

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3318 of 19 December, 2002**

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I ASSENT,

DAVID R C DURIE

GOVERNOR.

16 DECEMBER 2002.



**GIBRALTAR**

**No. 16 of 2002**

**AN ORDINANCE** to amend the Civil Air Terminal Ordinance

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Ordinance may be cited as the Civil Air Terminal Ordinance (Amendment) Ordinance 2002.

**Amendment of the Civil Air Terminal Ordinance.**

2.(1) The Civil Air Terminal Ordinance shall be amended in accordance with the provisions of this section.

(2) The Long Title shall be amended by inserting after the words “Civil Air Terminal” the words “and Aircraft using its facilities”.

(3) The following section shall be inserted after section 4 –

**“Offences in relation to certain dangerous articles.**

4A.(1) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him–

- (a) in any aircraft at a time when it is in, or in flight over, Gibraltar, or
- (b) in any part of Gibraltar Airport

any article to which this section applies.

(2) This section applies to the following articles, that is to say–

- (a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not;
- (b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive; and
- (c) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person

having it with him for such use, whether by him or by any other person.

(3) For the purposes of this section a person who is for the time being in an aircraft, or in part of Gibraltar Airport, shall be treated as having with him in the aircraft, or in that part of the airport, as the case may be, an article to which this section applies if—

- (a) where he is in an aircraft, the article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, his baggage on a flight in the aircraft or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight, or
- (b) where he is in part of Gibraltar Airport (otherwise than in an aircraft), the article, or an article in which it is contained, is in that or any other part of the airport and has been caused (whether by him or by any other person) to be brought into the airport as being, or as forming part of, his baggage on a flight from the airport or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight on which he is also to be carried,

notwithstanding that the circumstances may be such that (apart from this subsection) he would not be regarded as having the article with him in the aircraft or in a part of the airport, as the case may be.

(4) A person guilty of an offence under this section shall be liable—

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

*Civil Air Terminal Ordinance (Amendment) Ordinance, 2002*  
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(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.

(5) Nothing in subsection (3) above shall be construed as limiting the circumstances in which a person would, apart from that subsection, be regarded as having an article with him as mentioned in subsection (1) above.”.

(4) Section 5 shall be amended by substituting for the words “a fine of £25” the words “a fine not exceeding level 3 on the standard scale.”.

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Passed by the Gibraltar House of Assembly on the 18th day of November, 2002.

Dennis J Reyes

Clerk to the Assembly.