

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4,398 of 5th October, 2017**

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**B. 18/17**

**BILL**

**FOR**

**AN ACT** to repeal certain provisions and to amend others of the Fair Trading Act 2015 relating to business licensing, in particular as regards the dissolution of the functions of the Business Licensing Authority; to provide for the exchange of information or intelligence between the Office of Fair Trading and relevant agencies and bodies; to modify and clarify the meaning of certain terms; and for related purposes.

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement.**

1. This Act may be cited as the Fair Trading (Miscellaneous Repeals and Amendments) Act 2017 and comes into operation on the day appointed by the Minister in the Gazette, and different days may be appointed for different provisions.

**Amendments to the Fair Trading Act 2015.**

2.(1) The provisions of the Fair Trading Act 2015 are repealed or amended in accordance with subsections (2) to (11).

(2) In section 2-

- (a) omit the definition of “BLA”;
- (b) in the definition of “business” for “means business of a class specified in Schedule 3” substitute “commercial enterprise carried out in or from Gibraltar”;

*Fair Trading (Miscellaneous Repeals and Amendments) Bill 2017*

[B. 18/17]

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- (c) in the definition of “consumer” insert “natural” before “person” in each of paragraphs (a) and (b).
- (3) In section 34 substitute the words “Part 9 of this Act” with “this Act or any subsidiary legislation made under this Act”.
- (4) In section 54-
- (a) insert “for the purposes of enforcing this Act or” after “of any information” in subsection (3);
  - (b) after subsection (3) insert-
    - “(4) Nothing in this section shall preclude or prevent the exchange of intelligence between the OFT and the Royal Gibraltar Police, Gibraltar Financial Intelligence Unit, HM Customs, or the supervisory bodies listed in Part 1 of Schedule 2 of the Proceeds of Crime Act 2015.”.
- (5) In section 58-
- (a) in subsection (1) omit “and shall be known as the BLA” after “the remit of the OFT”;
  - (b) in subsection (2)-
    - (i) omit “regulations”;
    - (ii) insert “subsidiary legislation” after “and to any”.
- (6) In section 59-
- (a) insert “and any subsidiary legislation made under this Act” in subsection (1).
  - (b) omit subsection (2).
- (7) Insert the following after section 92-

**“PART 10  
MISCELLANEOUS”**

- (8) In section 96-
- (a) delete “whose prospective activities fall within Schedule 3 to this Act” in subsection (1);
  - (b) delete subsection (2).
- (9) For each instance of “BLA” substitute “OFT”.
- (10) Sections 58, 60 to 90, 92, 95, 97 and 98 are repealed.
- (11) Schedule 3 is repealed.

**Savings and transition.**

- 4.(1) Notwithstanding the amendments made pursuant to section 2 of this Act-
- (a) a licence issued pursuant to the Fair Trading Act 2015 shall continue in force for the period in respect of which it was issued but in every other respect shall be subject to and governed by the licensing provisions re-enacted with or without modification in rules made by the Minister;
  - (b) an application for the transfer, renewal, extension, variation or other modification of a licence issued under the Fair Trading Act 2015 shall be determined in accordance with the licensing provisions re-enacted with or without modification in rules made by the Minister, including, without prejudice to the generality of the foregoing, as regards the categories of services that may be carried out by the licensee;
  - (c) an application for a licence made under the Fair Trading Act 2015, which on the date of the commencement of this Act has not been determined, shall be determined in accordance with the licensing provisions re-enacted with or without modification in rules made by the Minister; and

- (d) an appeal filed prior to the commencement of these Regulations shall be determined in accordance with the repealed provisions.

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**EXPLANATORY MEMORANDUM**

This purpose of this Bill is to dissolve the functions of the Business Licensing Authority so that they are subsumed into the Office of Fair Trading. The Bill also clarifies certain terms and strengthens the ability of the OFT to exchange intelligence.