

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4061 of 27th February, 2014



I ASSENT,

ALISON MACMILLAN,

ACTING GOVERNOR.

27th February, 2014.



GIBRALTAR

No. 5 of 2014

AN ACT to amend the Tobacco Act, 1997.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Tobacco (Amendment) Act 2014 and comes into operation on the day of publication.

Amendment of the Tobacco Act, 1997.

2.(1) The Tobacco Act, 1997 is amended in accordance with this section.

(2) After section 11E insert the following section—

“Offence of concealing cigarettes within a motor vehicle.

11F.(1) It shall be an offence for a person—

- (a) to conceal or be in any way knowingly concerned with the concealment of cigarettes within a motor vehicle; or
- (b) to be in charge of a motor vehicle in which cigarettes are concealed.

Provided that it is a defence to an offence under paragraph (b) for a person to prove that he did not know, and neither suspected nor had reason to suspect, that cigarettes were concealed within the motor vehicle.

(2) For the purposes of this section “conceal” means—

- (a) placing cigarettes within a compartment or place adapted, altered or fitted in any manner for the purpose of concealing goods;
- (b) placing cigarettes within the engine compartment of a vehicle;
- (c) placing cigarettes within the bodywork, wheels or tyres of a vehicle,

and “concealed” and “concealment” are to be construed accordingly.

(3) A person guilty of an offence contrary to subsection (1) shall be liable—

- (a) where the number of cigarettes concealed is not a commercial quantity, on summary conviction to a fine not exceeding £10,000 or three times the value of the cigarettes in respect of which the offence was committed whichever is the greater;
- (b) where the number of cigarettes concealed is a commercial quantity, on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £10,000 or three times the value of the cigarettes in respect of which the offence was committed whichever is the greater or to both such imprisonment and such fine.”.

(3) In subsections (1) and (2) of section 16 for “section 13(1) or 13(3)” substitute “section 11F(1), section 13(1) or section 13(3)”.

EXPLANATORY MEMORANDUM

This Bill amends the Tobacco Act 1997 so as to create new summary offences of concealing cigarettes or being knowingly concerned with the concealment of cigarettes within a motor vehicle and being in charge of a motor vehicle in which cigarettes are concealed.

Passed by the Gibraltar Parliament on the 21st day of February, 2014.

M L FARRELL,
Clerk to the Parliament.

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