of, or serious injury to, any person, or substantial damage to the quality of air, the quality of soil or the quality of water, or substantial damage to an ecosystem, animals or plants, commits an offence.
- (3) A person who commits an offence under this regulation is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.
- (4) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026.
- (5) The defences in regulations 13 to 17 apply to an offence under this regulation as they apply to an offence under regulation 5."

(2) In regulation 18(1) and regulation 18(3), after "under these Regulations" insert ", other than an offence under regulation 5A,".

Amendment of the Environment (Control of Mercury) (Enforcement) Regulations 2017.

4. After regulation 23 of the Environment (Control of Mercury) (Enforcement) Regulations 2017, insert—

"Mercury: environmental damage offence.

- 23A.(1) A person who, intentionally or by gross negligence, manufactures, uses, stores, imports or exports mercury, mercury compounds, mixtures of mercury or products with mercury added, in contravention of these Regulations, which causes or is likely to cause death of, or serious injury to, any person, or substantial damage to the quality of air, the quality of soil or the quality of water, or substantial damage to an ecosystem, animals or plants, commits an offence.
- (2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.
- (3) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026."

Amendment of the Ozone Depleting Substances (Qualifications) Regulations 2014.

5. After regulation 11 of the Ozone Depleting Substances (Qualifications) Regulations 2014, insert—

"Ozone-depleting substances: environmental damage offence.

11A.(1) A person who, intentionally or by gross negligence, produces, places on the market, imports, exports, uses or releases ozone-depleting substances, or produces, places on the market, imports, exports or uses products and equipment containing or relying upon ozone-depleting substances, in contravention of these Regulations, commits an offence.

(2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

Fluorinated greenhouse gases: environmental damage offence.

11B.(1) A person who, intentionally or by gross negligence, produces, places on the market, imports, exports, uses or releases fluorinated greenhouse gases, or produces, places on the market, imports, exports or uses products and equipment containing or relying upon fluorinated greenhouse gases, or puts into operation products and equipment containing or relying upon such gases, in contravention of these Regulations, commits an offence.

(2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or

- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both."

Amendment of the Ionising Radiation Regulations 2004.

6. After regulation 28 of the Ionising Radiation Regulations 2004, insert—

"Radioactive material: environmental damage offence.

28A.(1) A person who, intentionally or by gross negligence, manufactures, produces, processes, handles, uses, holds, stores, transports, imports, exports or disposes of radioactive material, in contravention of these Regulations, which causes or is likely to cause death of, or serious injury to, any person, or substantial damage to the quality of air, the quality of soil or the quality of water, or substantial damage to an ecosystem, animals or plants, commits an offence.

(2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.
- (3) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026."

Amendment of the Environment (Protection of Groundwater) Regulations 2009.

7. After regulation 7A of the Environment (Protection of Groundwater) Regulations 2009, insert—

"Water abstraction: environmental damage offence.

7B.(1) A person who, intentionally or by gross negligence, abstracts surface water or groundwater and which by such abstraction causes or is likely to cause substantial damage to the ecological status or potential of surface water bodies or to the quantitative status of groundwater bodies, commits an offence.

(2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

- (3) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026."

Amendment of the Pollution Prevention and Control Regulations 2013.

- 8.(1) In regulation 63(2)(b), substitute "5 years" for "10 years".

- (2) After regulation 63(5), insert—

"(5A) Where an offence under this Part is committed by a body corporate and is proved to have been committed for the benefit of that body corporate by any director, manager, secretary or other similar officer of the body corporate, that body corporate commits the offence."

Amendment of the Landfill Act 2002.

9. Substitute section 16(1), for—

"(1) Any person who contravenes a provision of this Act commits an offence and is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both."

Amendment of the Petroleum Act.

10. In section 9(1)(b), substitute "5 years" for "10 years".

Amendment of the Public Health Act.

11. In section 98ZX(b), substitute "two years" for "5 years".

Amendment of the Environment (Waste) Regulations 2007.

12. For regulation 14(3), substitute —

"(3) A person who has been issued with an Enforcement Notice and fails to comply with that notice, or fails to comply within the time therein set out, is guilty of an offence and is liable —

- (a) on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both on summary conviction; or

- (b) imprisonment for a term not exceeding 5 years or a fine or both on conviction on indictment".

Amendment of the End-of-Life Vehicles Rules 2004.

13. In rule 40(2) —

- (a) In sub-rule (a) for "a fine not exceeding level 3 on the standard scale" substitute "imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;"
- (b) in sub-rule (b) for "two years" substitute "5 years".

Amendment of the Waste (Extractive Industries) Regulations 2009.

14. For regulation 4(1)(b), substitute—

"A person who abandons, dumps, or unlawfully deposits extractive waste commits an offence, which is punishable with imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both on summary conviction; or imprisonment for a term not exceeding 5 years or a fine or both on conviction on indictment".

Amendment of the Environment (Air Quality Standards) Regulations 2010.

15. After regulation 32, insert—

"Air quality: environmental damage offence.

32A.(1) A person who, without lawful authority, discharges or emits any substance into the air which causes or is likely to cause substantial damage to air quality commits an offence.

(2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.
- (3) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026."

SCHEDULE 2

(Regulations 6, 14)

DESIGNATED ENVIRONMENTAL OFFENCES

Part 1 — Offences to which regulation 16(1) applies

Enactment	Offence Provisions
Pollution Prevention and Control Regulations 2013	Regulation 63(1)(a), (b) and (d)
Landfill Act 2002	Section 16(1) as amended by these Regulations
Petroleum Act	Section 9(1) as amended by these Regulations
Public Health Act (Part IIB)	Sections 98ZC(2), 98ZD(2), 98ZE(2), 98ZX (as amended by these Regulations)
Environment (Waste) Regulations 2007	Regulations 5A(1), 14(3) (as amended by these Regulations), 14V(1)
Waste (Extractive Industries) Regulations 2009	Regulation 4(1)(b) as amended by these Regulations
End-of-Life Vehicles Rules 2004	Rules 22(1), 40(1)
Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009	Regulation 122(2), (2A), (3), (4)
Environment (Air Quality Standards) Regulations 2010	Regulations 32(1), 32A(1) (as amended by these Regulations)
Environment (Protection of Groundwater) Regulations 2009	Regulation 7B(1) (as amended by these Regulations)
Environment (Control of Mercury) (Enforcement) Regulations 2017	Regulations 23(1), 23A(1) (as inserted by these Regulations)
Ionising Radiation Regulations 2004	Regulation 28A (as inserted by these Regulations)
Town Planning Act 2018	Section 49A(1) (as inserted by these Regulations)
Merchant Shipping (Ship Recycling) Regulations 2026	Regulation 23(1)
Chemicals Regulations 2026	Regulation 30(3)

Biocidal Products Regulations 2026	Regulation 19(2)
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Part 2 — Offences to which regulation 16(2) applies

Enactment	Offence Provisions
Invasive Alien Species (Enforcement and Permitting) Regulations 2020	Regulations 5(1), 5A(1) (as inserted by these Regulations), 5A(2), 8(1)
Control of Trade in Endangered Species Act 1998	Section 8(1), 8(2)
Deforestation (Market Access and Due Diligence) Act 2026	Section 24(1), (2), (3)
Environment (Quality of Bathing Water) Regulations 2009	Regulations 27(3), 27(4)
Ozone Depleting Substances (Qualifications) Regulations 2014	Regulations 5(7), 6(4), 11A(1) (as inserted by these Regulations), 11B(1) (as inserted by these Regulations)
Nature Protection Act, 1991	Sections 3(1), 8(1), 17N(3), 17T(1), 17PA(5), 17X(1)

Dated: 10th July 2026.

PROF. J CORTES,
Minister with responsibility for the Environment,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations make equivalent domestic provision for Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC.

Part 2 creates and designates various offences created under separate enactments as environmental crime offences. Two categories of novel offence are created by regulation 4: general environmental discharge causing death, serious injury or substantial damage (regulation 4(1)(a)); and placing dangerous products on the market causing environmental harm (regulation 4(1)(b)).

Part 3 establishes penalties at the levels specified by Article 5 of the Directive: maximum terms of 10 years (where death results), 8 years (qualified offences) and 5 years (other offences). It also establishes corporate liability. Turnover-based fines for legal persons (5% of worldwide turnover or £35,000,000; 3% or £20,000,000) apply to both novel and designated environmental offences as specified in Schedule 2.

This Part also establishes jurisdiction for the prosecution of offences in Gibraltar, including where the offender is a British citizen or is habitually resident in Gibraltar (implementing Article 12(1)(d) and 12(2)(a) of the Directive).

Part 4 requires the Government to publish a national strategy on environmental crime and to establish a statistical data system, with the obligation to collect data vested in competent authorities.

Schedule 1 amends existing enactments to create relocated offences, increase penalties, update corporate liability models, designate environmental crime offences as Group A offences for extraterritorial jurisdiction under the Crimes Act 2011. Schedule 2 identifies designated environmental offences in existing legislation to which Part 3 of these Regulations applies.

