

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,085 of 3rd June, 2014

B. 22/14

BILL

FOR

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 No. 2) 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) In section 6–

(a) in subsection (3)(c) before the words “where the wholesale” insert “subject to subsection 3(ca)”;

(b) after subsection (3)(c) insert–

“(ca) the Collector of Customs shall not consent to a change of director or shareholder under paragraph (c) if the holder of a wholesale or retail licence or any of its servants or agents has been charged with an offence under this Act;”

(3) In section 6(4)(a) for “1000” substitute “200”.

(4) After section 6 insert–

“Suspension of wholesale and retail licences.

- 6A.(1) Where the licence holder of a retail or wholesale licence or any of its servants or agents, has been charged with an offence under this Act, the Collector of Customs may, after informing the licence holder of his intention to do so and the reasons therefor and after giving the licence holder the opportunity to be heard, suspend the licence pending the outcome of any criminal proceedings relating to that offence.
- (2) Where a retail or wholesale licence is issued to a body corporate and its directors or shareholders or any of its servants or agents, has been charged with an offence under this Act, the Collector of Customs may, after informing the body corporate of his intention to do so and the reasons therefor and after giving the body corporate the opportunity to be heard, suspend the licence pending the outcome of any criminal proceedings relating to that offence.
- (3) For the purposes of this section, a notice of the opportunity to be heard shall—
- (a) give the licence holder or the body corporate not less than fourteen days’ notice of the hearing; and
 - (b) state the date, time and place of the hearing.

Notice in retail premises.

- 6B.(1) A notice displaying the following statement—

“The maximum amount of cigarettes that can be imported into the EU Common Customs Territory is 200 cigarettes.”

shall be exhibited at every premises at which tobacco is sold by retail, and shall be so exhibited in a prominent position where the statement is readily visible to persons at the point of sale of the tobacco.

- (2) The dimensions of the notice to be exhibited in accordance with subsection (1) shall be at least 297 millimetres by 420

millimetres and the statement shall be such that no character shall be less than 36 millimetres high.”.

- (5) In section 8–
- (a) in paragraph (b) delete the “or” appearing after the semi-colon;
 - (b) in paragraph (c) for the “,” substitute “;or”;
 - (c) after paragraph (c) insert–
 - “(d) the suspension of a wholesale or retail licence issued to him save when that suspension has been made under section 6A above,”.

EXPLANATORY MEMORANDUM

This Bill amends the Tobacco Act 1997 as follows–

It amends section 6(3)(c) to prevent a change of any directors or shareholders in situations where the licence holder has been charged with an offence contrary to the Tobacco Act 1997.

It also reduces the authorised sale of cigarettes under a retail licence from 1000 to 200 cigarettes to the same individual at any one time and requires licence holders to place a notice in a prominent position within the premises informing customers that the maximum amount of cigarettes that can be imported into the EU Common Customs Territory is 200 cigarettes.

Lastly, this Bill gives the Collector of Customs additional power to suspend wholesale and retail licences where the holder of a retail or wholesale licence, or the servant or agent of the licence holder, has been charged with an offence contrary to the Tobacco Act 1997.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £0.40.**