

MONEYLENDING RULES

(1949.01.01)

1.1.1949

ARRANGEMENT OF RULES

Rule

1. Title.
2. Applicant to lodge statement.
3. Service of process and advertisement.
4. Applications by partners.
5. Form of certificate.
6. Procedure.

SCHEDULE 1.

Statement by a Person intending to apply for a Certificate.

SCHEDULE 2.

Form of certificate to be granted by the Magistrates' Court.

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Title.

1. These rules may be cited as the Moneylending Rules.

Applicant to lodge statement.

2. Any person intending to apply to the magistrates' court for a certificate under section 6 of the Act (hereinafter referred to as "a certificate") shall lodge with the clerk to the justices a statement in the form set out in Schedule 1.

Service of process and advertisement.

3. When a time has been fixed for the hearing of the application such person shall-

- (a) serve personally or by registered post, not less than two weeks before the date fixed for the hearing of the application, a copy of the statement, referred to in rule 2, upon the Commissioner of Police, and shall at the same time inform him in writing of the date fixed for the hearing of the application: and
- (b) unless the application relates merely to a renewal of a certificate, publish, on a date not more than four weeks nor less than two weeks before the date fixed for the hearing of the application, a notice in the Gazette, and such notice shall set forth his true name, the name in which and the address at which he desires to be authorized to carry on business as a moneylender, and the court and time at which the application is to be heard.

Applications by partners.

4. Application for certificates by two or more partners in a firm shall be made on the same day unless the court otherwise allows.

Form of certificate.

5. A certificate shall be in the form set out in Schedule 2.

Procedure.

6. Subject to these rules, the application shall in all respects be treated as if the application were a complaint and the certificate were an order and the Commissioner of Police and any person opposing the application before the court were defendants.

SCHEDULE 1

Rule 2.

**STATEMENT BY A PERSON INTENDING TO APPLY
FOR A CERTIFICATE.**

- 1.** True name of applicant, (*If applicant is a company, the name of the company should be stated here*).
- 2.** Private address of applicant or, in the case of a company, the registered address of the company.
- 3.** Name under which it is desired to carry on business as a moneylender.
- 4.** Address at which it is desired to carry on business.
- 5.** True names and addresses of partners, if any.
- 6.** Name of person or persons (other than owners or partners) responsible or proposed to be responsible for the management of the business. In the case of a company the names of the directors, treasurer and secretary should be given.
- 7.** Date of issue of any previous certificate under the Moneylending Act¹, granted by the court, and name and address authorized by such certificate.
- 8.** If registered under the Moneylending Act¹, date of registration and name and address under which registered.
- 9.** If registered under the Business Names Registration Act, date of registration and name and address under which registered.
- 10.** Particulars of any convictions, under the Moneylending Act¹, of the applicant, his partner, or any person responsible or proposed to be responsible for the management of the business.
- 11.** Particulars of any order under section 19 of the Moneylending Act¹, suspending or forfeiting any certificate of, or disqualifying from obtaining a

¹ *Moneylending Act amended by Act 2007-04 and as from 19.4.2007 titled Financial Services (Moneylending) Act*

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certificate, the applicant or his partner or any person responsible or proposed to be responsible for the management of the business.

12. Particulars of any refusal of a certificate to the applicant or his partner or any person responsible or proposed to be responsible for the management of the business.

(Signed)

Dated

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SCHEDULE 2

Rule 5.

FORM OF CERTIFICATE TO BE GRANTED BY THE MAGISTRATES' COURT

In the magistrates' court, Gibraltar

Moneylending Act

Certificate granted under section 6 of the Moneylending
Act,

I (or We) the undersigned do hereby certify that I (or we) do authorize the
grant to A.B., of _____ of a Moneylender's Licence to carry on the
business of a moneylender, under the style and title of (*here insert
authorized name*) at (*here insert authorized address*). This certificate shall
come into force on the
_____ day of _____, 19____, and shall expire on the 31st day of
December, 19____

Dated the _____ day of _____, 19____, at the court aforesaid.

(Signed)

(Stipendiary Magistrate or Justice of the Peace)