

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4843 GIBRALTAR Thursday 15th April 2021

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LEGAL NOTICE NO. 228 OF 2021.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### EUROPEAN UNION WITHDRAWAL (MISCELLANEOUS)(AMENDMENT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 11 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations-

#### Part 1

##### **Title.**

1. These Regulations may be cited as the European Union Withdrawal (Miscellaneous) (Amendment) Regulations 2021.

##### **Commencement.**

2. These Regulations shall be deemed to have come into operation on 1 January 2021.

#### Part 2

##### **Repeal of primary legislation.**

3. The Employment (EEA Certificates of Experience) Act, 1997 is repealed.

#### Part 3

##### **Revocation of secondary legislation.**

4.(1) The Counterfeiting of the Euro Rules 2003 are revoked.

(2) The Mutual Legal Assistance (European Union) Rules 2012 are revoked.

(3) The Qualifications (Proportionality Test) Regulations 2020 are revoked.

**Part 4**

**Amendment of Primary Legislation**

**Commercial Agents Act 1994.**

5. In section 3(2) for “another” substitute “a”.

**Contract and Tort Act.**

6. In section 41A of the Contract and Tort Act-

- (a) omit the “(1)” after “41A” so that it becomes section “41A”;
- (b) omit paragraph (b).

**Drug Trafficking Offences Act 1995.**

7. In section 68(1) of the Drug Trafficking Offences Act 1995 omit paragraph (a).

**Keeping of Wild Animals Act 2002.**

8.(1) The Keeping of Wild Animals Act 2002 is amended in accordance with this regulation.

(2) In section 2, in the definition of “the Directive” after “wild animals in zoos” insert “as it was in force immediately before 1 January 2021”.

(3) In section 15, omit “and the Directive”.

**Late Payment of Commercial Debts (Interest) Act 2003.**

9. Omit section 7(2) of the Late Payment of Commercial Debts (Interest) Act 2003.

**Qualifications (Right to Practise) Act 2009.**

10.(1) The Qualifications (Right to Practise) Act 2009 is amended in accordance with this regulation.

(2) In section 2 for the definition of “Competent Authority” substitute ““Competent Authority” means the person or persons appointed for the purposes of performing the functions required by this Act;”.

(3) In section 3A (1)(ii) omit “Recognition”.

**Re-use of Public Sector Information Act 2005.**

11.(1) The Re-use of Public Sector Information Act 2005 is amended in accordance with this regulation.

(2) In section 19(2), in the definition of “Directive 2003/98/EC” for “as amended from time to time” substitute “as it had effect immediately before 1 January 2021.”.

(3) In section 20(1), omit paragraph (a).

**Statistical Returns (Carriage of Goods and Passengers by Sea) Act 1998.**

12.(1) The Statistical Returns (Carriage of Goods and Passengers by Sea) Act 1998 is amended in accordance with this regulation.

(2) In section 2, omit the definition of “the Directive”.

(3) Omit section 5.

**Working Time Act 1999**

13. In section 2 of the Working Time Act 1999, omit the definition of “the Directive”.

**Package Travel, Package Holidays and Package Tours Act 1994.**

14. In section 2(1) of the Package Travel, Package Holidays and Package Tours Act 1994, omit the definition of “Gibraltar contact point”.

**Part 5**

**Amendment of Secondary Legislation**

**Employment (Sick Pay) Order.**

15. In paragraph 3(c) of the Employment (Sick Pay) Order, after “registered in” insert “Gibraltar, the United Kingdom or”.

**European Arrest Warrant (Appeal) Rules 2008.**

16. In rule 1 of the European Arrest Warrant (Appeal) Rules 2008, for “European Arrest Warrant (Appeals) Rules 2008” substitute “Extradition Arrest Warrant (Appeals) Rules 2008”.

**Fishing Vessels (Working Time) Regulations 2005.**

17. In regulation 2(1) of the Fishing Vessels (Working Time) Regulations 2005, after the definition of “collective agreement” insert-

““Council Directive 2003/88/EC” means Council Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time as it had effect immediately before 1 January 2021;”

**Gibraltar Merchant Shipping (Pleasure Yachts) Regulations 1997.**

18. In regulation 2(1) of the Gibraltar Merchant Shipping (Pleasure Yachts) Regulations 1997 omit the definition of “Council Directive”.

**Procurement (Concession Contracts) Regulations 2016.**

19.(1) The Procurement (Concession Contracts) Regulations 2016 are amended in accordance with this regulation.

(2) In regulation 5-

(a) in subregulation (2)-

(i) in paragraph (b)(i) for “the European Union public procurement law” substitute “retained EU law on public procurement”;

(ii) omit paragraph (c).

(3) In regulation 9, omit subregulations (4) and (7).

**Procurement (Utilities Contracts) Regulations 2016.**

20.(1) The Procurement (Utilities Contracts) Regulations 2016 are amended in accordance with this regulation.

(2) Omit regulation 4(2).

(3) In regulation 5(2)-

(a) in paragraph (b) for “the European Union public procurement law” substitute “retained EU law on public procurement”;

(b) omit paragraph (c).

Dated: 15<sup>th</sup> April 2021.

J. GARCIA,  
Deputy Chief Minister.

**EXPLANATORY MEMORANDUM**  
*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 11 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Part 2 repeals primary legislation which is outdated and inoperable.

Part 3 revokes secondary legislation which is outdated and inoperable.

Part 4 makes amendments to primary legislation.

Part 5 makes amendments to secondary legislation.