

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4129 of 1 December, 2014

LEGAL NOTICE NO. 234 OF 2014.

CRIMES ACT 2011

DRUGS (MISUSE) (AMENDMENT) REGULATIONS 2014

In exercise of the powers conferred upon it under section 509 of the Crimes Act 2011, and all other enabling powers, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Drugs (Misuse) (Amendment) Regulations 2014 and come into operation on 1 December 2014.

Amendments to regulations.

2. The Drugs Misuse Regulations 2005 are amended by inserting the following regulation after regulation 31—

Controlled delivery: Schengen

31A.(1) Subject to subregulation (2) the Minister with responsibility for Justice may authorise the controlled delivery in Gibraltar of a controlled drug.

(2) An authorisation under subregulation (1) may only be given if the State from which the controlled drug is to be imported into Gibraltar has approved the controlled delivery pursuant to article 73 of the Schengen Agreement.

(3) Where a controlled delivery is to be made in a Schengen State the Minister may, for the purposes of article 73 of the Schengen Agreement and prior to their exportation, authorise the exportation from Gibraltar of a controlled drug.

(4) An authorisation under this regulation shall—

- (a) be in writing;

(b) name the law enforcement officers taking part in the controlled delivery operation;

(c) contain such restrictions and conditions as the Minister deems appropriate.

(5) No person shall be guilty of an offence whilst acting within the terms of such authorisation.

(6) Nothing in this regulation shall confer any rights on any law enforcement body which is not constituted under the laws of Gibraltar and any operation, to the extent that it is carried out in Gibraltar, shall remain under the exclusive command and control of the Gibraltar law enforcement body specified in the authorisation.

(7) In this regulation “Schengen State” means a State party to the Schengen Agreement.”.

Dated 1st December, 2014.

G H LICUDI Q.C.,
Minister with responsibility for Justice,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations further transpose into the law of Gibraltar Council Decision of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (2000/365/EC).

GIBRALTAR GAZETTE, No 4129, Monday 1 December, 2014

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