

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3288 of 30 May, 200200

LEGAL NOTICE NO. 44 OF 2002

EUROPEAN COMMUNITIES ACT

THE ZIMBABWE (RESTRICTIVE MEASURES) REGULATIONS 2002

The Governor, in exercise of the powers conferred on him by section 4(1) of the European Communities Act, and all other enabling powers, has made the following Regulations:

Title and commencement.

1.(1) These Regulations may be cited as the Zimbabwe (Restrictive Measures) Regulations 2002 and come into operation on the date they receive the approval of the House of Assembly under Section 4(3) of the European Communities Act.

(2) These Regulations shall apply to ships and aircraft registered in Gibraltar, wherever they may be.

Interpretation.

2. In these Regulations, "EC Regulation" means Council Regulation (EC) 310/2002 of 18 February 2002 concerning certain restrictive measures in respect of Zimbabwe.

Requests for authorisations.

3. If, in connection with a request pursuant to article 5 of the EC Regulations any person-

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular, or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

he is guilty of an offence.

Information.

4. Schedule 1 to these Regulations shall have effect in order to facilitate the obtaining, by or on behalf of the Chief Secretary of the Government of Gibraltar (“the Chief Secretary”), of information for the purpose of ensuring compliance with the EC Regulation.

Offences.

5.(1) An act or omission contrary to article 2, 3, 6 and 9 of the EC Regulation shall constitute an offence contrary to these Regulations.

(2) A person guilty of an offence contrary to regulation 3, sub-regulation 1 or paragraph 2(b) or (c) of Schedule 1 to these Regulations shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale.

(3) Any person guilty of an offence under paragraph 2(a) of Schedule 1 to these Regulations shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

SCHEDULE 1

Regulation 4

INFORMATION

1.(1) The Chief Secretary (“the requesting authority”) may request any person in or resident in Gibraltar to furnish to the requesting authority any information in his possession or control, or to produce to the requesting authority any document in his possession or control, which the requesting authority may require for the purpose of ensuring compliance with the EC Regulation; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) The power conferred by sub-paragraph (1) shall include, in particular, a power to request the furnishing or production of any evidence which is required to be kept by virtue of the EC Regulation.

(3) Nothing in sub-paragraph (1) shall require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(4) Where a person is convicted of an offence under this Schedule of failing to furnish any information or produce any document, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(5) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

2. Any person 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) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule; or
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence.

3. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule shall be disclosed except:

- (a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or any person holding or acting in any office under or in the service of the Crown in respect of the Government of Gibraltar; or
- (c) on the authority of the Chief Secretary, to the Commission of the Communities or to any of the competent authorities listed in Annex III to the EC Regulation for the purposes of assisting the Commission or that competent authority to ensure compliance with the EC Regulation; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under these Regulations.

Dated the 30th day of May, 2002

By Command,

E. MONTADO,

Acting Deputy Governor.