

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,678 of 2nd October, 2008

B. 18/08

BILL

FOR

AN ACT to amend the Education and Training Act for the purpose of transposing into the law of Gibraltar Article 10 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum applicants and Article 27 of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Education and Training (Amendment) Act 2008 and comes into operation on the day of publication.

Amendment of the Education and Training Act.

2.(1) Section 73 of the Education and Training Act is amended in accordance with this section.

(2) In section 73(2) for “Immigration Control Act” substitute “Immigration, Asylum and Refugee Act”.

(3) After section 73(2)(iv) insert—

“(v) is an applicant or dependant family member of an applicant under the Asylum Regulations 2008; or

(vi) has refugee status or subsidiary protection status under the Asylum Regulations 2008.”.

(4) After section 73(2C) insert–

“(2D) Subsection (2A) does not apply where the child is an unaccompanied minor as defined in the Asylum Regulations 2008.”.

EXPLANATORY MEMORANDUM

This Bill amends the Education and Training Act in consequence of Asylum Regulations 2008 which transpose into the law of Gibraltar Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum applicants and Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted into the law of Gibraltar. It further transposes Article 10 of Council Directive 2003/9/EC of 27 January 2003 and Article 27 of Council Directive 2004/83/EC of 29 April 2004.

The effect of the amendments are to enable children who are asylum applicants, refugees, persons with subsidiary protection status or the dependant family members of such persons to benefit from free education in Government schools.

In addition, the Bill also substitutes references to the Immigration Control Act with references to the Immigration, Asylum and Refugee Act in consequence of the Immigration Control (Amendment) Act 2008.

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