Licensing and Fees Act

Principal Act

Act. No. 1961-29

Commencement 1.1.1962
Assent 28.12.1961

Amending enactments	Relevant current provisions	Commencement date
Notices of 30.10.1962		
7.11.1963		
Act. 1965-01	ss. 48-49	
1965-22	ss. 2, 28	
1966-21	ss. 33A, 36	
Notices of 23.12.1966		
3.5.1967		
29.12.1967		
26.8.1968		
1971/08	Sch. 2	
LN. 1971/040	–	
1971/078	Sch. 2	
1971/091	*Corrigendum*	
1972/034	Sch. 1	
1972/041	–	
Act. 1973-11	Sch. 2, Item 1 and 8	
LN. 1974/114	–	
1975/013	–	
1975/014	–	
1975/047	Sch. 2	
1975/065	–	
Act. 1975-33	ss. 2, 7(4)-(5), 8, 11, 15-16, 23(1), 28, 36, 36A, Sch.	
1976-28	–	
LN. 1977/024	–	
1977/135	Sch. 2	
1977/165	Sch. 2	
1978/066	Sch. 2	
1978/112	–	
1979/019	Sch. 2	
Act. 1979-05	Sch. 1	
LN. 1979/088	Sch. 2	
1979/089	–	
1980/036	Sch.	
1980/121	–	
Act. 1980-21	s. 29A	
1981-05	Sch. 2	
LN. 1981/122	Sch. 2	

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1982/063	–	
1982/083	Sch. 2	
1982/110	Sch. 2	
Act. 1983-11	ss. 2, 29B-29C, Sch.1	
LN. 1983/111	Sch. 1-2	
1984/061	Sch. 2	5.7.1984
1985/041	Sch. 2	1.4.1985
Act. 1985-14	Sch. 2	26.4.1985
LN. 1986/073	Sch. 2	17.7.1986
Act. 1986-08	Sch. 2	1.11.1986
LN. 1986/132	Sch. 2	23.12.1986
1986/109	Sch. 1	1.1.1987
1987/069	Sch. 2	1.4.1987
Act. 1987-16	Sch. 2	1.5.1987
LN. 1987/110	Sch. 2	16.7.1987
1987/175	Sch. 2	31.12.1987
1988/121	Sch. 2	1.4.1989
Act. 1989-09	s. 36, Sch. 1-2	1.4.1989
LN. 1989/062	Sch. 2	10.8.1989
Act. 1990-32	s. 37	1.11.1990
1991-22	ss. 22, 27, 29A, 30, 33-34, 36-37, 39-42, 44, 46, 52. Sch. 1-2.	1.11.1991
1992-14	ss. 44(1)	24.12.1992
LN. 1995/031	Sch.	9.3.1995
Act. 1997-34	ss. 25-26	13.11.1997
1998-34	Sch.	1.4.1998
"	Sch.	1.7.1998
1998-40	Sch.	20.8.1998
LN. 2005/056	Sch.	1.4.2005
Act. 2013-10	ss. 2, 3(1)-(3), 4, 6, 7(1)(b), (2), 11, 19, 21(1)-(3), 24, 27(2)(a), 29(4), 30, 31(2), 32, 35(1)-(2), 36, 39-40, 51-52, Sch.	30.5.2013
LN. 2019/177	Sch.	2.7.2018
"	Sch.	1.9.2019
2022/223	Sch.	1.8.2022
2022/284	Sch.	3.10.2022
2023/003	Sch.	1.2.2023
Act. 2023-28	ss. 27-28	1.10.2023[1]
LN. 2024/137	Sch.	1.8.2024
2026/293	Sch.	1.8.2026

[1] Notice Of Commencement (LN.2023/281)
(For Transitional Provisions refer to ss. 4-5 of the Licensing and Fees (Amendment) Act 2023 (2023-28)

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Matters in respect of which fees and charges may be prescribed.

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AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO LICENSING AND THE IMPOSITION OF VARIOUS FEES AND CHARGES AND FOR MATTERS CONNECTED THEREWITH.

Short title.

1. This Act may be cited as the Licensing and Fees Act.

Interpretation.

2. In this Act, unless the context otherwise requires,–

"gallon" means an English imperial gallon;

"intoxicating liquor" includes wines, spirits or malt liquors as defined by this Act, and any fermented, distilled or spirituous liquors which cannot under this Act be legally sold in Gibraltar without a licence;

"lend by way of business" in relation to a video cassette or video tape, includes–

(a) to let out, hire out or exchange, by way of business; and

(b) to give or allow the use of the thing, as a right, privilege or benefit of or incidental to any membership of any body corporate, club, or other body, association or organization whatsoever, where any payment is made for such membership;

"malt liquors" mean ale, porter, beer, spruce, cider or perry;

"owner", in addition to its ordinary signification, includes tenant or occupier of any premises licensed under this Act;

"revenue officer" means any person employed in the management or collection of Her Majesty's revenue at Gibraltar who shall have been appointed by the Government to any of the following posts:–

Financial Secretary
Accountant General
Collector of Revenue
Chief Customs Officer
Customs Surveyor
Senior Customs Officer
Customs Officer
Assistant Customs Officer
Revenue Assistant;

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"room" includes any tent, booth, structure or place in the open air from which intoxicating liquor is sold and the area surrounding such place within which liquor is consumed;

"sell" includes offer for sale and expose for the purpose of sale;

"spirits" include low wines and all liquors mixed with spirits, and all mixtures, compounds or preparations made with spirits and intended for consumption and also alcohol of any description;

"store" means to keep in some selected place for future use;

"tobacco" includes tobacco of every description, whether manufactured or not;

"tobacconist" includes any importer of tobacco, cigars or cigarettes, any manufacturer of tobacco, cigars or cigarettes, and any wholesale or retail dealer in the same.

PART I.–LICENSING AUTHORITY.

Government may appoint a licensing authority.

3.(1) The Government may from time to time appoint as a licensing authority, subject to such conditions as he may direct, any court or any number of persons, whether by name or as holding any office for the time being, and such licensing authority may be appointed generally or in respect of the issue of any class or classes of licence.

(2) The Government may likewise direct that a licensing authority shall exercise all or any of the powers conferred on the Financial Secretary by section 35.

(3) A licensing authority may, with the approval of the Government, make rules regulating its own procedure.

Financial Secretary to be licensing authority in absence of other appointee.

4. Where no licensing authority has been appointed either generally or in respect of the issue of any particular class of licence or where an individual has been appointed a licensing authority and is absent from Gibraltar or is for any other reason unable to carry out his duties as such licensing authority and no other person has been appointed in his stead, then in each and every such case the Financial Secretary shall for the purposes of this Act be the licensing authority.

Granting of licences by licensing authority.

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5.(1) The licensing authority, except where otherwise expressly provided, is hereby authorized and empowered to grant and issue, or in his discretion to refuse to grant and issue, to persons applying for the same, all licences required to be taken out by this Act.

(2) Such licences shall be in such form and shall contain such particulars as may be required by this Act and as the licensing authority may require.

Appeal against decision of licensing authority.

6. Any person may appeal to the Government against the grant or refusal by the licensing authority of any licence under this Act, and the Government may, if he shall think fit, direct the licensing authority in writing to withhold or issue the licence applied for.

PART II.–INTOXICATING LIQUOR LICENCES.

Licence for manufacture or sale.

7.(1) Unless licensed under the provisions of this Act, no person shall manufacture, sell, barter, exchange or otherwise dispose of for money or reward any intoxicating liquor without a licence for that purpose issued by the licensing authority:

Provided that nothing in this section shall apply to–

(a) any person registered as a dispenser under section 7 of the Medical and Health Act, as regards the preparation or sale of any medicine or drug prescribed by any registered medical practitioner in respect of any person;

(b) vendors of any brand of medicated wine proved to be such to the satisfaction of the Financial Secretary.

(2) Licences for the manufacture and sale of intoxicating liquor shall be issued by the Financial Secretary, on the requisition of the licensing authority, in the following forms:–

(a) manufacturer's licence;

(b) wholesale wine merchant's licence;

(c) full wine merchant's licence;

(d) tavern licence;

(e) hotel licence;

(f) beer merchant's licence;

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(g) beershop licence;

(h) club licence;

(i) club (temporary premises) licence;

(j) grocer's wine licence;

(k) canteen licence;

(l) traveller's wine licence;

(m) occasional licence.

(3) Every licence shall be subject to the provisions of this Act and of any subsidiary legislation made thereunder, whether such provisions relate to licences generally or to specific licences.

(4) No tavern licence issued under this Act shall relate to more than one room.

(5) A hotel licence shall enable intoxicating liquor to be sold in any part of the premises to which the licence relates.

Licence to specify premises, etc.

8. Every licence issued under the provisions of this Act, other than a traveller's wine licence, shall specify the house or premises or part of a house or premises or, in the case of a tavern licence, the room in the house or premises in which the business is to be carried on and shall apply to such house or premises or part thereof or room therein as the case may be and to no other place.

Manufacturer's licence.

9. The holder of a manufacturer's licence shall be permitted to manufacture spirits of such strength, type and quantity as may from time to time be prescribed.

Restrictions on intoxicating liquor licensees.

10. No person holding a licence for the sale of intoxicating liquor shall sell any intoxicating liquor–

(a) which he is not specifically authorized by such licence to sell, whether mixed with other liquors or not; or

(b) in any place where he is not authorized by such licence to sell; or

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(c) in any manner in which he is not authorized by such licence to sell.

Certificate of fitness of premises.

11. No licence under this Act, other than a canteen licence, shall be granted to any person for the purpose of authorizing such person to sell any wines, spirits or malt liquors by retail in manner hereinbefore mentioned or to keep any hotel or tavern until such person shall have procured from the Financial Secretary a certificate of the fitness of the premises for the purpose for which they are intended.

Wholesale wine merchant's licence.

12. The holder of a wholesale wine merchant's licence shall be authorized to sell wines, spirits, and malt liquors, whether such wines, spirits or malt liquors be at the time of sale in a Government store or elsewhere:

Provided that he shall not sell under the authority of such licence to any one person at any one time such wines, spirits and malt liquors in less quantities than–

(a) in the case of wines, twenty–five gallons;

(b) in the case of spirits, ten gallons; and

(c) in the case of malt liquors, twenty-five gallons.

Full wine merchant's licence.

13. The holder of a full wine merchant's licence shall be authorized to sell wines, spirits or malt liquors:

Provided that he shall not sell under the authority of such licence any wines, spirits or malt liquors–

(a) for consumption on the premises; or

(b) in less quantities than one-twelfth part of a gallon to any one person at any one time unless sold in the same bottles or containers in which the same were imported into Gibraltar and as capsuled and sealed at the time of such importation.

Tavern licence.

14. The holder of a tavern licence shall be authorized to sell wines, spirits and malt liquors:

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Provided that he shall not sell for consumption off the premises under the authority of such licence any quantity of wines, spirits or malt liquors to any one person at any one time in excess of–

(a) wines or spirits, one twenty-fourth part of a gallon (half a reputed pint); and

(b) malt liquors, one-twelfth part of a gallon (one reputed pint).

Hotel licence.

15.(1) The holder of an hotel licence shall be authorized to sell wines, spirits and malt liquors under the same conditions and subject to the same restrictions as the holder of a tavern licence:

Provided that any hours of business that may be prescribed for the business of a licensed tavern shall not be applicable to sales of wines, spirits and malt liquors made by the holder of an hotel licence to bona fide residents of the hotel or their guests who are who are accompanying them in respect of which the licence was issued.

(2) Notwithstanding that premises provide accommodation an hotel licence shall not be granted in respect of such premises unless the licensing authority is satisfied that the principal purpose of such premises is to provide accomodation for tourists in Gibraltar.

(3) Nothing in this section shall preclude the grant of a tavern licence to premises which provide accommodation but of which the licensing authority is not satisfied that the principle purpose is to provide accommodation for tourists in Gibraltar.

Beer merchant's licence.

16. The Holder of a beer merchant's licence shall be authorized to bottle beer and to sell beer, whether bottled by him or not, for export or for consumption in Gibraltar:

Provided that he shall not under the authority of such licence sell any beer for consumption on the premises.

Beershop licence.

17. The Holder of a beershop licence shall be authorized to sell malt liquors in Gibraltar:

Provided that he shall not sell for consumption off the premises under authority of such licence to any one person at any one time any quantity of malt liquors in excess of one-twelfth part of a gallon (one reputed pint).

Club licence.

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18. The secretary of a club registered under the provisions of the Clubs Act 1924 No. 9 shall take out a club licence in the name of the secretary of the club which licence shall authorize the sale of wines, spirits and malt liquors under and in accordance with terms and conditions set forth in that Act.

Licences for temporary club annexes.

19. On the application of the secretary of a club registered under the provisions of the Club Act, and licensed under this Act it shall be lawful for the licensing authority to issue a licence in the name of the secretary of the club for the opening and keeping of temporary club premises as part of any public fair or public entertainment or for any other reason approved by the Financial Secretary, whereupon such premises shall for the term of such licence or for the duration of the fair or other public entertainment or other reason as aforesaid, whichever be the shorter period, be deemed and taken to be part of the registered premises of the club for all purposes under the said Act.

Grocer's wine licence.

20.(1) The holder of a grocer's wine licence, shall be authorized to sell wines, spirits and malt liquors:

Provided that no such licence shall be deemed to authorize the sale of any wines, spirits and malt liquors–

(a) to be consumed either wholly or in part upon the premises; or

(b) in less quantity than one-sixth part of a gallon unless sold in the same bottles or containers in which the same were imported into Gibraltar and as capsuled and sealed at the time of such importation.

(2) A grocer's wine licence shall not be granted to any person not actually carrying on the business of a grocer, and if the holder of such licence shall cease to carry on business as a grocer such licence shall become void for all purposes.

Canteen licence.

21(1) The Financial Secretary shall, on the requisition of the Government, issue a canteen licence in respect of a canteen for the armed forces of the Crown or for the Police or the City Fire Brigade.

(2) A canteen licence may authorize the sale of malt liquors and wines for consumption on the premises, for such period, at such times subject to the conditions as may be specified by the Government–

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(a) in the case of a canteen for the armed forces of the Crown, to members of such forces;

(b) in the case of a canteen for the Police or the City Fire Brigade, to members of the Police or City Fire Brigade.

(3) The Financial Secretary shall, if so directed by the Government, transfer a canteen licence to any person named by the Government.

Traveller's licence.

22.(1) Every person, other than persons specifically licensed by the licensing authority under any other provision of this Act, who shall in Gibraltar sell any intoxicating liquors, tobacco or perfumed spirits shall take out a traveller's licence and shall pay the prescribed fee.

(2) Such traveller's licence shall not be issued–

(a) to any person ordinarily resident in Gibraltar; or

(b) to any person who keeps in Gibraltar any stock of goods either in bond or otherwise; or

(c) for any period of more than one month at any one time; or

(d) to any person within six months of the expiration of a similar licence held by such person.

(3) The holder of a traveller's licence for the sale of intoxicating liquors shall sell only to persons holding wholesale wine merchants' licences, full wine merchant's licences, tavern licences, hotel licences or grocers' wine licences and shall sell at any one time to any one licensee in the case of wines and malt liquors in quantities of not less than twenty-five gallons and in the case of spirits of not less than ten gallons.

(4) The holder of a traveller's licence to sell tobacco shall sell only to persons licensed as tobacconists under this Act.

(5) *Repealed.*

(6) All goods sold under a traveller's licence shall be consigned directly to the purchaser.

(7) For the purpose of this section, any person who sells any intoxicating liquors, tobacco or perfumed spirits or solicits orders therefor or offers such goods for sale or introduces into Gibraltar and displays samples of such goods for the purpose of selling or obtaining orders whether accompanied or not by a local licensed agent or dealer shall be liable to take out a traveller's licence.

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Occasional licence.

23.(1) The licensing authority may grant to any licensee who shall be duly licensed to keep an hotel, a tavern, a beershop, or as a tobacconist, an occasional licence empowering him to sell such articles as he is allowed to sell upon his licensed premises at such other place and for and during such period not exceeding seven days and during such hours and upon such general or special conditions as the licensing authority shall think fit and as shall be specified in such occasional licence.

(2) For the purposes of this Act and any other law the person taking out an occasional licence shall be deemed to be a licensed person, and the place in which anything for the sale of which a licence is necessary is sold or offered for sale in pursuance of the occasional licence shall be deemed to be the licensed premises of the licensee taking out such licence.

Intoxicating liquor licences to be exposed.

24. The holder of a licence for the sale of intoxicating liquors by retail shall expose such licence in a prominent place approved of by the Financial Secretary in a public room of the premises in respect of which the licence is held and such licence shall remain exposed in such place for the whole period of validity of the licence.

PART III.–LICENCES OTHER THAN INTOXICATING LIQUOR LICENCES.

25. *Revoked*

26. *Revoked*

27. *Repealed*.

28. *Repealed*.

Licences for vessels not licenced under Port Rules.

29.(1) Any person who keeps, anywhere in Gibraltar, any vessel shall if such vessel is not licensed under the provisions of the Port Rules, take out a licence for the vessel under this section.

(2) A licence under this section shall be issued by the Captain of the Port, and may contain such conditions as he may think fit to include therein.

(3) There shall be paid for a licence had been licensed under the Port Rules.

(4) Any licence granted in accordance with the provisions of this section may be cancelled by the Captain of the Port upon conviction of the person to whom it was granted for any offence

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against this Act or upon breach of any condition thereof, or for any offence against the Imports and Export Act. Upon cancellation, unless the licensee shall have been convicted of a breach of this Act, the Financial Secretary may refund such proportion of the licence fees as the unexpired period of the licence bears to the term for which it was granted.

Licences for amusement machines.

29A.(1) No person shall operate any amusement machine otherwise than in accordance with a licence issued under this section in respect of that amusement machine.

(2) In granting a licence under this section, the licensing authority may attach such conditions to the licence as he thinks fit.

(3) For the purpose of this section–

(a) "amusement machine" means a machine (not being a gaming machine as defined in section 2(1) of the Gaming Act 1958 No. 9) for playing a game that requires no action by the player other than the actuation or manipulation of the machine;

(b) a person operates an amusement machine if–

(i) being the owner of or a person having any interest in the amusement machine, he supplies or installs it for use in any place to which the public or any section of the public has access; or

(ii) being the occupier of any premises, he installs the amusement machine or permits or allows it to be installed in any part of the premises, being a part to which the public or any section of the public has access.

(4) An application for a licence in respect of an amusement machine under this section may be made by any person who wishes to operate it.

(5) It shall be a condition of every licence granted under this section that the licensee shall in writing, on the lst days of March, June, September and December in every year, deliver to the licensing authority a written return signed by the licensee and specifying the total number of amusement machines in respect of which he has been granted licences under this section and the location of every such amusement machine.

(6) A person who submits any return under subsection (5), knowing it to be false in any material particular, is guilty of an offence against this Act and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Licences for hiring video cassettes and tapes.

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29B.(1) No person shall lend by way of business any video cassette or video tape otherwise than in accordance with a licence issued under this section.

(2) In granting a licence under this section–

(a) the licensing authority shall specify as a condition in the licence the premises in or from which the business authorized by the licence may be carried on by the licence ; and

(b) the licensing authority may attach such other conditions to the licence as he thinks fit.

Restrictions on hiring copies.

29C.(1) No person shall lend by way of business any video cassette or video tape that is copy.

(2) For the purposes of this section–

(a) a video cassette or video tape is a copy if the contents of the cassette or tape comprise, wholly or substantially, material that has been recorded on to it directly or indirectly from off any one or more other video cassettes, video tapes, films or television images; and

(b) it is immaterial that any person holds a licence under section 29B.

(3) It shall be a defence in any prosecution for a contravention of subsection (1) if the defendant proves that the copy is lent by way of business by him with the authority or consent of the person holding the copyright in the material copied, or that he had reasonable grounds for believing that it was so lent.

PART IV.–TRANSFER, DURATION, CONDITIONS AND CANCELLATION OF LICENCES.

Transfer of licences.

30.(1) The licensing authority may, if it sees fit, on the application in writing made by the proposed transferor and transferee, require the Financial Secretary to transfer any licence on payment of the prescribed fee.

(2) The transferee shall, during the unexpired period for which such licence was granted, possess all the rights of the original licensee, and, shall be subject and liable as and from the date upon which the licence was transferred to him to the' same duties, obligations and penalties as if such licence had been originally granted to him, and the person whose licence ;hall be so transferred shall cease to be licensed under such licence.

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Procedure on death of licensee.

31.(1) Upon the death of a holder of any licence which may have been issued under any provision of this Act and which applies only to certain defined premises his legal personal representative may continue to carry on the business under the licence for the unexpired period of the licence yet to ran, either personally or by an agent expressly authorized in writing by the licensing authority, without any renewal or formal transfer of the licence, and the legal personal representative or the agent, if one shall have been appointed, shall as to all rights and obligations be regarded as the original holder.

(2) Upon the death of a holder of any licence other, than one to which the provisions of subsection (1) apply, the Financial Secretary may refund to the legal personal representative of the licensee, such proportion of the licence fee as the unexpired term of the licence bears to the period for which the current licence was issued provided that such refund is applied for within two months of the death of the licensee.

(3) Where a licensee dies, leaving a widow surviving him, the widow shall, until probate or letters of administration shall have been duly granted and for the purposes of this section, be deemed to be his legal personal representative.

Refund of part of licence fee upon surrender of licence.

32. Where a licensee voluntarily surrenders his licence before the time at which it is due to expire, he shall be entitled to have refunded to him by the Financial Secretary a sum which bears to the amount he paid for the licence the same proportion as that which the unexpired period of the term of the licence bears to the whole time for which it was taken out:

Provided that from the amount so ascertained there shall be deducted–

(a) in the case of licences of an annual value of £10 or over, a sum of fifty pence; and

(b) in the case of licences of an annual value of less than £l0, a sum of twenty-five pence,

which sums shall not be refunded.

Duration of licences.

33. The period for which a licence may be issued shall be that prescribed in relation to the fees payable therefor.

Period covered by annual licences.

33A. Subject to the provisions of this section, every annual licence shall be for the period of a calendar year:

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Provided that every new licence issued during the currency of a year shall be for the remaining period of that calendar year, and the licence fee payable shall bear the same proportion to the annual licence fee as the remaining period of the year bears to the whole year.

Conditions of licences.

34. A licence issued under the provisions of this Act shall be subject to such conditions as may be specified by this Act and as may be prescribed.

Cancellation of licences.

35.(1) The Financial Secretary may, in his discretion, cancel or withdraw at any time any licence issued under this Act without reason being assigned and no compensation shall be payable to the licensee or any other person in respect of any such cancellation or withdrawal:

Provided that, unless such licensee shall have been convicted of a breach of the provisions of this Act, the Financial Secretary may refund such proportion of the original licence lee as the unexpired period of the licence bears to the original term for which it was taken out.

(2) Any cancellation or withdrawal of a licence under this section shall be subject to the right of the licensee to appeal to the Government and the re–issue of such licence shall be subject to the Government's decision.

PART V.–FEES AND CHARGES.

Fees for licences.

36. Subject to the provisions of sections 33A and 36A there shall be levied and paid to the Government or to such person as the may be appointed by the Government by notice published in the Gazette, in respect of any licence issued under this Act, the prescribed fee.

Fees for tavern licences.

36A. Notwithstanding that a tavern licence to sell intoxicating liquor is granted in respect of two or more rooms in the same premises, one licence fee only shall be payable in respect of all such rooms as are under the same ownership and control.

Fees and charges for other matters.

37. There shall be levied and paid to the Government, or to such person as may be appointed by the Governor by notice in the Gazette, in respect of any of the matters specified in the Schedule, the prescribed fee or charge.

Payment of fees and charges.

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38.(1) All fees and charges levied and payable under this Act shall, save as may be otherwise provided, be paid to the Financial Secretary or to such other officer as may be authorized by him for that purpose.

(2) Where this Act so provides, payment shall be made by revenue stamps.

Exemption in case of passports.

39. The Government may grant an exemption of the whole or any part of any fee or charge payable under the Schedule in respect of the issue, renewal, endorsement or visa of any passport.

Fees and charges under other laws.

40. Where, by any other law, it is provided that any licence, permit, certificate, pass or other document is required, and no fee or charge is specified therein, the Government may, without prejudice to any powers conferred by such other law, by notice in the Gazette include such licence, permit certificate, pass or other document in the Schedule, whereupon the provisions of this Act as to the payment of fees and charges will apply thereto.

PART VI.–OFFENCES AND LEGAL PROCEEDINGS.

Spirit not to be distilled or compounded.

41. Except as otherwise provided in this Act a person who makes or distills, rectifies or compounds any spirit in Gibraltar or who has in his custody or possession any still, apparatus or utensils for making', distilling, rectifying or compounding any spirit or capable of being used for any such purpose is guilty of an offence and is liable on summary conviction to a fine at level 2 on the standard scale and all materials, preparations, vessels and utensils used or intended to be used in making, distilling, rectifying or compounding of spirit or capable of being so used shall be forfeited.

Sugar and other matters not to be added to spirits.

42. A person who adds or mixes any sugar or syrup or any glutinous matter or saccharine or other matter or thing to or with any spirits whereby the gravity thereof shall be increased, or so as to prevent the strength thereof from being ascertained by Sykes' hydrometer, is guilty, of an offence and is liable on summary conviction to a fine at level 2 on the standard scale and all spirits so mixed or added to shall be forfeited.

Prohibition of distribution of intoxicating liquors or tobacco as gifts or rewards.

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43.(1) No persons shall give, distribute, or offer as a gift, reward or prize at any public fair or park or in any public place whatever any wines, spirits, malt liquors, tobacco, cigars, cigarettes or other goods for the sale of which a licence is required under any provision of this Act.

(2) No person shall manage, conduct, or assist in the management or conduct of any lottery, or sell in Gibraltar any tickets in respect of a lottery if any prize or gift in any such lottery consists of any wines, spirits, malt liquor, tobacco, cigars or other goods for the sale of which a licence is required under any provision of this Act:

Provided that this subsection shall not apply to any lottery which is, by virtue of section it or section 12 of the Gaming Act, exempt from the provisions of that Act or in respect of which a permit has been issued under section 13 thereof.

(3) A person who commits a breach of any of the provisions of this section is, in addition to any other penalty to which he may be liable under the provisions of any other law, guilty of an offence against this Act.

General penalty.

44.(1) A person who acts in contravention of any of the provisions of this Act or any of the terms or conditions of any licence issued under the authority of this Act is guilty of in offence against this Act;

Provided that the Licensing Authority may, in its discretion, stay or compound any proceedings for an offence under the Act where that offence is a failure to have or to have taken out a licence required by the Act and where the Licensing Authority exercises its discretion to compound such proceedings, it shall take account of the provisions of paragraph (a) and (b) of sub-section (2), in so doing.

(2) A person who commits an offence against this Act for which no special penalty is provided is liable, on summary conviction to a fine at level 2 on the standard scale and where the offence consists wholly or in part of failure to have or take out a licence required by this Act he shall forfeit in addition to any fine that may be imposed an amount equal–

(a) in the case of a daily licence, to thirty times the amount of such daily licence ; and

(b) in the case of a licence other than a daily licence, to one and a half times the amount payable for such licence for a period of one year.

Revenue officer to have right of audience in magistrates' court.

45.(1) Where any proceedings are brought in the magistrates' court under this Act any revenue officer may appear to prosecute or conduct the case.

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(2) A statement by an individual that he is a revenue officer and that he appears to prosecute or conduct any such case shall be prima facie evidence that the individual in question is a revenue officer and that he is duly authorized to appear to prosecute or conduct such case.

Powers of revenue officers.

46.(1) Any revenue officer or police officer shall have free access at any reasonable time to any premises or place for the purpose of ensuring that the provisions of this Act or of any licence issued thereunder are being complied with.

(2) A person who prevents, obstructs or delays such access is guilty of an offence and is liable on summary conviction to a fine at level 1 on the standard scale.

Proceedings may be taken within three years.

47. Any prosecution for an offence against this Act may be commenced at any time within three years after the offence was committed.

Fees and charges recoverable summarily.

48. Any fee, charge or other sum payable under this Act and any sum of money payable in respect of any licence, permit, certificate, pass or other document under any other Act may, without prejudice to any other remedy conferred by any other law, be recoverable summarily as a civil debt.

Presumption of law in prosecutions.

49. In any prosecution under this or any other Act charging any person with doing, without a valid licence therefor, anything for the doing of which a licence is required under this or any other Act, the charge shall be held proved if it be shown to the satisfaction of the court that the accused did the said thing unless the accused produce a valid licence in court or show to the satisfaction of the court that such licence was duly taken out.

PART VII.–MISCELLANEOUS.

Saving for Crown.

50. Nothing in this Act contained shall be deemed to bind the Crown or affect prejudicially any estate, right, power, privilege or exemption of the Crown.

Rules.

51.(1) The Government may make rules for the better carrying out of the purposes of this Act and in particular, but without prejudice to the generality hereof, may make rules–

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(a) regulating the conduct and government of the business of the holder of any licence issued under the provisions of this Act;

(b) regulating the conduct and government of any trade, business or occupation for which a licence is required under this Act;

(c) regulating the conduct and government of persons–

(i) licensed to sell by retail any wines, spirits or malt liquors; or

(ii) holding beer merchants', wholesale or full wine merchants' licences; or

(iii) carrying on or exercising the trade, business, occupation or calling of bakers, tobacconists, brokers, guides or porters;

(d) regulating the local manufacture of spirits;

(e) prescribing anything which may be prescribed under this Act.

(2) Rules made under this Act may provide that, where an offence is committed in respect of a rule relating to the conduct of a licensee, upon a second or subsequent conviction for an offence against any such rule the licence held by the licensee shall be forfeited.

Amendment of Schedules.

52. Without prejudice to the provisions of section 40, the Government may by order amend the Schedule and such order shall be laid before the Gibraltar Parliament at the meeting thereof next ensuing after such order has been made.

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SCHEDULE.

Section 37.

Matters in respect of which fees and charges may be prescribed.

	Fee £
1. CUSTOMS	
(a) For any certificate issued by the Collector of Customs in relation to quantities and condition of any class of goods imported into or exported from Gibraltar:– (i) certificate of landing or shipment; (ii) certificate of weight or measurement (applicable also to liquors); (iii) certificate of examination of goods, short or damaged; (b) Declaration of import of a motor vehicle for personal use. (c) Issue of an import licence under the Imports and Exports (Control) Regulations, 1987; (d) Issue of an export licence under the Imports and Exports (Control) Regulations, 1987; (e) Declaration of goods imported on a temporary basis; (f) Declaration of goods in transit; (g) Transfer or assignment of an import licence granted in respect of a vessel or caravan (as defined by paragraph 5 of Schedule 1 to the Imports and Exports (Control) Regulations, 1987.	
2. FEES ON DOCUMENTS RELATING TO LANDED PROPERTY.	
(a) an original grant of Crown Land in fee or lease or demise for a term of years of Crown Land, on paper or parchment, under the Public Seal (b) Government's approval to a deed of conveyance, partition, mortgage or other instrument affecting lands held in fee or a deed of assignment, mortgage, lease, sub-lease or demise or lease for a term of years, requiring registration in the Supreme Court.	

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3. REGISTRATION AND NATURALIZATION

1. Matter in which fee may be taken	*Amount of fee £*	*To whom fee is payable*
(a) Registration of a person as a British citizen under section 5 of the British Nationality Act 1981.		Into the Consolidated Fund.
(b) Registration of a person of full age as a British Dependent Territories citizen under the British Nationality Act, 1981.		The same
(c) Registration of a minor as a British Dependent Territories citizen under the British Nationality Act, 1981, except under sections 21.		The same
(d) Registration of a minor as a British Dependent Territories citizen under section 21 of the British Nationality Act, 1981.		The same
(e) Grant of a certificate of naturalization as a British Dependent Territories citizen under section 18(1) of the British Nationality Act, 1981.		The same
(f) Grant of a certificate of naturalization as a British Dependent Territories citizen under section 18(2) of the British Nationality Act, 1981.		The same
(g) Registration of a declaration of renunciation of British Dependent Territories citizenship under section 24 of the British Nationality Act, 1981.		The same
(h) Supplying a certified or other copy of a notice, certificate, order, declaration or entry given, granted or made under the British Nationality Act, 1981 or any of the former nationality Acts.		The same
(i) Administering the oath of allegiance for the purposes of the British Nationality Act, 1981.		If the oath is administered by a Commissioner for Oaths or Notary Public, to the Commissioner for

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		Oaths or Notary Public.

4. OFFICE FEES.

For the issue of any licence, permit, certificate, pass or other document required under the authority of any law for which no fee is specified therein or by this Act.	
For the attestation or authentication by a public officer, justice of the peace or notary public, as such, of any signature or document where not otherwise provided; for each signature or document attested or authenticated.	
For the issue of a certificate or other document by a public officer, for use outside Gibraltar.	

5. PASSPORT FEES.

For the issuing, extending or amending of passports, for checking or forwarding applications for the issue of a passport by an authority of Her Majesty's Government in the United Kingdom, for the granting of visa or entry permits, for the making or forwarding of requests or recommendations to or issuing any certificate, declaration or document which may be required by an authority of Her Majesty's Government in the United Kingdom, a dependency of the United Kingdom or any other country or territory for or in connection with the other country or territory for or in connection with the application for issue or renewal of entry clearance, resident permit, identity card, application for registration on naturalisation or any other certificates or documents, or for receiving an application of entry clearance.

6. DRUGS (MISUSE).

For the issue of a licence under the Drugs (Misuse) Act, there shall be payable the prescribed fee.

7. *Deleted.*

8. CRANAGE AND WEIGHMENT CHARGES.

PART I.–CRANAGE CHARGES.

Fees may be prescribed in respect of cranes of various lifting capacities and types and in respect of various locations and times and the fees so prescribed shall be payable on demand to the Captain of the Port or to an officer authorised by him.

PART II.–OVERTIME FEES.

1. The prescribed overtime fees shall be payable for the services of customs staff outside the normal hours of business.

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2. For the purposes of this Part, normal hours of business means 9,00 a.m. to 12.45 p.m., and 2.00 p.m. to 4.45 p.m., on all days, other than Saturdays, Sundays and public holidays.

PART III.–WEIGHMENT CHARGES.

1. Charges shall be prescribed for the use of the weightbridge and for the use of other weighting instruments.

2. The weighbridge shall only be used for weighments of annuals, articles, vehicles or packages of not less than 5 cwt. and at the discretion of the Collector of Revenue.

PART IV.–EXAMINATION FEES.

For the examination of goods at the request of a member of the public preparatory to the issue of an official certificate there shall be a prescribed charge.

PART V.–ATTENDANCE FEES.

A fee shall be charged for the attendance of a revenue officer to supervise the conveyance of dutiable goods from Waterport Wharf to any place outside the area of Waterport Wharf.

9. RENTAL CHARGES.

(1) Rental charges shall be paid in respect of every container anywhere within the Port, other than in a Government store.

(2) No container shall be removed from the Port, whether by sea or land, unless all charges in respect thereof under this Item have been paid.

(3) Charges prescrided under this Item shall be payable by the owner of the container or the owner's representative in Gibraltar and both the owner and the representative shall be jointly and severally liable for the payment of such charges.

(4) Any rental charges due under this Item may be recovered summarily by the Captain of the Port as a civil debt notwithstanding that the container has not been removed from the Port:-

Provided that in the case of a container which has not been removed from the Port no proceedings shall be instituted unless and until rental charges of more than five times the daily charge in respect of that container are due or would have been due but for the fact that they have been reduced below that figure by reason of a sale under paragraph (5).

(5) The Captain of the Port may, without prejudice to his powers under paragraph (4), sell or otherwise dispose of any container in the Port in respect of which rental or charges of more than five times the daily charge in respect of that container are due and if the Captain of the

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Port sells any such container the sum received therefor, less the costs of sale thereof, shall be set-off against any sum due in respect of such container for rental or charges.

(6) The Captain of the Port may, in respect of any container brought into or removed from the Port by sea or land, require of any person whom he considers able to give him such evidence, such evidence as he may deem necessary to enable him to assess the charges payable or which may become payable, in respect of such container.

(7) All charges due under this Item shall be payable on demand to the Captain of the Port or to an officer authorized by him.

(8) For the purpose of this item a container moved into a Government store within the Port shall be deemed to be removed from the Port and a container leaving such a store shall, unless it is immediately removed from the Port, be deemed to have entered the Port.

10. ARRIVAL AND DEPARTURE CHARGES

1.(1) Subject to the provisions of sub-paragraph 1(2), there shall be paid in respect of every fare-paying passenger on departure from Gibraltar by civil aircraft -

(a) to a destination in Morocco, £3,

(b) to any other destination, the sum of £10,

(2) The provisions of sub-paragraph 1(1) shall not apply -

(a) to passengers under 2 years of age,

(b) to any passenger in transit whose ticket does not provide for the passenger to spend more than 24 hours in Gibraltar,

(c) to passengers travelling on civil aircraft forced to return to Gibraltar Airport due to mechanical, navigational or meteorological reasons,

(d) to any passenger lawfully removed from Gibraltar under the following provisions of the Immigration Control Act, namely –

(i) section 54 (fugitive offenders),

(ii) section 55 (political refugees),

(iv) section 59 (detention and removal of unauthorised persons).

2. *Omitted*.

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3. The sums due under the provisions of paragraph 1 shall be paid to the Financial Secretary or to such other person as the Government may appoint by notice published in the Gazette within fourteen days after the end of the calendar month within which the arrival or departure occurs, by the carrier issuing the ticket or, if the carrier has no office in Gibraltar, by his agent.

4. At the time of payment the carrier or his agent, as the case may be, shall deliver to the Financial Secretary or such other person the list of passengers in respect of whom the sums due are paid.

5. A carrier or agent of a carrier who fails to pay any sum due under this Item within the time prescribed by paragraph 4 or who fails to deliver to the Financial Secretary or such other person a list of passengers as required by that paragraph is guilty of an offence and is liable on summary conviction to a fine at level 1 on the standard scale.

6. The sums due under this Item shall be a civil debt due to the Crown and may be recovered summarily.

11. UNIT TRUST SCHEMES.

1. There shall be paid to the Financial Secretary in respect of every unit trust scheme (as defined in section 2(1) of the Financial Services Act, 1989) that is established or managed in Gibraltar the prescribed fee.

2. The fee specified in paragraph I shall be payable in advance on or before the date on which the scheme is established or first commences to be managed in Gibraltar or first becomes liable to pay such fee, and thereafter on or before each subsequent anniversary of that date.

3. The fee shall be payable by and shall be recoverable by the Crown summarily as a civil debt due jointly and severally from every manager of the scheme.

12. IMPORTATION OF MATERIALS TO WHICH RULE 12 OF THE LITTER AND NUISANCE RULES AND REGULATIONS 1994 APPLIES.

There shall be paid to the Chief Executive Health office in respect of every permit issued under the provisions of rule 12 of the Litter and Nuisance Rules and Regulations 1994 the prescribed fee.

13. Police reports in respect of road traffic accidents and complaints of crime, otherwise than for use in criminal proceedings.

1. Prosecution docket with 25 pages or less	£10.00
2. Prosecution docket with more than 25 pages	£50.00

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3. Abstract of police road traffic accident report	£25.00
4. Abstract of police crime report form	£25.00
5. One photograph and each print thereof	£ 3.00
6. An interview with a police officer in relation to the arbitration of a road traffic accident.	£25.00.

14. Police Reports - General.

Application for a police report which the Police have begun to process but which, at the request of the applicant, further processing is stopped	£15.00

Sustainable Tourism Fee.

15.(1) Every visitor to Gibraltar must in respect of each night that visitor stays in a hotel or in rented accommodation pay the Sustainable Tourism Fee ("the fee").

(2) The following must collect the fee-

(a) the owner or proprietor of the hotel where the visitor is staying;

(b) the letting agent, where the letting of the rented accommodation is managed by a letting agent, that agent; or

(c) where subparagraphs (a) and (b) do not apply, the owner of the accommodation that the visitor has stayed in.

(3) The fees collected under this paragraph must be paid to the Department of the Environment no later than the end of the next calendar month following the month in which the date of the visitor's stay occurs.

(4) At the time of the payment of the fees the owner or proprietor of the hotel, the letting agent or the owner of the accommodation, as the case may be, must deliver a list of the numbers of visitors in respect of whom the fees due are paid and the length of their stay.

(5) The fees collected by the Department of the Environment must be paid into the Climate Action Fund.

(6) In this paragraph-

"charity" has the meaning given by the Charities Act;

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"hotel" includes, a hostel;

"letting agent" means any person who engages in the activity of letting properties in exchange for a fee or commission;

"rented accommodation" means any accommodation that is made available to a visitor for a fee, it includes a single room in a property where it is rented on that basis, and where the rented accommodation is on board a vessel, it includes a single cabin in that vessel or the whole vessel, as the case may be.

(7) This paragraph does not apply to-

(a) a child under the age of 12 years;

(b) a visitor who is staying in accommodation that is owned, operated or managed by a charity and approved by the Minister as being exempted accommodation for the purposes of this paragraph; or

(c) a visitor who arrives in Gibraltar on a cruise ship and to whom the charges in paragraph 3(e) of Schedule 4 to the Port Rules apply.

Administrative Service Requests.

16. The prescribed fees shall be payable for the provision of the following administrative services by the Income Tax Office-

Certificate of ordinarily resident	In respect of a company
Certificate of ordinarily resident	In respect of an individual meeting the conditions of section 74 of the Income Tax Act 2010, including an individual: - in employment; - carrying on a trade, business, profession or vocation; - who has a certificate issued under the Qualifying Category 2 Individuals Rules 2004 or the High Executive Possessing Specialist Skills Rules 2008.
Certificate of compliance	In respect of a company
Certificate of compliance	In respect of an individual:

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	- in employment; - carrying on a trade, business, profession or vocation; or - who has a certificate issued under the Qualifying Category 2 Individuals Rules 2004 or the High Executive Possessing Specialist Skills Rules 2008.
Statement of account	A summary listing in respect of all transactions carried out
Certificate	A certificate and processing of overseas double taxation forms

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