

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

LEGAL NOTICE NO. 520 OF 2020.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

JOINT INVESTIGATION TEAMS (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred upon her by sections 11, 11B, 15 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019, and section 25 of the European Union (Withdrawal Agreement) Act 2020, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Joint Investigation Teams (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on 1 January 2021.

Amendment of the Joint Investigation Teams Regulations 2014

3.(1) The Joint Investigation Teams Regulations 2014 are amended in accordance with this regulation.

(2) In regulation 2-

- (a) delete the definition of “Framework Decision”;
- (b) in the definition of ““joint investigative team” and “the team”” delete paragraphs (a) and (b);
- (c) delete the definition of “Member State”;
- (d) delete the definition of “third country”.

(3) In regulation 3-

- (a) in subregulation (1), for “Member State” substitute “State which is a party to an international agreement which has been extended to or which applies to Gibraltar and which makes provision for the formation of joint investigation teams”;

- (b) in subregulation (2) for “Member States” on both occasions it appears substitute “State”;
 - (c) delete subregulation (4).
- (4) In regulation 4-
- (a) in paragraph (a) for “Member States” substitute “States”;
 - (b) in paragraph (b)-
 - (i) for “Member States” substitute “States”;
 - (ii) for “Member State” substitute “State”.
- (5) In regulations 5(1) and (2) for “Member States” substitute “States”.
- (6) In regulation 8(1) for “Member State” substitute “State”.
- (7) In regulation 9 for “Member State” on both occasions it appears substitute “State”.
- (8) In regulation 11-
- (a) in subregulation (1)(b) for “Member State” substitute “State”;
 - (b) in subregulation (1)(d) for “Member States” substitute “States”;
 - (c) in subregulation (2) for “Member State” on both occasions it appears substitute “State”.
- (9) In regulation 12-
- (a) in subregulation (1) for “Member States” substitute “States”;
 - (b) delete subregulation (2).
- (10) Delete the Schedule to the regulations.

Saving provision – information obtained by a Gibraltar member of an international joint investigation team.

4.(1) This regulation applies in relation to information referred to in regulation 11 of the Joint Investigation Teams Regulations 2014 which was lawfully obtained by a Gibraltar member (within the meaning of that regulation) before commencement or on or after commencement in accordance with Article 62(2) of the withdrawal agreement or Article 50(2) of the EEA EFTA separation agreement.

(2) Regulation 11 of the Joint Investigation Teams Regulations 2014 continues to have effect as if it had not been amended by regulation 3 in relation to the information (and see Article 62(2) and Title VII of Part 3 of the withdrawal agreement, Article 50(2) and Title IV of Part 3 of the EEA EFTA separation agreement, and sections 10A and 10C of the European Union (Withdrawal) Act 2019).

(3) The provision referred to in subregulation (2) is to be construed as if Gibraltar continued to be within the European Union.

Saving provision – investigation teams operating in Gibraltar on or after 1 January 2021.

5. Regulation 3 does not apply in a case to which any of the following provisions apply (and see Articles 62(2) and 63(1)(a) of the withdrawal agreement, Articles 50(2) and 52a of the EEA EFTA separation agreement and sections 10A to 10C of the European Union (Withdrawal) Act 2019)–

- (a) article 62(2) or 63(1)(a) of the withdrawal agreement; or
- (b) article 50(2) or 52(a) of the EEA EFTA separation agreement.

Dated: 24th December 2020.

S SACRAMENTO,
Minister for Justice.