

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3361 of 4 September, 2003

LEGAL NOTICE NO. 99 OF 2003

The following was published as United Kingdom Statutory Instrument 2002 No. 266 and came into force in Gibraltar on 14th February 2002.

UNITED NATIONS

The Al-Qa'ida and Taliban (United Nations Measures) (Overseas Territories) (Amendment) Order 2002

Made 12th February 2002

Laid before Parliament 13th February 2002

Coming into force 14th February 2002

At the Court at Buckingham Palace, the 12th day of February 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946^(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.(1) This Order may be cited as the Al-Qa'ida and Taliban (United Nations Measures) (Overseas Territories) (Amendment) Order 2002 and shall come into force on 14th February 2002.

(2) This Order and the Al-Qa'ida and Taliban (United Nations Measures) (Overseas Territories) Order 2002^(b) (hereinafter referred to as "the principal Order") may be cited together as the Al-Qa'ida and Taliban (United Nations Measures) (Overseas Territories) Order 2002.

^(a) 1946 c. 45.

^(b) S.I. 2002/112

2. In Article 1(4) of the principal Order, the words, “Articles 6, 7 and 8” shall be replaced by the words “Articles 6, 7 and 9”.

3. The definition of “relevant institution” in Article 2(1) of the principal Order shall be amended as follows–

(a) for paragraph (b), substitute–

“(b) any person who may lawfully accept deposits in or from within the Territory by way of business;”;

(b) delete paragraph (c).

4. The following paragraphs shall be inserted after Article 2(1) of the principal Order–

“ (2) For the purpose of the definition of “relevant institution” in paragraph (1)-

(a) the activity of accepting deposits has the meaning given in any relevant order made under section 22 of the Financial Services and Markets Act 2000^(a); and

(b) a person is not regarded as accepting deposits by way of business if–

(i) he does not hold himself out as accepting deposits on a day to day basis, and

(ii) any deposits which he accepts are accepted only on particular occasions, whether or not involving the issue of any securities.

(3) In determining for the purposes of paragraph 2(b)(ii) whether deposits are accepted only on particular occasions, regard is to be had to the frequency of those occasions and to any characteristics distinguishing them from each other.”

5. In Article 13(1) of the principal Order, before “by the Governor”, the words, “an officer authorised for the purpose” shall be inserted.

^(a) 2000 c. 8.

6. In articles 15(2) and 16(2) of the principal Order, before “authorised person”, the words, “authorised officer or ” shall be deleted.

7. In Schedule 3, paragraph 2(1) of the principal Order–

- (a) in the first line, before “any constable or person”, the words, “police officer,” shall be inserted;
- (b) in the second line after sub-paragraph (b), the words “any other constable” shall be replaced by, “any other police officers or constables”.

A K Galloway
Clerk of the Privy Council.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, amends the Al-Qa’ida and Taliban (United Nations Measures) (Overseas Territories) Order 2002 to update the definition of “relevant institution”. It also makes minor corrections to that Order.

