

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4987 GIBRALTAR Thursday 1st September 2022

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LEGAL NOTICE NO. 257 OF 2022

## CRIMINAL PROCEDURE AND EVIDENCE ACT 2011

### CRIMINAL PROCEDURE AND EVIDENCE ACT 2011 (AMENDMENT) ORDER 2022

In exercise of the powers conferred on the Minister by section 698 of the Criminal Procedure and Evidence Act 2011, the Minister has made this Order.

#### **Title.**

1. This Order may be cited as the Criminal Procedure and Evidence Act 2011 (Amendment) Order 2022.

#### **Commencement.**

2. This Order comes into operation on the day of publication.

#### **Criminal Procedure and Evidence Act 2011.**

3.(1) Schedule 12 to the Criminal Procedure and Evidence Act 2011 is amended as follows.

(2) In the introductory provisions—

(a) omit the definition of “Financial Services Commission”;

(b) for the definition of “financial services legislation” substitute—

““financial services legislation” means—

(a) the following Acts and any subsidiary legislation made under any of them—

(i) the Financial Services Act 2019;

(ii) the Financial Services (Temporary Business Continuity) Act 2007;

(iii) the Financial Services (Distance Marketing) Act 2006;

(iv) the Financial Collateral Arrangements Act 2004; and

(v) the Financial Services (Moneylending) Act; and

- (b) the Proceeds of Crime Act 2015 (Relevant Financial Business) (Registration) Regulations 2021;”;
  - (c) after the definition of “funds in court” insert–  
““GFSC” means the Gibraltar Financial Services Commission within the meaning of section 21(1) of the Financial Services Act 2019;”.
- (3) In Part 2, in paragraph 34, for “Financial Services Commission” substitute “GFSC”.
- (4) In Part 5–
- (a) in paragraph 1–
    - (i) in the opening words, for “Financial Services Commission” substitute “GFSC”;
    - (ii) in sub-paragraph (a), for “of a certificate,” substitute “or variation of a permission, authorisation, registration, approval, recognition, certificate;”;
    - (iii) in sub-paragraph (c), after “making” insert “or variation”;
  - (b) in paragraph 2, for “Financial Services Commissioner” substitute “GFSC”;
  - (c) omit the paragraph and list of enactments which follows paragraph 2.
- (5) In Part 7–
- (a) in paragraph 1–
    - (i) in the opening words, for “Financial Services Commission” substitute “GFSC”;
    - (ii) in sub-paragraph (a), for “of a certificate,” substitute “or variation of a permission, authorisation, registration, approval, recognition, certificate;”;
    - (iii) in sub-paragraph (c), after “making” insert “or variation”;
  - (b) in paragraph 2–
    - (i) for “Financial Services Commission” substitute “GFSC”; and
    - (ii) for “Commission” substitute “GFSC”;
  - (c) in paragraph 3, for “Financial Services Commission” substitute “GFSC”;

- (d) in paragraph 4, for “an investment exchange” substitute “a regulated market, market operator”.

Dated 1<sup>st</sup> September 2022.

S SACRAMENTO  
Minister with responsibility for Justice

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**EXPLANATORY MEMORANDUM**

This Order amends Schedule 12 to the Criminal Procedure and Evidence Act 2011, to reflect changes made to the financial services legislation by the Financial Services Act 2019 and the additional functions conferred on the Gibraltar Financial Services Commission by the Proceeds of Crime Act 2015 (Relevant Financial Business) (Registration) Regulations 2021.