

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5241 GIBRALTAR Thursday 10th July 2025

LEGAL NOTICE NO.145 OF 2025

HERITAGE AND ANTIQUITIES ACT 2018

HERITAGE AND ANTIQUITIES (AMENDMENT OF SCHEDULE 5) ORDER 2025

In exercise of the powers conferred upon him under section 46(4) to the Heritage and Antiquities Act 2018, and after consultation with the Heritage and Antiquities Advisory Council and the Gibraltar Heritage Trust, the Minister has made the following Order-

Title.

1. This Order may be cited as the Heritage and Antiquities (Amendment of Schedule No. 5) Order 2025.

Commencement.

2. This Order comes into operation on the 1 November 2025.

Amendment of Schedule 5.

3.(1) Schedule 5 to the Heritage and Antiquities Act 2018 is amended in accordance with this order.

(2) In sub-paragraphs 4(1) and 4(3) substitute “subsection” with “sub-paragraph”.

(3) Substitute sub-paragraphs 5(2) to 5(4) with the following-

“ (2) There shall be a Secretary to the Trust who will be appointed by the Board from their own number.

(3) The Secretary shall be responsible to the Board for the general exercise of the Board’s functions.

(4) The Board may employ such persons, who are not trustees, as the Board thinks fit as long as the board has the necessary funds to pay for the employee.

(5) The Board shall appoint their employees on such terms and conditions and shall pay them such remuneration and allowances as the Board may determine within the remit of the Laws of Gibraltar.” .

(4) Substitute sub-paragraphs 6(1) to 6(12) with the following-

- “6.(1) Subject to sub-paragraph (5) the Board shall consist of nine trustees, four of whom shall be appointed by the Minister and the remaining five trustees shall be elected at an annual general meeting of the Trust.
- (2) For the purposes of sub-paragraph (1) above, a trustee appointed by the Minister shall be known as an “appointed trustee” and a trustee elected at an annual general meeting of the Trust shall be known as an “elected trustee”.
- (3) Subject to sub-paragraph (6) a chairperson and vice-chairperson shall be elected by the trustees from among themselves.
- (4) If an appointed trustee dies or resigns or otherwise ceases to be a trustee, the Minister may appoint another person in his place.
- (5) The Minister may discharge an appointed trustee from his office at any time.
- (6) If an elected trustee dies, resigns or otherwise ceases to be a trustee, the Board shall appoint in his place another person and the person so appointed shall hold office until the next annual general meeting of the Trust.
- (7) An elected trustee may resign his office by notice in writing addressed to the chairperson. A chairperson or vice-chairperson may resign his office by notice in writing to the Minister. A trustee who absents himself from three consecutive meetings of the Board, without leave of the Board, shall be deemed to have resigned his office.
- (8) An appointed trustee may resign his office by notice in writing to the Minister.
- (9) A trustee shall be appointed or elected, as the case may be, for a term of 3 years.
- (10) Subject to the provisions of sub-paragraph (11), at the end of the three year term described in sub-paragraph (9), a trustee shall be eligible for re-appointment or re-election, as the case may be, for a final three year term.
- (11) A trustee may serve more than two consecutive three year terms only with the written agreement of the Minister in the case of an appointed Trustee and the written agreement of the majority of the remaining members of the Board in the case of an elected trustee.
- (12) At every meeting of the Trust, the two longest serving elected trustees as at the date of that meeting, shall retire and subject to the provisions of sub-paragraph (10) shall be eligible for re-election.
- (13) A person is disqualified from the office of trustee if–
- (a) he is an undischarged bankrupt, or

- (b) he has been convicted by any court of a criminal offence involving fraud or dishonesty and sentenced to a term of imprisonment without option of a fine.
- (14) The validity of any proceedings of the Board shall not be affected by any vacancy among the trustees or by any defect in the appointment of the trustees.
- (15) The Board may regulate its own procedure.
- (16) An elected trustee may be removed from office at any time by a resolution passed at a general meeting of the Trust by a majority of not less than two-thirds of the members present at the meeting.”.

Dated: 10th July 2025.

PROF. J CORTES,
Minister with responsibility for Heritage.

EXPLANATORY MEMORANDUM

This Order amends the structure and composition of the Gibraltar Heritage Trust contained in Schedule 5 to the Heritage and Antiquities Act 2018