

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5241 GIBRALTAR Thursday 10th July 2025

B. 14/25

BILL

FOR

AN ACT to create a framework to establish a licensing authority dedicated to maintaining safety requirements relating to food delivery businesses, including registration of persons engaged in the delivering of food on behalf of a food delivery business, introduction of delivery person permits and company branding on vehicles and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Food Delivery Service Act 2025.

Commencement.

2. This Act comes into operation on the day of publication.

Interpretation.

3. In this Act-

“food” includes food prepared for consumption away from the premises in which it was prepared and includes any drink or other non-food items that are delivered to consumers together with edible items;

“food delivery business” means a business that engages in the transportation of a food item to a specified address where said food item will not be used as any part of any food business operation or activity;

“licensing authority” means the Food Delivery Licensing Authority appointed under section 4;

“Minister” means the Minister with responsibility for Transport.

Food Delivery Licensing Authority.

- 4.(1) The Minister may, from time to time, appoint an authority for the purposes of this Act, and such authority is to be known as the Food Delivery Licensing Authority.

(2) Section 5 provides for the duties of the licensing authority.

Duties.

5. It is the duty of the licensing authority to-

- (a) receive and consider applications for permits for persons engaged in the delivering of food on behalf of a food delivery business;
- (b) where required, issue permits to persons engaged in the delivering of food on behalf of a food delivery business;
- (b) hear and determine any complaints regarding any licensed person;
- (c) apply any standards that apply to food delivery businesses and any person engaged in the delivery of food on behalf of those businesses as provided for under this Act;
- (d) discharge any duties arising from any subordinate legislation made under this Act or any other enactment;
- (e) abide by such other duties as the Minister may, in writing, instruct it to discharge.

Authorised persons.

6. The Minister may appoint as authorised persons such persons as he considers necessary on such terms as he considers appropriate for the purposes of securing compliance with the provisions of this Act and the conditions of any permit granted under it and the discharge of such other duties as the Minister considers can conveniently be discharged by persons acting as such authorised persons.

Offences.

7.(1) The Minister may make Regulations for the purposes of creating offences and penalties.

(2) Section 23(b) of the Interpretation and General Clauses Act does not apply to regulations made under this Act.

(3) Regulations made under this Act may provide for the issue of fixed penalty notices in respect of such offences as the Regulations provide.

Regulations.

8. The Minister may make Regulations in respect of any matter relating to the regulation of food delivery businesses and persons engaged in the delivering of food on behalf of a food delivery business and more specifically but not limited to the following purposes-

- (a) setting out requirements for food delivery businesses and persons engaged in the delivering of food on behalf of a food delivery business;
- (b) setting out requirements for food delivery businesses in relation to vehicles used by persons engaged in the delivering of food their behalf;
- (c) the form of, application for and issuing of a permit;
- (d) the suspension and revocation of a permit;
- (e) prescribing any information to be submitted in support of any application made under this Act;
- (f) setting out any conditions that may be attached to a permit;
- (g) the period of validity of a permit;
- (h) setting out the right to appeal against a decision of the licensing authority, including the procedure for the appeal and more specifically but not limited to the procedure for an appeal against-
 - (i) the refusal to issue or renew a permit,
 - (ii) a condition in a permit,
 - (iii) the suspension or revocation of a permit.
- (i) requiring additional training for food delivery businesses and their deliver persons for, but not limited to, road safety and food hygiene training;
- (j) the keeping and maintaining of records in relation to any matters in relation to this Act, specifically but not limited to-
 - (i) unique identification numbers for delivery persons; and
 - (ii) training undertaken by delivery persons;
- (k) prescribing fees in respect of any matters in under this Act;
- (l) providing for such other matters as are reasonably necessary or incidental to the due administration of this Act.

Regulations to be laid in Parliament.

9. Regulations made under sections 7 and 8 must be laid in the Parliament at the meeting next after they have been made.

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