

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5348 GIBRALTAR Friday 2nd October 2026

B. 27/26

BILL

FOR

AN ACT to amend the Tobacco Act 1997.

ENACTED by the Legislature of Gibraltar.

Short title.

1. This Act may be cited as the Tobacco (Amendment) Act 2026.

Commencement.

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

Amendment to Tobacco Act 1997.

3.(1) The Tobacco Act 1997 is amended in accordance with this section.

(2) In section 2 for “2000” substitute “100,000”;

(3) In section 6(3)-

(a) for paragraph (b) substitute-

“(b) it shall not be transferable save with the prior written consent of the Minister with responsibility for Customs, who shall, before granting or refusing consent, consult and have regard to the advice of the Collector of Customs;

For the purposes of this paragraph, the Minister may grant consent subject to such conditions as the Minister considers proportionate and reasonably related to the purposes of this Act, including but not limited to conditions requiring the proposed transferee to satisfy the same eligibility criteria as would apply to a new applicant for a licence under this Part, and the Minister shall not grant consent unless satisfied that the proposed transferee is not subject to a licensing bar;”;

- (b) in paragraph (c) for “save with the written consent of the Collector of Customs” substitute “save with the prior written consent of the Minister with responsibility for Customs, who shall, before granting or refusing consent, consult and have regard to the advice of the Collector of Customs”;
 - (c) in paragraph (c)(ii) for “Collector of Customs” substitute “Minister with responsibility for Customs” in the two places where it occurs and delete “,in his absolute discretion,”;
 - (d) in paragraph (ca) for “Collector of Customs” substitute “Minister with responsibility for Customs”;
 - (e) in paragraph (cc)(i) for “charged with” substitute “convicted of”.
- (4) In section 6, for subsection (4) substitute-
- “(4) Every retail licence shall be issued subject to the condition that it authorises the sale of tobacco for no less than the minimum retail prices set by the Collector of Customs pursuant to section 4A.”.
- (5) Delete section 6(5).
- (6) In section 6 after subsection (14) insert-
- “(15) Notwithstanding sections 3(1) and 4(1), the holder of the retail licence (“the transferor”) may sell or otherwise transfer for value unused stocks of cigarettes, in any quantity, to another holder of a retail licence (“the transferee”) for the purpose of onward sale by the transferee under its own retail licence, provided that, at the time of the sale or transfer, both the transferor and the transferee hold valid retail licences issued under this section and neither such licence is the subject of a pending application for revocation, under section 7.
- (16) For the avoidance of doubt, a sale or transfer of cigarettes made in compliance with subsection (15) shall not be treated as a sale by way of wholesale dealing for the purposes of section 3, and section 3(1) shall not apply to such a sale or transfer.”.
- (7) Delete section 6A.
- (8) In section 10-
- (a) in subsection (1), after “Collector of Customs may,” insert “with the prior written consent of the Minister with responsibility for Customs,”;
 - (b) after subsection (1) insert-

“(1A) The consent of the Minister under subsection (1) may be subject to such conditions as the Minister considers appropriate.

(1B) Before giving consent under subsection (1), the Minister shall have regard to the proportionality of the proposed prohibition, restriction or regulation and its likely impact on persons lawfully engaged in the tobacco trade in Gibraltar.”.

(9) In section 11(4)(c) delete “, through the examination station at Four Corners”.

(10) In section 11B for “600” substitute “2000”.

(11) In section 11G(2) after “upon request” insert “within 7 days”;

(12) In section 13 delete subsections (7) and (8).

(13) In section 14A-

(a) in subsection (1) for “Collector of Customs” substitute “Minister with responsibility for Public Finance”;

(b) in subsection (3) for “Collector” substitute “Minister”.

(14) In section 14B for “Collector of Customs” substitute “Minister” in the two places where it occurs.

(15) In section 14C for “Collector of Customs” substitute “Minister”.

(16) In section 14D-

(a) for paragraph (a) substitute-

“(a) it is not transferable save with the prior written consent of the Minister with responsibility for Customs, who shall, before granting or refusing consent, consult and have regard to the advice of the Collector of Customs;

For the purposes of this paragraph, the Minister may grant consent subject to such conditions as the Minister considers proportionate and reasonably related to the purposes of this Act, including but not limited to conditions requiring the proposed transferee to satisfy the same eligibility criteria as would apply to a new applicant for a licence under this Part, and the Minister shall not grant consent unless satisfied that the proposed transferee is not subject to a licensing bar;”;

(b) in paragraph (b) for “Collector of Customs” substitute “Minister”.

(17) In section 14I(2) after “upon request” insert “within 7 days”.

(18) In section 22(1)-

- (a) for “the following returns” substitute “the following weekly returns”;
- (b) for “day” substitute “week” wherever it occurs; and
- (c) for “Collector of Customs” substitute “Minister”.

(19) In section 23-

- (a) in subsection (2) for “at any reasonable time and place” substitute “within 7 days”;
- (b) in subsection (3)(b) after “subsection (2) above” insert “within 7 days”.

EXPLANATORY MEMORANDUM

This Bill amends the Tobacco Act 1997 to modernise Gibraltar's tobacco licensing and regulatory regime, in keeping with the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland of the other part, by updating licensing thresholds, transferring certain decision-making powers from the Collector of Customs to the responsible Minister, and streamlining administrative procedures.

The Bill introduces greater procedural fairness by linking certain licensing consequences to convictions rather than charges, facilitates legitimate trade between licensed retailers, and reduces compliance burdens through less onerous reporting requirements. It also strengthens ministerial oversight of significant regulatory measures affecting the tobacco sector while preserving the independent operational role of Customs.

Overall, the amendments seek to ensure that the regulation of tobacco products remains effective, proportionate and responsive to current commercial and regulatory needs, whilst recognising the minimal price differentials with neighbouring jurisdictions and the track and trace requirement now introduced that have come into effect as a result of the Treaty, has resolved previous concerns about potential illicit trade in tobacco products in or from Gibraltar.