

January 2007 – Special Edition

Companies House Newsletter

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For those of you who have not seen the letter dated 4 January 2007 circulated by the Legislation Support Unit please be advised that the new Constitution of Gibraltar entered into force on 2 January 2007.

Under section 33(5) of the Constitution, read with paragraph 2 of Annex 2, all laws passed by the Gibraltar Parliament (formerly the House of Assembly) are to be styled as “Acts”.

The Legislation Support Unit has therefore advised that the word “Ordinance” disappears from Gibraltar legislation and is replaced by the word “Act”.

The Legislation Support Unit has recommended that those affected change their templates and forms to use the new terminology.

As a consequence of the new Constitution:

1. We will take steps to use the correct terminology in all official certificates issued by Companies House.
2. We will begin the task of reviewing our internal paperwork (which will include our website and statutory forms) in order to change the wording. This review will however take some time. In the meantime wherever and whenever the word “Ordinance” appears this should be read and construed as “Act”.



3. We would recommend that the company incorporation and management industry take steps to change their standard templates and forms (which should include documents such as the Memorandum and Articles of Association of any new company formed) to use the correct terminology.
4. Changes should also need to be made to forms and documents used in the following areas: Business Names, Limited Partnerships, Yacht registrations, Trademarks, Patents, European Economic Groupings, Trusts and SE companies.
5. We will not reject any documents filed which have not been changed without giving the industry a reasonable period of notification in order to allow for an easy and trouble free transition.
6. We will review the position later in the year and then issue further guidance on this issue.

For more information please contact Jennifer Wiley or Chris Keightley-Pugh at Companies House.