

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4827 GIBRALTAR Thursday 25th February 2021

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LEGAL NOTICE NO. 152 OF 2021.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

## EUROPEAN UNION (WITHDRAWAL AGREEMENT) ACT 2020

## EUROPEAN UNION (CIVILIAN REGISTRATION) (EU EXIT) REGULATIONS 2021

In exercise of the powers under section 11 of and Schedule 3 to the European Union (Withdrawal) Act 2019 and sections 9 and 11 of and Schedule 1 to the European Union (Withdrawal Agreement) Act 2020 the Minister has made the following Regulations-

### **Title.**

1. These Regulations may be cited as the European Union (Civilian Registration) (EU Exit) Regulations 2021.

### **Commencement.**

2. These Regulations come into operation on the day of publication.

### **Amendment to Civilians Registration Act.**

3.(1) The Civilians Registration Act is amended in accordance with this regulation.

(2) In section 6(2) for “shall be in the form” substitute “must contain the particulars”.

(3) In section 7(1)-

(a) in paragraph (l) for “.” substitute “;”;

(b) after paragraph (l) insert-

“(m) for the administrative review of and any further appeal against any matter in connection with an application for registration.”.

(4) In Schedule 2 omit from the words “FORMS OF APPLICATION” to the end.

### **Amendment to Electronic Identity Card Regulations.**

4.(1) The Electronic Identity Card Regulations 2015 are amended in accordance with this regulation.

(2) In regulation 3-

(a) after the definition “civilian registration card” insert-

““EEA EFTA separation agreement” means (as modified from time to time in accordance with any provision of it) the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union;”;

(b) in the definition “identity card” for “within the EU” substitute “to or from Gibraltar to any country or territory that accepts such an identity card as a valid travel document”;

(c) after the definition “Registration Officer” insert-

““Swiss citizens’ rights agreement” means (as modified from time to time in accordance with any provision of it) the Agreement signed at Bern on 25 February 2019 between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens’ rights following the withdrawal of the United Kingdom from-

(a) the European Union; and

(b) the free movement of persons agreement;”;

(d) in the definition “time stamp” for “.” substitute “;”;

(e) after the definition “time stamp” insert-

““Withdrawal Agreement” means the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU (as that agreement is modified from time to time in accordance with any provision of it).”.

(3) After regulation 4(5) insert-

“(6) An entry referred to in subregulation (5) may include letters as part of or complementary to the unique serial number.”.

(4) In regulation 5-

(a) omit subregulation (2);

(b) for (4)(b) and (c) substitute-

“(b) blue for civilian registration cards for-

(i) EU, EEA and Swiss nationals who are exercising the right to reside in Gibraltar under Part II of the Withdrawal Agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement, as the case may be; and

(ii) persons who are not EU, EEA or Swiss nationals but who, by virtue of a connection with such a national are within the scope of either Part II of the Withdrawal Agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement;

(c) green for civilian registration cards for nationals who do not fall under paragraph (a), (b) or (d) or subregulation (5);

(d) magenta for civilian registration cards for British citizens who are not eligible for a red identity card and who do not fall under subregulation (5).”;

(c) after subregulation (4) insert-

“(5) A British citizen who prior to 1 January 2021 was eligible for a blue civilian registration card by virtue of being treated as an EU national continues to be eligible to such a card.”.

(5) In regulation 6(2)(a) after “record” insert “at least”.

(6) After regulation 16 insert-

**“Administrative review.**

17.(1) A person who is aggrieved by a decision in connection with an application for registration may, no later than 21 days after the date on which that person is given notice of the decision, apply to the Chief Secretary for a review of that decision.

(2) In considering an application for a review under this regulation the Chief Secretary must, where appropriate, have regard to the Withdrawal Agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement, as the case may be.

(3) The Chief Secretary must provide an applicant with reasons, in writing, following an application for a review.

**Appeals.**

18.(1) A person who is aggrieved by the outcome of a review conducted under regulation 17 may, within 21 days from the date of the review, appeal to the Supreme Court.

(2) Where the Supreme Court has considered an appeal under this regulation it may dismiss the appeal or submit the matter back to the Registration Officer along with such directions as it deems fit.”.

(6) For the Schedule substitute-

**“SCHEDULE**

Regulation 6(2)(a)

The following information is, as a minimum, to be recorded on a card:

**IDENTITY CARD / CIVILIAN REGISTRATION CARD**

Name

Sex

Nationality

Date of birth

Place of birth

Document number

Date of expiry

Signature

Photo

Personal number

Height

Colour of eyes

Date of issue

Issuing Authority

Address”.

Dated: 25<sup>th</sup> February 2021.

DR JOSEPH GARCIA,  
Deputy Chief Minister.

## **EXPLANATORY MEMORANDUM**

These Regulations are made pursuant to the powers under the European Union (Withdrawal) Act 2019 and the European Union (Withdrawal Agreement) Act 2020 to correct deficiencies arising out of the withdrawal from the European Union and to implement some of the obligations arising from the Withdrawal Agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement.