

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,246 of 10th March, 2016

B. 11/16

BILL

FOR

AN ACT to amend the Employment Regulation (Offences) Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Employment Regulation (Offences) (Amendment) Act 2016 and comes into operation on the day of publication in the Gazette.

Amendment of the Employment Regulation (Offences) Act.

2.(1) The Employment Regulation (Offences) Act is amended in accordance with the provisions of this Section.

(2) Substitute the following section for section 7–

“Revocation and re-issue of fixed penalty notices.

7.(1) Where–

- (a) an inspector or the Director of Employment has reason to believe that there has been an error or misapprehension on the inspector’s part, or the provision to the inspector of incorrect information so as to cause a notice served under section 5(2) to be inaccurate or incorrect in any material particular; or
- (b) the Director of Employment has reason to believe that the serving of a notice operates against the public interest;

the Director of Employment may, before the expiration of the fourteen days following the date of the notice or the day after posting such notice, or such longer period (if any) as may be specified therein, or before the date on which proceedings are begun, whichever event last occurs, revoke the notice.

- (2) Following the revocation of a notice by the Director of Employment under subsection (1), the Director of Employment will have a discretion whether to serve a new notice under section 5(2).”

EXPLANATORY MEMORANDUM

This Bill amends the Employment Regulation (Offences) Act to extend the circumstances in which the Director of Employment may revoke a fixed penalty notice and to clarify the Director of Employment’s discretion to serve a new notice upon the revocation of an existing notice.