

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,227 of 7th June, 2001**

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I ASSENT,  
DAVID DURIE,  
GOVERNOR.

6th June, 2001.



**GIBRALTAR**

**No. 16 of 2001**

**AN ACT** to amend the Tobacco Act 1997.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Tobacco Act 1997 (Amendment) Act 2001.

**Amendment to the Tobacco Act 1997.**

2.(1) The Tobacco Act 1997 shall be amended in accordance with the provisions of this section.

(2) Section 2 shall be amended in the definition of “commercial quantity” by inserting prior to the words “commercial quantity” the words “subject to sections 11A to 11E,”.

(3) After section 11 there shall be inserted the following new sections–

**“Establishment of Special Zones.**

11A. The Chief Minister may, by notice in the Gazette, declare any part or parts of Gibraltar to be a Special Zone for the purposes of this Act.

**Application of Part III and IV in Special Zones.**

11B. For all purposes connected with the application of Part III and IV in Special Zones declared under section 11A, a reference to a “commercial quantity” in relation to cigarettes shall be construed as a reference to 600 cigarettes or such other number as the Chief Minister may, from time to time, prescribe by notice in the Gazette.

**Offence of requesting or procuring the exportation of cigarettes.**

11C.(1) Subject to subsection (3), it shall be an offence for a person in a Special Zone declared under section 11A to request or procure any other person to export or assist with the exportation of cigarettes by land.

(2) A person guilty of an offence contrary to subsection (1) shall be sentenced on summary conviction to a fine at level 2 on the standard scale or, in default, to imprisonment for 14 days.

(3) Subsection (1) shall not apply to any request or procurement made by or to any person licensed under this Act to export or to transport tobacco.

**Preventive powers of enforcement of police and customs officers.**

- 11D.(1) Subject to subsection (2), where a police or customs officer believes that a person's presence in a Special Zone declared under section 11A is primarily related to the exportation of cigarettes by land the police or customs officer may direct that person to leave the Special Zone.
- (2) A person who fails to comply as soon as practicable with a direction under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 on the standard scale.

**Offence of concealing cigarettes.**

- 11E.(1) It shall be an offence for a person in a public place to place cigarettes under his clothing or the clothing of any other person so as to conceal them.
- (2) Subsection (1) shall not apply where the amount concealed is less than 60 cigarettes or such other number as the Chief Minister may, from time to time, prescribe by notice in the Gazette.
- (3) For the avoidance of doubt, subsection (1) does not apply where the act of concealment was not carried out in a public place; and, for these purposes, an act of concealment shall be deemed not to have been carried out in a public place where the cigarettes were placed under the clothing in a place other than a public place.
- (4) A person guilty of an offence contrary to subsection (1) shall be sentenced on summary conviction to a fine at level 2 on the standard scale.”.
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*Tobacco Act 1997 (Amendment) Act, 2001* [No. 16 of 2001]

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Passed by the Gibraltar House of Assembly on the 1st day of June, 2001.

D.J. REYES,

Clerk to the Assembly.