

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3452 of 27 January, 2005

LEGAL NOTICE NO. 10 OF 2005.

PUBLIC FINANCE (CONTROL AND AUDIT) ACT

PUBLIC WORKS CONTRACTS (AMENDMENT) (EU ACCESSION COUNTRIES) REGULATIONS 2005

In exercise of the powers conferred on him by section 75 of the Public Finance (Control and Audit) Act, and in connection with the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, the Financial and Development Secretary has made the following regulations—

Title and Commencement.

1.(1) These regulations may be cited as the Public Works Contracts (Amendment) (EU Accession Countries) Regulations 2005 and shall be deemed to have come into operation on 1 May 2004.

Amendments to the Public Works Contracts Regulations 1996.

2.(1) The Public Works Contracts Regulations 1996 are amended in regulation 2(1) by deleting from the definition of “relevant State” the words “Hungary, Poland, the Czech Republic, Slovakia,”.

(2) The Public Services Contracts Regulations 1996 are amended in regulation 14(1)(h) by substituting for the words and figures “(5) and (6)” the words and figures “(5), (5A), (5B) and (6)”.

(3) The Public Services Contracts Regulations 1996 are amended by inserting into regulation 14(4) in the appropriate alphabetical place the following—

“in the Czech Republic, the obchodní rejstřík;”;

“in Estonia, the Keskäriregister;”;

“in Hungary, the Cégnylvántartás and the egyéni vállalkozók jegyzői nyilvántartása;”;

“in Latvia, the Uzņēmumu reģistrs (“Enterprise Register”);”;

“in Lithuania, the Juridinių asmenų registras;”;

“in Poland, the Krajowy Rejestr Sądowy (National Court Register);”;

“in Slovakia, the Obchodný register;”;

“in Slovenia, the Sodni register and obrtni register;”.

(4) The Public Works Contracts Regulations 1996 are amended in regulation 14 by inserting the following after sub-regulation (5)–

“(5A) A contractor who is established in Cyprus shall be treated as registered in the professional or trade register if he provides a certificate from the Συμβούλιο Εγγραφής και Ελέγχου Εργοληπτών Οικοδομικών και Τεχνικών Έργων (“Council for the Registration and Audit of Civil Engineering and Building Contractors”) according to the Registration and Audit of Civil Engineering and Building Contractors Law.”;

(5B) An individual tenderer (or supplier) who is established in Malta shall be treated as registered in the professional or trade register if he gives his “numru ta' registrazzjoni tat-Taxxa tal-Valur Miżjud (VAT) u n- numru tal-liċenzja ta' kummerċ”, and, if he is a partnership or company, the relevant registration number as issued by the Malta Financial Services Authority.”.

Dated the 27th day of January, 2005.

T J BRISTOW,

Financial and Development Secretary.

EXPLANATORY MEMORANDUM

These Regulations are required as a result of the accession to the European Union of ten new countries pursuant to the treaty between 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 Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003.

The Regulations amend the definition of “relevant State” in regulation 2(1) to reflect that certain states listed have, by virtue of the Accession Treaty above, become member states of the European Union. They also insert additional provisions into regulation 14(4) and create new sub-regulations 14(5A) and (5B) in compliance with amendments to directive 93/37 introduced in connection with the Accession Treaty and listing the appropriate professional and trade registers of the new European Union States.