

Subsidiary Legislation made under s.24(1) & (2).

Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

LN.1997/146

Commencement **27.11.1997**

Amending enactments	Relevant current provisions	Commencement date
LN. 1997/147	<i>Corrigendum</i>	
1997/162	Sch.	23.12.1997
1998/099	r. 8, Sch.	29.10.1998
2005/044	r. 7(1)(c), (3)(c)	1.4.2005
2014/119	Sch.	10.7.2014
2018/156	r. 7(1)(b)-(c), (2)(a), (c), (3)(b)-(c), (e)	2.7.2018
2019/125	r. 7(1)(d), (3)(d)	10.6.2019
2020/216	r. 7(2)(d), (3)(f)	30.6.2020
2022/213	r. 7	28.7.2022
2023/217	r. 7	1.8.2023

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Applications for Wholesale licences
3. Applications for retail licences
4. Applications for import permits
5. Applications for export permits
6. Applications for tobacco transportation licences
7. Fees
8. New licence applications from existing licencees

SCHEDULE

FORMS

Form 1A: Application for a wholesale licence by an individual or partnership

Form 1B: Application for a wholesale licence by a body corporate.

Form 1C: Application for a wholesale licence by a ship agent or a ship chandler

Form 1D: Long Form wholesale licence

Form 1D: Short form wholesale licence (for exhibition purposes only)

Form 1E: Long form wholesale licence issued under section 6(2) of the Tobacco Act to a ship chandler or ship agent

Form 1E: Short form wholesale licence issued under section 2(6) of the Tobacco Act 1997 to ship chandler or a ship agent (for exhibition purposes only)

Form 2A: Application for a retail licence by an individual partnership or club

Form 2B: Application for a retail licence by a body corporate

Form 2C: Long form retail licence

Form 2C: Short form retail licence (for exhibition purposes only)

Form 3: Application for import permit

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Form 3 (For office use only) Import permit

Form 4: Application for export permit

Form 4: (For office use only) Export permit

Form 5A: Application for a tobacco transportation licence

Form 5B: Long form tobacco transportation licence

Form 5B: Short form tobacco transportation licence

Form 6: Renewal form.

Title.

1. These Regulations may be cited as the Tobacco Licensing (Forms, Fees, etc.) Regulations 1997.

Applications for Wholesale Licences.

2.(1) An application for the grant of a wholesale licence under section 6(1) of the Act to an individual or to a partnership shall be made in form 1A in the Schedule hereto.

(2) An application for the grant of a wholesale licence under section 6(1) of the Act to a body corporate shall be made in form 1B in the Schedule hereto.

(3) An application for the grant of a wholesale licence under section 6(2) of the Act to a ship agent or ship chandler shall be made in form 1C in the Schedule hereto.

(4) A wholesale licence under section 6(1) of the Act shall be granted in form 1D, in the Schedule hereto.

(5) A wholesale licence to a ship chandler or a ship agent under section 6(2) shall be granted in form 1E in the Schedule hereto.

Applications for retail licences.

3.(1) An application for the grant of a retail licence under section 6(1) of the Act to an individual or to a partnership or club shall be made in form 2A in the Schedule hereto.

(2) An application for the grant of a retail licence under section 6(1) of the Act to a body corporate shall be made in form 2B in the Schedule hereto.

(3) A retail licence under section 6(1) of the Act shall be granted in form 2C in the Schedule hereto.

Applications for import permits.

4.(1) An application for an import permit under section 9 of the Act shall be made in Part I of form 3 in the Schedule hereto.

(2) An import permit under section 9 of the Act shall be granted in Part II of form 3 in the Schedule hereto.

Applications for export permits.

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5.(1) An application for an export permit under section 11 of the Act shall be made in Part I of form 4 in the Schedule hereto.

(2) An export permit under section 11 of the Act shall be granted in Part II of form 4 in the Schedule hereto.

Applications for tobacco transportation licences.

6. (1) An application for a tobacco transportation licence under section 13 of the Act shall be made in form 5A in the Schedule hereto.

(2) A tobacco transportation licence under section 13 of the Act shall be granted in form 5B in the Schedule hereto.

Fees.

7.(1) The fees payable to the Government on an application for a wholesale or retail licence shall be—

(a) an application by a members club for a retail licence	-	£114.50
(b) any other application for a retail licence for single premises	-	£5735
supplement for each additional premises to which the licence relates	-	£5735
(c) an application for a wholesale licence for single premises	-	£22,939
supplement for each additional premises to which the licence relates	-	£172
(d) an application for a wholesale licence under section 6(2) of the Act by a ship agent or ship chandler	-	£11,469.50

(2) The fees payable to the Government in relation to the other matters provided for by the Act shall be—

(a) application for an import permit	-	£1,147
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- | | | |
|--|---|----------|
| (b) application for an export permit | - | £172 |
| (c) application for a tobacco transportation licence per vehicle | - | £286.50 |
| (d) application for a tobacco products manufacturing licence | - | £114,696 |

Provided that no fee shall be payable upon the application for a permit to import or export tobacco in transit.

(3) The fees payable to the Government upon annual renewal of licences shall be—

- | | | |
|--|---|------------|
| (a) a members club retail licence | - | £28.50 |
| (b) any other retail licence | - | £229.50 |
| supplement for each additional premises to which the licence relates | - | £5,735 |
| (c) a wholesale licence | - | £11,469.50 |
| supplement for each additional premises to which the licence relates | - | £57.50 |
| (d) a wholesale licence under section 6(2) of the Act by a ship agent or ship Chandler | - | £5,735 |
| (e) a tobacco transportation licence per vehicle | - | £286.50 |
| (f) tobacco products manufacturing licence | - | £57,348 |

New licence applications from existing licencees.

8.(1) A person-

- (a) whose licence is current; and

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- (b) who is able to lawfully certify that there have been no changes to the information submitted in his application for that licence,

may apply for a new licence of the same kind in Form 6 of the Schedule.

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SCHEDULE

Regulations 2, 3, 4, 5, 6 and 7

FORMS

FORM 1A

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

**APPLICATION FOR A WHOLESALE LICENCE BY AN INDIVIDUAL OR
PARTNERSHIP**

Regulation 2 (1)

To: The Collector of Customs*

1. Full name(s) of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

2.Nationality of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

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6th applicant.....

3.Address of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

4.Date of birth of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

5.Home telephone number of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

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6th applicant.....

6. Business details:

Business name.....

Telephone number.....

Address(es) to which the application relates
(being the commercial premises at
which any trading activity authorised
by a wholesale licence would be
carried out including, where different,
the commercial premises at which
tobacco is to be stored):

1st address.....

Address used for storage/wholesale trading**

2nd address.....

Address used for storage/wholesale trading**

3rd address.....

Address used for storage/wholesale trading**

4th address.....

Address used for storage/wholesale trading**

5th address.....

Address used for storage/wholesale trading**

6th address.....

Address used for storage/wholesale trading**

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7.I/we declare that I/we have not at any time been convicted of any offence contrary to the Tobacco Act 1997 or any one or more of the following enactments, namely -

- (a) The Imports and Exports Act, 1986;
- (b) the Fast Launches (Control) Act, 1987;
- (c) The Port Act or the Port Rules;
- (d) The Drugs (Misuse) Act;
- (e) The Drug Trafficking Offences Act, 1995;
- (f) The Criminal Justice Act, 1995.

8.Address specified under section 6(3) of the Act at which all documents required to be kept under the Act shall be kept and shall be available for inspection -

9.I/we attach a copy of a licence issued to the applicant(s)*** hereunder under the Trade Licensing Act extending to the wholesale of tobacco.

DECLARATION:

I/we hereby apply to the Collector of Customs for a wholesale licence under Part II of the Tobacco Act 1997 and declare that the information given above is true to the best of my/our knowledge and belief.

SIGNATURE(S):

This application must be individually signed and dated by each applicant. Where the application is by a partnership, each partner must sign and date the application.

1st applicant.....

Signature.....

Date.....

2nd applicant.....

Signature.....

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Date.....

3rd applicant.....

Signature.....

Date.....

4th applicant.....

Signature.....

Date.....

5th applicant.....

Signature.....

Date.....

6th applicant.....

Signature.....

Date.....

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A WHOLESALE LICENCE OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM.

* Please continue your application on another sheet in necessary, and attach it securely to this form.

** Delete as necessary.

*** Please include a valid Trade Licence(s) with respect to each applicant.

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FORM 1B

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

APPLICATION FOR A WHOLESALE LICENCE BY A BODY CORPORATE

Regulation 2 (2)

To: The Collector of Customs*

1.Full name of company:

2.Date of incorporation:

3.Registered number:

4.Registered office of company:

5.Issued share capital:

6.Telephone number of the company's principal place of business:

7. Full name(s) of each of the directors of the company:

1st director.....

2nd director.....

3rd director.....

4th director.....

5th director.....

6th director.....

8.Business name(s) under which the company trades:

Business name.....

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Business name.....

Business name.....

9. Business details:

Address(es) to which the application relates
(being the commercial premises at
which any trading activity authorised
by a wholesale licence would be
carried out including, where different,
the commercial premises at which
tobacco is to be stored):

1st address.....

Address used for storage/wholesale trading**

2nd address.....

Address used for storage/ wholesale trading**

3rd address.....

Address used for storage/ wholesale trading**

4th address.....

Address used for storage/wholesale trading**

5th address.....

Address used for storage/wholesale trading**

6th address.....

Address used for storage/wholesale trading**

10. Details of shareholders:

1st shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

2nd shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

3rd shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

4th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

5th shareholder -

Name:

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Residential address:

Nationality:

Number of shares held:***

6th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

11. We declare that none of the directors, nor any legal or beneficial shareholders, directly or indirectly holding or controlling at least ten percent of the issued share capital of the company have, at any time, been convicted of any offence contrary to the Tobacco Act 1997 or any one or more of the following enactments, namely -

- (a) The Imports and Exports Act 1986;
- (b) The Fast Launches (Control) Act 1987;
- (c) The Port Act and the Port Rules;
- (d) The Drugs (Misuse) Act;
- (e) The Drug Trafficking Offences Act, 1995;
- (f) The Criminal Justice Act 1995.

12. Address specified under section 6(3) of the Act at which all documents required to be kept under the Act shall be kept and shall be available for inspection:

13. We attach a copy of the licence issued to the company under the Trade Licensing Act, extending to wholesaling of tobacco.

DECLARATION:

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We hereby apply to the Collector of Customs for a wholesale licence under Part II of the Tobacco Act 1997 and declare that the information given above is true to the best of our knowledge and belief.

SIGNATURE(S):

This application must be individually signed and dated by each director of the applicant company.

1st director.....

Signature.....

Date.....

2nd director.....

Signature.....

Date.....

3rd director.....

Signature.....

Date.....

4th director.....

Signature.....

Date.....

5th director.....

Signature.....

Date.....

6th director.....

Signature.....

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Date.....

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A WHOLESALE LICENCE OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM.

* Please continue on another sheet if necessary, and attach it securely to this form.

**Delete as necessary.

***(1) Where shares are held by nominees or trustees, the identity of the ultimate beneficial owner must be disclosed, failing which the nominee or trustee shall be deemed to be the beneficial owner for all the purposes of the Act.

(2) No additional shares in the company may be issued and no shares may be transferred without the consent of the Collector of Customs, unless the company has sought and obtained from the Collector in writing an exemption from these conditions.

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FORM 1C

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

APPLICATION FOR A WHOLESALE LICENCE BY A SHIP AGENT OR SHIP CHANDLER

Regulation 2 (3)

To: The Collector of Customs*

1.Full name of applicant:

2.If the applicant is a body corporate:

2.1. Full name of company:

2.2. Date of incorporation:

2.3. Registered number:

2.4. Registered office of company:

2.5. Issued share capital:

2.6. Telephone number of the company's principal place of business:

2.7. Full name(s) of each of the directors of the company:

1st director.....

2nd director.....

3rd director.....

4th director.....

5th director.....

6th director.....

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2.8. Business name(s) under which the company trades:

Business name.....

Business name.....

Business name.....

2.9. Business details:

Address(es) to which the application relates
(being the commercial premises at
which any trading activity as a ship chandler
or a ship agent would be carried out including,
where different, the commercial premises at which
tobacco is to be stored):

1st address.....

Address used for storage/wholesale trading***

2nd address.....

Address used for storage/ wholesale trading***

3rd address.....

Address used for storage/ wholesale trading***

4th address.....

Address used for storage/wholesale trading***

5th address.....

Address used for storage/wholesale trading***

6th address.....

Address used for storage/wholesale trading***

2.10. Details of shareholders:

1st shareholder -

Name:

Residential address:

Nationality:

Number of shares held:**

2nd shareholder -

Name:

Residential address:

Nationality:

Number of shares held:**

3rd shareholder -

Name:

Residential address:

Nationality:

Number of shares held:**

4th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:**

5th shareholder -

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Name:

Residential address:

Nationality:

Number of shares held:**

6th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:**

3.If the applicant is an individual or a partnership:

3.1. Full name(s) of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

3.2. Nationality of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

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4th applicant.....

5th applicant.....

6th applicant.....

3.3. Address of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

3.4. Date of birth of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

3.5. Home telephone number of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

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4th applicant.....

5th applicant.....

6th applicant.....

3.6. Business details;

Business name.....

Telephone number.....

Address(es) to which the application relates
(being the commercial premises at
which any trading activity as a ship chandler
or a ship agent would be carried out including,
where different, the commercial premises at which
tobacco is to be stored):

1st address.....

Address used for storage/wholesale trading***

2nd address.....

Address used for storage/wholesale trading***

3rd address.....

Address used for storage/wholesale trading***

4th address.....

Address used for storage/wholesale trading***

5th address.....

Address used for storage/wholesale trading***

6th address.....

Address used for storage/wholesale trading***

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4. Address specified under section 6(3) of the Act at which all documents required to be kept under the Act shall be kept and shall be available for inspection:

5. I/We declare that none of the - ***

5.1 directors, nor any legal or beneficial shareholders, directly or indirectly holding or controlling at least ten percent of the issued share capital of the company,

5.2 undersigned, have, at any time, been convicted of any offence contrary to the Tobacco Act 1997 or any one or more of the following enactments, namely -

- (a) The Imports and Exports Act 1986;
- (b) The Fast Launches (Control) Act 1987;
- (c) The Port Act and the Port Rules;
- (d) The Drugs (Misuse) Act;
- (e) The Drug Trafficking Offences Act, 1995;
- (f) The Criminal Justice Act, 1995.

6. I/We attach a copy of the licence issued to the applicant(s) hereunder, under the Trade Licensing Act, extending to the wholesale of tobacco.

DECLARATION:

I/we hereby apply to the Collector of Customs for a wholesale licence under section 6(2) of the Tobacco Act 1997, limited to my/our business as a ship agent and/or ship chandler and declare that the information given above is true to the best of my/our knowledge and belief.

SIGNATURE(S):

This application must be individually signed and dated by each applicant. Where the application is by a partnership, each partner must sign and date the application.

Where the application is by a body corporate, it must be signed by all the directors.

1st director/applicant***.....

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Signature.....

Date.....

2nd director/applicant***

Signature.....

Date.....

3rd director/applicant***

Signature.....

Date.....

4th director/applicant***

Signature.....

Date.....

5th director/applicant***

Signature.....

Date.....

6th director/applicant***

Signature.....

Date.....

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A WHOLESALE LICENCE OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM.

* Please continue your application on another sheet in necessary, and attach it securely to this form.

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******(1) Where shares are held by nominees or trustees, the identity of the ultimate beneficial owner must be disclosed, failing which the nominee or trustee shall be deemed to be the beneficial owner for all the purposes of the Act.

(2) No additional shares in the company may be issued and no shares may be transferred without the consent of the Collector of Customs, unless the company has sought and obtained from the Collector in writing an exemption from these conditions.

*******Delete as necessary.

*******Please include a valid Trade Licence(s) with respect to each applicant.

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FORM 1D

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES ETC) REGULATIONS 1997

LONG FORM WHOLESALE LICENCE

Regulation 2 (4)

LICENCE NO.

(To be quoted in all correspondence)

Name:

Address:

is hereby licensed under Part II of the Tobacco Act 1997 to sell tobacco by way of wholesale dealing until the 31st day of December 20..... subject to the following conditions -

1. Tobacco may only be sold or stored (as the case may be) at the premises specified in the Schedule hereto;
2. Subject to condition 6 below, tobacco may only be sold to the holder of a valid retail licence under Part II of the Tobacco Act 1997;
3. This licence is not transferable;
4. The licensee may trade as a principal only and may not enter into any transaction as a trustee, agent, nominee or otherwise howsoever on behalf of a third party;
5. Where the licensee is a body corporate, the shareholders and directors may not change save with the written consent of the Collector of Customs, unless he shall have exempted the licensee from this condition, in writing.
6. Tobacco may be sold in any quantity to -
 - (a) bona fide merchant shipping,
 - (b) bona fide visiting yachts moored or anchored in the port of Gibraltar for the reasonable consumption of its passengers and crew during their voyage; provided

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that no cigarettes shall be sold or delivered to a fast launch as defined in the Fast Launches (Control) Act,

- (c) bona fide visiting private and commercial aircraft for exportation from Gibraltar aboard that aircraft,

provided that all cigarettes so sold shall be delivered by the seller or on his behalf directly to the ship, yacht or aircraft in question.

7. On the occasion of each sale of cigarettes and prior to the delivery thereof, you shall issue an invoice showing the name and address of the purchaser and the quantities and brand(s) of the cigarettes sold, and you must obtain the signature of the purchaser on a copy of such invoice upon the purchaser taking delivery.

8. You must keep and produce for inspection when required the records specified in section 23 of the Tobacco Act 1997.

9. You must display a copy of the attached short form of this licence set out in Part III of the Schedule hereto at each of the premises listed in Parts I and II of the Schedule hereto.

10. All records and documents required to be kept and made available for inspection under the Tobacco Act shall be kept and shall be available for inspection at the following address -

11. Such additional terms, conditions and restrictions as the Collector of Customs may, from time to time, impose and notify to you in writing.

12. Compliance with the provisions of the Tobacco Act 1997.

Some of the provisions of the Tobacco Act 1997 are summarised above. In the event of conflict between the terms of this licence and the provisions of the Act, you must comply with the provisions of the Act.

13. Validity of Licence.

This licence shall be valid until the 31st December on the year of issue, unless issued during the last quarter of the year, in which case it shall be valid until the 31st December on the year following the year of issue.

14. Renewals.

This licence is subject to annual renewal subject to the discretion of the Collector of Customs upon written application prior to its expiry.

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SCHEDULE

Conditions 1 and 9

PART I

Premises licensed for the sale and storage of tobacco under this licence -*

1.....

2.....

3.....

PART II

Premises licensed for the storage only of tobacco under this licence -*

1.....

2.....

3.....

Date:

Signed

Collector of Customs.

Warning: The Collector of Customs may cancel this licence if he has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

* Please continue on another sheet if necessary, and attach it securely to this form.

PART III

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FORM 1D

TOBACCO ACT 1997

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**SHORT FORM WHOLESALE LICENCE
(FOR EXHIBITION PURPOSES ONLY)**

Regulation 2 (4)

LICENCE NO.
(To be quoted in all correspondence)

Name:

Address:

is hereby licensed under Part II of the Tobacco Act 1997 to sell tobacco by way of wholesale dealing, subject to the terms and conditions specified in the Act and in the long form of this licence until the 31st day of December 20..... in relation to the following premises -

Premises licensed for the sale and storage of tobacco under this licence -*

1.....

2.....

3.....

Premises licensed for the storage only of tobacco under this licence -*

1.....

2.....

3.....

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Date:

Signed

Collector of Customs.

Warning: The Collector of Customs may cancel this licence if he has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

* Please continue on another sheet if necessary, and attach it securely to this form.

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FORM 1E

TOBACCO ACT 1997

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**LONG FORM WHOLESALE LICENCE ISSUED UNDER SECTION 6(2) OF THE
TOBACCO ACT TO A SHIP CHANDLER OR SHIP AGENT**

Regulation 2 (5)

LICENCE NO.

(To be quoted in all correspondence)

Name:

Address:

is hereby licensed under Part II of the Tobacco Act 1997 to sell tobacco by way of wholesale dealing until the 31st day of December 20..... subject to the following conditions -

1. Tobacco may only be sold or stored (as the case may be) at the premises specified in the Schedule hereto;
2. This licence is not transferable;
3. The licensee may trade as a principal only and may not enter into any transaction as a trustee, agent, nominee or otherwise howsoever on behalf of a third party;
4. Where the licensee is a body corporate, the shareholders and directors may not change save with the written consent of the Collector of Customs, unless he shall have exempted the body corporate from this condition in writing.
5. Tobacco may only be sold (but may be sold in any quantity) to -
 - (a) bona fide merchant and military shipping,
 - (b) bona fide visiting yachts moored or anchored in the port of Gibraltar for the reasonable consumption of its passengers and crew during their voyage; provided that no cigarettes shall be sold or delivered to a fast launch as defined in the Fast Launches (Control) Act.

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Tobacco may only be sold (but may be sold in any quantity) for subsequent legal exportation from Gibraltar: Provided that all cigarettes so sold shall be delivered by the seller or on his behalf directly to the ship or yacht in question.

6. On the occasion of each sale of cigarettes and prior to the delivery thereof, you shall issue an invoice showing the name and address of the purchaser and the quantities and brand(s) of the cigarettes sold, and you must obtain the signature of the purchaser on a copy of such invoice upon the purchaser taking delivery.

7. You must keep and produce for inspection when required the records specified in section 23 of the Tobacco Act 1997.

8. You must display a copy of the attached short form of this licence at each of the premises listed in the Schedule hereto.

9. All records and documents required to be kept and made available for inspection under the Tobacco Act 1997 shall be kept and may be inspected at the following address -

10. Such additional terms, conditions and restrictions as the Collector of Customs may, from time to time, impose and notify to you in writing.

11. Compliance with the provisions of the Tobacco Act 1997

Some of the provisions of the Tobacco Act 1997 are summarised above. In the event of conflict between the terms of this licence and the provisions of the Act, you must comply with the provisions of the Act.

12. Validity of Licence.

This licence shall be valid until the 31st December on the year of issue, unless issued during the last quarter of the year, in which case it shall be valid until the 31st December on the year following the year of issue.

13. Renewals.

This licence is subject to annual renewal subject to the discretion of the Collector of Customs upon written application prior to its expiry.

1997-34

Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

SCHEDULE

Conditions 1 and 8

PART I

Premises licensed for the sale and storage of tobacco under this licence -*

1.....

2.....

3.....

PART II

Premises licensed for the storage only of tobacco under this licence -*

1.....

2.....

3.....

PART III

This version is out of date

FORM 1E

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES ETC) REGULATIONS 1997

SHORT FORM WHOLESALE LICENCE ISSUED UNDER SECTION 2(6) OF THE TOBACCO ACT 1997 TO SHIP CHANDLER OR A SHIP AGENT (FOR EXHIBITION PURPOSES ONLY)

Regulation 2 (5)

LICENCE NO.
(To be quoted in all correspondence)

Name:

Address:

is hereby licensed under Part II of the Tobacco Act 1997 to sell tobacco by way of wholesale dealing only to bona fide merchant and military shipping and visiting yachts specified in the Act and in the long form of this licence, subject to the terms and conditions specified in the Act and in the long form of this licence until the 31st day of December 20..... in relation to the following premises -

Premises licensed for the sale and storage of tobacco under this licence -*

1.....

2.....

3.....

Premises licensed for the storage only of tobacco under this licence -*

1.....

2.....

3.....

Dated this.....day of.....20.....

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

Signed

COLLECTOR OF CUSTOMS.

Date:

Signed

Collector of Customs.

Warning: The Collector of Customs may cancel this licence if he has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

* Please continue on another sheet if necessary, and attach it securely to this form.

This version is out of date

FORM 2A

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

APPLICATION FOR A RETAIL LICENCE BY AN INDIVIDUAL, PARTNERSHIP OR CLUB

Regulation 3 (1)

To: The Collector of Customs*

1. Full name(s) of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

2. Nationality of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

3. Address of applicant(s):

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1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

4. Date of birth of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

5. Home telephone number of applicant(s):

1st applicant.....

2nd applicant.....

3rd applicant.....

4th applicant.....

5th applicant.....

6th applicant.....

6. Business details:

This version is out of date

Business name.....

Telephone number.....

Address(es) to which the application relates
(being the commercial premises at
which any trading activity authorised
by a retail licence would be
carried out including, where different,
the commercial premises at which
tobacco is to be stored):

1st address.....

Address used for storage/retail trading**

2nd address.....

Address used for storage/retail trading**

3rd address.....

Address used for storage/retail trading**

4th address.....

Address used for storage/retail trading**

5th address.....

Address used for storage/retail trading**

6th address.....

Address used for storage/retail trading**

7.I/we declare that I/we have not at any time been convicted of any offence contrary to the Tobacco Act 1997 or any one or more of the following enactments, namely -

- (a) The Imports and Exports Act, 1986;
- (b) the Fast Launches (Control) Act, 1987;

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1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

- (c) The Port Act or the Port Rules;
- (d) The Drugs (Misuse) Act;
- (e) The Drug Trafficking Offences Act, 1995;
- (f) The Criminal Justice Act, 1995.

8. Address specified under section 6(3) of the Act at which all documents required to be kept under the Act shall be kept and shall be available for inspection -

9 I/we attach a copy of a licence issued to the applicant(s)*** hereunder under the Trade Licensing Act extending to the retail of tobacco.

DECLARATION:

I/we hereby apply to the Collector of Customs for a retail licence under Part II of the Tobacco Act 1997 and declare that the information given above is true to the best of my/our knowledge and belief.

SIGNATURE(S):

This application must be individually signed and dated by each applicant, Where the application is by a partnership, each partner must sign and date the application.

1st applicant.....

Signature.....

Date.....

2nd applicant.....

Signature.....

Date.....

3rd applicant.....

Signature.....

This version is out of date

Date.....

4th applicant.....

Signature.....

Date.....

5th applicant.....

Signature.....

Date.....

6th applicant.....

Signature.....

Date.....

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A RETAIL LICENCE OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM:

*Please continue your application on another sheet in necessary, and attach it securely to this form.

**Delete as necessary.

***Please include a valid Trade Licence(s) with respect to each applicant.

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

FORM 2B

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

**APPLICATION FOR A RETAIL LICENCE BY A
BODY CORPORATE**

Regulation 3 (2)

To: The Collector of Customs*

1.Full name of company:

2.Date of incorporation:

3.Registered number:

4.Registered office of company:

5.Issued share capital:

6.Telephone number of the company's
principal place of business:

7. Full name(s) of each of the directors of the company:

1st director.....

2nd director.....

3rd director.....

4th director.....

5th director.....

6th director.....

8.Business name(s) under which the company trades:

Business name.....

This version is out of date

Business name.....

Business name.....

9. Business details;

Address(es) to which the application relates (being the commercial premises at which any trading activity authorised by a retail licence would be carried out including, where different, the commercial premises at which tobacco is to be stored):

1st address.....

Address used for storage/retail trading**

2nd address.....

Address used for storage/retail trading**

3rd address.....

Address used for storage/retail trading**

4th address.....

Address used for storage/retail trading**

5th address.....

Address used for storage/retail trading**

6th address.....

Address used for storage/retail trading**

10. Details of shareholders:

1st shareholder -

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

Name:

Residential address:

Nationality:

Number of shares held:***

2nd shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

3rd shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

4th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

5th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

6th shareholder -

Name:

Residential address:

Nationality:

Number of shares held:***

11. We declare that we have not at any time been convicted of any offence contrary to the Tobacco Act 1997 or any one or more of the following enactments, namely -

- (a) The Imports and Exports Act, 1986;
- (b) the Fast Launches (Control) Act, 1987;
- (c) The Port Act or the Port Rules;
- (d) The Drugs (Misuse) Act;
- (e) The Drug Trafficking Offences Act, 1995;
- (f) The Criminal Justice Act, 1995.

12. We attach a copy of a licence issued to the applicant company**** hereunder under the Trade Licensing Act extending to the retail of tobacco.

DECLARATION:

We hereby apply to the Collector of Customs for a retail licence under Part II of the Tobacco Act 1997 and declare that the information given above is true to the best of our knowledge and belief.

SIGNATURE(S):

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

This application must be individually signed and dated by each director of the applicant company.

1st director.....

Signature.....

Date.....

2nd director.....

Signature.....

Date.....

3rd director.....

Signature.....

Date.....

4th director.....

Signature.....

Date.....

5th director.....

Signature.....

Date.....

6th director.....

Signature.....

Date.....

This version is out of date

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A WHOLESALE LICENCE OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM.

* Please continue your application on another sheet in necessary, and attach it securely to this form.

**Delete as necessary.

*****(1)** Where shares are held by nominees or trustees, the identity of the ultimate beneficial owner must be disclosed, failing which the nominee or trustee shall be deemed to be the beneficial owner for all the purposes of the Act.

(2) No additional shares in the company may be issued and no shares may be transferred without the consent of the Collector of Customs, unless the company has sought and obtained from the Collector in writing an exemption from these conditions.

***Please include a valid Trade Licence(s) with respect to each applicant.

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

FORM 2C

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

LONG FORM RETAIL LICENCE

Regulation 3 (3)

Licence No.
(To be quoted in all correspondence)

Name:

Address:

is hereby licensed under Part II of the Tobacco Act 1997 to sell tobacco by retail until the 31st day of December 20.....subject to the following conditions -

1. Tobacco may only be sold or stored (as the case may be) at the premises specified in the Schedule hereto;
2. The licensee may sell no more than 200 cigarettes to the same individual at any one time;
3. The licensee may sell cigarettes in either individual packets of up to twenty five cigarettes or cartons of a maximum of two hundred and fifty cigarettes, and the said cartons must each be sold and delivered separately, and may not be sold or delivered in the box in which they were packed by the manufacturer of the cigarettes;
4. This licence is not transferable;
5. You must display a copy of the attached short form of this licence at each of the premises listed in the Schedule hereto;
6. Where the licensee is a body corporate the shareholders and directors may not change without the consent of the Collector of Customs, unless he shall have exempted the licensee from this condition, in writing;
7. You may trade as principal only and may not enter into any transaction in that respect as a trustee, agent, nominee or otherwise howsoever on behalf of a third party;

This version is out of date

8. Such additional terms, conditions and restrictions as the Collector of Customs may, from time to time, impose and notify to you in writing.

9. Compliance with the provisions of the Tobacco Act 1997

Some of the provisions of the Tobacco Act 1997 are summarised above. In the event of conflict between the terms of this licence and the provisions of the Act, you must comply with the provisions of the Act.

10. Validity of Licence

This licence shall be valid until the 31st December on the year of issue, unless issued during the last quarter of the year, in which case it shall be valid until the 31st December on the year following the year of issue.

11. Renewals

This licence is subject to annual renewal subject to the discretion of the Collector of Customs upon written application prior to its expiry.

1997-34

Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

SCHEDULE

Conditions 1 and 5

PART I

Premises licensed for the sale and storage of tobacco under this licence -*

1.....

2.....

3.....

PART II

Premises licensed for the storage only of tobacco under this licence -*

1.....

2.....

3.....

Date:

Signed

Collector of Customs

Warning: The Collector of Customs may cancel this licence if he has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

PART III

Tobacco

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Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

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This version is out of date

FORM 2C

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

SHORT FORM RETAIL LICENCE
(FOR EXHIBITION PURPOSES ONLY)

Regulation 3 (3)

LICENCE NO.

(To be quoted in all correspondence)

Name:

Address:

is hereby licensed under Part II of the Tobacco Act 1997 to sell tobacco by way of retail dealing, subject to the terms and conditions specified in the Act and in the long form of this licence until the 31st day of December 20..... in relation to the following premises -

Premises licensed for the sale and storage of tobacco under this licence -*

1.....

2.....

3.....

Premises licensed for the storage only of tobacco under this licence -*

1.....

2.....

3.....

Dated this.....day of.....20.....

Signed

1997-34

Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

COLLECTOR OF CUSTOMS

Warning: The Collector of Customs may cancel this licence if he has reasonable grounds to believe that the holder has breached any of the terms and conditions subject to which it has been issued.

Date:

Signed:

Collector of Customs

* Please continue on another sheet if necessary, and attach it securely to this form.

This version is out of date

FORM 3

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 4(1)

PART I

APPLICATION FOR IMPORT PERMIT

To: Collector of Customs*

1. Full name(s) of applicant(s):
2. Wholesale Licence number:
3. Business address:
4. Telephone:

DECLARATION

I/we being the holder of a valid Wholesale Licence issued under Part II of the Tobacco Act 1997 do hereby apply to the Collector of Customs for an import permit pursuant to section 9 of the said Act authorising me/us to import the undermentioned* tobacco into Gibraltar within sixty days from the date hereof and declare that the information given in this application is true to the best of my/our knowledge and belief.

Quantity	Commodity and Brand	Exporting country	Countries of origin or manufac-ture	Units per case	Net weight of unit	Total Net WeightKilos	Total Value C.I.F. £

local use or consumption

The goods are required for export.

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

I/We undertake to notify you if the proposed importation is canceled or suspended or if information is received that it cannot be fulfilled.

Date.....20

Signature.....

Importer/Wholesaler

PART II
[FOR OFFICE USE ONLY]

FORM 3

IMPORT PERMIT

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 4(2)

<p>IMPORT PERMIT</p> <p>No.....</p> <p>...</p>	<p>The importation of the above tobacco is accordingly authorised subject to the conditions appearing below.</p> <hr/> <p>Date.....</p> <p>Collector of Customs</p>
<p>CONDITIONS:</p> <p>1. Goods to be dispatched within months from date of permit</p> <p>2. Distribution on arrival to be subject to requirements of the Collector of Customs.</p> <p>3. This licence is surrendered to the Customs Authorities for their retention at the time importation is effected.</p> <p>4. Goods to be placed in bonded stores.</p>	

* Please continue on another sheet if necessary and attach it securely to this form

This version is out of date

FORM 4

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 5(1)

PART I

APPLICATION FOR EXPORT PERMIT

To: The Collector of Customs*

- 1. Full name(s) of applicant(s):
- 2. Wholesale licence number:
- 3. Business address:
- 4. Telephone:

I/we, being the holder of a valid Wholesale Licence issued under Part II of the Tobacco Act 1997, do hereby apply to the Collector of Customs for an export permit pursuant to section 11 of the said Act authorising me/us to export tobacco from Gibraltar.

Name and address of applicant

Name and address of Consignee

Date of export by

(a) Sea per s.s..... on.....

(b) Land.....on.....

(c) Air.....on.....

Destination of goods.....

Ultimate destination of goods.....

Description of goods and origin.....

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This version is out of date

Value.....

Quantity.....

Number of Parcels.....Weight.....Kgs

State here how payment is to be received and in what
currency

State Number of Permit under which goods were
imported into Gibraltar. If received in transit, full
particulars

If goods were bought in Gibraltar state from whom
bought

DECLARATION. I/We the undermentioned do hereby declare the above information to be
correct to the best of my/our knowledge and belief.

Date.....

Applicant.....

Exporter/Wholesaler

N.B. - (1) To facilitate issue of licence any correspondence or invoice in support of this
application should be attached.

(2) A certificate of ultimate destination must be forwarded to the Office of the Collector of
Customs before the goods are exported unless otherwise approved.

**RETURN TO THE COLLECTOR OF CUSTOMS
AT LEAST 24 HOURS PRIOR TO EXPORT DATE**

This version is out of date

PART II

[For office use only]

FORM 4

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 5(2)

EXPORT PERMIT

Export Permit No. _____

The exportation of the above tobacco is accordingly authorised subject to the conditions appearing below.

Date.....

Signed

Collector of Customs

1. This permit only authorises the exportation of tobacco –
 - (a) by sea, from the North Mole, the South Mole or any other place where a vessel is berthed or anchored with the authority of the Captain of the Port or, as the case may be, of the Queen’s Harbour Master;
 - (b) by air, from the airport;
 - (c) by land, through the examination station at Four Corners.

2.....

3.....

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

Date:

Signed:

Collector of Customs

* Please continue on another sheet if necessary and attach it securely to this form

This version is out of date

FORM 5A

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 6(1)

APPLICATION FOR A TOBACCO TRANSPORTATION LICENCE

To: The Collector of Customs*

1. Full name(s) of applicant(s):

2. Business name and address:

3. (a) Wholesale or Retail Licence Number:**

(b) Transport Contractor Licence Number:**

4. Business telephone number:

5. I/we, being the holder of the valid Tobacco Wholesale or Retail Licence or of trade licence No.....extending to road transport contracting particulars whereof are given above do hereby apply to the Collector of Customs for a tobacco transportation licence pursuant to Section 13 of the Tobacco Act 1997 in respect of the motor vehicles full particulars of which appear in paragraph 6 below, and declare that the information given above is true to the best of my/our knowledge and belief.

6. The motor vehicles referred to in paragraph 5. above are the following -

Make/model of vehicle.....

Registration No.....

Registered owner.....

Make/model of vehicle.....

Registration No.....

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This version is out of date

Registered owner.....

Make/model of vehicle.....

Registration No.....

Registered owner.....

Make/model of vehicle.....

Registration No.....

Registered owner.....

Make/model of vehicle.....

Registration No.....

Registered owner.....

Make/model of vehicle.....

Registration No.....

Registered owner.....

SIGNED:

(This form must be signed by each applicant. If the applicant is a partnership, the form must be signed by each partner. If the applicant is a company, it must be signed by every director).

DATE:

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A TOBACCO TRANSPORTATION LICENCE OR TO MAKE A FALSE ENTRY ON THIS APPLICATION FORM.

Tobacco

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Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

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This version is out of date

* Please continue on another sheet if necessary and attach it securely to this form.

**Please attach a copy of the relevant licence to this application.

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

FORM 5B

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 6(2)

PART I

LONG FORM TOBACCO TRANSPORTATION LICENCE

PART I

The words appearing below in this Part of this Form shall be inscribed on the front of Form 5B: and the words are -

“Motor Vehicle Registration No.....

Registered, under the provisions of the Traffic Act, in the ownership of:

Name:

Address:

is hereby licensed pursuant to Section 13 of the Tobacco Act 1997 for the purposes of transporting cigarettes in Gibraltar subject to the conditions overleaf until the 31st December 20.....

PART II

The words appearing below in this Part of this Form shall be inscribed on the reverse side of Form 5B: and the words are -

1. This licence remains valid only for as long as the holder has a valid wholesale or retail licence issued under the Tobacco Act or as a duly licensed road transport contractor.
2. This licence is not transferable;

This version is out of date

3. This licence shall, at all times, be clearly displayed on the right hand side of the windscreen of the vehicle to which this licence relates.
4. When transporting cigarettes in a commercial quantity the driver of the vehicle must be in possession of either -
 - (a) an invoice in respect of cigarettes being delivered to the purchaser showing the name and address of the vendor and the purchaser and the brand, description and quantities of such cigarettes, or
 - (b) a delivery order, signed by the warehouseman from which the cigarettes are being transported showing the name and address of the owner of the cigarettes, the place to which the cigarettes have been delivered and the brand, description and quantity of such cigarettes.
5. This licence relates only to the motor vehicle specified herein;
6. This licence shall stand revoked and shall cease to be valid if there is a change of ownership, wholly or partly, of the motor vehicle to which it relates.
7. This licence is subject to annual renewal subject to the discretion of the Collector of Customs upon written application prior to its expiry.

Date:

Signed:

Collector of Customs.”

PART II

SHORT FORM TOBACCO TRANSPORTATION LICENCE

FORM 5B

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 6(2)

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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

PART I

The words appearing below in this Part of this Form shall be inscribed on the front of Form 5B: and the words are -

Motor Vehicle Registration No.....

Registered, under the provisions of the Traffic Act, in the ownership of:

Name:

Address:

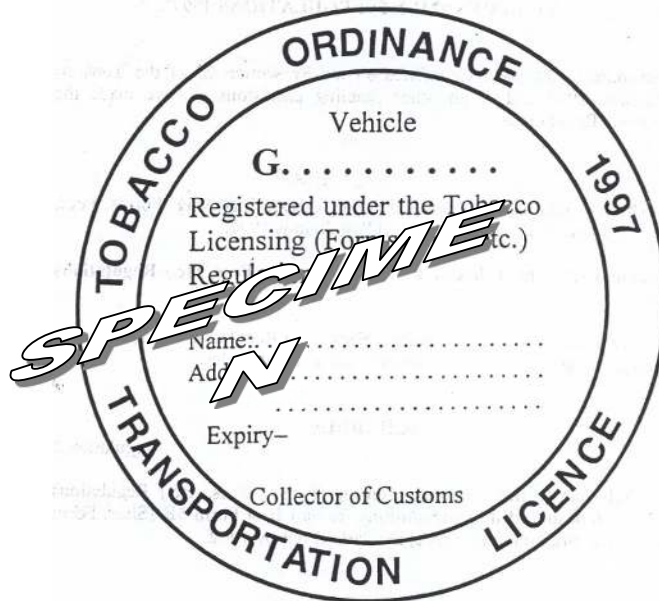
is hereby licensed pursuant to Section 13 of the Tobacco Act 1997 for the purposes of transporting cigarettes in Gibraltar subject to the conditions overleaf until the 31st December, 20.....

PART II

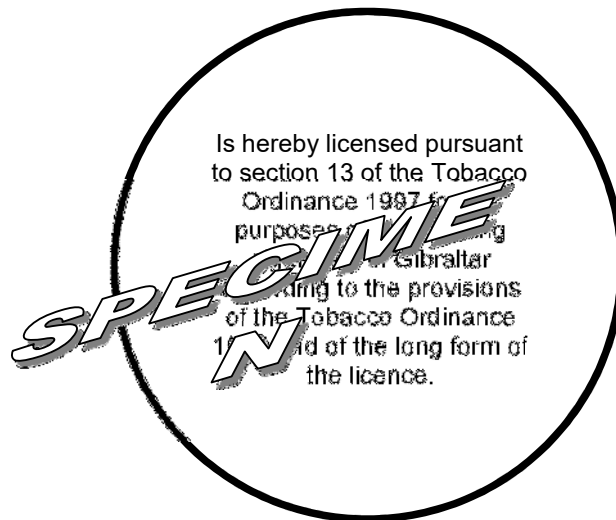
SHORT FORM TOBACCO TRANSPORTATION LICENCE

The front of the Short Form Tobacco Transportation Licence shall be as follows-

This version is out of date



The back of the Short Form Tobacco Transportation Licence shall be as follows-



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Tobacco

1997/146 Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

This version is out of date

H.M. CUSTOMS GIBRALTAR

FORM 6

TOBACCO ACT 1997

TOBACCO LICENSING (FORMS, FEES, ETC) REGULATIONS 1997

Regulation 8

RENEWAL FORM

To: The Collector of Customs

1.Full name(s) of applicant(s):

2.Business name and address

3.Type of licence*

4.Licence No.:

5.Date issued:

6.Business telephone number:

I/we**, being the holder(s) of the above-mentioned licence do hereby apply to the Collector of Customs under the provisions of the Tobacco Act 1997 for a new licence on terms as above.

DECLARATION

I/WE** declare that there have been no changes to the information submitted in my last application in respect of a licence as above.

Signed:

Date:

WARNING: IT IS AN OFFENCE KNOWINGLY TO GIVE FALSE INFORMATION IN CONNECTION WITH AN APPLICATION FOR A LICENCE OR TO MAKE A FALSE ENTRY IN THIS APPLICATION FORM.

Tobacco

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Tobacco Licensing (Forms, Fees, etc.) Regulations 1997

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This version is out of date

* Please attach a copy of the relevant licence to this application.

** Delete as appropriate.