

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4791 GIBRALTAR Thursday 10th December 2020

---

---

LEGAL NOTICE NO. 439 OF 2020

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### PACKAGE TRAVEL, PACKAGE HOLIDAYS AND PACKAGE TOURS ACT 1994 (AMENDMENT) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred upon him by section 11(1) of the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations—

#### **Title.**

1. These Regulations may be cited as the Package Travel, Package Holidays and Package Tours Act 1994 (Amendment) (EU Exit) Regulations 2020.

#### **Commencement.**

2. These Regulations come into operation on 1st January 2021.

#### **Amendment of the Package Travel, Package Holidays and Package Tours Act 1994.**

3.(1) The Package Travel, Package Holidays and Package Tours Act 1994 is amended in accordance with this regulation.

(2) In section 2(1)—

(a) in the definition of “authorised institution” delete “or the law of a Member State”;

(b) delete the definition of “the Directive”;

(c) in the definition of “travel service” for paragraph (c) substitute—

“(c) the rental of—

(i) cars;

(ii) other motor vehicles as defined in section 2 of the Traffic Act 2005, having at least four wheels;

(iii) motorcycles requiring a Category A driving licence in accordance with section 31(1) of the Traffic Act;”.

- (3) In section 9(5)–
- (a) in paragraph (c), delete the words from “, and, where” to the end;
  - (b) in paragraph (g), for the words from “Directive 2013/11/EU” to the end substitute “the Consumer (Alternative Dispute Resolution) Regulations 2015”.
- (4) In section 14(14) and (16) delete “European Union”.
- (5) In section 14A(4) for “ which binds the European Union” substitute “which extends to Gibraltar”.
- (6) In section 16–
- (a) delete subsection (5);
  - (b) in subsection (8), delete the words from “and save” to “the Directive,”.
- (7) In section 16A–
- (a) delete subsection (3);
  - (b) in subsection (10), delete the words from “and save” to “the Directive,”.
- (8) Delete section 16B.
- (9) In section 18(6), in paragraph (a), delete “or a Member State”.
- (10) In section 19(1) delete “or a Member State”.
- (11) In section 42–
- (a) in the section heading for “the European Economic Area” substitute “Gibraltar”;
  - (b) in subsections (1) and (2) for “the European Economic Area” substitute “Gibraltar”.
- (12) In Schedule 1–
- (a) in Part A–
    - (i) in the first three places the words occur, for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
    - (ii) delete “EU”;

- (iii) for “in some Member States” substitute “where applicable”;
  - (iv) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (b) in Part B–
- (i) in the first two places the words occur, for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “in some Member States” substitute “where applicable”;
  - (iv) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (c) in Part C–
- (i) in the first three places the words occur, for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “in some Member States” substitute “where applicable”;
  - (iv) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (13) In Schedule 2–
- (a) in Part A–
- (i) for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (b) in Part B–

- (i) for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (c) in Part C–
- (i) for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (d) in Part D–
- (i) for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.
- (e) in Part E–
- (i) for “Directive (EU) 2015/2302” substitute “the Package Travel, Package Holidays and Package Tours Act 1994”;
  - (ii) delete “EU”;
  - (iii) for “Directive (EU) 2015/2302 as transposed into Gibraltar law” substitute “Package Travel, Package Holidays and Package Tours Act 1994”.

Dated: 10<sup>th</sup> December 2020.

V DARYANANI,  
Minister with responsibility for Tourism.

### **Explanatory Memorandum**

These Regulations amend the Package Travel, Package Holidays and Package Tours Act 1994 and are made in exercise of the powers in section 11(1) of the European Union (Withdrawal) Act 2019. The Regulations address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of Gibraltar from the European Union.