

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 2,264 of 5th DECEMBER, 1985.

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I ASSENT,

PETER TERRY,

GOVERNOR.

5th December, 1985.



**GIBRALTAR**

**No. 21 of 1985.**

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**AN ORDINANCE** to make provision in connection with the inclusion of the Kingdom of Spain and the Portuguese Republic within the European Communities.

**ENACTED** by the Legislature of Gibraltar.

**Short title and commencement.**

1. (1) This Ordinance may be cited as the European Communities (Spanish and Portuguese Accession) Ordinance, 1985.

(2) This Ordinance shall come into operation on the 1st day of January, 1986.

**European Communities (Spanish and Portuguese Accession) Ordinance,  
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**Extended meaning of "the Treaties" and "the community Treaties" Ord.  
18 of 1972.**

2. In section 2 (1) of the European Communities Ordinance, 1972, in the definition of "the Treaties" and "the Community Treaties" there shall be inserted after paragraph (d) the words "and

- (e) the treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community, signed at Lisbon and Madrid on 12th June 1985; and
- (f) the decision, of 11th June 1985 of the Council relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Coal and Steel Community, "

**Amendment Of existing laws Schedule**

3. The enactments specified in the M. First and Second columns of the Schedule are amended in the manner and to the extent specified in the Third Column of that Schedule.

**SCHEDULE.  
AMENDMENT OF EXISTING LAW.**

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74	Immigration Control Ordinance	(a) Section 49 is amended by repealing the definition the term "Community National" and substituting the following new definition:
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" "Community National" means a national of a

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Member State of the European Economic

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Community being a State specified in the First Schedule other than a person to whom the provisions of section 4 apply;"

(b) Section 50 is amended by repealing subsection (1) and substituting the following new subsection:

"50 (1) Subject to provisions of section 53 a Community National may enter Gibraltar on the production, by such national of a valid identity card or a valid passport issued by the Member State of which he is a national proving his identity as a national of that State."

(c) Section 52 (1) is amended by repealing the second proviso and substituting the following further provisos:

"And Provided that the provisions of sub-paragraph (a) (ii) and (b) shall not apply to a national of the Kingdom of Spain until the expiration of the transitional periods provided for in Articles 55 to 58 of the Act annexed to the Treaty concerning the Accession of the Kingdom of Spain to the European Economic Community and the European Atomic Energy Community; And Provided that the provisions of sub-paragraph (a) (ii) and (b) shall not apply to a national of the Portuguese Republic

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until the expiration of the transitional periods provided for in Articles 215 to of the Act annexed to the Treaty concerning the Accession of the Portuguese Republic to the European Economic Community and the European Atomic Energy Community."

(d) Section 59 is amended by repealing subsection (6) and substituting the following new subsections:

"(6) The provisions of subsections (1) to (3) shall only apply to a national of the Kingdom of Spain employed in Gibraltar if such national is in possession of a residence permit.

(7) The provisions of subsections (1) to (3) shall only apply to a national of the Portuguese Republic employed in Gibraltar if such national is in possession of a residence permit."

(e) The Immigration Control Ordinance is further amended by repealing the First Schedule and substituting therefor the following new Schedule:

**"FIRST SCHEDULE**

Section 49

**MEMBER STATES**

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**European Communities (Spanish and Portuguese Accession) Ordinance,  
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The Kingdom of Belgium  
The Kingdom of Denmark  
The Federal Republic of Germany  
The Hellenic Republic  
The Kingdom of Spain  
The French Republic Ireland  
The Italian Republic  
The Grand Duchy of Luxembourg  
The Kingdom of the Netherlands  
The Portuguese Republic  
The United Kingdom of Great Britain  
and  
Northern Ireland.

1. Notwithstanding anything contained in Part IX a person who is:

(a) a national of the French Republic solely by birth in or other connection with a French Overseas dependent territory; or

(b) a national of the Kingdom of the Netherlands solely by birth in or other connection with Surinam or the Antilles,

shall not have any of the rights conferred by Part IX.

2. For the purposes of Part IX a national of the United Kingdom shall mean:

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- (a) British citizens;
- (b) Persons who are British subjects by virtue of Part IV of the British Nationality Act, 1981 and who have the right of abode in the United Kingdom and are therefore exempt from United Kingdom immigration control;
- (c) British Dependent Territories citizens who acquire their citizenship from a connection with Gibraltar.

" Chapter 82	Land (Titles) Order.	<p>The Land (Titles) Order is amended by repealing section 2A and substituting the following new section:</p> <p>"2A The provisions of this Order shall apply to –</p> <ul style="list-style-type: none"> <li>(a) a national of a Member State of the European Economic Community who has a valid residence permit issued under Part IX of the Immigration Control Ordinance;</li> <li>(b) a national of a Member State of the European Economic Community who has a right of establishment in Gibraltar and who has exercised or intends to exercise that right; and</li> </ul>
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(c); a company incorporated under the law of a Member State of the European Economic Community which has a right of establishment in Gibraltar and has exercised that right,

as -if such national or company were a British subject and for the purposes of such application any reference in this Order to a British subject shall be construed as a reference to such national or company."

Chapter 154      Traffic Ordinance

(a) Section 16 is amended by repealing subsection (3A) and substituting the following new subsection:

"(3A) Notwithstanding subsection (3), where during the period that a driving licence remains in force, the holder of the licence takes up normal residence outside Gibraltar in a Member State of the European Communities: the driving licence shall, as long as he remains normally resident in that State, continue in force until the expiry of the period of validity or until the expiry of the period of one year immediately following the date on which the holder first takes up such residence, whichever period expires the later."

(b) Section 46A is amended -

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(i) by repealing subsection (1) and substituting the following new subsection:

"46A. (1) Where the holder of a valid national driving licence of any Member State of the European Communities, authorising the driving on any public roads in that State of any vehicle specified in subsection (2), takes up normal residence within Gibraltar, that licence shall for the period of one year immediately following the date on which he first takes up such residence, as long as the licence continues to be valid -in the Member State and he continues to be normally resident in Gibraltar, have the same validity and effect as if it were a valid driving licence issued under this Ordinance in respect of that category of vehicle."

(ii) by repealing subsection (3) and substituting the following new subsection:

"(3) Where a person to whom subsection (1) refers within the period of one year referred to in that subsection, makes a request in writing in the prescribed form to the licensing authority, and at the time of the request, the national driving

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licence issued by the Member State is valid and he is normally resident in Gibraltar, the licensing authority shall on the surrender of the national driving licence issue to him in exchange a driving licence under this Ordinance for the category or categories of vehicles to which the surrendered licence relates."

35 of 1978. Trade Licensing ordinance 1978

(a) Section 13 is amended by repealing subsection (3), and substituting the following new subsection:

"(3) An application shall be made to the licensing authority not less than 3 months before it is desired that the licence be issued:

Provided that this subsection shall not apply if the applicant is –

(a) a company incorporated -in Gibraltar or under the laws of a Member State of the European Economic Community;

(b) A National of a Member State of the European Economic Community who has a valid residence permit issued under Part IX of the Immigration Control Ordinance or who has a right of establishment in Gibraltar or a right to

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provide services and intends to exercise  
either of those rights;

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(c) a person who either does not require a permit to reside in Gibraltar or who has a certificate of permanent residence issued under the Immigration Control Ordinance; or

(d) a person who under the provisions of this Ordinance is entitled as of right to a licence."

(b) Section 16 is amended by repealing subsection (2), and substituting the following new subsection:

"(2) In considering applications for licences the licensing authority shall not discriminate between persons who are nationals of Member States of the European Economic community including persons who are British Dependent Territories citizens who acquired their citizenship from a connection with Gibraltar."

Ordinance European communities  
No.2 of 1985 (Amendment) Ordinance,  
1985.

The European Communities  
Amendment) Ordinance, 1985 is  
amended by repealing:

(a) the whole of Part II;

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1985.**

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- (c) the Second Schedule; and
- (d) the Third Schedule

Passed by the Gibraltar House of Assembly on the 28th day of November,  
1985.

P. A. GARBARINO

Clerk to the Assembly.