

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,805, of 3rd November, 1994.

LEGAL NOTICE No. 121 OF 1994.

CONTRACTS (APPLICABLE LAW) ORDINANCE, 1993.

**CONTRACTS (APPLICABLE LAW) ORDINANCE, 1993
(AMENDMENT) ORDER, 1994.**

In exercise of the powers conferred on him by section 5(1) (a) of the Contracts (Applicable Law) Ordinance 1993, and in consequence of the agreement by Her Majesty's Government in the United Kingdom to a revision of the Rome Convention, the Governor has made the following order-

Title and commencement.

1. This order may be cited as the Contracts (Applicable Law) Ordinance 1993 (Amendment) Order, 1994, and shall be deemed to have come into effect on the 1 st day of September, 1994.

Amendment to section 2.

2. Section 2 of the Contracts (Applicable Law) Ordinance 1993 (hereinafter called "the Ordinance") is amended -

(a) by inserting after paragraph (c) the following new paragraph -

"(d) "the Funchal convention" means the convention on the accession of the Kingdom of Spain and the Portuguese Republic to the Rome Convention and the Brussels Protocol, with adjustments made to the Rome Convention by the Luxembourg Convention, signed by the United Kingdom in Funchal on 18th of May 1992;"

(b) by omitting the words "the Rome Convention, the Luxembourg Convention and the Brussels Protocol" and substituting therefor the words "these conventions and this protocol".

Amendment to section 3.

3. Section 3 of the Ordinance is amended in sub-section (4) by -

- (a) omitting the expression "and 3" and substituting therefor a comma and the expression "3 and 3A";
- (b) omitting the word "and" at the end of paragraph (b);
- (c) omitting the fullstop at the end of paragraph (c) and substituting therefor a semi-colon;
- (d) inserting after paragraph (c) the following new paragraph -

"(d) the Funchal convention".

Amendment to Schedule 1.

4. Schedule 1 to the Ordinance is amended –

- (a) by omitting –
 - (i) paragraph 2 of Article 22;
 - (ii) Article 27;
 - (iii) the second sentence of Article 30.3;
- (b) in paragraph (d) of Article 31 by omitting the comma after the figure "26" and the figure "27".

New Schedule 3A.

5. The Ordinance is amended by inserting after Schedule 3 the following new Schedule 3A –

"SCHEDULE 3A

Section 3

THE FUNCHAL CONVENTION

The High Contracting Parties to the Treaty establishing the European Economic Community.

Considering that the Kingdom of Spain and the Portuguese Republic, in becoming Members of the Community, undertook to accede to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19th June, 1980.

Have decided to conclude this Convention, and to this end have designated as their plenipotentiaries:

(Designation of plenipotentiaries)

Who, meeting within the Council, having exchanged their full powers, found in good and due form.

Have agreed as follows:

ARTICLE 1

The Kingdom of Spain and the Portuguese Republic hereby accede to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19th June, 1980.

ARTICLE 2

The Convention on the law applicable to contractual obligations is hereby amended as follows:

- (a) Article 22(2), Article 27 and the second sentence of Article 30(3) shall be deleted.

- (2) The reference to article 27 in Article 31(d) shall be deleted.

ARTICLE 3

The Secretary-General of the Council of the European Communities shall transmit a certified copy of the Convention on the law applicable to contractual obligations in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages to the Governments of the Kingdom of Spain and the Portuguese Republic.

ARTICLE 4

This Convention shall be ratified by the Signatory States. The instruments of ratification shall be deposited with the secretary-General of the Council of the European Communities.

ARTICLE 5

This Convention shall enter into force, as between the States which have ratified it, on the first day of the third month following deposit of the last instrument of ratification by the Kingdom of Spain or the Portuguese Republic and by one State which has ratified the Convention on the law applicable to contractual obligations.

This Convention shall enter into force for each Contracting State which subsequently ratifies it on the first day of the third month following that of deposit of its instrument of ratification.

ARTICLE 6

The Secretary-General of the Council of the European Communities shall notify the Signatory States of:

- (a) the deposit of each instrument of ratification;
- (b) the dates of entry into force of this Convention for the Contracting States.

ARTICLE 7

This Convention drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, all ten texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each Signatory State."

Dated this 3rd day of November, 1994.

By Command,
A. CARTER,
Deputy Governor.