

Subsidiary Legislation made under s.20.

## **Development Aid Licence Regulations**

### **LN.1981/071**

	<i>Commencement</i>	<b>1.9.1981</b>
Amending enactments	Relevant current provisions	Commencement date
LN. 2007/074	rr. 5(1), 6(1), 7(1), 8, 10-11	31.5.2007*

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\* *See LN. 2007/086*

**1981-15**

Development Aid

**1981/071**

**Development Aid Licence Regulations**

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**ARRANGEMENT OF REGULATIONS**

Regulation

1. Title.
2. Applications for licences.
3. Licences.
4. Amendment of licences.
5. Filing of applications for review.
6. Answer.
7. Reply.
8. Decisions.
9. Service.
10. Inspection fee.
11. Thresholds for granting of licences.

**SCHEDULE**

Forms.

**Title.**

1. These Regulations may be cited as the Development Aid Licence Regulations.

**Applications for licences.**

2. Every application for a development aid licence shall be made in the form specified in Form 1 of the Schedule, and shall contain the information stipulated in that form.

**Licences.**

3. Every licence shall be in the form specified in Form 2 of the Schedule.

**Amendment of licences.**

4. Every application for the amendment of a licence shall be in writing, addressed to the secretary to the Development Aid Advisory Committee, and shall specify clearly the nature of the amendment sought.

**Filing of applications for review.**

- 5.(1) Every application for review under section 17 of the Act shall be addressed to and filed with the Chief Secretary or any other officer designated by the Chief Minister for the purpose.

(2) Every such application shall specify an address at which documents relating to the application may be served on the applicant.

(3) The applicant shall also serve a copy of the application on the secretary, who shall forward it to the Minister.

**Answer.**

- 6.(1) Within twenty-one days after a copy of an application is served on the secretary under regulation 5(3), the Minister may file an answer in writing with the Chief Secretary or any other officer designated by the Chief Minister for the purpose.

(2) Where the Minister files an answer under sub-regulation (1), he shall cause a copy to be served on the applicant.

**Reply.**

7.(1) Where the Minister files an answer under regulation 6(1), the applicant may within fourteen days after a copy of the answer is served on him under regulation 6(2), file in writing with the Chief Secretary or any other officer designated by the Chief Minister for the purpose a reply to the answer.

(2) Where the applicant files a reply under sub-regulation (1), he shall serve a copy on the secretary, who shall forward it to the Minister.

**Decisions.**

8. The Chief Secretary or any other officer designated by the Chief Minister for the purpose shall inform the applicant, and shall also inform the Minister through the secretary, in writing of the decision on the application for review.

**Service.**

9. Any document that is to be served on an applicant under these regulations may, without prejudice to any other mode of service, be served by being posted in a letter addressed to the applicant at the address for service specified in his application, and in that event it shall be deemed to have been duly served on him on the day after the date on which the letter would normally be delivered in the ordinary course of post.

**Inspection fee.**

10. A member of the public may inspect the register of licences on payment of a fee of £5.

**Thresholds for granting of licences.**

11.(1) For the purposes of section 10(2), the prescribed amount shall be—

- (a) not less than £500,000 in the case of a project referred to in paragraph (c)(i) of that subsection;
- (b) not less than £1m in the case of a project referred to in paragraph (c)(ii) of that subsection;
- (c) not less than £500,000 in the case of a project referred to in paragraph (c)(iii) of that subsection;
- (d) not less than £2.5m in the case of a project referred to in paragraph (c)(iv) of that subsection.

- (2) The Minister may only grant an application—
- (a) under section 10(3)(a) of the Act if the applicant will spend—
    - (i) not less than £500,000 in the case of a project referred to in subsection (2)(a)(ii) of section 10; and
    - (ii) not less than £1.5m in the case of a project referred to in subsection (2)(a)(iii) to (a)(vi) of section 10; and
  - (b) under section 10(3)(b) of the Act if the applicant will spend—
    - (i) not less than £1m in the case of a project referred to in subsection (2)(a)(ii) of section 10;
    - (ii) not less than £2.5m in the case of a project referred to in paragraph (a)(iii) to (a)(vi) of subsection (2) of section 10.

SCHEDULE.

FORMS.

Form 1.

Regulation 2

APPLICATION FOR A DEVELOPMENT AID LICENCE.

The Secretary,  
Development Aid Advisory Committee,  
Government Secretariat,  
Gibraltar.

1. I ..... of .....  
(full name) (full address)

apply for a licence under section 8 of the Development Aid Act.

2. In support of this application I submit the following information:

(a) Full description of trades and business carried on by the applicant: .....  
.....

.....

.....

(b) Full description of the project in respect of which the application is made: .....  
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.....

(c) Site of project: .....

(d) Present user of site: .....

(e) Estimated date of commencement of project: .....

(f) Estimated date of completion of project: .....

- (g) Estimated capital cost of project: .....
- (h) Estimated life of project: .....
- (i) Full description of sources of funding of project (indicate whether local or overseas): .....  
.....  
.....
- (j) Full name and address of contractor executing project:  
.....
- (k) Number of persons to be employed in construction phase of project:
  - (i) local Labour .....
  - (ii) imported Labour .....
- (l) Estimated labour costs in construction phase of project: .....  
.....  
.....

**3. In support of this application I also submit the following documents:**

- (a) Annex A: (Assessment of the estimated income to be generated by the project):
- (b) Annex B: (Detailed and quantified assessment of the economic benefit to Gibraltar that the project will generate):
- (c) Annex C: (Analysis of the estimated volume of imports of raw materials into Gibraltar for the purposes of the project and the estimated volume of any sales to local and export markets by the project) :
- (d) Annex D: (Assessment of the estimated effect of the project, after completion, on employment opportunities in Gibraltar, i.e. number of employees, general details of appointments, and estimated wages bill, during first 3 years of operation):

(e) Annex E:

- (i) (References as to applicant’s financial standing, financial experience, and reputation).
- (ii) (Names, addresses, qualifications and experience of persons who will be employed in management positions in the execution and operation of the project, and the positions they will hold).

**4.** I hereby declare that the statements made in this application and in the Annexes referred to in paragraph 3 of this application are true and accurate to the best of my knowledge and belief.

Dated this . . . . . day of . . . . . 20. . . . .

.....  
(Signature)

*(Note: If applicant is a company, the application should be signed by a director or manager on behalf of the company).*



FORM 2.

(Regulation 3)

Form of Development Aid Licence.

**DEVELOPMENT AID ACT.**

DEVELOPMENT AID LICENCE.

I .....  
(fullname)

of .....  
(address)

is hereby licensed under section 12 of the Development Aid Act, in respect of the project described in paragraph 2, subject to the conditions specified in paragraph 3.

2. This licence relates to the following project: .....

(Describe fully the project) .....

3. This licence is issued subject to the following conditions:

(a) (specify conditions) .....

(b) .....

Dated this ..... day of ..... 20.....

Secretary,  
Development Aid Advisory  
Committee.