

## LICENSING AND FEES ACT

## Principal Act

<b>Act. No. 1961-29</b>	<i>Commencement</i>	1.1.1962
	<i>Assent</i>	28.12.1961

Amending enactments	Relevant current provisions	Commencement date
Notices of 30.10 1962		
7.11.1963		
Act. 1965-01	ss.48 and 49	
1965-22	ss.2 and 28	
1966-21	ss.33A and 36	
Notices of 23.12.1966		
3.5.1967		
29.12.1967		
26.8.1968		
LN. 1971/08	Sch.2	
1971/040	–	
1971/078	Sch.2	
1971/091	<i>Corrigendum</i>	
1972/034	Sch.1	
1972/041	–	
Act. 1973-11	Sch.2, Item 1 and 8	
LN. 1974/114	–	
1975/013	–	
1975/014	–	
1975/047	Sch.2	
1975/065	–	
Act. 1975-33	ss.2, 7(4) and (5), 8, 11, 15 16, 23(1), 28, 36, 36A and Sch.	
1976-28	–	
LN. 1977/024	–	
1977/135	Sch.2	
1977/165	Sch.2	
1978/066	Sch.2	
1978/112	–	
1979/019	Sch.2	
Act. 1979-05	Sch.1	
LN. 1979/088	Sch.2	
1979/089	–	
1980/036	Sch.	
1980/121	–	

Act. 1980-21	s.29A	
1981-05	Sch.2	
LN. 1981/122	Sch.2	
1982/063	–	
1982/083	Sch.2	
1982/110	Sch.2	
Act. 1983-11	ss.2, 29B, 29C and Sch.1	
LN. 1983/111	Sch.1 and 2	
1984/061	Sch. 2	5.7.1984
1985/041	Sch. 2	1.4.1985
Act. 1985-14	Sch. 2	26.4.1985
LN. 1986/073	Sch. 2	17.7.1986
Act. 1986-08	Sch. 2	1.11.1986
LN. 1986/132	Sch. 2	23.12.1986
1986/109	Sch. 1	1.1.1987
1987/069	Sch. 2	1.4.1987
Act. 1987-16	Sch. 2	1.5.1987
LN. 1987/110	Sch. 2	16.7.1987
1987/175	Sch. 2	31.12.1987

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AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO LICENSING AND THE IMPOSITION OF VARIOUS FEES AND CHARGES AND FOR MATTERS CONNECTED THEREWITH.

## Short title.

1. This Act may be cited as the Licensing and Fees Act.

## Interpretation.

2. In this Act, unless the context otherwise requires,—

“gallon” means an English imperial gallon;

“intoxicating liquor” includes wines, spirits or malt liquors as defined by this Act, and any fermented, distilled or spirituous liquors which cannot under this Act be legally sold in Gibraltar without a licence;

“lend by way of business” in relation to a video cassette or video tape, includes—

- (a) to let out, hire out or exchange, by way of business; and
- (b) to give or allow the use of the thing, as a right, privilege or benefit of or incidental to any membership of any body corporate, club, or other body, association or organization whatsoever, where any payment is made for such membership;

“malt liquors” mean ale, porter, beer, spruce, cider or perry;

“owner”, in addition to its ordinary signification, includes tenant or occupier of any premises licensed under this Act;

“revenue officer” means any person employed in the management or collection of Her Majesty’s revenue at Gibraltar who shall have been appointed by the Governor to any of the following posts:—

Financial and Development Secretary  
Accountant General  
Collector of Revenue  
Chief Customs Officer  
Customs Surveyor  
Senior Customs Officer  
Customs Officer  
Assistant Customs Officer  
Revenue Assistant;

“room” includes any tent, booth, structure or place in the open air from which intoxicating liquor is sold and the area surrounding such place within which liquor is consumed;

“sell” includes offer for sale and expose for the purpose of sale;

“spirits” include low wines and all liquors mixed with spirits, and all mixtures, compounds or preparations made with spirits and intended for consumption and also alcohol of any description;

“store” means to keep in some selected place for future use;

“tobacco” includes tobacco of every description, whether manufactured or not;

“tobacconist” includes any importer of tobacco, cigars or cigarettes, any manufacturer of tobacco, cigars or cigarettes, and any wholesale or retail dealer in the same.

#### **PART I.—LICENSING AUTHORITY.**

##### **Governor may appoint a licensing authority.**

3.(1) The Governor may from time to time appoint as a licensing authority, subject to such conditions as he may direct, any court or any number of persons, whether by name or as holding any office for the time being, and such licensing authority may be appointed generally or in respect of the issue of any class or classes of licence.

(2) The Governor may likewise direct that a licensing authority shall exercise all or any of the powers conferred on the Financial and Development Secretary by section 35.

(3) A licensing authority may, with the approval of the Governor, make rules regulating its own procedure.

##### **Financial and Development Secretary to be licensing authority in absence of other appointee.**

4. Where no licensing authority has been appointed either generally or in respect of the issue of any particular class of licence or where an individual has been appointed a licensing authority and is absent from Gibraltar or is for any other reason unable to carry out his duties as such licensing authority and no other person has been appointed in his stead, then in each and every such case the Financial and Development Secretary shall for the purposes of this Act be the licensing authority.

## **Granting of licences by licensing authority.**

5.(1) The licensing authority, except where otherwise expressly provided, is hereby authorized and empowered to grant and issue, or in his discretion to refuse to grant and issue, to persons applying for the same, all licences required to be taken out by this Act.

(2) Such licences shall be in such form and shall contain such particulars as may be required by this Act and as the licensing authority may require.

## **Appeal against decision of licensing authority.**

6. Any person may appeal to the Governor against the grant or refusal by the licensing authority of any licence under this Act, and the Governor may, if he shall think fit, direct the licensing authority in writing to withhold or issue the licence applied for.

## **PART II.—INTOXICATING LIQUOR LICENCES.**

### **Licence for manufacture or sale.**

7.(1) Unless licensed under the provisions of this Act, no person shall manufacture, sell, barter, exchange or otherwise dispose of for money or reward any intoxicating liquor without a licence for that purpose issued by the licensing authority :

Provided that nothing in this section shall apply to—

- (a) any person registered as a dispenser under section 7 of the Medical and Health Act, as regards the preparation or sale of any medicine or drug prescribed by any registered medical practitioner in respect of any person;
- (b) vendors of any brand of medicated wine proved to be such to the satisfaction of the Financial and Development Secretary.

(2) Licences for the manufacture and sale of intoxicating liquor shall be issued by the Financial and Development Secretary, on the requisition of the licensing authority, in the following forms:—

- (a) manufacturer's licence;
- (b) wholesale wine merchant's licence;
- (c) full wine merchant's licence;

- (d) tavern licence;
- (e) hotel licence;
- (f) beer merchant's licence;
- (g) beershop licence;
- (h) club licence;
- (i) club (temporary premises) licence;
- (j) grocer's wine licence
- (k) canteen licence;
- (l) traveller's wine licence;
- (m) occasional licence.

(3) Every licence shall be subject to the provisions of this Act and of any subsidiary legislation made thereunder, whether such provisions relate to licences generally or to specific licences.

(4) No tavern licence issued under this Act shall relate to more than one room.

(5) A hotel licence shall enable intoxicating liquor to be sold in any part of the premises to which the licence relates.

#### **Licence to specify premises, etc.**

8. Every licence issued under the provisions of this Act, other than a traveller's wine licence, shall specify the house or premises or part of a house or premises or, in the case of a tavern licence, the room in the house or premises in which the business is to be carried on and shall apply to such house or premises or part thereof or room therein as the case may be and to no other place.

#### **Manufacturer's licence.**

9. The holder of a manufacturer's licence shall be permitted to manufacture spirits of such strength, type and quantity as may from time to time be prescribed.

#### **Restrictions on intoxicating liquor licensees.**



10. No person holding a licence for the sale of intoxicating liquor shall sell any intoxicating liquor—

- (a) which he is not specifically authorized by such licence to sell, whether mixed with other liquors or not; or
- (b) in any place where he is not authorized by such licence to sell; or
- (c) in any manner in which he is not authorized by such licence to sell.

### **Certificate of fitness of premises.**

11. No licence under this Act, other than a canteen licence, shall be granted to any person for the purpose of authorizing such person to sell any wines, spirits or malt liquors by retail in manner hereinbefore mentioned or to keep any hotel or tavern until such person shall have procured from the Financial and Development Secretary a certificate of the fitness of the premises for the purpose for which they are intended.

### **Wholesale wine merchant's licence.**

12. The holder of a wholesale wine merchant's licence shall be authorized to sell wines, spirits, and malt liquors, whether such wines, spirits or malt liquors be at the time of sale in a Government store or elsewhere:

Provided that he shall not sell under the authority of such licence to any one person at any one time such wines, spirits and malt liquors in less quantities than—

- (a) in the case of wines, twenty-five gallons;
- (b) in the case of spirits, ten gallons; and
- (c) in the case of malt liquors, twenty-five gallons.

### **Full wine merchant's licence.**

13. The holder of a full wine merchant's licence shall be authorized to sell wines, spirits or malt liquors:

Provided that he shall not sell under the authority of such licence any wines, spirits or malt liquors—

- (a) for consumption on the premises; or

- (b) in less quantities than one-twelfth part of a gallon to any one person at any one time unless sold in the same bottles or containers in which the same were imported into Gibraltar and as capsuled and sealed at the time of such importation.

**Tavern licence.**

14. The holder of a tavern licence shall be authorized to sell wines, spirits and malt liquors:

Provided that he shall not sell for consumption off the premises under the authority of such licence any quantity of wines, spirits or malt liquors to any one person at any one time in excess of—

- (a) wines or spirits, one twenty-fourth part of a gallon (half a reputed pint); and
- (b) malt liquors, one-twelfth part of a gallon (one reputed pint).

**Hotel licence.**

15.(1) The holder of an hotel licence shall be authorized to sell wines, spirits and malt liquors under the same conditions and subject to the same restrictions as the holder of a tavern licence:

Provided that any hours of business that may be prescribed for the business of a licensed tavern shall not be applicable to sales of wines, spirits and malt liquors made by the holder of an hotel licence to bona fide residents of the hotel or their guests who are who are accompanying them in respect of which the licence was issued.

(2) Notwithstanding that premises provide accommodation an hotel licence shall not be granted in respect of such premises unless the licensing authority is satisfied that the principal purpose of such premises is to provide accomodation for tourists in Gibraltar.

(3) Nothing in this section shall preclude the grant of a tavern licence to premises which provide accommodation but of which the licensing authority is not satisfied that the principle purpose is to provide accommodation for tourists in Gibraltar.

**Beer merchant's licence.**

16. The Holder of a beer merchant's licence shall be authorized to bottle beer and to sell beer, whether bottled by him or not, for export or for consumption in Gibraltar:

Provided that he shall not under the authority of such licence sell any beer for consumption on the premises.

## **Beershop licence.**

17. The Holder of a beershop licence shall be authorized to sell malt liquors in Gibraltar:

Provided that he shall not sell for consumption off the premises under authority of such licence to any one person at any one time any quantity of malt liquors in excess of one-twelfth part of a gallon (one reputed pint).

## **Club licence.**

18. The secretary of a club registered under the provisions of the Clubs Act 1924 No. 9 shall take out a club licence in the name of the secretary of the club which licence shall authorize the sale of wines, spirits and malt liquors under and in accordance with terms and conditions set forth in that Act.

## **Licences for temporary club annexes.**

19. On the application of the secretary of a club registered under the provisions of the Club Act, and licensed under this Act it shall be lawful for the licensing authority to issue a licence in the name of the secretary of the club for the opening and keeping of temporary club premises as part of any public fair or public entertainment or for any other reason approved by the Financial and Development Secretary, whereupon such premises shall for the term of such licence or for the duration of the fair or other public entertainment or other reason as aforesaid, whichever be the shorter period, be deemed and taken to be part of the registered premises of the club for all purposes under the said Act.

## **Grocer's wine licence.**

20.(1) The holder of a grocer's wine licence, shall be authorized to sell wines, spirits and malt liquors:

Provided that no such licence shall be deemed to authorize the sale of any wines, spirits and malt liquors—

- (a) to be consumed either wholly or in part upon the premises; or
- (b) in less quantity than one-sixth part of a gallon unless sold in the same bottles or containers in which the same were imported into Gibraltar and as capsuled and sealed at the time of such importation.

(2) A grocer's wine licence shall not be granted to any person not actually carrying on the business of a grocer, and if the holder of such licence shall cease to carry on business as a grocer such licence shall become void for all purposes.

**Canteen licence.**

21(1) The Financial and Development Secretary shall, on the requisition of the Governor, issue a canteen licence in respect of a canteen for the armed forces of the Crown or for the Police or the City Fire Brigade.

(2) A canteen licence may authorize the sale of malt liquors and wines for consumption on the premises, for such period, at such times subject to the conditions as may be specified by the Governor –

- (a) in the case of a canteen for the armed forces of the Crown, to members of such forces;
- (b) in the case of a canteen for the Police or the City Fire Brigade, to members of the Police or City Fire Brigade.

(3) The Financial and Development Secretary shall, if so directed by the Governor, transfer a canteen licence to any person named by the Governor.

**Traveller's licence.**

22.(1) Every person, other than persons specifically licensed by the licensing authority under any other provision of this Act, who shall in Gibraltar sell any intoxicating liquors, tobacco or perfumed spirits shall take out a traveller's licence and shall pay the appropriate fee prescribed in Schedule 1.

- (2) Such traveller's licence shall not be issued–
- (a) to any person ordinarily resident in Gibraltar; or
  - (b) to any person who keeps in Gibraltar any stock of goods either in bond or otherwise; or
  - (c) for any period of more than one month at any one time; or
  - (d) to any person within six months of the expiration of a similar licence held by such person.

(3) The holder of a traveller's licence for the sale of intoxicating liquors shall sell only to persons holding wholesale wine merchants' licences, full wine merchant's licences, tavern licences, hotel licences or grocers' wine licences and shall sell at any one time to any one licensee in the case of wines

and malt liquors in quantities of not less than twenty-five gallons and in the case of spirits of not less than ten gallons.

(4) The holder of a traveller's licence to sell tobacco shall sell only to persons licensed as tobacconists under this Act.

(5) *Repealed.*

(6) All goods sold under a traveller's licence shall be consigned directly to the purchaser.

(7) For the purpose of this section, any person who sells any intoxicating liquors, tobacco or perfumed spirits or solicits orders therefor or offers such goods for sale or introduces into Gibraltar and displays samples of such goods for the purpose of selling or obtaining orders whether accompanied or not by a local licensed agent or dealer shall be liable to take out a traveller's licence.

## **Occasional licence.**

23.(1) The licensing authority may grant to any licensee who shall be duly licensed to keep an hotel, a tavern, a beershop, or as a tobacconist, an occasional licence empowering him to sell such articles as he is allowed to sell upon his licensed premises at such other place and for and during such period not exceeding seven days and during such hours and upon such general or special conditions as the licensing authority shall think fit and as shall be specified in such occasional licence.

(2) For the purposes of this Act and any other law the person taking out an occasional licence shall be deemed to be a licensed person, and the place in which anything for the sale of which a licence is necessary is sold or offered for sale in pursuance of the occasional licence shall be deemed to be the licensed premises of the licensee taking out such licence.

## **Intoxicating liquor licences to be exposed.**

24. The holder of a licence for the sale of intoxicating liquors by retail shall expose such licence in a prominent place approved of by the Financial and Development Secretary in a public room of the premises in respect of which the licence is held and such licence shall remain exposed in such place for the whole period of validity of the licence.

## **PART III.—LICENCES OTHER THAN INTOXICATING LIQUOR LICENCES.**

### **Licence for tobacconists and for manufacturers of tobacco.**

25.(1) No person shall carry on the trade, business or calling of a tobacconist unless he be duly licensed for such purpose.

(2) A licence to chop or manufacture tobacco, or cigars and cigarettes-

- (a) shall be deemed to cover all premises wherein the chopping or manufacture is carried on by the same licensee, provided that the premises are designated to and approved by the Financial and Development Secretary and set out in the licence;
- (b) shall not be deemed to authorize any sale of tobacco, cigars or cigarettes at any such premises.

(3) A licence to sell tobacco, cigars or cigarettes shall be taken out for every shop or premises wherein tobacco is sold either by wholesale or retail.

**Hawking and sale of tobacco.**

26.(1) No person shall-

- (a) hawk any tobacco; or
- (b) sell any tobacco in any house, premises or place whatsoever unless he be a licensed tobacconist and such sale shall take place in the premises specified in such licence.

(2) This section shall not apply to sales of tobacco by public auction.

**Auctioneer's licences bonds, bonds and charges.**

27.(1) No person shall exercise or carry on the business of an auctioneer, or shall sell any goods of chattels, lands, tenements or hereditaments by public auction in Gibraltar, unless he shall have been licensed to exercise and carry on such business by the licensing authority.

(2) Every person licensed as an auctioneer shall, before exercising or carrying on such business, enter into a bond with two sufficient sureties to Her Majesty, in such sum as to the Financial and Development Secretary shall seem fit, with the undermentioned conditions that such person-

- (a) shall render to the Financial and Development Secretary, at such times and in such manner as the Financial and Development Secretary shall from time to time direct, a full and faithful account of all sales made by such person; and

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- (b) shall not charge or receive by way of remuneration for his services as auctioneer any sum in excess of such scale of fees as may be prescribed.

(3) A person who carries on or exercises the business of an auctioneer without being licensed to do so or without entering into such bond is guilty of an offence and is liable on summary conviction to a fine of £50.

### **Licences for brokers, bakers, guides and porters.**

28. No person shall carry on the trade, business, occupation or calling of a broker, baker, guide or porter, without taking out a licence for such purpose:

Provided that nothing in this section shall apply to a company carrying on the business of insurance brokers.

### **Licences for vessels not licenced under Port Rules.**

29.(1) Any person who keeps, anywhere in Gibraltar, any vessel shall if such vessel is not licensed under the provisions of the Port Rules, take out a licence for the vessel under this section.

(2) A licence under this section shall be issued by the Captain of the Port, and may contain such conditions as he may think fit to include therein.

(3) There shall be paid for a licence had been licensed under the Port Rules.

(4) Any licence granted in accordance with the provisions of this section may be cancelled by the Captain of the Port upon conviction of the person to whom it was granted for any offence against this Act or upon breach of any condition thereof, or for any offence against the Imports and Export Act. Upon cancellation, unless the licensee shall have been convicted of a breach of this Act, the Financial and Development Secretary may refund such proportion of the licence fees as the unexpired period of the licence bears to the term for which it was granted.

### **Licences for amusement machines.**

29A.(1) No person shall operate any amusement machine otherwise than in accordance with a licence issued under this section in respect of that amusement machine.

(2) In granting a licence under this section, the licensing authority may attach such conditions to the licence as he thinks fit.

(3) For the purpose of this section—

- (a) “amusement machine” means a machine (not being a gaming machine as defined in section 2(1) of the Gaming Act 1958 No. 9) for playing a game that requires no action by the player other than the actuation or manipulation of the machine;
- (b) a person operates an amusement machine if—
  - (i) being the owner of or a person having any interest in the amusement machine, he supplies or installs it for use in any place to which the public or any section of the public has access; or
  - (ii) being the occupier of any premises, he installs the amusement machine or permits or allows it to be installed in any part of the premises, being a part to which the public or any section of the public has access.

(4) An application for a licence in respect of an amusement machine under this section may be made by any person who wishes to operate it.

(5) It shall be a condition of every licence granted under this section that the licensee shall in writing, on the 1st days of March, June, September and December in every year, deliver to the licensing authority a written return signed by the licensee and specifying the total number of amusement machines in respect of which he has been granted licences under this section and the location of every such amusement machine.

(6) A person who submits any return under subsection (5), knowing it to be false in any material particular, is guilty of an offence against this Act and is liable on summary conviction to a fine not exceeding £500.

#### **Licences for hiring video cassettes and tapes.**

29B.(1) No person shall lend by way of business any video cassette or video tape otherwise than in accordance with a licence issued under this section.

- (2) In granting a licence under this section—
  - (a) the licensing authority shall specify as a condition in the licence the premises in or from which the business authorized by the licence may be carried on by the licence ; and
  - (b) the licensing authority may attach such other conditions to the licence as he thinks fit.

#### **Restrictions on hiring copies.**



29C.(1) No person shall lend by way of business any video cassette or video tape that is copy.

(2) For the purposes of this section—

- (a) a video cassette or video tape is a copy if the contents of the cassette or tape comprise, wholly or substantially, material that has been recorded on to it directly or indirectly from off any one or more other video cassettes, video tapes, films or television images; and
- (b) it is immaterial that any person holds a licence under section 29B.

(3) It shall be a defence in any prosecution for a contravention of subsection (1) if the defendant proves that the copy is lent by way of business by him with the authority or consent of the person holding the copyright in the material copied, or that he had reasonable grounds for believing that it was so lent.

## **PART IV.—TRANSFER, DURATION, CONDITIONS AND CANCELLATION OF LICENCES.**

### **Transfer of licences.**

30.(1) The licensing authority may, if it sees fit, on the application in writing made by the proposed transferor and transferee, require the Financial and Development Secretary to transfer any licence on payment of the fees specified in Schedule 1.

(2) The transferee shall, during the unexpired period for which such licence was granted, possess all the rights of the original licensee, and, shall be subject and liable as and from the date upon which the licence was transferred to him to the same duties, obligations and penalties as if such licence had been originally granted to him, and the person whose licence shall be so transferred shall cease to be licensed under such licence.

### **Procedure on death of licensee.**

31.(1) Upon the death of a holder of any licence which may have been issued under any provision of this Act and which applies only to certain defined premises his legal personal representative may continue to carry on the business under the licence for the unexpired period of the licence yet to run, either personally or by an agent expressly authorized in writing by the licensing authority, without any renewal or formal transfer of the licence, and the legal personal representative or the agent, if one shall have been

appointed, shall as to all rights and obligations be regarded as the original holder.

(2) Upon the death of a holder of any licence other, than one to which the provisions of subsection (1) apply, the Financial and Development Secretary may refund to the legal personal representative of the licensee, such proportion of the licence fee as the unexpired term of the licence bears to the period for which the current licence was issued provided that such refund is applied for within two months of the death of the licensee.

(3) Where a licensee dies, leaving a widow surviving him, the widow shall, until probate or letters of administration shall have been duly granted and for the purposes of this section, be deemed to be his legal personal representative.

**Refund of part of licence fee upon surrender of licence.**

32. Where a licensee voluntarily surrenders his licence before the time at which it is due to expire, he shall be entitled to have refunded to him by the Financial and Development Secretary a sum which bears to the amount he paid for the licence the same proportion as that which the unexpired period of the term of the licence bears to the whole time for which it was taken out:

Provided that from the amount so ascertained there shall be deducted—

- (a) in the case of licences of an annual value of £10 or over, a sum of fifty pence; and
- (b) in the case of licences of an annual value of less than £10, a sum of twenty-five pence,

which sums shall not be refunded.

**Duration of licences.**

33. The period for which a licence may be issued shall be as specified in relation thereto in Schedule 1.

**Period covered by annual licences.**

33A. Subject to the provisions of this section, every annual licence shall be for the period of a calendar year:

Provided that every new licence issued during the currency of a year shall be for the remaining period of that calendar year, and the licence fee payable shall bear the same proportion to the annual licence fee as the remaining period of the year bears to the whole year.

## **Conditions of licences.**

34. A licence issued under the provisions of this Act shall be subject to such conditions as may be specified by this Act and the Schedules and as may be prescribed.

## **Cancellation of licences.**

35.(1) The Financial and Development Secretary may, in his discretion, cancel or withdraw at any time any licence issued under this Act without reason being assigned and no compensation shall be payable to the licensee or any other person in respect of any such cancellation or withdrawal :

Provided that, unless such licensee shall have been convicted of a breach of the provisions of this Act, the Financial and Development Secretary may refund such proportion of the original licence fee as the unexpired period of the licence bears to the original term for which it was taken out.

(2) Any cancellation or withdrawal of a licence under this section shall be subject to the right of the licensee to appeal to the Governor and the re-issue of such licence shall be subject to the Governor's decision.

## **PART V.—FEES AND CHARGES.**

### **Fees for licences.**

36. Subject to the provisions of sections 33A and 36A there shall be levied and paid to the Government, in respect of any licence issued under this Act, the fee in respect thereof set out in Schedule 1.

### **Fees for tavern licences.**

36A. Notwithstanding that a tavern licence to sell intoxicating liquor is granted in respect of two or more rooms in the same premises, one licence fee only shall be payable in respect of all such rooms as are under the same ownership and control.

### **Fees and charges for other matters.**

37. There shall be levied and paid to the Government, in respect of any of the matters specified in Schedule 2, the fee or charge in respect thereof set out in that Schedule.

### **Payment of fees and charges.**

38.(1) All fees and charges levied and payable under this Act shall, save as may be otherwise provided, be paid to the Financial and Development Secretary or to such other officer as may be authorized by him for that purpose.

(2) Where this Act so provides, payment shall be made by revenue stamps.

**Exemption in case of passports.**

39. The Governor may grant an exemption of the whole or any part of any fee or charge payable under Schedule 2 in respect of the issue, renewal, endorsement or visa of any passport.

**Fees and charges under other laws.**

40. Where, by any other law, it is provided that any licence, permit, certificate, pass or other document is required, and no fee or charge is specified therein, the Governor may, without prejudice to any powers conferred by such other law, by notice in the Gazette, with the prior approval of the House of Assembly, specify in Schedule 2 the fee or charge payable for any such licence, permit, certificate, pass or other document, whereupon the provisions of this Act as to the payment of fees or charges shall apply thereto.

**PART VI.—OFFENCES AND LEGAL PROCEEDINGS.**

**Spirit not to be distilled or compounded.**

41. Except as otherwise provided in this Act a person who makes or distills, rectifies or compounds any spirit in Gibraltar or who has in his custody or possession any still, apparatus or utensils for making, distilling, rectifying or compounding any spirit or capable of being used for any such purpose is guilty of an offence and is liable on summary conviction to a fine of £100 and all materials, preparations, vessels and utensils used or intended to be used in making, distilling, rectifying or compounding of spirit or capable of being so used shall be forfeited.

**Sugar and other matters not to be added to spirits.**

42. A person who adds or mixes any sugar or syrup or any glutinous matter or saccharine or other matter or thing to or with any spirits whereby the gravity thereof shall be increased, or so as to prevent the strength thereof from being ascertained by Sykes' hydrometer, is guilty, of an offence and is liable on summary conviction to a fine of £100 and all spirits so mixed or added to shall be forfeited.

## **Prohibition of distribution of intoxicating liquors or tobacco as gifts or rewards.**

43.(1) No persons shall give, distribute, or offer as a gift, reward or prize at any public fair or park or in any public place whatever any wines, spirits, malt liquors, tobacco, cigars, cigarettes or other goods for the sale of which a licence is required under any provision of this Act.

(2) No person shall manage, conduct, or assist in the management or conduct of any lottery, or sell in Gibraltar any tickets in respect of a lottery if any prize or gift in any such lottery consists of any wines, spirits, malt liquor, tobacco, cigars or other goods for the sale of which a licence is required under any provision of this Act:

Provided that this subsection shall not apply to any lottery which is, by virtue of section 11 or section 12 of the Gaming Act, exempt from the provisions of that Act or in respect of which a permit has been issued under section 13 thereof.

(3) A person who commits a breach of any of the provisions of this section is, in addition to any other penalty to which he may be liable under the provisions of any other law, guilty of an offence against this Act.

## **General penalty.**

44.(1) A person who acts in contravention of any of the provisions of this Act or any of the terms or conditions of any licence issued under the authority of this Act is guilty of an offence against this Act.

(2) A person who commits an offence against this Act for which no special penalty is provided is liable, on summary conviction to a fine of £100 and where the offence consists wholly or in part of failure to have or take out a licence required by this Act he shall forfeit in addition to any fine that may be imposed an amount equal—

- (a) in the case of a daily licence, to thirty times the amount of such daily licence ; and
- (b) in the case of a licence other than a daily licence, to one and a half times the amount payable for such licence for a period of one year.

## **Revenue officer to have right of audience in magistrates' court.**

45.(1) Where any proceedings are brought in the magistrates' court under this Act any revenue officer may appear to prosecute or conduct the case.

(2) A statement by an individual that he is a revenue officer and that he appears to prosecute or conduct any such case shall be prima facie evidence that the individual in question is a revenue officer and that he is duly authorized to appear to prosecute or conduct such case.

**Powers of revenue officers.**

46.(1) Any revenue officer or police officer shall have free access at any reasonable time to any premises or place for the purpose of ensuring that the provisions of this Act or of any licence issued thereunder are being complied with.

(2) A person who prevents, obstructs or delays such access is guilty of an offence and is liable on summary conviction to a fine of £25.

**Proceedings may be taken within three years.**

47. Any prosecution for an offence against this Act may be commenced at any time within three years after the offence was committed.

**Fees and charges recoverable summarily.**

48. Any fee, charge or other sum payable under this Act and any sum of money payable in respect of any licence, permit, certificate, pass or other document under any other Act may, without prejudice to any other remedy conferred by any other law, be recoverable summarily as a civil debt.

**Presumption of law in prosecutions.**

49. In any prosecution under this or any other Act charging any person with doing, without a valid licence therefor, anything for the doing of which a licence is required under this or any other Act, the charge shall be held proved if it be shown to the satisfaction of the court that the accused did the said thing unless the accused produce a valid licence in court or show to the satisfaction of the court that such licence was duly taken out.

**PART VII.—MISCELLANEOUS.**

**Saving for Crown.**

50. Nothing in this Act contained shall be deemed to bind the Crown or affect prejudicially any estate, right, power, privilege or exemption of the Crown.

**Rules.**

51.(1) The Governor may make rules for the better carrying out of the purposes of this Act and in particular, but without prejudice to the generality hereof, may make rules—

- (a) regulating the conduct and government of the business of the holder of any licence issued under the provisions of this Act;
- (b) regulating the conduct and government of any trade, business or occupation for which a licence is required under this Act;
- (c) regulating the conduct and government of persons—
  - (i) licensed to sell by retail any wines, spirits or malt liquors; or
  - (ii) holding beer merchants', wholesale or full wine merchants' licences; or
  - (iii) carrying on or exercising the trade, business, occupation or calling of bakers, tobacconists, brokers, guides or porters;
- (d) regulating the local manufacture of spirits;
- (e) prescribing anything which may be prescribed under this Act.

(2) Rules made under this Act may provide that, where an offence is committed in respect of a rule relating to the conduct of a licensee, upon a second or subsequent conviction for an offence against any such rule the licence held by the licensee shall be forfeited.

## **Amendment of Schedules.**

52. The Governor may, by notice in the Gazette, with the prior approval of the House of Assembly, amend or add to any of the Schedules.

## SCHEDULE 1.

Sections 33 and 36

## PART I.-INTOXICATING LIQUOR LICENCES.

<i>Description of Licence.</i>	<i>Fee £</i>	<i>Term of, and Conditions of, Licence and how payable.</i>
1. Beer merchant's licence (Section 16)	30.00	per annum; issuable for one year; fee payable yearly in advance.
2. Beershop licence (Section 17)	40.00	per annum; issuable for one year; fee payable yearly in advance.
3. Canteen licence (Section 21)	5.00	per annum; issuable for one year; fee payable yearly in advance.
4. Club licence (Section 18)	Free	There is a duty payable under the Clubs Act.
5. Club annexe, temporary licence for (Section 19)	5.00	Fee payable on registration.
6. Grocer's wine licence (Section 20)	40.00	per annum; issuable for one year; fee payable yearly in advance.
7. Hotel licence:- (Section 15) For any premises whose net annual value is rated at not more than £1,000 per annum	100.00	per annum; issuable for one year; fee payable quarterly in advance.
rated from £1,001 to £2,000	150.00	
rated from £2,001 to £3,000	200.00	
rated from £3,001 to £5,000	250.00	
rated above £5,000	300.00	



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8. Manufacturer's licence (Section 9)	40.00	per annum; issuable for one year; fee payable yearly in advance.
9. Occasional licence to sell alcoholic liquor (Section 23)	5.00	per diem; issuable for any period not exceeding seven days; fee payable in advance. The licence authorizes the holder thereof to sell during such hours and upon such terms and conditions as may be specified in the licence, the same articles that he may sell on his licensed premises.
10. Tavern licence:- (Section 14) For any premises whose net annual value is rated at not more than £750 per annum rated from £751 to £1500 rated from £1501 to £3,000 rated from £3,001 to £4,500 rated above £4,500	160.00 200.00 260.00 320.00 400.00	per annum; issuable for one year; fee payable quarterly in advance.
11. Wholesale wine merchant's licence (Section 12)	40.00	per annum; issuable for one year; fee payable yearly in advance.
12. Full wine merchant's licence- (Section 13) (a) When issuable to any person who is the holder of a tavern licence in respect of the same premises for the same period	20.00	per annum; issuable for one year; fee payable quarterly in advance.

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(b) When issuable to any other person, or when issued to the holder of a tavern licence in respect of premises other than those in respect of which the tavern licence is held	80.00	per annum; issuable for one year; fee payable quarterly in advance.
13. Traveller's licence to sell intoxicating liquors (Section 22)	20.00	for each licence which covers a period not exceeding one month from date of issue; fee payable in advance.
	10.00	for each Licence which covers a period not exceeding fourteen days from date of issue; fee payable in advance.

**PART II. OTHER LICENCES.**

<i>Description of Licence</i>	<i>Fee £</i>	<i>Term of, and Conditions of, Licence and how payable.</i>
1. Auctioneer's licence (Section 27)	20.00	per annum; issuable for one year; fee payable yearly in advance.
2. Baker's licence (Section 28)	12.00	per annum; issuable for one year; fee payable yearly in advance.
3. Broker's licence (Section 28)	12.00	per annum; issuable for one year; fee payable yearly in advance.
4. Cigar and cigarette manufacturer's licence (Section 25(2))	50.00	per annum; issuable for one year; fee payable yearly in advance. The licence authorizes the holder to

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		manufacture cigars and cigarettes only.
<i>5. Deleted.</i>		
6. (a) Guide's licence (Section 28)	1.00	per annum; issuable for one year; fee payable yearly in advance.
(b) Local guide's examination- For an examination as to qualification to act as a guide	5.00  1.00	Fee payable before examination.
<i>7. Deleted.</i>		
8. Porter's licence (Section 28)	1.00	per annum; issuable for one year; fee payable yearly in advance.
9. Tobacco manufacturer's licence (Section 25(2).)	80.00	per annum; issuable for one year; fee payable yearly in advance. The licence authorizes the holder to chop and manufacture tobacco including cigars and cigarettes.
10. (a) Tobacconist's Licence (Section 25(1).)	24.00	per annum; issuable for one year; fee payable yearly in advance; the licence authorizes the holder to sell tobacco manufactured or unmanufactured by wholesale or retail.
(b) Tobacconist's occasional licence (Section 23)	0.50	per diem; issuable for any period not exceeding seven days; fee payable in advance. The licence authorizes the holder to sell tobacco manufactured or unmanufactured, on such terms and

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		conditions as may be specified in the licence.
11. Traveller's licence to sell tobacco (Section 22)	20.00	for each licence which covers a period not exceeding one months from date of issue.
	10.00	for each licence which covers a period not exceeding fourteen days from date of issue.
12. Traveller's licence to sell perfumed spirits (Section 22)	10.00	for each licence which covers a period not exceeding one month from date of issue.
	5.00	for each licence which covers a period not exceeding fourteen days from date of issue.
12A Amusement machine licence (Section 29A).	50.00	per annum; issuable for one year; fee payable in advance.
12B Video lending licence (Section 29B)	25.00	per annum; issuable for one year; fee payable in advance.

13. Transfer fees (Section 30)	£
(a) For the transfer of a porter's or guide's licence.	0.25
(b) For the transfer of any other licence.	2.00

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### SCHEDULE 2.

Section 37.

#### FEES AND CHARGES.

<i>Description of Fees and Charges.</i>	<i>Fee £</i>
<b>1. CUSTOMS CERTIFICATES-</b>	
For any certificate issued by the Financial and Development Secretary in relation to quantities and condition of any class of merchandise including live-stock imported into or exported from Gibraltar:-	
(a) Certificate of landing or shipment.....	£10
(b) Certificate of weight or measurement (applicable also to liquors).....	£10
(c) Certificate of examination of goods, short or damaged.....	£20
<b>2. FEES ON DOCUMENTS RELATING TO LANDED PROPERTY.</b>	
(a) an original grant of Crown Land in fee or lease or demise for a term of years of Crown Land, on paper or parchment, under the Public Seal	£40
(b) Governor's approval to a deed of conveyance, partition, mortgage or other instrument affecting lands held in fee or a deed of assignment, mortgage, lease, sub-lease or demise or lease for a term of years, requiring registration in the Supreme Court.	£10

### 3. REGISTRATION AND NATURALIZATION

<i>1. Matter in which fee may be taken</i>	<i>Amount of fee £</i>	<i>To whom fee is payable</i>
(a) Registration of a person as a British citizen under section 5 of the British Nationality Act 1981.	5.00	Into the Consolidated Fund.
(b) Registration of a person of full age as a British Dependent Territories citizen under the British Nationality Act, 1981.	60.00	The same

(c) Registration of a minor as a British Dependent Territories citizen under the British Nationality Act, 1981, except under sections 21.	60.00	The same
(d) Registration of a minor as a British Dependent Territories citizen under section 21 of the British Nationality Act, 1981.	10.00	The same
(e) Grant of a certificate of naturalization as a British Dependent Territories citizen under section 18(1) of the British Nationality Act, 1981.	170.00	The same
(f) Grant of a certificate of naturalization as a British Dependent Territories citizen under section 18(2) of the British Nationality Act, 1981.	60.00	The same
(g) Registration of a declaration of renunciation of British Dependent Territories citizenship under section 24 of the British Nationality Act, 1981.	10.00	The same
(h) Supplying a certified or other copy of a notice, certificate, order, declaration or entry given, granted or made under the British Nationality Act, 1981 or any of the former nationality Acts.	10.00	The same
(i) Administering the oath of allegiance for the purposes of the British Nationality Act, 1981.	2.00	If the oath is administered by a Commissioner for Oaths or Notary Public, to the Commissioner

2. The fee payable in respect of -

- (a) the registration of a person as a British citizen under section 5 of the Act, or British Dependent Territories citizen; or
- (b) the grant to a person of a certificate of naturalisation as a British Dependent Territories citizen; or
- (c) the registration of a declaration of renunciation of British Dependent Territories citizenship,

shall be payable on the submission of the application for such registration or such a certificate or, as the case may be, of the declaration of renunciation.

3. In the event of an application made under paragraph (b) (c) (e) and (f) above being refused or withdrawn the fees taken in respect of such application shall, with the exception of £10 thereof be repaid to the applicant.

4. Notwithstanding the provisions of sub-section 1(a) and section 2 of this item, the fee payable in respect of the registration of a person as a British citizen under section 5 of the Act may be remitted in cases of hardship on the recommendation of the Director of Labour and Social Security.

5. Where a husband and wife apply at the same time for the grant of a certificate of naturalisation as British Dependent Territories citizens and are residing together at the time of the applications, the total fee payable in respect of the certificates shall be £160.

In the event of both of such applications being refused or withdrawn the fees taken in respect thereof shall, with the exception of £10 thereof, be repaid to the applicants.

6. Where an application is made under any provision of the Act to which sub-section 1(c) or 1(d) of this item relates for the registration of a minor as a British Dependent Territories citizen, at the same time as an application or applications under the same or any other such provision for the registration of some other minor or minors having the same parent, the total fee payable in respect of the registrations shall be £55 unless each application is made under a provision to which the said sub-section 1(d) relates, in which case the total fee payable shall be £10. In this section parent includes a step-parent and an adoptive parent.

7. Where a declaration of renunciation of British Dependent Territories citizenship is made by a person at the same time as a declaration of

renunciation by him of another such citizenship or status, the total fee payable in respect of the registration of the declaration shall be £10.

(2) Notwithstanding paragraph (i), where any application for registration or for a certificate of naturalisation has been made before the 5th day of July, 1984, the fee payable for it shall be the appropriate fee prescribed by item 3 of the Second Schedule to the principal Act immediately before paragraph (1) comes into force.

#### 4. OFFICE FEES.

For the issue of any licence, permit, certificate, pass or other document required under the authority of any law for which no fee is specified therein or by this Act.	The sum of £2 to be paid by means of revenue stamps affixed to the document and cancelled by the officer issuing the same.
For the attestation or authentication by a public officer, justice of the peace or notary public, as such, of any signature or document where not otherwise provided; for each signature or document attested or authenticated.	The sum of £5 to be paid by means of revenue stamps affixed to the document and cancelled by the officer signing the same
For the issue of a certificate or other document by a public officer, for use outside Gibraltar.	The sum of £1 to be paid by means of revenue stamps affixed to the document and cancelled by the officer signing the same.

#### 5. PASSPORT FEES.

- (a) For the issue of a passport valid for one period of ten years £15 (Note: These passports are not renewable, except those issued to minors under 16 years of age, which will have an initial validity of five years and may be renewed for a further period of five years free of charge)
- (b) For the issue of a passport valid for one period of ten years which includes the particulars of a spouse £22.50
- (c) For the issue of a collective passport £1 per person included in the passport with a minimum



	fee of £10 per passport
(d) For the issue of an emergency passport or a certificate of identity or the acceptance of a declaration of identity	£4.50
(e) For amending an existing passport by amending the holder's name at the request of the holder	£3
(f) For amending an existing passport by adding a fresh photograph or amending the holder's description, except where the holder was under 16 years at the date of issue	£3
(g) For amending an existing passport by adding the particulars of a child or children	£4
(h) For checking or forwarding, or both, an application for the issue of a passport by an authority of Her Majesty's Government in the United Kingdom	£2
(i) <i>Revoked</i>	
(j) After-hours attendance:	
(i) where at the request of the applicant, it is necessary for an officer to attend outside normal working hours, a fee of £26.00 per hour or part thereof for such attendance shall be payable, in addition to any fees payable under paragraph (a) to (g) (inclusive) above, but with a maximum charge not exceeding £26.00 per passport;	
(ii) the passport officer may remit the fee payable under this paragraph where the application is made as a matter of urgency because of bereavement or serious illness, or in any case of hardship;	

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- (iii) for the purposes of this paragraph, normal working hours means 8.45 a.m. to 5.30 p.m. on all days, other than public holidays, from Monday to Thursday, and 8.45 a.m. to 5.15 p.m. on every Friday (other than on a public holiday).
- (k) Making or forwarding, or both, a request or recommendation to or issuing any certificate, declaration, or document which may be required by, an authority of Her Majesty’s Government in the United Kingdom, a dependency of the United Kingdom, or any other country or territory for or in connection with the application for, issue or renewal of:

(a)(i) entry clearance (other than for the United Kingdom or a dependency of The United Kingdom).....	£ 6.00
(b) a residence permit, identity card, application for registration or naturalisation or any other certificate or document (except a Home Office travel document) .....	4.50

in addition to the fees payable for such documents under the Immigration Control Act, the Civilians Registration Act and Item 3 of this Schedule:

(1)(a) Receiving an application for an entry clearance..... unless	25.00
(b) the applicant seeks entry as a visitor, student, passenger in transit, "au pair" or for a working holiday, in which case, if the application is granted, the fee is .....	12.00
or, if granted for multiple entries .....	24.00

or, for any application or entry clearance, such sums, being the equivalents of fees charged by the authorities of any State for receiving or granting an application for an entry clearance to a British Citizen, as the Secretary of State, with the consent of the Treasury, directs to be taken for receiving or granting an application for an entry clearance from a national or citizen of that State

in addition to fee (k) where applicable.

**6. DRUGS (MISUSE).**

For the issue of a licence under the Drugs (Misuse) Act, there shall be payable a fee of 25p.

7. Deleted.

## 8. CRANAGE AND WEIGHMENT CHARGES.

### PART I.—CRANAGE CHARGES.

A. Cranes of less than 6 tons lifting capacity-

(1) Within normal working hours:

(a) at Waterport Wharf-

- (i) £15 per hour or part thereof; or
- (ii) £9 for a single lift provided there is no delay;

(b) mobile cranes used elsewhere in the Port: £15 per hour or part thereof subject to a minimum charge of £30.

(2) Outside normal working hours:  
anywhere within the Port-

- (i) when commencing within but continuing outside normal working hours - £15 per hour for each working hour or part thereof, and £24 per hour or part thereof outside working hours;
- (ii) when commencing outside normal working hours on Mondays to Fridays - £24 per hour or part thereof subject to a minimum charge of £45;
- (iii) on Saturdays -£24 per hour or part thereof subject to a minimum charge of £54;
- (iv) on Sundays and public holidays - £28.50 per hour or part thereof subject to a minimum charge of £66.

B. 8ton Crane at Waterport-

(1) Within normal working hours:

- (i) £18 per hour or part thereof; or
- (ii) £11.25 for a single lift provided there is no delay.

(2) Outside normal working hours:

- (i) when commencing within but continuing outside normal working hours -£18 per hour for each working hour or part thereof and £27 per hour or part thereof outside normal working hours;
- (ii) when commencing outside normal working hours on Mondays to Fridays - £27 per hour or part thereof subject to a minimum charge of £48;
- (iii) on Saturdays -£27 per hour or part thereof subject to a minimum charge of £57;
- (iv) on Sundays and public holidays-£31.50 per hour or part thereof subject to a minimum charge of £69.

For the purposes of this Part. normal working hours means-

8.00a.m. to 1.00p.m.; and  
2.00 p.m. to 5.00 p.m.

on all days, other than public holidays, from Monday to Friday.

All charges due under this Part shall be payable on demand to the Captain of the Port or to an officer authorized by him.

#### **PART II.—OVERTIME FEES.**

1. The overtime fees payable for the service of Customs Staff, outside the normal hours of business shall be £10 per officer per hour, subject to a minimum charge of £30 per officer in respect of Sundays and public holidays and £20 per officer in respect of any other day.

2. For the purposes of this Part, normal hours of business means 9,00 a.m. to 12.45 p.m., and 2.00 p.m. to 4.45 p.m., on all days, other than Saturdays, Sundays and public holidays.

#### **PART III.—WEIGHMENT CHARGES.**

1. The following charges shall be made for weighing:-

(a) For use of weighbridge.-

per weighment---0.83p per cwt, or part thereof for the first cwt. and 0.42p per 56 lbs, or part thereof for any weight in excess of 1 cwt.:

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Provided that where not less than 25 tons of merchandise is weighed for any one person at any one time. the following charges shall be made for weighing:-

for the first 25 tons. per ton or part thereof	16.67p
for the next 25 tons. per ton or part thereof	8.33p
for the next 50 tons. per ton or part thereof	5p
thereafter. per ton or part thereof	3p

(b) for use of any other weighing instrument, -

(i) Coffee, sugar. unmanufactured tobacco, grain, rice, seeds, flour, potatoes, soap, dried fruits, dried fish, iron and liquids including oil - per weightment, 0.42p per cwt. or part thereof.

(ii) Manufactured tobacco (including cigars and cigarettes) -per weightment, 0.83p per cwt. for the first cwt. and 0.42p for every additional 56 lbs. or part thereof.

(iii) Other merchandise - per weightment, 2p for the first cwt. and 1p for every additional 56 lbs. or part thereof.

*Note:-*Any fraction of one penny in the total of any claim will be charged for as one penny.

2. The weighbridge shall only be used for weightments of annuals, articles, vehicles or packages of not less than 5 cwt. and at the discretion of the Collector of Revenue.

## **PART IV.–EXAMINATION FEES.**

For the examination of goods at the request of a member of the public preparatory to the issue of an official certificate there shall be a charge of £3.

## **PART V.–ATTENDANCE FEES.**

A fee of £3 shall be charged for the attendance of a revenue officer to supervise the conveyance of dutiable goods from Waterport Wharf to any place outside the area of Waterport Wharf.

## **9. RENTAL CHARGES.**

(1) Rental charges shall be paid in respect of every container anywhere within the Port, other than in a Government store, as follows-

- (i) containers up to 25 feet in length: the first thirty days including the day of discharge-free thereafter for each succeeding day or part thereof, £10;
- (ii) containers exceeding 25 feet in length: the first thirty days including the day of discharge -five; thereafter for each succeeding day or part thereof, £20.

(1A) Notwithstanding anything contained in paragraph (1), where any container in transit has been discharged in the Port for the convenience of the carrier and not as a genuine incident of carriage, which question shall be decided by the Captain of the Port in his absolute discretion, there shall be no free days and rental charges shall be payable from the day of discharge at the rates specified therein.

(1B) Where any container which has been discharged in the Port has been removed from the Port, other than by sea, within thirty days after discharge, including the day of discharge and the day of removal enters the Port, after having been outside the Port for more than twenty-four hours, no rental charges shall be payable in respect of such container for the number of days for which no charges would have been payable if it had not been so removed.

(2) No container shall be removed from the Port, whether by sea or land, unless all charges in respect thereof under this Item have been paid.

(3) Charges under this Item shall be payable by the owner of the container or the owner's representative in Gibraltar and both the owner and the representative shall be jointly and severally liable for the payment of such charges.

(4) Any rental charges due under this Item may be recovered summarily by the Captain of the Port as a civil debt notwithstanding that the container has not been removed from the Port;

Provided that in the case of a container which has not been removed from the Port no proceedings shall be instituted unless and until rental charges of more than £100 are due or would have been due but for the fact that they have been reduced below that figure by reason of a sale under paragraph (5).

(5) The Captain of the Port may, without prejudice to his powers under paragraph (4), sell or otherwise dispose of any container in the Port in respect of which rental charges of more than £100 are due and if the Captain of the Port sells any such container the sum received therefor, less the costs of sale thereof, shall be set-off against any sum due in respect of such container for rental charges.

(6) The Captain of the Port may, in respect of any container brought into or removed from the Port by sea or land, require of any person whom he considers able to give him such evidence, such evidence as he may deem necessary to enable him to assess the charges payable or which may become payable, in respect of such container.

(7) All charges due under this Item shall be payable on demand to the Captain of the Port or to an officer authorized by him.

(8) For the purpose of this item a container moved into a Government store within the Port shall be deemed to be removed from the Port and a container leaving such a store shall, unless it is immediately removed from the Port, be deemed to have entered the Port.

## 10. ARRIVAL AND DEPARTURE CHARGES.

1.(1) Subject to the provisions of sub-paragraph (2), there shall be paid in respect of every fare-paying passenger on departure from Gibraltar by civil aircraft the sum of £2.00.

(2) The provisions of sub-paragraph (1) shall not apply-

- (i) to any passenger in transit whose ticket does not provide for the passenger to spend more than six hours in Gibraltar; or
- (ii) to any passenger travelling on a flight to a destination 50 miles or less from Gibraltar in a civil aircraft-
  - (a) registered according to law in Gibraltar or law in the United Kingdom; or
  - (b) owned by a company incorporated in Gibraltar under the Companies Ordinance.

2. There shall be paid in respect of every fare-paying passenger on departure from and upon arrival in Gibraltar by ship-

- (a) where the voyage begins or ends as the case may be, at a port within 50 miles of Gibraltar, the sum of 30 pence;
- (b) in every other case the sum of 50 pence.

3. The sums due under the provisions of paragraphs 1 and 2 shall be paid to the Financial and Development Secretary within fourteen days after the end of the calendar month within which the arrival or departure occurs, by the carrier issuing the ticket or, if the carrier has no office in Gibraltar, by his agent.

4. At the time of payment the carrier or his agent, as the case may be, shall deliver to the Financial and Development Secretary the list of passengers in respect of whom the sums due are paid.

5. A carrier or agent of a carrier who fails to pay any sum due under this Item within the time prescribed by paragraph 4 or who fails to deliver to the Financial and Development Secretary a list of passengers as required by that paragraph is guilty of an offence and is liable on summary conviction to a fine of £50.

6. The sums due under this Item shall be a civil debt due to the Crown and may be recovered summarily.

#### **11. UNIT TRUST SCHEMES.**

1. There shall be paid to the Financial and Development Secretary in respect of every unit trust scheme (as defined in section 26(1) of the Prevention of Fraud (Investment) Act, 1958) that is established or managed in Gibraltar a fee of £1,000 per annum.

2. The fee specified in paragraph 1 shall be payable in advance on or before the date on which the scheme is established or first commences to be managed in Gibraltar or first becomes liable to pay such fee, and thereafter on or before each subsequent anniversary of that date.

3. The fee shall be payable by and shall be recoverable by the Crown summarily as a civil debt due jointly and severally from every manager of the scheme.