

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,465 of 8th December, 1988.



I ASSENT,
PETER TERRY,
GOVERNOR.

8TH December, 1988.



GIBRALTAR

No. 26 of 1988.

AN ACT to amend the Trade Licensing Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Trade Licensing (Amendment) Act 1988, and shall come into operation on such date as the Governor may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or different purposes.

Amendment to section 2.

2. Section 2(1) of the Trade Licensing Act (hereinafter called "the principal Act") is amended by omitting the definition of "appropriate fee" and substituting therefor the following definition-

"appropriate fee" means such fee as the Governor may by regulation prescribe in relation to any matter under this Act;"

Amendment to section 16.

3. Section 16 of the principal Act is amended by repealing subsection (2) and substituting therefor the following subsections-

"(2) In considering and deciding on applications for licences, including the terms and conditions of licences, the licensing authority shall not discriminate between-

(a) nationals of the United Kingdom for the purposes of the treaty establishing the European Economic Community and nationals of any other Member State of that Community;

(b) companies or firms formed in accordance with the law of Gibraltar, companies or firms formed in accordance with the law of the United Kingdom or any part thereof, and companies or firms formed in accordance with the law of any other Member State of the European Economic Community or of any part of such a State.

(2A) Subsection (2)(b) applies to companies or firms having their registered office or the seat prescribed by their statutes or other constituent instrument, their central administration or their principal place of business in the European Economic Community."

Amendment to section 17.

4. Section 17 of the principal Act is amended by inserting after subsection (2) the following subsection –

"(2A) The licensing authority shall accept as sufficient evidence that a person is not in the United Kingdom or, as the case may be, in another Member State of the European Economic Community a person such as is referred to in subsection (1)(a), a certificate or other document showing that that is the case issued by a competent judicial or administrative

authority in that State, or, where or in so far as that State does not issue such a document, a declaration on oath or a solemn declaration stating the relevant facts made by the person concerned before a commissioner for oaths, notary or other competent authority in that State and accompanied by a certificate issued by that authority attesting the authenticity of the declaration."

Amendment to section 28.

5. Section 28 of the principal Act is amended-

(a) by substituting a semicolon for the full stop at the end of paragraph (f);

(b) by inserting after paragraph (f), the following paragraph

"(g) the charging of fees in respect of any matter falling within this Act."

New section.

6. After section 28 there is inserted a new section as follows –

"Provision concerning certain Licences issued before 16 December 1982.

29. (1) A licence to trade in any goods that-

(a) has been issued before 16 December 1982, and

(b) has been renewed annually since that date, and

(c) is in force on the date of commencement of this section, shall be deemed to authorise, and always to have authorised, the licence holder to import into Gibraltar in commercial quantities goods of the kind specified in the licence.

(2) For the avoidance of doubt, it is hereby declared that nothing in subsection (1) shall be taken to authorise the importation into Gibraltar of any goods

without an import licence or permit where such licence or permit is required by or under the Imports and Exports Act or any other law, or otherwise than in accordance with any conditions of such licence or permit."

Repeal of Schedule 1.

7. Schedule 1 to the principal Act is repealed.

Amendment to Schedule 2.

8. Schedule 2 to the principal Act is amended by omitting therefrom the following item-

"ROAD TRANSPORT CONTRACTING".

Passed by the Gibraltar House of Assembly on the 29th day of November, 1988.

C. M. COOM,
Clerk to the Assembly.