

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,296 of 29th September, 2016

B. 21/16

BILL

FOR

AN ACT to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

Commencement.

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

Amendment of Trustees Act.

3. The Trustees Act is amended by inserting the following after section 62–

“Offences.

63. A person who fails to comply with sections 61 or 62 commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.”.

Amendment of Partnership Act.

4. The Partnership Act is amended by inserting the following after section 29A(2)–

“(3) A partner who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.”.

Amendment of International Co-operation (Tax Information) Act 2009.

5.(1) The International Co-operation (Tax Information) Act 2009 is amended in accordance with this section.

(2) In section 17–

(a) in subsection (1), for “sub-section (2)”, substitute “sub-sections (1A) and (2)”;

(b) after subsection (1), insert–

“(1A) Where the Authority considers that compliance with sub-section (1)–

(a) is likely to undermine an investigation conducted by the requesting Party; or

(b) would unduly delay the execution of an urgent request;

the Authority is not required to comply with that sub-section until it is content that paragraphs (a) or (b) of this sub-section no longer apply.”.

(3) After section 19(2), insert the following–

“(3) A person who discloses information in contravention of an instruction given by the Authority under subsection (1) is guilty of an offence and liable–

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or both; and
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding level 5 on the standard scale or both.”.

EXPLANATORY MEMORANDUM

This Bill amends the Partnership Act and the Trustee Act to impose criminal penalties for a failure by partners and trustees to maintain proper books of accounts and, in the case of trustees, to maintain records on settlors, trustees and beneficiaries. This Bill also amends the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty for breach of confidentiality and exempts the Authority, in certain circumstances, from notifying the subject of a request of a notice under section 8.

**Printed by the Gibraltar Chronicle Limited
Printing Office, 2, Library Gardens,
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £0.40**