

2019-34 European Union Withdrawal (Application of
International Agreements)

Subsidiary Legislation made under s.5(1).

Republic of Kenya Trade Continuity Regulations 2021

LN.2021/014

Commencement **1.1.2021**

ARRANGEMENT OF REGULATIONS.

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In exercise of powers conferred on him by section 5(1) of the European Union Withdrawal (Application of International Agreements) Act 2019, and all other enabling powers, and for the purposes of implementing into the law of Gibraltar the Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Kenya, a Member of the East African Community, of the other part, done at London on 8 December 2020, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Republic of Kenya Trade Continuity Regulations 2021.

Commencement.

2. These Regulations come into operation on the 1st day of January 2021.

Definitions and interpretation.

3. In these Regulations, unless the context otherwise so requires-

“EU-Kenya Agreement” means the Economic Partnership Agreement between the East African Community Partner States, of the one part, and the European Community and its Member States, of the other part, as it relates to Kenya;

“Government” means Her Majesty’s Government of Gibraltar;

“Kenya” and “Republic of Kenya” have the same meaning;

“mutatis mutandis” means with the technical changes necessary to apply the EU-Kenya Agreement as if it had been concluded between Gibraltar and Kenya, taking into account the object and purpose of the UK-Kenya Agreement, and any reference to a European Union body, office or institution shall in particular be read as a reference to the Gibraltar equivalent, and any reference to the European Commission shall be read as a reference to the Government;

“UK-Kenya Agreement” means the Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Kenya, a Member of the East African Community, of the other part, done at London on 8 December 2020.

Purpose.

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4. The purpose of these Regulations is to preserve the preferential conditions relating to trade between Gibraltar and Kenya and the other links between them resulting from the EU-Kenya Agreement as it applied to Gibraltar.

Source of application.

5. The UK-Kenya Agreement applies to Gibraltar under Article 140.1 (a) of that Agreement.

Incorporation and modification.

6.(1) The EU-Kenya Agreement, including any Annexes and Protocols, is incorporated, *mutatis mutandis*, into these Regulations to the extent that, and under the conditions under which, it applied to Gibraltar immediately before it ceased to do so, subject to subregulation (2).

(2) The EU-Kenya Agreement is incorporated into these Regulations as modified by the UK-Kenya Agreement and regulations 7, 8, 9 and 10.

Continuation of time periods.

7.(1) Unless these regulations provide otherwise-

- (a) if a period in the EU-Kenya Agreements has not yet ended, the remainder of that period is incorporated into these Regulations, and
- (b) if a period in the EU-Kenya Agreements has ended, any ongoing right or obligation in the EU-Kenya Agreements applies between Gibraltar and Kenya and that period is not incorporated into these Regulations.

(2) Notwithstanding subregulation (1), a reference in the EU-Kenya Agreement to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

References to the euro.

8. Any reference to the euro (including “EUR”) and to the ECU (the European Currency Unit) in the EU-Kenya Agreement shall remain incorporated as such in these Regulations.

References to European Union law.

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9. A reference in the UK-Kenya Agreement or these Regulations to European Union law is to be read as a reference to that European Union law in force as incorporated or implemented in the law of Gibraltar as retained European Union law on the day after Gibraltar ceases to be bound by the relevant European Union law.

References to approximation to European Union law.

10. Any reference in the EU-Kenya Agreement to the convergence, harmonisation, integration or approximation of laws or practice to the laws of the European Union is not appropriate for Gibraltar and is not incorporated into these Regulations.