

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4,384 of 25th July, 2017**

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**B. 15/17**

**BILL**

**FOR**

**AN ACT** to amend the Tobacco Act, 1997.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Tobacco (Amendment) Act 2017.

**Commencement.**

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

**Amendment to Tobacco Act, 1997.**

3.(1) The Tobacco Act, 1997 is amended in accordance with the provisions of this section.

(2) In section 17C-

(a) after subsection (2) insert-

“(2A) Every police or customs officer shall have free access to any premises which are specified in either a retail or wholesale licence issued under section 6, for the purposes of ensuring compliance with the provisions of this Act or a licence issued hereunder.

(2B) Any person who wilfully obstructs a police or customs officer acting in pursuance of subsection (2A) shall be

guilty of an offence and shall be liable on summary conviction to a fine at level 5 on the standard scale.”;

(b) after subsection (3) insert-

“(3A) Subsection (3) does not apply to premises to which subsection (2A) applies.”.

(3) After section 24 insert-

**“Assaulting or resisting officers.**

24A. A person who, by force or violence, assaults, opposes, resists, molests, hinders or obstructs any police or customs officer in the execution of his office or duty is guilty of an offence and is liable on summary conviction to a fine at level 5 on the standard scale.

**Obstructing officers, etc.**

24B. A person who—

- (a) obstructs, hinders, molests or assaults any person engaged in the performance of any duty or the exercise of any power imposed or conferred on him by or under this Act; or
- (b) does anything which impedes or is calculated to impede the carrying out of any search for anything liable to forfeiture under this Act, or the detention, seizure or removal of any such thing; or
- (c) rescues, damages or destroys anything so liable to forfeiture or does anything calculated to prevent the procuring or giving of evidence as to whether or not anything is so liable to forfeiture; or
- (d) prevents the arrest of any person by a person engaged or acting as aforesaid or rescues any person so arrested, is guilty of an offence and is liable, on summary conviction to a fine at level 5 on the standard scale.

**Giving false information.**

24C.(1) A person who—

- (a) makes or signs, or causes to be made or signed, or delivers, or causes to be delivered, to a police or customs officer any declaration, notice, certificate or other document; or
  - (b) makes any statement in answer to any question put to him by a police or customs officer, being a document or statement produced or made in respect of any tobacco, which is untrue in any material particular, is guilty of an offence.
- (2) Without prejudice to subsection (1), a person who commits an offence against this section either knowingly or recklessly is liable on summary conviction to a fine at level 5 on the standard scale.”.

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**EXPLANATORY MEMORANDUM**

This Bill amends the Tobacco Act, 1997 to extend the power to search without a warrant to premises that are licensed under the Act. The Bill provides for offences in connection with the operation of the Tobacco Act .

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