

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4724 GIBRALTAR Friday 12th June 2020

LEGAL NOTICE NO. 213 OF 2020

IMPORTS AND EXPORTS ACT, 1986

IMPORTS AND EXPORTS CONTROL (AMENDMENT NO. 3) REGULATIONS 2020

In exercise of the powers conferred upon it by sections 16 and 129 of the Imports and Exports Act, 1986 the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Imports and Exports Control (Amendment No. 3) Regulations 2020.

Commencement.

2. These Regulations come into operation on the day appointed by the Chief Minister by notice in the Gazette, and different days may be appointed for different provisions and for different purposes.

Amendment to Imports and Exports (Control) Regulations, 1987.

3.(1) The Imports and Exports (Control) Regulations, 1987 are amended in accordance with this regulation.

(2) After regulation 5(2), insert-

“(3) A licence in respect of tobacco products specified in Part II of Schedule 2-

- (a) may be suspended, amended, revoked and renewed;
- (b) shall, unless the licence states otherwise, be valid for a period of 12 months from the date of issue; and
- (c) may only be granted, renewed or varied where the applicant has provided-
 - (i) such information as the Collector requires, including the information specified in Schedule 7; and
 - (ii) the prescribed fee.

(4) The Collector will determine the prescribed fee and make that information publicly available.”.

(3) Renumber regulation 6 as regulation 6(1).

(4) After regulation 6(1), insert-

“(2) In addition to the conditions set out in subregulation (1), an import licence in respect of tobacco products granted under regulation 5 shall require a licensee to obtain the Collector’s prior consent before-

- (a) any change of location of the business; and
- (b) any significant change in information relevant to the activities as licensed.”.

(5) After regulation 9(1), insert-

“(1A) A licence in respect of the export of tobacco products-

- (a) may be suspended, amended, revoked and renewed;
- (b) shall, unless the licence states otherwise, be valid for a period of 12 months from the date of issue; and
- (c) may only be granted, renewed or varied where the applicant has provided-
 - (i) such information as the Collector requires, including the information specified in Schedule 7; and
 - (ii) the prescribed fee.

(1B) The Collector will determine the prescribed fee and make that information publicly available.”.

(6) After regulation 9(3), insert-

“(4) In these Regulations, “tobacco products” means products other than prohibited imports that are entirely or partly made of the leaf tobacco as raw material, which are manufactured to be used for smoking, sucking, chewing or snuffing.”.

(7) Renumber regulation 11 as regulation 11(1).

(8) After regulation 11(1), insert-

“(2) In addition to the conditions set out in subregulation (1), an export licence in respect of tobacco products granted under regulation 9 shall require a licensee to obtain the Collector’s prior consent before-

- (a) any change of location of the business; and

(b) any significant change in information relevant to the activities as licensed.”.

(9) After regulation 11A, insert-

“Inspections etc.

11B. The Collector must undertake such periodic review, renewal, inspection or audit of licences issued under regulations 5 or 9 in respect of tobacco products as the Collector deems appropriate.”.

(10) In paragraph 15 of Schedule 1-

(a) in paragraph (b), for “.” substitute “;”;

(b) after paragraph (b) insert-

“(c) counterfeit tobacco products;

and “tobacco products” has the meaning given in paragraph 17 of Schedule 2.”.

(11) In paragraph 17 of Schedule 2, after “prohibited imports” insert “and in this paragraph “tobacco products’ means products entirely or partly made of the leaf tobacco as raw material, which are manufactured to be used for smoking, sucking, chewing or snuffing”.

(12) After Schedule 6, insert-

“SCHEDULE 7

Regulation 5(3) and 9

APPLICATION FOR IMPORT OR EXPORT OF TOBACCO PRODUCTS

Information that must be provided to the Collector in an application for an import or export licence in respect for tobacco products-

1. Where the applicant is a natural person, information regarding that person’s identity, including full name, trade name, business registration number (if any), applicable tax registration numbers (if any) and any other information to allow identification to take place.
2. When the applicant is a legal person, information regarding its identity, including full legal name, trade name, business registration number, date and place of incorporation, location of corporate headquarters and principal place of business, applicable tax registration number, copies of articles of incorporation or equivalent documents, its corporate affiliates, names of its directors and of any designated legal representatives, including any other information to allow identification to take place.

3. Precise business location of the warehouse location and production capacity of the business run by the applicant.
4. Details of the tobacco products covered by the application, such as product description, name, registered trade mark if any, design, and brand.
5. Documentation or a declaration regarding any criminal records.
6. Complete identification of the bank accounts intended to be used in the relevant transaction and other relevant payment details.
7. A description of the intended use and intended market of sale of the tobacco products, with particular attention to ensuring that tobacco product production or supply is commensurate with reasonably anticipated demand.”.

Dated: 12th June 2020.

F R PICARDO,
Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Imports and Exports (Control) Regulations, 1987.