Sanctions Act 2019

Principal Act

Act. No. 2019-06

Commencement 28.3.2019
Assent 28.3.2019

Amending enactments	Relevant current provisions	Commencement date
Act.2021-08	ss. 4(1), 8(3A)	9.2.2021
2024-34	ss. 8(3), (3A), (4), 8A, Sch.4	23.12.2024
2026-19	ss. 50(1)(b), (c), 51A-51D, 52(1)-(2)	9.9.2026

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PART 1
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Designation of persons by description under a designation power

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AN ACT TO MAKE PROVISION ENABLING APPROPRIATE SANCTIONS TO BE IMPOSED INCLUDING IN RESPECT OF ANY PERSONS, ENTITIES, GROUPS, ORGANISATIONS, STATES AND TERRITORIES FOR THE PURPOSES OF THE SECURITY OF GIBRALTAR OR INTERNATIONAL PEACE AND SECURITY OR IN ANY OTHER CIRCUMSTANCES WHERE IT WOULD BE APPROPRIATE TO DO SO AND FOR IMPLEMENTING IN GIBRALTAR ANY RESTRICTIVE MEASURES IMPOSED OUTSIDE GIBRALTAR; AND FOR CONNECTED PURPOSES.

PART 1
PRELIMINARY

Short title.

1. This Act may be cited as the Sanctions Act 2019.

Commencement.

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

Definitions

Interpretation.

3.(1) In this Act, unless the context otherwise requires–

"BGTW" means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

"country" includes any territory, region or other place;

"designation power" has the meaning given by section 28(1);

"economic resources" has the meaning given by section 4(2);

"financial products" has the meaning given by section 5(3);

"financial services" has the meaning given by section 5(1);

"freeze" or "freezing", in relation to funds or economic resources, has the meaning given by section 4(3) and (4);

"funds" has the meaning given by section 4(1);

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"international obligation" means an obligation created or arising by or under any international convention, treaty or agreement which has been extended to or otherwise applies to or in Gibraltar;

"person" includes (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons;

"prescribed", in any provision relating to regulations, means prescribed by the regulations;

"retained direct EU legislation" has the same meaning as in the European Union (Withdrawal) Act 2018;

"UN obligation" means an obligation that the United Kingdom has by virtue of a UN Security Council Resolution which applies to Gibraltar or is otherwise binding on Gibraltar;

"UN Security Council Resolution" means a resolution adopted by the Security Council of the United Nations; and

"United Nations Security Council" includes a subsidiary organ of the Security Council.

(2) Any reference in this Act to a person named "for the purposes of" a UN Security Council Resolution so far as it provides for the taking of particular measures includes any person who, by virtue of-

(a) being named for any purposes by the Security Council or a subsidiary organ of the Security Council; and

(b) the terms of the resolution,

is a person in relation to whom the resolution provides for the measures to be taken.

(3) Any reference in this Act to ships designated "for purposes of" a UN Security Council Resolution which provides for the taking of measures in relation to ships includes any ship which, by virtue of-

(a) being designated for any purposes by the Security Council; and

(b) the terms of the resolution,

is a ship in relation to which the resolution provides for the measures to be taken.

(4) In this Act any reference to a gross violation of human rights is to conduct which—

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(a) constitutes; or

(b) is connected with,

the commission of a gross human rights abuse or violation; and whether conduct constitutes or is connected with the commission of such an abuse or violation is to be determined in accordance with section 70A of the Proceeds of Crime Act 2015.

Meaning of "funds", "economic resources" and "freeze".

4.(1) In this Act "funds" means financial assets and benefits of every kind, (whether owned or held solely or jointly with another) including (but not limited to)-

(a) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(b) deposits, balances on accounts, debts and debt obligations;

(c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivative products;

(d) interest, dividends and other income on or value accruing from or generated by assets;

(e) credit, rights of set-off, guarantees, performance bonds and other financial commitments;

(f) letters of credit, bills of lading and bills of sale;

(g) documents providing evidence of an interest in funds or financial resources;

(h) any other instrument of export financing.

(2) In this Act "economic resources" means assets of every kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services and includes legal documents or instruments evidencing title to, or interest in such assets.

(3) In this Act references to "freezing" funds are to preventing funds from being dealt with; and for the purposes of this subsection funds are "dealt with" if-

(a) they are used, altered, moved, or transferred or access is allowed to them,

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(b) they are dealt with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination, or

(c) any other change is made that would enable their use, including portfolio management.

(4) In this Act references to "freezing" economic resources are to preventing economic resources from being dealt with; and for the purposes of this subsection economic resources are "dealt with" if-

(a) they are exchanged for funds, goods or services, or

(b) they are used in exchange for funds, goods or services (whether by being pledged as security or otherwise).

Meaning of "financial services" and "financial products".

5.(1) In this Act "financial services" means any service of a financial nature, including (but not limited to)-

(a) insurance-related services consisting of-

(i) direct life assurance;

(ii) direct insurance other than life assurance;

(iii) reinsurance and retrocession;

(iv) insurance intermediation, such as brokerage and agency;

(v) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services;

(b) banking and other financial services consisting of-

(i) accepting deposits and other repayable funds;

(ii) lending (including consumer credit, mortgage credit, factoring and financing of commercial transactions);

(iii) financial leasing;

(iv) payment and money transmission services (including credit, charge and debit cards, travellers' cheques and bankers' drafts);

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(v) providing guarantees or commitments;

(vi) financial trading (as defined in subsection (2));

(vii) participating in issues of any kind of securities (including underwriting and placement as an agent, whether publicly or privately) and providing services related to such issues;

(viii) money brokering;

(ix) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;

(x) settlement and clearing services for financial assets (including securities, derivative products and other negotiable instruments);

(xi) providing or transferring financial information, and financial data processing or related software (but only by suppliers of other financial services);

(xii) providing advisory and other auxiliary financial services in respect of any activity listed in subparagraphs (i) to (xi) (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy).

(2) In subsection (1)(b)(vi), "financial trading" means trading for own account or for account of customers, whether on an investment exchange, in an over-the-counter market or otherwise, in financial products.

(3) In this Act "financial products" means—

(a) money market instruments (including cheques, bills and certificates of deposit);

(b) foreign exchange;

(c) derivative products (including futures and options);

(d) exchange rate and interest rate instruments (including products such as swaps and forward rate agreements);

(e) transferable securities;

(f) other negotiable instruments and financial assets (including bullion).

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PART 2
INTERNATIONAL SANCTIONS

Purpose of Part.

6.(1) The purpose of this Part is to provide for the automatic recognition and enforcement of international sanctions.

(2) In this Part "international sanctions" means-

(a) any restrictive measures imposed by the United Nations Security Council "UN sanctions";

(b) any restrictive measures imposed by the European Union "EU sanctions";

(c) any restrictive measures imposed by means of a designation, within the meaning of the Terrorist Asset-Freezing etc. Act 2010 (c.38) of the United Kingdom;

(d) any restrictive measures imposed by an organisation that is notified by the Government by notice published in the Gazette,

(e) any restrictive measures imposed by the United Kingdom under the Sanctions and Anti-Money Laundering Act 2018 (c.13),

in their up-to-date versions as in force at the time of reference.

(3) In relation to any restrictive measures that have been imposed by both the United Kingdom and the European Union, the restrictive measures imposed by the United Kingdom take precedence.

International sanctions to have effect.

7.(1) International sanctions have effect in Gibraltar on the date and, where applicable, the time in which they are intended to come into operation by the international body that has imposed them.

(2) For the purposes of subsection (1) any instrument that imposes international sanctions must be read and construed subject to any modifications as the circumstances of Gibraltar require, including but not limited to such formal alterations or modifications as to names, localities, courts, officers, persons or otherwise.

(3) Subsection (2) must not be applied in a way that would impair the effectiveness of a relevant instrument or breach a minimum standard imposed by it.

(4) Schedule 4 (International sanctions: Information provisions) has effect.

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Judicial notice of published lists.

8.(1) In any question concerning any aspect of international sanctions judicial notice shall be taken of any lists published by the United Nations Security Council, the European Union, the United Kingdom and any organisation notified pursuant to section 6(2)(d).

(2) Without prejudice to the generality of subsection (1) the lists referred to that subsection include-

(a) the list (as in force from time to time) provided for by Article 2(3) of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (as that Regulation is amended from time to time),

(b) the ISIL (Da'esh) and Al-Qaida Sanctions List maintained and amended from time to time by the United Nations Security Council Committee established under resolutions 1267(1999), 1989(2011) and 2253(2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals and entities,

(c) any list maintained and amended from time to time by the United Nations Security Council Committee established pursuant to resolution 1988 (2011) as being associated with the Taliban, and

(d) any list maintained and amended from time to time by the United Nations Security Council Counter Terrorism Committee established pursuant to resolution 1373 (2001).

Sanctions screening.

8A.(1) Persons engaging in relevant financial business (within the meaning of section 9 of the Proceeds of Crime Act 2015) must have appropriate policies, controls and procedures which ensure that–

(a) they are aware of the lists of persons to whom international sanctions apply;

(b) they undertake appropriate checks of those lists when undertaking relevant financial business in relation to both new and existing customers; and

(c) following such checks they take appropriate action including, where relevant–

(i) disclosing suspicious transactions or attempted transactions to the Gibraltar Financial Intelligence Unit (GFIU); or

(ii) freezing relevant assets.

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(2) The obligation under subsection (1)(c)(ii) to freeze relevant assets applies whether those assets are owned or held solely by the person to whom the international sanctions apply or jointly with another person.

(3) A person who fails to comply with subsection (1) commits an offence.

(4) The functions of the supervisory authorities appointed under Part 3 of the Proceeds of Crime Act 2015 extend to supervising and enforcing compliance with the obligation imposed under this section.

(5) The Government may by regulations make further provision in respect of, or in connection with, the functions of the supervisory authorities under this section.

(6) Without limiting subsection (5), regulations may, in particular–

(a) create criminal offences in respect of contraventions of, or in connection with, the regulations; and

(b) where the regulations contain any provision creating a criminal offence, provide that the offence is–

(i) triable summarily or on indictment, and

(ii) punishable with a fine, imprisonment or both.

Offence of breach of international sanctions.

9.(1) A person (P) commits an offence if P undertakes conduct that P knows or ought reasonably to know-

(a) breaches or will cause a breach of any international sanctions;

(b) assists in the breach of international sanctions.

(2) P does not commit an offence if P's conduct was in accordance with any licence, permit or other authorisation issued in accordance with section 10.

Licences etc.

10.(1) The Chief Minister may issue a licence that permits conduct that would otherwise cause a breach of international sanctions.

(2) The Chief Minister may only exercise his powers in subsection (1) where the international sanctions make provision for the exercise of such powers by a competent authority.

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(3) A licence must not exceed the extent of the derogation permitted under the terms of the particular international sanctions to which the licence relates, and subject to this limitation a licence may be amended, extended or reissued and may at any time be made subject to any terms and conditions.

(4) A licence must be in writing and may be addressed to a person, group or entity and may also be addressed to the general public but in such cases the Chief Minister shall take such steps as he deems fit to bring the licence to the attention of the general public.

(5) In this section and in section 11 "licence" includes a permit and any kind of authorisation howsoever described.

(6) The Government may by regulations make further provision in relation to licences, including but not limited to their issue, revocation and any appeals.

Offence of breaching licence.

11. A person who without reasonable excuse breaches the terms of a licence issued in accordance with section 10 commits an offence.

Request for de-listing of UN-named person.

12.(1) A person who has been designated by the United Nations Security Council for any purposes of a United Nations Security Council Resolution may request the Chief Minister to use his best endeavours to secure that that person ceases to be designated.

(2) The Chief Minister does not have to comply with a request under subsection (1) if the person making the request has not proved to the Chief Minister's satisfaction that that person has exhausted all remedies afforded to that person by the United Nations Security Council.

(3) Where the Chief Minister is satisfied that that person ought not to be designated and that subsection (2) has been complied with, the Chief Minister must use his best endeavours to secure that the designation is removed.

(4) For the purposes of this section, the Chief Minister will co-ordinate his actions with the Foreign and Commonwealth Office of the United Kingdom.

Request for de-listing of UN-designated ship.

13.(1) Where a ship has been designated by the United Nations Security Council for any purposes of a UN Security Council Resolution, any person affected by that provision may request the Chief Minister to use his best endeavours to secure that a ship so designated ceases to be designated.

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(2) The Chief Minister does not have to comply with a request under subsection (1) if the person making the request has not proved to the Chief Minister's satisfaction that that person has exhausted all remedies afforded to that person by the United Nations Security Council.

(3) Where the Chief Minister is satisfied that the ship ought not to be designated and that subsection (2) has been complied with, the Chief Minister must use his best endeavours to secure that the designation is removed.

(4) For the purposes of this section, the Chief Minister will co-ordinate his actions with the Foreign and Commonwealth Office of the United Kingdom.

Request for listing by the United Nations Security Council etc.

14.(1) Where the Chief Minister is satisfied that-

(a) a person or ship ought to be designated by the United Nations Security Council for any purposes of a UN Security Council Resolution, by the European Union, or by any other international or regional body, or

(b) any restrictive measures ought to be imposed by means of international sanctions,

and such designation or restrictive measure has not been undertaken by the body which may do so, the Chief Minister shall use his best endeavours to secure that the international body is informed of his belief and to secure that the making of the designation or restrictive measure considered by the international body.

(2) The Chief Minister shall, for the purpose of subsection (1), take into consideration such information and intelligence as he may be made aware of by-

(a) a police officer, an officer of HM Customs, the Gibraltar Co-ordinating Centre for Criminal Intelligence and Drugs (GCID); or the Gibraltar Financial Intelligence Unit (GFIU);

(b) the Gibraltar Contingency Council,

(c) such other person or body as he considers appropriate in the circumstances.

(3) The evidentiary standard of proof applied to a designation proposal is subsection (1)-

(a) shall be that of reasonable belief; and

(b) shall not be conditional on the existence of a criminal proceeding.

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(4) The Chief Minister shall communicate to the United Nations or European Union or other international or regional body such reasons and unclassified background information as may be necessary to support the designation proposal.

(5) For the purposes of this section, the Chief Minister will co-ordinate his actions with the Foreign and Commonwealth Office of the United Kingdom.

Temporary powers in relation to EU sanctions lists.

15. Schedule 3, which makes provision for temporary powers in relation to EU sanctions lists and related matters, has effect.

PART 3

DOMESTIC SANCTIONS

Power to make sanctions regulations

Power to make sanctions regulations.

16.(1) Where the Chief Minister has reasonable grounds to do so, he, with the consent of the Governor, may make sanctions regulations—

(a) for a purpose within subsection (2); or

(b) for the purposes of compliance with any international obligation.

(2) A purpose is within this subsection if the Chief Minister considers that carrying out that purpose would—

(a) further the prevention of-

(i) terrorism,

(ii) the financing of terrorism, or

(iii) the proliferation of weapons of mass destruction,

in Gibraltar or elsewhere;

(b) be in the interests of the security of Gibraltar;

(c) be in the interests of international peace and security;

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(d) promote the resolution of armed conflicts or the protection of civilians in conflict zones;

(e) provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote-

(i) compliance with international human rights law; or

(ii) respect for human rights;

(f) promote compliance with international humanitarian law;

(g) contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction; or

(h) promote respect for human rights, democracy, the rule of law and good governance.

(3) Regulations under this section must state the purpose (or purposes) of the regulations, and any purpose stated must be—

(a) a particular purpose that is within subsection (2); or

(b) compliance with a UN obligation, or other international obligation, specified in the regulations.

(4) Section 17 contains additional requirements in relation to regulations stating a purpose within subsection (2) above.

(5) In this section "sanctions regulations" means regulations which do one or more of the following—

(a) impose financial sanctions;

(b) impose immigration sanctions;

(c) impose trade sanctions;

(d) impose aircraft sanctions;

(e) impose shipping sanctions;

(f) impose sanctions within section 26 (other sanctions for purposes of international obligations);

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(g) make supplemental provision in connection with any provision of the regulations or other regulations made under this section.

(6) In this section "supplemental provision" includes any provision authorised by any other provision of this Act to be made by regulations under this section (see in particular sections 27 to 36 and section 53).

(7) None of paragraphs (a) to (h) of subsection (2) is to be taken to limit the meaning of any other of those paragraphs.

(8) Regulations under this section may make provision as to the meaning of any reference in the regulations to funds, economic resources or technology (or a particular description of funds, economic resources or technology) being-

(a) owned by a person;

(b) held by a person;

(c) controlled by a person; or

(d) made available to or for the benefit of a person.

(9) Regulations under this section may make provision as to the meaning of any reference in the regulations to a person "owning" or "controlling" another person.

(10) Regulations under this section may make provision as to the connection that is required between-

(a) a person, or a person of a prescribed description; and

(b) a country,

in order for the person to be regarded as "connected with" that country for the purposes of any provision of the regulations.

Additional requirements for regulations for a purpose within section 16(2).

17.(1) This section applies to regulations under section 16 any of whose purposes (as stated under section 16(3)) is a discretionary purpose.

(2) In this section "discretionary purpose" means a purpose which is not compliance with an international obligation but is within section 16(2).

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(3) The Chief Minister may not decide that it is appropriate to make regulations to which this section applies unless, in respect of each discretionary purpose stated in the regulations, the Chief Minister—

(a) has considered whether there are good reasons to pursue that purpose and has determined that there are; and

(b) has considered whether the imposition of sanctions is a reasonable course of action for that purpose and has determined that it is.

(4) In subsection (3)(b) "sanctions" means prohibitions and requirements of the kinds which are imposed by the regulations for the purpose in question (or both for that purpose and for another purpose of the regulations).

Further information.

18. The Chief Minister may, for the purposes of assessing whether there are reasonable grounds for making sanctions regulations solicit such information as he considers appropriate from-

(a) a police officer, an officer of HM Customs, the Gibraltar Co-ordinating Centre for Criminal Intelligence and Drugs (GCID) or the Gibraltar Financial Intelligence Unit (GFIU),

(b) the Gibraltar Contingency Council,

(c) such other person or body as he considers appropriate in the circumstances.

Overseas requests for designation.

19.(1) This section applies where the Chief Minister receives a request from a territory or country outside Gibraltar for sanctions regulations to be made under section 16(1)(a).

(2) The Chief Minister shall as soon as is reasonably practicable, and in any event within 7 days of receiving the request, make a determination as to whether he considers it appropriate to make such regulations and shall inform the requesting territory or country of such determination immediately.

(3) In making a determination under subsection (2) the Chief Minister shall, in addition to considering the information contained in the request received from the territory or country outside Gibraltar, take into consideration such information and intelligence as he may be made aware of by-

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(a) a police officer, an officer of HM Customs, the Gibraltar Co-ordinating Centre for Criminal Intelligence and Drugs (GCID) or the Gibraltar Financial Intelligence Unit (GFIU);

(b) the Gibraltar Contingency Council;

(c) such other person or body as he considers appropriate in the circumstances.

(4) The evidentiary standard of proof applied to a determination in subsection (2)-

(a) shall be that of reasonable belief; and

(b) shall not be conditional on the existence of a criminal proceeding.

Requests to overseas countries or territories.

20.(1) This section applies where the Chief Minister makes a request to a country or territory outside Gibraltar for sanctions to be imposed in that country or territory in respect of a designation made pursuant to regulations made under section 16(1)(a), or otherwise.

(2) The Chief Minister shall communicate to the overseas country or territory such reasons and unclassified background information as may be necessary to support the designation request.

(3) For the purposes of this section, the Chief Minister will co-ordinate his actions with the Foreign and Commonwealth Office of the United Kingdom.

Types of sanction

Financial sanctions.

21.(1) For the purposes of section 16(5)(a) regulations "impose financial sanctions" if they impose prohibitions or requirements for one or more of the following purposes—

(a) freezing funds or economic resources owned, held or controlled by designated persons (see section 27);

(b) preventing financial services from being provided to, or for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country;

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(c) preventing financial services from being procured from, or for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country;

(d) preventing funds or economic resources from being made available to, or for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country;

(e) preventing funds or economic resources from being received from—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country;

(f) preventing financial services from being provided, where the services relate to financial products, or financial products of a prescribed description, issued by designated persons;

(g) preventing persons from owning, controlling or having a prescribed interest in persons (other than individuals) which are—

(i) designated persons,

(ii) connected with a prescribed country, or

(iii) of a prescribed description and connected with a prescribed country.

(2) For the purposes of section 16(5)(a) regulations also "impose financial sanctions" if they impose prohibitions or requirements for the purpose of preventing persons from entering into, or continuing to be a party to, arrangements for commercial purposes, or for prescribed commercial purposes, with—

(a) designated persons;

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(b) persons connected with a prescribed country; or

(c) a prescribed description of persons connected with a prescribed country.

(3) In subsection (1) any reference to funds, economic resources or financial services being made available, received, procured or provided is to their being made available, received, procured or provided (as the case may be) directly or indirectly.

(4) In subsection (2) "arrangements" includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable).

Immigration sanctions.

22.(1) For the purposes of section 16(5)(b) regulations "impose immigration sanctions" if they provide for designated persons (see section 27) to be excluded persons for the purposes of section 15 of the Immigration and Asylum Act 2018.

(2) As to the effect of such provision, see section 15 of the Immigration and Asylum Act 2018 (as amended by section 57 of this Act).

Trade sanctions.

23.(1) For the purposes of section 16(5)(c) regulations "impose trade sanctions" if they impose prohibitions or requirements for one or more of the purposes mentioned in Part 1 of Schedule 1.

(2) Part 2 of that Schedule makes further provision in connection with regulations which impose trade sanctions.

Aircraft sanctions.

24.(1) For the purposes of section 16(5)(d) regulations "impose aircraft sanctions" if they impose prohibitions or requirements for one or more of the following purposes—

(a) detaining disqualified aircraft (see subsection (6)), or controlling the movement of disqualified aircraft in the airspace over Gibraltar;

(b) ensuring that disqualified aircraft are not granted permission to overfly Gibraltar;

(c) preventing persons from owning, chartering or operating aircraft registered in a prescribed country;

(d) preventing aircraft from being registered in a prescribed country;

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(2) For the purposes of section 16(5)(d) regulations also "impose aircraft sanctions" if they authorise directions to be given by the Chief Minister-

(a) to the Director of Civil Aviation; or

(b) to the operator or pilot in command of a disqualified aircraft.

(3) In this section "disqualified aircraft" means aircraft—

(a) owned, chartered or operated by—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country;

(b) registered in a prescribed country; or

(c) originating from a prescribed country.

(4) Provision authorising directions by virtue of subsection (2) may include provision—

(a) as to the effect of any such directions so far as they are inconsistent with requirements or permissions under any other enactment;

(b) requiring a person not to disclose any such directions if Chief Minister notifies the person to that effect.

(5) For the purposes of this section any reference to Gibraltar includes a reference to BGTW.

(6) In this section—

"aircraft"-

(a) subject to paragraph (b), includes—

(i) unmanned aircraft, and

(ii) aircraft capable of spaceflight activities;

(b) does not include the naval, military or air-force aircraft of any country;

"the Director of Civil Aviation" has the meaning given in section 2 of the Civil Aviation Act 2009;

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"enactment" includes an enactment mentioned in paragraph (a) of section 53(3);

"operator", in relation to an aircraft, means the person having the management of the aircraft, and cognate expressions are to be construed accordingly;

"pilot in command", in relation to an aircraft, means the pilot designated by the operator as being in command and charged with the safe conduct of its flight, without being under the direction of any other pilot in the aircraft.

Shipping sanctions.

25.(1) For the purposes of section 16(5)(e) regulations "impose shipping sanctions" if they impose prohibitions or requirements for one or more of the following purposes—

(a) detaining within BGTW, or controlling the movement within BGTW of—

(i) disqualified ships (see subsection (8)), or

(ii) specified ships (see section 30);

(b) ensuring that disqualified ships or specified ships—

(i) do not enter BGTW, or

(ii) leave BGTW;

(c) preventing persons from owning, controlling, chartering or operating—

(i) ships registered in a prescribed country,

(ii) ships flying the flag of a prescribed country, or

(iii) specified ships;

(d) preventing ships from—

(i) being registered in a prescribed country, or

(ii) flying the flag of a prescribed country;

(e) preventing the registration of—

(i) ships in which a designated person (see section 27) holds a prescribed interest (or designated persons, taken together, hold a prescribed interest),

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(ii) ships in which persons connected with a prescribed country hold a prescribed interest, or

(iii) specified ships.

(2) For the purposes of section 16(5)(e) regulations also "impose shipping sanctions" if they authorise directions within subsection (3), (4) or (5).

(3) Directions are within this subsection if they are given for a purpose mentioned in subsection (1)(a) or (b) and either—

(a) they are given to the Captain of the Port by the Chief Minister, or

(b) they are given to the master or pilot of a disqualified ship or a specified ship by—

(i) the Chief Minister, or

(ii) the Captain of the Port.

(4) Directions are within this subsection if they are given by the Chief Minister to the Maritime Administrator for the purpose of terminating the registration of any ship mentioned in subsection (1)(e).

(5) Directions are within this subsection if they are given by the Chief Minister to the master or pilot of a Gibraltar ship (see subsections (9) and (10)) for the purpose of preventing the ship from travelling to—

(a) the sea or other waters within the seaward limits of the territorial sea adjacent to a prescribed country, or a particular place in that sea or those waters, or

(b) harbours in a prescribed country.

(6) In this section "disqualified ships" means ships—

(a) owned, controlled, chartered, operated or crewed by—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country,

(b) registered in a prescribed country;

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(c) flying the flag of a prescribed country; or

(d) originating from a prescribed country.

(7) Provision authorising directions by virtue of this section may include provision as to the effect of any such directions so far as they are inconsistent with requirements under any other enactment.

(8) Provision made by virtue of this section may include provision as to the meaning of any reference in the provision to a ship being "crewed" by persons.

(9) In this section "Gibraltar ship" means a ship which—

(a) is registered section 6(1)(a) of the Gibraltar Merchant Shipping (Registration) Act, 1993,

(b) is a Government ship within the meaning of Part VII of that Act, or

(c) is not registered under the law of a country outside Gibraltar but is wholly owned by persons each of whom has a Gibraltar connection.

(10) For the purposes of subsection (9)(c), a person has a "Gibraltar connection" if the person is—

(a) a registered Gibraltarian under the Gibraltarian Status Act;

(b) an individual who is habitually resident in Gibraltar; or

(c) a body corporate which is established under the law of Gibraltar and has its principal place of business in Gibraltar.

(11) In this section—

"Captain of the Port" has the meaning given in the Port Act;

"enactment" includes an enactment mentioned in section 53(3)(a);

"Maritime Administrator" has the meaning given in the Gibraltar Merchant Shipping (Registration) Act, 1993;

"master" includes every person (except a pilot) having command or charge of a ship and, in relation to a fishing vessel, means the skipper;

"pilot", in relation to a ship, means any person not belonging to the ship who has the conduct of the ship;

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"registration" means registration in the register maintained by the Maritime Administrator;

"ship" includes every description of vessel (including a hovercraft) used in navigation, except the naval, military or air-force ships of any country.

Other sanctions for purposes of international obligations.

26.(1) For the purposes of section 16(5)(f), regulations impose sanctions within this section if they impose prohibitions or requirements which the Chief Minister considers appropriate to impose for the purposes of compliance with any international obligation which-

(a) cannot otherwise be complied with under the provisions of Part 2; or

(b) the Chief Minister considers is better implemented or enforced by regulations made under this Part.

(2) The reference in subsection (1) to prohibitions or requirements includes prohibitions or requirements imposed on or otherwise relating to designated persons.

(3) Where regulations are made in accordance with the provisions of this section, any sanctions that apply by virtue of Part 2 (*International sanctions*) cease to apply to the extent that such sanctions are expressly or by necessary implication provided for in those regulations.

Designation of persons

"Designated persons".

27.(1) Subsection (2) applies for the purposes of sections 21 and 22, 24 to 26 and Schedule 1.

(2) In each of those provisions, "designated persons" means persons designated under any power contained in the regulations that authorises the Chief Minister to designate persons for the purposes of the regulations or of any provisions of the regulations.

(3) In subsection (2) "the regulations" means the regulations mentioned in section 21, 22, 23(1), 24, 25, or 26 (as the case may be).

(4) As regards designation of persons by virtue of subsection (2), see sections 28 to 30.

Designation powers: general.

28. (1) In this Act a "designation power", in relation to regulations under section 16, means a power (contained in the regulations by virtue of section 27(2)) to designate persons for the purposes of the regulations or of any provisions of the regulations.

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(2) Regulations under section 16 which contain a designation power may make provision about the way in which the power must or may be exercised, including provision authorising the Chief Minister—

(a) to designate a person by name;

(b) to provide that persons of a specified description are designated persons;

(c) to designate different persons for the purposes of different provisions of the regulations.

(3) Regulations under section 16 which contain a designation power must provide that where the Chief Minister—

(a) has made a designation under the power; or

(b) has varied or revoked a designation made under the power (see section 35),

and the designated person is a resident of Gibraltar, the Chief Minister must without delay take such steps as are reasonably practicable to inform the designated person of the designation, variation or revocation.

(4) The regulations may include provision, additional to that required by subsection (3), as to steps to be taken as regards notification or publicity where a designation has been made under the designation power or a designation made under the power has been varied or revoked.

(5) The regulations need not require a person to be notified of an intention to designate the person.

(6) Section 29 contains provision about criteria for designation under a designation power.

Designation of persons by name or by description under a designation power.

29.(1) Part 1 of Schedule 5 applies to regulations under section 16 which grant a power for the Chief Minister to provide that persons of a specified description are designated persons.

(2) Part 2 of Schedule 5 applies to regulations under section 16 which grant a power for the Chief Minister to provide that persons of a specified description are designated persons.

Specified ships

"Specified ships".

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30.(1) In each of section 25 and Schedule 1 "specified ships" means ships (within the meaning of that provision) specified under any power contained in the regulations that authorises the Chief Minister to specify ships for the purposes of the regulations or of any provisions of the regulations.

(2) In subsection (1) "the regulations" means the regulations mentioned in section 25 or section 23(1) (as the case may be).

(3) Subsections (4) to (9) apply to regulations under section 16 which authorise the Chief Minister to specify ships.

(4) The regulations may make provision about the way in which the power must or may be exercised, including provision authorising the Chief Minister to specify ships by their International Maritime Organisation number.

(5) The regulations may make provision as to the steps to be taken as regards notification and publicity where the power is exercised.

(6) The regulations need not require a person to be notified of an intention to specify a ship.

(7) The regulations must contain provision which prohibits the Chief Minister from specifying a ship except where the Chief Minister-

(a) has reasonable grounds to suspect that the ship is, has been, or is likely to be, involved in an activity specified in the regulations; and

(b) considers that it is appropriate for that ship to be specified, having regard to the purpose of the regulations as stated under section 16(3).

(8) An activity may not be specified in the regulations by virtue of subsection (7)(a) unless the Chief Minister considers that specifying the activity is appropriate having regard to the purpose of the regulations as stated under section 16(3).

(9) The regulations may, in the case of any activity specified in the regulations, make provision as to the meaning for the purposes of the regulations of a ship's being involved in that activity.

Sanctions regulations: further provision

Exceptions and licences.

31.(1) In this section "regulations" means regulations under section 16 or under this section.

(2) Regulations may-

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(a) create exceptions to any prohibition or requirement imposed by the regulations;

(b) provide for a prohibition imposed by the regulations not to apply to anything done under the authority of a licence issued by the Chief Minister;

(c) provide for a requirement imposed by the regulations to be subject to such exceptions as the Chief Minister may direct.

(3) Regulations may, as respects any licences or directions provided for under subsection (2)(b) or (c)—

(a) provide that a licence or direction may be general or issued to a category of persons or a particular person;

(b) provide that a licence or direction must specify what is authorised by the licence or excepted by the direction;

(c) make provision as to what may, or may not, be authorised by a licence or excepted by a direction;

(d) provide that a licence or direction may contain conditions;

(e) provide that a licence or direction may not be issued unless criteria specified by the regulations are met;

(f) make provision as to the duration of licences or directions, which may enable them to be of indefinite duration or a defined duration;

(g) make provision enabling licences or directions to be varied, revoked or suspended;

(h) make provision as to notifications or publicity to be given in connection with licences or directions.

(4) Where regulations provide for designated persons to be excluded persons for the purposes of section 15 of the Immigration and Asylum Act 2018, the regulations may-

(a) create exceptions from subsections (5) to (7) of that section in relation to any person who under the regulations is an excluded person (a "relevant person");

(b) authorise the Chief Minister to direct that, in relation to any relevant person specified, or of a description specified, in the direction, subsections (5) to (7) of that section have effect subject to exceptions specified in the direction.

(5) Regulations may, as respects any directions provided for under subsection (4)(b), make any provision mentioned (in relation to directions) in subsection (3)(d) to (h).

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(6) The exceptions that may be created under subsection (2)(a) include exceptions in relation to acts done for the purposes of—

(a) the security of Gibraltar;

(b) the prevention or detection of serious crime in Gibraltar or elsewhere,

and in this subsection "act" includes an omission.

(7) Nothing in subsection (6) is to be taken to limit subsection (2).

Information.

32.(1) Regulations under section 16 may make provision-

(a) requiring persons of a prescribed description—

(i) to inform an appropriate authority of prescribed matters;

(ii) to create and retain registers or records;

(b) authorising an appropriate authority to require persons of a prescribed description to provide information, or produce documents, of a prescribed description;

(c) conferring powers to inspect and copy prescribed documents or information;

(d) conferring powers of entry in relation to powers conferred by virtue of paragraph (b) or (c), and about the exercise of any such powers of entry;

(e) authorising or restricting the disclosure of information, including provision-

(i) about the purposes for which information held in connection with anything done under or by virtue of the regulations may be used;

(ii) about the persons to whom any such information may be disclosed.

(2) Without prejudice to anything in subsection (1), regulations under section 16 may include provision authorising or requiring prescribed information about a person designated by or under the regulations to be notified to prescribed persons or to be publicised.

(3) In subsection (1) "appropriate authority" means the Chief Minister or such other person as may be prescribed in regulations made under section 16.

Enforcement.

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33.(1) In this section "regulations" means regulations under section 16.

(2) Regulations may make provision-

(a) for the enforcement of any prohibitions or requirements imposed by regulations;

(b) for the enforcement of any prohibitions or requirements imposed under regulations, including, in particular, prohibitions or requirements imposed by-

(i) conditions of a licence or direction issued by virtue of section 31, or

(ii) directions given by virtue of sections 24 and 25;

(c) for preventing any prohibitions or requirements mentioned in paragraph (a) or (b) from being circumvented.

(3) The provision that may be made by virtue of subsection (2) includes provision as to the powers and duties of any person who is to enforce the regulations.

(4) Regulations may include provision applying, for the purpose of the enforcement of any relevant prohibition or requirement, any provision of the Imports and Exports Act, 1986 specified in the regulations, with or without modifications.

(5) In subsection (4) a "relevant prohibition or requirement" means-

(a) a prohibition or requirement imposed by regulations for a purpose mentioned in-

(i) section 21(1)(b) to (g) or (2), or

(ii) Part 1 of Schedule 1; or

(b) a prohibition or requirement imposed by a condition of a licence or direction issued by virtue of section 31 in relation to a prohibition or requirement mentioned in paragraph (a).

(6) Regulations-

(a) may create criminal offences for the purposes of the enforcement of prohibitions or requirements mentioned in subsection (2)(a) or (b) or for the purposes of preventing such prohibitions or requirements from being circumvented; and

(b) may include provision dealing with matters relating to any offences created for such purposes by regulations (including provision that creates defences).

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(7) Regulations may not provide for an offence under regulations to be punishable with imprisonment for a period exceeding-

(a) in the case of conviction on indictment, 10 years;

(b) in the case of summary conviction 12 months.

Extra-territorial application.

34.(1) Prohibitions or requirements may be imposed by or under regulations under section 16 in relation to-

(a) conduct in Gibraltar or in BGTW by any person;

(b) conduct elsewhere, but only if the conduct is by a Gibraltarian or a resident of Gibraltar.

(2) In subsection (1)-

(a) a "Gibraltarian" is deemed to include a body incorporated or constituted under the law of Gibraltar; and

(b) "conduct" includes acts and omissions.

Revocation, variation and review of designations

Power to vary or revoke designation made under regulations.

35.(1) In this section and section 36 "a relevant designation" means a designation made under a designation power contained in regulations under section 16.

(2) A relevant designation may at any time be varied or revoked by the Chief Minister.

(3) If at any time the Chief Minister considers that the required conditions are not met in respect of a relevant designation, the Chief Minister must revoke the designation.

(4) In subsection (3) "the required conditions" means-

(a) if the designation is of a named person, the conditions of the provision included in the regulations under paragraph 2 of Part 1 of Schedule 5 (reading that provision, so far as made under paragraph 2(b), as if references to the designation were references to leaving the designation in place);

(b) if the designation is of persons of a specified description, the conditions of the provision included in the regulations under paragraph 2 of Part 2 of Schedule 5

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(reading that provision, so far as made under paragraph 5(b), as if references to the designation were references to leaving the designation in place).

Right to request variation or revocation of designation.

36.(1) At any time while a relevant designation has effect, the designated person may request the Chief Minister-

(a) to vary the designation, or

(b) to revoke the designation.

(2) But where a request under this section has been made in respect of a designation, no further request may be made under this section in respect of that designation unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Chief Minister.

(3) On a request under this section the Chief Minister must decide whether to vary or revoke the designation or to take no action with respect to it (but see section 35(3)).

(4) In this section –

"the designated person" means the person named by the designation or, where the designation is of persons of a specified description, any person of that description;

"relevant designation" has the meaning given by section 35(1).

Periodic review of certain designations.

37.(1) This section applies where-

(a) regulations under section 16 which contain a designation power are in force, and

(b) any qualifying designations have been made by the Chief Minister under the power.

(2) The Chief Minister must in each review period-

(a) consider each qualifying designation which has effect; and

(b) decide in the case of each such designation whether to vary or revoke the designation or to take no action with respect to it (but see section 35(3)).

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(3) In this section a "qualifying designation" means a designation which designates a named person, or persons of a specified description, for the purposes of any provision of the regulations that-

(a) imposes a prohibition or requirement for a purpose mentioned in section 21(1)(a), (b)(i) or (d)(i) (asset-freezing etc); or

(b) provides for designated persons to be excluded persons for the purposes of section 15 of the Immigration and Asylum Act 2018.

(4) For the purposes of this section each of the following is a "review period"-

(a) the period of 3 years beginning with the date when the regulations are made; and

(b) each period of 3 years that begins with the date of completion of a review under this section of qualifying designations under the regulations.

Revocation and review in relation to ships

Power to revoke specification of ship made under regulations.

38.(1) In this section and section 39 "a ship specification" means a specification of a ship made under a power contained in regulations under section 16 by virtue of section 30.

(2) A ship specification may at any time be revoked by the Chief Minister.

(3) If at any time the Chief Minister considers that the required conditions are not met in respect of a ship specification, the Chief Minister must revoke the specification.

(4) In subsection (3) "the required conditions" means the conditions of the provision included in the regulations under section 30(7).

Right to request revocation of specification of ship.

39.(1) At any time while a ship specification has effect, any person affected by it may request the Chief Minister to revoke the specification.

(2) But where a person has made a request under this section in respect of a specification, no further request may be made under this section by that person or any other person in respect of that specification unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Chief Minister.

(3) On a request under this section the Chief Minister must decide whether to revoke the specification or to take no action with respect to it (but see section 38(3)).

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(4) In this section "ship specification" has the meaning given by section 38(1).

Periodic review where ships are specified.

40.(1) This section applies where-

(a) regulations under section 16 are in force which by virtue of section 30 contain a power to specify a ship, and

(b) any specifications have been made by the Chief Minister under that power.

(2) The Chief Minister must in each review period-

(a) consider each specification of a ship which has effect under the regulations; and

(b) decide in the case of each such specification whether to revoke it or to take no action with respect to it (but see section 38(3)).

(3) For the purposes of this section each of the following is a "review period"-

(a) the period of 3 years beginning with the date when the regulations are made, and

(b) each period of 3 years that begins with the date of completion of a review under this section of specifications made under the regulations.

Review of regulations

Review of regulations under section 16.

41.(1) Subsection (2) applies where any regulations under section 16 are in force.

(2) The Chief Minister must in each relevant period review whether the regulations are still appropriate for the purpose stated in them under section 16(3).

(3) If a purpose so stated in any regulations under section 16 is a purpose other than compliance with a UN obligation or other international obligation, any review of those regulations under this section must also include a consideration of-

(a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (d) of section 16(2),

(b) whether there are good reasons to pursue that purpose, and

(c) whether the imposition of sanctions is a reasonable course of action for that purpose.

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(4) In subsection (3)(c) "sanctions" means prohibitions and requirements of the kinds which are imposed by the regulations for the purpose in question (or both for that purpose and for another purpose of the regulations).

Procedure for requests and reviews

Procedure for requests and reviews.

42.(1) The Chief Minister may by regulations make provision about the procedure to be followed in connection with a request under section 38, 40, 43 or 45 or a review under section 39, 44 or 46.

(2) Regulations made under this section in relation to a request under section 38, 40, 43 or 45 must require—

(a) the decision on any such request to be made as soon as reasonably practicable after the receipt by the Chief Minister of the information needed for making the decision; and

(b) the person who made the request to be informed of the decision and the reasons for it as soon as reasonably practicable after the decision is made.

(3) The regulations may authorise matters to be excluded from the reasons given for the decision where the Chief Minister considers that those matters should be excluded-

(a) in the interests of the security of Gibraltar or international relations;

(b) for reasons connected with the prevention or detection of serious crime in Gibraltar or elsewhere; or

(c) in the interests of justice,

but the regulations may not authorise that the Chief Minister provides no reasons.

Suspension of prohibitions and requirements.

43.(1) The Chief Minister may make regulations ("suspending regulations") providing that-

(a) while the suspending regulations have effect; or

(b) for a specified period,

a specified prohibition or requirement of regulations under section 16 is not to have effect.

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(2) In this section "specified" means specified in the suspending regulations.

(3) A period specified under subsection (1)(b) may be expressed in any way, including, for example, being expressed in a way such that-

(a) the period begins, or ends, when a specified condition is met, or

(b) the period begins when a specified condition is met and lasts for so long as the suspending regulations or a specified provision of those regulations has effect.

Revocation and amendment of regulations under section 16.

44.(1) Section 16 includes a power, by further regulations under that section ("new regulations")-

(a) to revoke any regulations under that section, or

(b) to amend any regulations under that section where the condition in subsection (2) below is met.

(2) The condition referred to in subsection (1)(b) is that the Chief Minister making the new regulations-

(a) considers that the regulations being amended will, as amended, be sanctions regulations within the meaning given by section 16(5) that are appropriate for the purpose stated in them under section 16(3), and

(b) if any purpose stated in the regulations being amended is a purpose other than compliance with an international obligation, considers-

(i) that carrying out that purpose would meet one or more of the conditions in paragraphs (a) to (d) of section 16(2),

(ii) that there are good reasons to pursue that purpose, and

(iii) that the imposition of sanctions is a reasonable course of action for that purpose.

(3) In subsection (2)(b)(iii) "sanctions" means prohibitions and requirements of the kinds imposed by the amended regulations for the purpose in question (or both for that purpose and for another purpose of those regulations), and in this subsection "the amended regulations" means the regulations being amended as those regulations will be when amended.

(4) Except as permitted by subsection (5), the purpose stated under section 16(3) in any regulations under section 6 may not be amended (but this does not prevent regulations under

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that section from being revoked and replaced by regulations with a purpose that is to any extent different from that of the revoked regulations).

(5) Where the purpose stated under section 16(3) in any regulations under section 16 is or includes compliance with an international obligation, regulations made by virtue of this section may amend that purpose so as to-

(a) add a reference to the international obligation, to which Gibraltar is for the time being subject,

(b) substitute such a reference for another reference to the international obligation, or

(c) remove a reference to the international obligation, to which Gibraltar is no longer subject.

(6) The requirements of section 16(1) and (3), section 17 and section 41 do not apply in relation to regulations made by virtue of this section.

Protection for acts done for purposes of compliance.

45.(1) This section applies to an act done in the reasonable belief that the act is in compliance with-

(a) regulations under section 16, or

(b) directions given by virtue of section 24 or 25.

(2) A person is not liable to any civil proceedings to which that person would, in the absence of this section, have been liable in respect of the act.

(3) In this section "act" includes an omission.

Power to amend Act so as to authorise additional sanctions.

46.(1) The Chief Minister may by regulations amend this Act so as to authorise regulations under section 16 to impose prohibitions or requirements of kinds-

(a) which are not for the time being authorised by Part 3 (ignoring section 26); but

(b) which are kinds of prohibition or requirement that Gibraltar-

(i) has any UN obligation or other international obligation to impose, or

(ii) has at any time had any UN obligation or other international obligation to impose.

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(2) Without prejudice to the generality of subsection (1) or section 53(2), regulations under this section-

(a) may amend the definition of "sanctions regulations" in section 16(5), and

(b) where they make any such amendment, may amend this Act in connection with that amendment.

(3) For the avoidance of doubt, regulations under this section may not add to or amend the purposes mentioned in section 16(1) or amend section 16(2).

Power to amend Act so as to comply with international standards

47.(1) The Chief Minister may by regulations amend this Act in connection with the implementation of —

(a) relevant international obligations or standards; or

(b) the recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of such obligations or standards.

(2) Regulations made under subsection (1) may contain such consequential, supplementary, incidental and transitional provisions as the Chief Minister considers to be necessary or expedient.

(3) In this section —

"FATF" means the Financial Action Task Force;

"FATF Recommendations" means the International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, adopted by FATF, together with any guidance or supporting documentation published by FATF;

"international bodies" means —

(a) FATF;

(b) the International Monetary Fund; and

(c) MONEYVAL.

"MONEYVAL" means the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism; and

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"relevant international obligations or standards" means the FATF Recommendations, as they have effect from time to time.

(4) The Chief Minister may by order amend, insert or omit definitions in subsection (3).

(5) An order made under subsection (1) shall be laid before Parliament at the first sitting of Parliament after its coming into force.

PART 4
COURT REVIEWS

Court review of decisions.

48.(1) This section applies to-

(a) any decision under section 36(3) or 37(2) (decision, following a request to or review by the Chief Minister, on whether a designation of a person made under a designation power should be varied or revoked);

(b) any decision under section 39(3) or 40(2) (decision, following a request to or review by the Chief Minister, on whether a ship specification should be revoked);

(c) any decision under section 39(4), 40(4), or paragraph 3(1) or 4(1) of Schedule 3 not to comply with a request;

(d) any other decision of the Chief Minister in connection with functions or regulations under this Act, other than-

(i) a decision to make or vary, or not to revoke or vary, a designation under a designation power where the designated person has a right to make a request under section 36 or would have but for section 36(2),

(ii) a decision to make a ship specification, or not to revoke a ship specification, where a person has a right to make a request in respect of that specification under section 39 or would have but for section 39(2), or

(iii) a decision to give a direction under paragraph 1(3)(a) of Schedule 3 where the person has a right to make a request under paragraph 3 of the Schedule or would have but for section 3(3) or 4 of that Schedule.

(2) The appropriate person may apply to the Supreme Court, for the decision to be set aside.

(3) "The appropriate person" means-

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(a) in relation to a decision within subsection (1)(a), the person named by the designation or, where the designation is of persons of a specified description, any person of that description;

(b) in relation to a decision within subsection (1)(b) or (d), any person affected by the decision;

(c) in relation to a decision within subsection (1)(c), the person who made the request.

(4) In determining whether the decision should be set aside, the court must apply the principles applicable on an application for judicial review.

(5) If the court decides that a decision should be set aside it may make any such order, or give any such relief, as could in the absence of this section be made or given in proceedings for judicial review of the decision; but this is subject to section 49(1) to (4).

(6) In this section and section 49 "a ship specification" means a specification of a ship made under a power contained in regulations under section 16 by virtue of section 30.

Court reviews: further provision.

49.(1) Subsection (2) applies to the court in any of the following proceedings-

(a) any proceedings on an application under section 48 in respect of a decision mentioned in section 48(1)(a), (b) or (c) ("a relevant application");

(b) any proceedings on a claim arising from any matter to which a relevant application relates;

(c) if-

(i) a designation made under a designation power contained in regulations under section 16 is revoked without an application under section 48 being made,

(ii) a ship specification (within the meaning of section 48) is revoked without such an application being made, or

(iii) a corrective direction is given under paragraph 1(3)(b) of Schedule 3 without such an application being made,

any proceedings on a relevant claim.

(2) If the court would, in the absence of this subsection, have power to award damages, the court may not award damages unless-

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(a) the reason (or one of the reasons) that the court would have that power is that it is satisfied that the tort of negligence was committed, or

(b) the court is satisfied that the decision concerned was made in bad faith.

(3) In subsection (1)(c)-

a "corrective direction" means a direction given in respect of a person and a list following the giving of a direction under paragraph 1(3)(a) of Schedule 3 in respect of that person and list;

a "relevant claim" means a claim made by (as the case may be)-

(a) a person designated by the designation,

(b) a person affected by the ship specification, or

(c) the person in respect of whom the direction under paragraph 1(3)(a) of Schedule 3 was given,

which arises from any matter relating to the designation, ship specification or direction.

(4) In subsection (2) "the decision concerned" means-

(a) in relation to proceedings within subsection (1)(a) or (b) where the relevant application was in respect of a decision mentioned in section 48(1)(a), the decision in respect of which the relevant application was made or the designation to which that decision related;

(b) in relation to any other proceedings within subsection (1)(a) or (b), the decision in respect of which the relevant application was made;

(c) in relation to proceedings within subsection (1)(c), the designation or ship specification or the decision to give the direction under paragraph 1(3)(a) of Schedule 3.

(5) A decision mentioned in sub-paragraph (i), (ii) or (iii) of section 48(1)(d) may not be questioned by way of proceedings for judicial review (and nor may a decision to which section 48 applies).

Rules of court.

50.(1) The Chief Justice may by rules of court make provision relating to any proceedings-

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(a) on an application under section 48 (court review of decisions); or

(b) on a claim arising from any matter to which such an application relates,; or

(c) by virtue of regulations under section 51D,

and such rules are subject to subsections (2) to (4).

(2) Rules of court may provide-

(a) that the Attorney General has the opportunity to make an application to the court for permission not to disclose material otherwise than to the court;

(b) that such an application is always considered in the absence of every party to the proceedings;

(c) that the court is required to give permission for material not to be disclosed if it considers that the disclosure of the material would be contrary to the public interest;

(d) that, if permission is given by the court not to disclose material, it must consider requiring the Attorney General to provide a summary of the material to every party to the proceedings (and every party's legal representative);

(e) that the court is required to ensure that such a summary does not contain material the disclosure of which would be contrary to the public interest.

(3) Rules of court must secure that in cases where the Attorney General—

(a) does not receive the court's permission to withhold material, but elects not to disclose it, or

(b) is required to provide a party to the proceedings with a summary of material that is withheld, but elects not to provide the summary,

provision to the following effect applies.

(4) The court must be authorised—

(a) if it considers that the material or anything that is required to be summarised might adversely affect the Attorney General's case or support the case of a party to the proceedings, to direct that the Attorney General shall not rely on such points in his case, or shall make such concessions or take such other steps, as the court may specify, or

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(b) in any other case, to ensure that the Attorney General does not rely on the material or (as the case may be) on that which is required to be summarised.

PART 5
GENERAL

General penalty.

51.(1) A person who commits an offence for which no separate penalty is provided for is liable-

(a) on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 12 months, or to both;

(b) on conviction on indictment to a fine or to a term of imprisonment not exceeding 10 years, or to both.

(2) Where the offence has been committed by a corporate body and it is proved–

(a) to have been committed with the consent or connivance of; or

(b) to be attributable to any neglect on the part of,

an officer, the officer as well as the corporate body commits the offence and is liable to be proceeded against and punished accordingly.

(3) In subsection (2), "officer" means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(4) If the affairs of a corporate body are managed by its members, "director" in subsection (3) means a member of that body.

Civil enforcement

Power to impose monetary penalties.

51A.(1) The sanctions civil enforcement authority may impose a monetary penalty on a person if satisfied, on the balance of probabilities, that the person has–

(a) breached a prohibition, or failed to comply with an obligation, that is imposed by or under international sanctions (within the meaning of Part 2);

(b) breached a prohibition, or failed to comply with an obligation, under or by virtue of sanctions regulations; or

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(c) breached a prohibition, or failed to comply with an obligation, under or by virtue of a provision of this Act.

(2) In this section and sections 51B to 51D "the sanctions civil enforcement authority" means a public authority, or public officer, designated for that purpose by order of the Chief Minister published in the Gazette.

(3) For the purposes of subsection (1)—

(a) in determining whether a person has breached a prohibition, or failed to comply with an obligation, imposed by or under international sanctions, any requirement imposed by or under a measure for the person to have known, suspected or believed any matter is to be ignored; and

(b) it is immaterial whether a breach or failure would constitute the commission of an offence.

(4) The amount of a penalty is to be such amount as the authority may determine but it may not exceed the permitted maximum.

(5) The permitted maximum is–

(a) £1,000,000; or

(b) where the breach or failure relates to particular funds or economic resources the value of which can be estimated, 50% of the estimated value of the funds or resources if more than £1,000,000 (and, otherwise, £1,000,000).

(6) The authority–

(a) must keep under review the amounts for the time being specified in subsection (5);

(b) may issue guidance about the application of this section;

(c) must publish reports from time to time about the application of this section and sections 51B to 51D (which may include general information and information about specific enforcement action taken by the authority).

(7) A monetary penalty payable under this section is recoverable by the authority as a civil debt (and shall be paid into the Consolidated Fund).

(8) This section does not authorise the imposition of a monetary penalty on His Majesty's Government of Gibraltar.

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(9) A monetary penalty may not be imposed on a person under this section for conduct in respect of which criminal proceedings have been brought against the person; and criminal proceedings may not be brought against a person in respect of conduct for which a monetary penalty has been imposed on the person under this section.

(10) An order under subsection (2) may revoke and replace an earlier order and may include transitional or consequential provision.

Officers of corporate bodies.

51B.(1) If a monetary penalty is imposed under section 51A on a body in respect of a breach or failure, the sanctions civil enforcement authority may also impose a monetary penalty on an officer of the body if satisfied, on the balance of probabilities, that the breach or failure–

(a) was committed with the consent or connivance of the officer; or

(b) was attributable to any neglect on the part of the officer.

(2) The following apply for the purposes of this section–

(a) section 51(3) and (4); and

(b) section 51A(3) to (5), (6)(b) and (c), (7), (8) and (9).

Other civil enforcement.

51C.(1) Subsection (2) applies where the sanctions civil enforcement authority believes that a person–

(a) has breached, is in breach of or is likely to breach a prohibition of a kind specified in section 51A(1); or

(b) has failed, is failing or is likely to fail to comply with an obligation of a kind specified in section 51A(1).

(2) The authority may (whether or not it imposes a monetary penalty under section 51A or 51B)–

(a) issue a warning;

(b) refer a regulated professional or body to the relevant professional body or regulator;

(c) refer a case to a law enforcement agency for criminal investigation.

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(3) Subsection (4) applies where a monetary penalty has not been imposed under section 51A or 51B but the authority is satisfied, on the balance of probabilities, that a person has–

(a) breached a prohibition of a kind specified in section 51A(1); or

(b) failed to comply with an obligation of a kind specified in section 51A(1).

(4) The authority may publish a report of the case (whether or not as part of a report under section 51A(6)(c)).

Sanctions Civil Enforcement Regulations.

51D.(1) The Government must make regulations ("Sanctions Civil Enforcement Regulations") about practice and procedure in connection with enforcement action under sections 51A to 51C.

(2) Sanctions Civil Enforcement Regulations may, in particular, include provision–

(a) requiring the sanctions civil enforcement authority to give notice of intention to impose a penalty or take any other action;

(b) entitling a person to make representations about a proposed penalty or other action;

(c) about the making and communication of decisions;

(d) for reviews of a decision;

(e) for taking interim action pending a decision whether to take action;

(f) about investigations carried out by the authority (including provision as to the obtaining and treatment of evidence);

(g) conferring powers on the authority to require the provision of information and documents;

(h) about the disclosure of information by and to the authority (including the sharing of information between the authority and any other specified person or class of person);

(i) conferring a right of appeal or application to the Supreme Court;

(j) about publication of enforcement action taken;

(k) applying with or without modification, or making provision equivalent to, any provision of this Act for a purpose in connection with any of the matters mentioned

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in paragraphs (a) to (j) or for any other purpose relating to practice and procedure in connection with enforcement action under sections 51A to 51C.

(3) Sanctions Civil Enforcement Regulations may–

(a) amend section 51A(5) so as to substitute another amount for an amount for the time being specified in it;

(b) define (whether or not by reference to other legislation or measures), or make supplementary provision in respect of, the references in section 51A(5) to "funds" and "economic resources".

(4) For the avoidance of doubt, Sanctions Civil Enforcement Regulations are regulations under this Act for the purposes of section 53 and all other purposes.

Supplementary

Crown application.

52.(1) Regulations under this Act may make provision binding the Crown in the right of Her Majesty's Government of Gibraltar.

(2) The regulations may not provide for Her Majesty's Government of Gibraltar to be criminally liable.

Regulations: general.

53.(1) Regulations under this Act may-

(a) make different provision for different purposes;

(b) confer functions on a prescribed person;

(c) confer jurisdiction on any court or tribunal.

(2) Regulations under this Act may make supplemental, incidental, consequential, transitional or saving provision, including-

(a) in the case of regulations under section 16, provision amending, repealing or revoking enactments (whenever passed or made); and

(b) in the case of regulations under section 16 which repeal or revoke an enactment, provision for persons designated by or under that enactment to be treated as persons designated under the regulations.

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(3) In this section "enactment" includes-

(a) an enactment contained in any order, rules, regulations or other instrument made under an Act;

(b) any retained direct EU legislation.

(4) In subsection (2)(b) the reference to persons "designated" by or under a repealed or revoked enactment includes, where the enactment is retained direct EU legislation, persons listed in or under that enactment.

(5) This section does not apply to regulations under section 54 (regulations under section 16: transitory provision).

Regulations under section 16: transitory provision.

54.(1) If the Chief Minister, when making any regulations under section 16 considers it is appropriate to do so in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom and Gibraltar from the EU, the regulations may provide that it comes into force, or that any provision of regulations contained therein comes into force, on such day as the Chief Minister may by regulations under this section appoint.

(2) Any power of the Chief Minister to appoint a day under this section includes-

(a) a power to appoint different days for different purposes, and

(b) a power to appoint a time on a day if the Chief Minister considers it appropriate to do so (including a time that has effect by reference to the coming into force of any other enactment).

Constitutional responsibilities of Governor.

55. Nothing in this Act or in any enactment made under it is to derogate from the responsibility of the Governor under the Constitution for external affairs, defence, internal security or any other matter for which the Governor may have responsibility under the Constitution.

Delegation of powers.

56.(1) The Chief Minister may delegate powers under this Act to any Minister and where such powers are delegated any reference in this Act to the Chief Minister is to be construed as including a reference to that Minister.

(2) A delegation under subsection (1) may be of a general nature or specifically in respect of a particular matter or activity and for the period stated in the instrument of delegation.

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(3) Nothing in this section limits the ability of the Chief Minister to exercise any powers which have not been delegated during any period during which a delegation subsists.

(4) The power in subsection (1) may be exercised to delegate to more than one Minister in respect of different matters or activities.

Consequential amendment.

57. Section 15 of the Immigration and Asylum Act 2018 is amended as follows-

(a) for subsection (1)(b) and (c) substitute-

"(b) his entry into Gibraltar has been prohibited under any law pursuant to any European Union or international obligation binding Gibraltar;

(c) he is a person to whom subsection (2) applies; or

(d) he is a person who under regulations made under section 16 of the Sanctions Act 2019 is an excluded person for the purposes of this section (see section 22 of that Act)."

(b) after subsection (8) insert-

"(9) In relation to any person within subsection (1)(d), subsections (5) to (7) are subject to any exception created under, or direction given by virtue of, section 31(4) of the Sanctions Act 2019 (power to create exceptions etc).".

Repeal and transitional provisions.

58.(1) The Chief Minister may, by Order, include in Schedule 2 to this Act enactments which make provision for sanctions in Gibraltar.

(2) Enactments set out in Schedule 2 are repealed to the extent stated therein, and in this section are "the repealed enactments".

(3) Proceedings for an offence under any of the repealed enactments that had commenced before its repeal must continue under the respective enactment as if it had not been repealed.

(4) If proceedings for an offence committed under any of the repealed enactments have not been commenced before its repeal–

(a) if there is an equivalent offence under this Act proceedings must be brought under this Act;

(b) if there is no equivalent offence proceedings cannot be brought.

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(5) The maximum sentence for an offence under a repealed enactment that can be imposed for an offence under that enactment committed before its repeal is the maximum sentence for that offence under that enactment.

(6) An appeal against conviction or sentence in respect of an offence committed before the repeal of the enactment in which the offence was contained must be conducted as if this Act had not been enacted.

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SCHEDULE 1
TRADE SANCTIONS

Section 23

PART 1

TRADE SANCTIONS

1. The purposes referred to in section 23(1) are the purposes set out in paragraphs 2 to 16.

2. Preventing the export of goods of a prescribed description—

   (a) to, or for the benefit of—

      (i) designated persons (see section 27),

      (ii) persons connected with a prescribed country, or

      (iii) a prescribed description of persons connected with a prescribed country, or

   (b) to, for the benefit of, or for use in, a prescribed country.

3. Preventing the import of all goods, or of goods of a prescribed description—

   (a) which are consigned from a prescribed country,

   (b) which originate in a prescribed country,

   (c) which are consigned from or imported, manufactured, produced or owned by—

      (i) designated persons,

      (ii) persons connected with a prescribed country, or

      (iii) a prescribed description of persons connected with a prescribed country,

   (d) for the benefit of—

      (i) designated persons,

      (ii) persons connected with a prescribed country, or

      (iii) a prescribed description of persons connected with a prescribed country, or

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(e) for the benefit of a prescribed country.

4. Preventing the movement outside Gibraltar of goods of a prescribed description—

(a) to, or for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country,

(b) to, or for the benefit of, a prescribed country,

(c) from a prescribed country,

(d) which originate in a prescribed country, or

(e) in specified ships (see section 30).

5. Preventing a transfer of technology of a prescribed description—

(a) to, or for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country;

(b) to a place (see paragraph 35) in a prescribed country,

(c) to, or for the benefit of, persons outside Gibraltar, where the transfer is from a designated person, a person connected with a prescribed country or a place in a prescribed country,

(d) to a place outside Gibraltar, where the transfer is from a designated person, a person connected with a prescribed country or a place in a prescribed country,

(e) to persons (other than designated persons) in Gibraltar, where the person effecting, or responsible for, the transfer has reason to believe that the technology may be used in a prescribed country, or

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(f) to a place in Gibraltar, where the person effecting, or responsible for, the transfer has reason to believe that the technology may be used in a prescribed country.

6. Preventing goods or technology of a prescribed description from being made available-

(a) to, or for the benefit of-

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country,

(b) for the benefit of, or for use in, a prescribed country, or

(c) for use in connection with specified ships.

7. Preventing the acquisition of goods or technology of a prescribed description-

(a) from, or for the benefit of-

(i) designated persons,

(ii) persons connected with a prescribed country,

(iii) a prescribed description of persons connected with a prescribed country, or

(iv) persons on board specified ships, or

(b) in, or which originate in, a prescribed country.

8. Preventing land, or land of a prescribed description, from being made available to, or for the benefit of-

(a) designated persons,

(b) persons connected with a prescribed country, or

(c) a prescribed description of persons connected with a prescribed country.

9. Preventing the acquisition of land, or land of a prescribed description-

(a) from, or for the benefit of-

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(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country, or

(b) in a prescribed country.

10. Preventing-

(a) activities of a prescribed description relating (directly or indirectly) to military activities from being carried on for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country, or

(b) activities of a prescribed description from being carried on, where the activities relate (directly or indirectly) to military activities carried on, or proposed to be carried on, in a prescribed country.

11. Preventing all services, or services of a prescribed description, from being provided-

(a) to, or for the benefit of-

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country, or

(b) in Gibraltar by a prescribed description of persons connected with a prescribed country.

12. Preventing all services, or services of a prescribed description, from being procured—

(a) from, or for the benefit of—

(i) designated persons,

(ii) persons connected with a prescribed country, or

(iii) a prescribed description of persons connected with a prescribed country, or

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(b) for provision in a prescribed country.

13. Preventing services, or services of a prescribed description, from being provided or procured, where the services relate to—

(a) the export of goods of a prescribed description to, or for the benefit of, persons as mentioned in paragraph 2(a),

(b) the export of goods of a prescribed description to, for the benefit of, or for use in, a prescribed country,

(c) the import of goods, or goods of a prescribed description, which are consigned from, or originate in, a prescribed country,

(d) the import of goods, or goods of a prescribed description, which are consigned from or imported, manufactured, produced or owned by persons as mentioned in paragraph 3(c), the import of goods, or goods of a prescribed description, for the benefit of persons as mentioned in paragraph 3(d),

(e) the import of goods, or goods of a prescribed description, for the benefit of a prescribed country,

(f) the movement of goods of a prescribed description to, or for the benefit of, persons as mentioned in paragraph 4(a),

(g) the movement of goods of a prescribed description to, or for the benefit of, a prescribed country,

(h) the movement of goods of a prescribed description from a prescribed country, or which originate in a prescribed country,

(i) the movement of goods of a prescribed description in specified ships,

(j) the transfer of technology of a prescribed description to, or for the benefit of, persons as mentioned in sub-paragraph (a), (c) or (e) of paragraph 5,

(k) the transfer of technology of a prescribed description to a place as mentioned in sub-paragraph (b), (d) or (f) of paragraph 5,

(l) the making available of goods or technology of a prescribed description to, or for the benefit of, persons as mentioned in paragraph 6(a),

(m) the making available of goods or technology of a prescribed description for the benefit of, or for use in, a prescribed country,

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(n) the making available of goods or technology of a prescribed description for use in connection with specified ships,

(o) the acquisition of goods or technology of a prescribed description from, or for the benefit of, persons as mentioned in paragraph 7(a),

(p) the acquisition of goods or technology of a prescribed description in, or which originate in, a prescribed country,

(q) the making available of land, or land of a prescribed description, to, or for the benefit of, persons as mentioned in paragraph 8,

(r) the acquisition of land, or land of a prescribed description, from, or for the benefit of, persons as mentioned in paragraph 9(a),

(s) the acquisition of land, or land of a prescribed description, in a prescribed country,

(t) the carrying on of activities of a prescribed description as mentioned in sub-paragraph (a) of paragraph 10 for the benefit of persons as mentioned in that sub-paragraph,

(u) the carrying on of activities of a prescribed description as mentioned in paragraph 10(b), or

(v) the provision or procurement of other services, or services of a prescribed description, which relate to a matter mentioned in any of sub-paragraphs (a) to (v).

14. Preventing services, or services of a prescribed description, from being provided or procured, where the services relate to—

(a) the provision of other services, or services of a prescribed description, to, or for the benefit of, persons as mentioned in paragraph 11(a),

(b) the provision of other services, or services of a prescribed description, in Gibraltar by a prescribed description of persons connected with a prescribed country,

(c) the procurement of other services, or services of a prescribed description, from, or for the benefit of, persons as mentioned in paragraph 12(a),

(d) the procurement of other services, or services of a prescribed description, for provision in a prescribed country,

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(e) projects, industries, sectors or infrastructure of a prescribed description in a prescribed country,

(f) activities of a prescribed description carried on, or proposed to be carried on, in a prescribed country,

(g) trade with a prescribed country,

(h) aircraft registered in a prescribed country,

(i) ships registered in a prescribed country,

(j) specified ships, or

(k) the provision or procurement of other services, or services of a prescribed description, which relate to a matter mentioned in any of sub-paragraphs (e) to (j).

15. So far as a UN Security Council Resolution provides for the taking of measures in relation to ships designated for purposes of that resolution, and so far as the purposes set out in this paragraph are relevant to that resolution, preventing—

(a) the movement outside Gibraltar of goods of a prescribed description in such ships,

(b) goods or technology of a prescribed description from being made available for use in connection with such ships,

(c) the acquisition of goods or technology of a prescribed description from persons on board such ships, or

(d) the provision or procurement of services which relate to such ships.

16. Preventing—

(a) the export, import, movement, making available or acquisition of objects of cultural interest, or objects of cultural interest of a prescribed description, which have been removed from a prescribed country, or

(b) services of a prescribed description from being provided or procured, where the services relate to objects of cultural interest, or objects of cultural interest of a prescribed description, which have been removed from a prescribed country.

PART 2
FURTHER PROVISION

Further provision.

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17. Regulations which include provision for a purpose mentioned in Part 1 may describe goods wholly or partly by reference to—

(a) the uses to which the goods, or any information recorded on or derived from them, may be put,

(b) the types of users of the goods, or of any such information,

(c) the industries, sectors, infrastructure or projects to which the goods, or any such information, may relate, or

(d) the place where the goods originate.

18. Regulations which include provision for a purpose mentioned in paragraph 2 or 3 may describe goods wholly or partly by reference to their being of an amount, quantity or value in excess of a prescribed amount, quantity or value.

19. Regulations which include provision for a purpose mentioned in Part 1 may describe technology wholly or partly by reference to—

(a) the uses to which the technology may be put,

(b) the industries, sectors, infrastructure or projects to which the technology may relate, or

(c) any activities carried on, or proposed to be carried on, to which the technology may relate.

20. Regulations which include provision for a purpose mentioned in Part 1 may describe services wholly or partly by reference to—

(a) the uses to which the services may be put,

(b) the industries, sectors, infrastructure or projects to which the services may relate,

(c) any goods, technology or land to which the services may relate,

(d) any activities carried on, or proposed to be carried on, to which the services may relate (including the export, import, movement, transfer, making available, acquisition, development, manufacture, production, maintenance or use of goods, technology or land), or

(e) any other services to which the services in question may relate.

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21. Regulations which include provision for a purpose mentioned in Part 1 may include provision having the effect that references to specified provisions of orders made under the Export Control Act 2005 are to operate as references to specified provisions of such orders as amended from time to time.

22. Regulations which include provision for a purpose mentioned in Part 1 may include provision having the effect that references to a technical list of goods or technology (including a list by reference to which any UN obligation operates) are to operate as references to that list as revised or re-issued from time to time.

23. Regulations which include provision for a purpose mentioned in paragraph 2 may include provision in relation to the removal from Gibraltar of vehicles, ships and aircraft (as an export of goods), whether or not they are moving under their own power or carrying goods or passengers.

24. Regulations which include provision for a purpose mentioned in paragraph 3 may include provision in relation to the taking into Gibraltar of vehicles, ships and aircraft (as an import of goods), whether or not they are moving under their own power or carrying goods or passengers.

25.(1) This paragraph applies where regulations include provision for a purpose mentioned in paragraph 15 in relation to ships designated by the Security Council or a subsidiary organ of the Security Council for purposes of a UN Security Council Resolution.

(2) The provision may describe the ships by reference to the instrument in which the ships are designated, including by reference to that instrument as varied or supplemented from time to time.

Enforcement

26.(1) This paragraph applies in relation to any provision of Imports and Exports Act, 1986 which specifies a maximum period of imprisonment with which an offence is punishable on conviction on indictment.

(2) Regulations under this paragraph may modify any such provision in the case of an offence committed in connection with a prohibition or requirement—

(a) imposed for a purpose mentioned in Part 1, and

(b) specified in the regulations.

(3) The modification may not have the effect that such an offence is punishable with imprisonment for a period exceeding 10 years.

Restriction

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27. Regulations may not contain prohibitions for a purpose mentioned in Part 1 which have the effect of prohibiting any of the following activities—

(a) the communication of information in the ordinary course of scientific research,

(b) the making of information generally available to the public, or

(c) the communication of information that is generally available to the public,

unless the interference by the regulations in the freedom to carry on the activity in question is necessary (and no more than is necessary).

28. The question whether any such interference is necessary is to be determined by the Chief Minister-

(a) by reference to the circumstances prevailing at the time the regulations are made, and

(b) having considered the purpose of the regulations as stated under section 16(3) and the need to respect the freedom to carry on that activity.

Interpretation

29. In this Schedule, any reference to goods, technology, land or services being moved, made available, acquired, provided or procured is to their being moved, made available, acquired, provided or procured (as the case may be) directly or indirectly.

30. For the purposes of this Schedule "export" means export from Gibraltar.

31. For the purposes of this Schedule "import" means import into Gibraltar.

32. For the purposes of this Schedule—

(a) goods, technology or land are "acquired" by a person if the person buys, leases, hires, borrows or accepts as a gift the goods, technology or land (as the case may be), and "acquisition" is to be construed accordingly, and

(b) a reference to goods which "originate" in a country includes a reference to goods which are manufactured or produced in that country.

33. In paragraph 5 "place" includes—

(a) any vehicle, ship or aircraft,

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(b) any installation (including a floating installation or one resting on the seabed or its subsoil or on other land covered with water or its subsoil), or

(c) any tent or movable structure.

34. In this Schedule—

"aircraft" includes unmanned aircraft and aircraft capable of spaceflight activities;

"objects of cultural interest" includes objects of historical or scientific interest;

"regulations" means regulations under section 16;

"ship" includes every description of vessel (including a hovercraft) used in navigation;

"specified ship" has the meaning given by section 30;

"technology" means information (including information comprised in software) that is capable of use in connection with—

(a) the development, production or use of any goods or software, or

(b) the development of, or the carrying out of, an industrial or commercial activity or an activity of any other kind whatsoever;

"transfer", in relation to any technology, means a transfer by any means (or combination of means), including oral communication and the transfer of goods on which the technology is recorded or from which it can be derived, other than the export of such goods.

35. Nothing in section 16 prevents any reference to services in this Schedule from including financial services.

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SCHEDULE 2
REPEALS

Section 58

Title	Extent of repeal

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SCHEDULE 3

TEMPORARY POWERS IN RELATION TO EU SANCTIONS LISTS

Section 15

1.(1) This paragraph applies where-

(a) a provision of retained EU sanctions law relates to persons named in any Annex, instrument or other document, or

(b) a provision of an instrument made by the Council of the European Union (however expressed) requires or recommends that persons named, or of a description specified, in that instrument or any other document must not or should not be admitted to Gibraltar (see section 15 of the Immigration and Asylum Act 2018).

(2) An Annex, instrument or other document mentioned in subparagraph (1)(a) or (b) is an "EU sanctions list" for the purposes of this paragraph.

(3) The Chief Minister may, in respect of any EU sanctions list-

(a) direct that a person's name is to be treated as added to the list with effect from a date specified in the direction, or

(b) direct that a person's name is to be treated as removed from the list with effect from a date specified in the direction.

(4) The giving of a direction under paragraph (a) or (b) of subparagraph (3) does not prevent the giving of any subsequent direction under either of those paragraphs in respect of the same person.

(5) The power to give a direction under this paragraph is not exercisable after 2 years beginning with the day on which this paragraph comes into force (but see subparagraph (8)).

(6) In this paragraph "a provision of retained EU sanctions law" means a provision of retained EU law which corresponds to any provision that by virtue of any of sections 21 and 23 to 25 could be made by regulations under section 16 in relation to designated persons.

(7) Paragraph 2 makes further provision about directions under this paragraph.

(8) The Chief Minister may by Order amend subparagraph (5) to extend the time limit for the use of the power to make directions under this section.

Directions under paragraph 1: further provision.

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2.(1) The Chief Minister may not under paragraph 1 direct that a person's name is to be treated as added to an EU sanctions list except where the Chief Minister-

(a) has reasonable grounds to suspect that the person is an involved person (see subparagraphs (2) and (3) below); and

(b) considers that it is appropriate to give the direction, having regard to-

(i) the purpose of the EU provision which relates to persons in that list (see subparagraphs (4) and (5) below), and

(ii) the likely significant effects of the direction on the person to whom it relates (as they appear to the Chief Minister to be on the basis of the information that the Chief Minister has).

(2) In subparagraph (1)(a) "an involved person" means a person who-

(a) is or has been involved in an activity which is specified, by regulations made by the Chief Minister, in relation to the list in question;

(b) is owned or controlled directly or indirectly by a person who is or has been so involved;

(c) is acting on behalf of or at the direction of a person who is or has been so involved; or

(d) is a member of, or associated with, a person who is or has been so involved.

(3) An activity may not be specified by regulations under subparagraph (2)(a) unless the Chief Minister making the regulations considers that specifying the activity is appropriate having regard to the purpose of the EU provision which relates to persons in the list in question.

(4) In subparagraphs (1) and (3) any reference to the "purpose" of any EU provision is to such purpose, or purposes, as may be prescribed in relation to that provision by regulations made by the Chief Minister.

(5) Any purpose prescribed under subparagraph (4) must be a purpose that it is reasonable to assume was the purpose (or one of the purposes) of the provision in question.

(6) Regulations under subsection (2)(a) which specify an activity may also make provision as to the meaning, for the purposes of subparagraph (2) as it applies in relation to the list in question, of a person's-

(a) being involved in the specified activity;

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(b) being "owned or controlled directly or indirectly by" another person;

(c) being "associated with" another person.

(7) Regulations made by the Chief Minister may make provision as to the steps to be taken as regards notification and publicity where a direction is given under paragraph 1.

(8) Regulations made under subparagraph (7) must, in relation to any case where a direction under paragraph 1 has been given, require the Chief Minister to take without delay such steps as are reasonably practicable-

(a) to inform the person to whom it relates that the direction has been given, and

(b) where the direction is under paragraph 1(3)(a), to include with that information a brief statement of the matters that the Chief Minister knows, or has reasonable grounds to suspect, in relation to that person which have led the Chief Minister to give the direction.

(9) The regulations may authorise the statement required by virtue of subparagraph (8)(b) to exclude matters where the Chief Minister considers that they should be excluded-

(a) in the interests of the security of Gibraltar or international relations,

(b) for reasons connected with the prevention or detection of serious crime in Gibraltar or elsewhere, or

(c) in the interests of justice,

but the regulations may not authorise the Chief Minister to provide no such statement.

(10) The regulations need not require a person to be notified of an intention to make a direction under paragraph 1.

(11) In this paragraph-

"EU sanctions list" has the same meaning as in paragraph 1;

"EU provision" means-

(a) a provision of retained EU sanctions law (within the meaning of paragraph 1), or

(b) a provision of an instrument made by the Council of the European Union.

Rights of person on EU sanctions list.

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3.(1) A person whose name is included, or treated as included, in an EU sanctions list may make a request for a direction under paragraph 1(3)(b) that the person's name be treated as removed from the list, but this is subject to paragraph 4 (UN-named persons).

(2) Any request under this paragraph must be made to the Chief Minister.

(3) Where a request under this paragraph has been made for a direction in respect of a person and a list, no further request may be made under this paragraph in respect of that person and that list unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered.

(4) On a request under this paragraph the Chief Minister must decide whether or not to comply with the request.

(5) The Chief Minister may by regulations make provision about the procedure to be followed in connection with a request under this paragraph or paragraph 4.

(6) Regulations made under subparagraph (5) in relation to a request under this paragraph or paragraph 4 must require-

(a) the decision on any such request to be made as soon as reasonably practicable after the receipt by the Chief Minister of the information needed for making the decision, and

(b) the person who made the request to be informed of the decision and the reasons for it as soon as reasonably practicable after the decision is made.

(7) The regulations may authorise matters to be excluded from the reasons given for the decision where the Chief Minister considers that those matters should be excluded-

(a) in the interests of the security of Gibraltar or international relations;

(b) for reasons connected with the prevention or detection of serious crime in Gibraltar or elsewhere; or

(c) in the interests of justice,

(but the regulations may not authorise the Chief Minister to provide no reasons).

(8) In this paragraph "EU sanctions list" has the same meaning as in paragraph 1.

Rights of UN-named person on EU sanctions list.

4.(1) This paragraph applies where-

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(a) a person whose name is included or treated as included in an EU sanctions list is a person in relation to whom, by virtue of a UN Security Council Resolution ("the Resolution"), Gibraltar has an obligation to take particular measures, and

(b) that obligation is met by-

(i) provision mentioned in paragraph 2(1)(a) which relates to that EU sanctions list, or

(ii) the application to the person, by virtue of that EU sanctions list, of any provision of section 15 of the Immigration and Asylum Act 2018.

(3) The person-

(a) may not make a request under paragraph 3 in respect of the EU sanctions list concerned, but

(b) may at any relevant time make a request under this paragraph for Chief Minister to use his best endeavours to secure that the person's name is removed from the relevant UN list.

(4) Where a person has made a request under this paragraph virtue of being on an EU sanctions list, the person may make no further request under this paragraph by virtue of being on that list unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Chief Minister.

(5) On a request under this paragraph the Chief Minister must decide whether or not to comply with the request.

(6) For the purposes of this paragraph a person's name is "removed from the relevant UN list" if the person ceases to be named (by the Security Council or a subsidiary organ of the Security Council) for the purposes of the Resolution so far as it provides for the taking of the measures in question.

(7) In subparagraph (2) a "relevant time" means a time when no provision of regulations under section 16 has been made the purpose (or a purpose) of which is compliance with the Gibraltar's obligation to take the measures in question.

(8) For the purposes of subparagraph (3) a person is "on" an EU sanctions list if the person's name is included or treated as included in that list.

(9) In this paragraph "EU sanctions list" has the same meaning as in paragraph 1.

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SCHEDULE 4

INTERNATIONAL SANCTIONS: INFORMATION PROVISIONS

Section 7

Reporting obligations of relevant institutions and others.

1.(1) A relevant institution or relevant business or profession must inform the Chief Minister, or such person or body appointed for the purpose by the Chief Minister by notice in the Gazette, as soon as practicable if-

(a) it knows, or has reasonable cause to suspect, that a person-

(i) is a designated person;

(ii) is a person to whom international sanctions apply; or

(ii) has committed an offence under this Act; and

(b) the information or other matter on which the knowledge or suspicion is based came to it in the course of carrying on its business.

(2) Where a relevant institution or relevant business or profession informs the Chief Minister (or the appointed person or body) under subparagraph (1), it must state-

(a) the information or other matter on which the knowledge or suspicion is based; and

(b) any information it holds about the person by which the person can be identified.

(3) Subparagraph (4) applies if-

(a) a relevant institution or relevant business or profession informs the Chief Minister (or the appointed person or body) under subparagraph (1) that it knows, or has reasonable cause to suspect, that a person is a designated person; and

(b) that person is a customer of the institution or relevant business or profession.

(4) The relevant institution or relevant business or profession must also state the nature and amount or quantity of any funds or economic resources held by it for the customer.

(5) A relevant institution or relevant business or profession that fails to comply with any requirement of subparagraph (1), (2) or (4) commits an offence.

(6) In this paragraph, a "relevant business or profession" means

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(a) an auditor;

(b) a casino;

(c) a dealer in precious metals or stones;

(d) an estate agent;

(e) an external accountant;

(f) an independent legal professional;

(g) a tax adviser; and

(h) a trust or company service provider,

operating in Gibraltar.

(6A) In this paragraph, "relevant institution" means a person that has permission under Part 7 of the Financial Services Act 2019 or a collective investment scheme authorised under Part 18 of that Act.

(7) For the purpose of subparagraph (6)-

"auditor" means any firm or sole practitioner who is a statutory auditor within the meaning of the Financial Services (Auditors) Act 2009 and carries out statutory audit work within the meaning of that same Act;

"casino" means the holder of a casino operating licence granted under section 3(1) of the Gambling Act 2005;

"dealer in precious metals or stones" means a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging-

(a) articles made from gold, silver, platinum or palladium; or

(b) precious stones or pearls;

"estate agent" means a firm or sole practitioner, who, or whose employees, carry out estate agency work, when the work is being carried out;

"external accountant" means a firm or sole practitioner who by way of business provides accountancy services to other persons, when providing such services;

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"independent legal professional" means a firm or sole practitioner who by way of business provides legal or notarial services to other persons, when providing such services;

"tax adviser" means a firm or sole practitioner who by way of business provides advice about the tax affairs of other persons, when providing such services; and

"trust or company service provider" means a firm or sole practitioner who by way of business provides any of the following services to other persons, when that firm or practitioner is providing such services-

(a) forming companies or other legal persons;

(b) acting, or arranging for another person to act-

(i) as a director or secretary of a company;

(ii) as a partner of a partnership; or

(iii) in a similar capacity in relation to other legal persons;

(c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement; or

(d) acting, or arranging for another person to act, as-

(i) a trustee of an express trust or similar legal arrangement; or

(ii) a nominee shareholder for a person.

(8) In subparagraph (7)-

"firm" means any entity that, whether or not a legal person, is not an individual and includes a body corporate and a partnership or other unincorporated association.

Powers to request information.

2.(1) The Chief Minister or the appointed person or body may request a designated person or person to whom international sanctions apply to provide information concerning-

(a) funds or economic resources owned, held or controlled by or on behalf of the designated person or person to whom international sanctions apply; or

(b) any disposal of such funds or economic resources.

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(2) The Chief Minister or the appointed person or body may request a designated person or person to whom international sanctions apply to provide such information as the Chief Minister or the appointed person or body may reasonably require about expenditure-

(a) by or on behalf of the designated person or person to whom international sanctions apply; or

(b) for the benefit of the designated person or person to whom international sanctions apply.

(3) The power in subparagraph (1) or (2) is exercisable only where the Chief Minister or the appointed person or body believes that it is necessary for the purpose of monitoring compliance with or detecting evasion of this Act.

(4) The Chief Minister or the appointed person or body may request a person acting under a licence granted under this Act to provide information concerning-

(a) funds or economic resources dealt with under the licence; or

(b) funds or economic resources made available under the licence.

(5) The Chief Minister or the appointed person or body may request any person in or resident in Gibraltar to provide such information as he reasonably requires for the purpose of-

(a) establishing for the purpose of this Act-

(i) the nature and amount or quantity of any funds or economic resources owned, held or controlled by or on behalf of a designated person or person to whom international sanctions apply;

(ii) the nature and amount or quantity of any funds or economic resources made available directly or indirectly to, or for the benefit of, a designated person or person to whom international sanctions apply; or

(iii) the nature of any financial transactions entered into by a designated person or person to whom international sanctions apply;

(b) monitoring compliance with or detecting evasion of this Act; or

(c) obtaining evidence of the commission of an offence under this Act.

(6) The Chief Minister or the appointed person or body may specify the manner in which, and the period within which, information is to be provided.

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(7) If no such period is specified, the information which has been requested must be provided within a reasonable time.

(8) A request may include a continuing obligation to keep the Chief Minister or the appointed person or body informed as circumstances change, or on such regular basis as the Chief Minister or the appointed person or body may specify.

(9) Information requested under this paragraph may relate to any period of time during which a person is, or was, a designated person or person to whom international sanctions apply.

(10) Information requested under subparagraph (1)(b), (2) or (5)(a)(iii) may relate to any period of time before a person became a designated person or person to whom international sanctions apply (as well as, or instead of, any subsequent period of time).

Production of documents.

3.(1) A request under paragraph 2 may include a request to produce specified documents or documents of a specified description.

(2) Where the Chief Minister or the appointed person or body requests that documents be produced, he may-

(a) take copies of or extracts from any document so produced;

(b) request any person producing a document to give an explanation of it; and

(c) where that person is a body corporate, partnership or unincorporated body other than a partnership, request any person who is-

(i) in the case of a partnership, a present or past partner or employee of the partnership; or

(ii) in any other case, a present or past officer or employee of the body concerned, to give such an explanation.

(3) Where the Chief Minister or the appointed person or body requests a designated person or person to whom international sanctions apply or a person acting under a licence granted under this Act to produce documents, that person must-

(a) take reasonable steps to obtain the documents (if not already in the person's possession or control); and

(b) keep the documents under the person's possession or control (except for the purpose of providing them to the Chief Minister or the appointed person or body or as the Chief Minister or the appointed person or body may otherwise permit).

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Failure to comply with request for information.

4.(1) A person commits an offence who-

(a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule;

(b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;

(c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, conceals or removes any document; or

(d) otherwise intentionally obstructs the Chief Minister or the appointed person or body in the exercise of their powers under this Schedule.

(2) Where a person is convicted of an offence under this paragraph, the court may make an order requiring that person, within such period as may be specified in the order, to comply with the request.

General power to disclose information.

5.(1) The Chief Minister or the appointed person or body may disclose any information obtained by him pursuant to this Act to any person for the purpose of facilitating or ensuring compliance with this Act and international sanctions.

(2) The power in subparagraph (1) includes but is not limited to disclosing information to the following persons-

(a) to-

(i) a police officer;

(ii) an officer of HM Customs;

(iii) the Gibraltar Co-ordinating Centre for Criminal Intelligence and Drugs (GCID); or

(iv) the Gibraltar Financial Intelligence Unit (GFIU)

(b) any person holding or acting in any office under or in the service of the Government of Gibraltar;

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(c) the Gibraltar Financial Services Commission;

(d) any other regulatory body, including those of other States;

(e) any organ of the United Nations; or

(f) the Council of the European Union, the European Commission or the Government of any country.

(3) The purpose of facilitating or ensuring compliance with this Act and international sanctions referred to in subparagraph (1) includes but is not limited to the following-

(a) monitoring compliance with, or detecting evasion of, this Act and international sanctions;

(b) giving assistance or co-operation, pursuant to international obligations; or

(c) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings.

(4) The Chief Minister or the appointed person or body may disclose any information obtained by him pursuant to this Act to any person with the consent of a person who, in his or her own right, is entitled to the information or to possession of the document, copy or extract.

(5) In subparagraph (4), "in his or her own right" means not merely in the capacity as a servant or agent of another person.

Application of provisions.

6.(1) Nothing done under this Schedule is to be treated as a breach of any restriction imposed by statute or otherwise.

(2) But nothing in this Schedule authorises a disclosure that contravenes the Data Protection Act 2004.

(3) Nothing in this Schedule is to be read as requiring a person who has acted or is acting as counsel or solicitor for any person to disclose any privileged information in their possession in that capacity.

(4) This Schedule does not limit the circumstances in which information may be disclosed apart from this Schedule.

(5) This Schedule does not limit the powers of the Chief Minister to impose conditions in connection with the discharge of his functions under this Act.

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(6) In this paragraph "privileged information" means information with respect to which a claim to legal professional privilege could be maintained in legal proceedings.

SCHEDULE 5

PART 1

DESIGNATION OF A PERSON BY NAME UNDER A DESIGNATION POWER

1. This Part of this Schedule applies to regulations under section 16 which authorise the Chief Minister to designate persons by name.

2. The regulations must contain provision which prohibits the Chief Minister from designating a person by name except where the Chief Minister—

(a) has reasonable grounds to suspect that that person is an involved person (see paragraph 3), and

(b) considers that the designation of that person is appropriate, having regard to—

(i) the purpose of the regulations as stated under section 16(3), and

(ii) the likely significant effects of the designation on that person (as they appear to the Chief Minister to be on the basis of the information that the Chief Minister has).

3. The regulations must provide that "an involved person" means a person who—

(a) is or has been involved in an activity specified in the regulations,

(b) is owned or controlled directly or indirectly by a person who is or has been so involved,

(c) is acting on behalf of or at the direction of a person who is or has been so involved, or

(d) is a member of, or associated with, a person who is or has been so involved.

4. An activity may not be specified in the regulations by virtue of paragraph 3 unless the Chief Minister considers that specifying the activity is appropriate having regard to the purpose of the regulations as stated under section 16(3).

5. The regulations may, in the case of any activity specified in the regulations, make provision as to the meaning for the purposes of the regulations of a person's being involved in that activity.

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6. The regulations may make provision, for the purposes of the regulations, as to the meaning of a person's—

(a) being "owned or controlled directly or indirectly by" another person, and

(b) being "associated with" another person.

7. The regulations must, in relation to any case where the Chief Minister designates a person by name, require the information given under the provision made under section 16(3) to include a statement of reasons.

8. In paragraph 7 a "statement of reasons" means a brief statement of the matters that the Chief Minister knows, or has reasonable grounds to suspect, in relation to that person which have led the Chief Minister to make the designation.

9. The regulations may authorise matters to be excluded from that statement where the Chief Minister considers that they should be excluded—

(a) in the interests of the security of Gibraltar or international relations,

(b) for reasons connected with the prevention or detection of serious crime in Gibraltar or elsewhere, or

(c) in the interests of justice,

(but the regulations may not authorise the Chief Minister to provide no statement of reasons).

PART 2

DESIGNATION OF PERSONS BY DESCRIPTION UNDER A DESIGNATION POWER.

1. This Part of this Schedule applies to regulations under section 16 which grant a power for the Chief Minister to provide that persons of a specified description are designated persons.

2. The regulations must contain provision which prohibits the exercise of that power except where conditions A to C are met.

3. Condition A is that the description of persons specified is such that a reasonable person would know whether that person fell within it.

4. Condition B is that, at the time the description is specified, it is not practicable for the Chief Minister to identify and designate by name all the persons falling within that description at that time.

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5. Condition C is that the Chief Minister—

(a) has reasonable grounds to suspect—

(i) in a case where the specified description is members of a particular organisation, that that organisation is an involved person, or

(ii) in the case of any other specified description, that any person falling within that description would necessarily be an involved person, and

(b) considers that the designation of persons of the specified description is appropriate, having regard to—

(i) the purpose of the regulations as stated under section 16(3), and

(ii) the likely significant effects of the designation (as they appear to the Chief Minister to be on the basis of the information that the Chief Minister has) on persons of that description.

6. The regulations must provide that "an involved person" means a person who—

(a) is or has been involved in an activity specified in the regulations;

(b) is owned or controlled directly or indirectly by a person who is or has been so involved;

(c) is acting on behalf of or at the direction of a person who is or has been so involved; or

(d) is a member of, or associated with, a person who is or has been so involved.

7. An activity may not be specified in the regulations by virtue of paragraph 6 unless the Chief Minister considers that specifying the activity is appropriate having regard to the purpose of the regulations as stated under section 16(3).

8. The regulations may, in the case of any activity specified in the regulations, make provision as to the meaning for the purposes of the regulations of a person's being involved in that activity.

9. The regulations may make provision, for the purposes of the regulations, as to the meaning of a person's—

(a) being "owned or controlled directly or indirectly by" another person, and

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(b) being "associated with" another person.

10. The regulations must, in relation to any case where the Chief Minister provides that persons of a specified description are designated persons, require the information given under the provision made under section 16(3) to include a statement of reasons.

11. In paragraph 7 a "statement of reasons" means a brief statement of the matters that the Chief Minister knows, or has reasonable grounds to suspect, in relation to persons of the specified description which have led the Chief Minister to make the provision designating persons of that description.

12. The regulations may authorise matters to be excluded from that statement where the Chief Minister considers that they should be excluded—

(a) in the interests of the security of Gibraltar or international relations;

(b) for reasons connected with the prevention or detection of serious crime in Gibraltar or elsewhere, or

(c) in the interests of justice,

(but the regulations may not authorise the Chief Minister to provide no statement of reasons).

13. In this Part of this Schedule "organisation" includes any body, association or combination of persons.

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