

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4083 of 29 May, 2014

LEGAL NOTICE NO. 83 OF 2014.

INTERPRETATION AND GENERAL CLAUSES ACT

**EUROPEAN ARREST WARRANT ACT 2004 (AMENDMENT)
REGULATIONS 2014**

In exercise of the powers conferred upon it under section 23(g)(ii) of the Interpretation and General Clauses Act, and for the purpose of transposing, in part, Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the European Arrest Warrant Act 2004 (Amendment) Regulations 2014 and come into operation on 2 June 2014.

Amendments to the European Arrest Warrant Act 2004.

2. The European Arrest Warrant Act 2004 is amended by inserting the following section after section 9A—

“Letter of Rights.

9B.(1) The Central Authority in Gibraltar must ensure that if a person who has been arrested for the purpose of the execution of a European Arrest Warrant is provided promptly with an appropriate Letter of Rights containing information on his rights under this Act.

(2) The Letter of Rights referred to in subsection (1) must be drafted—

(a) in simple and plain language; and

(b) following the model Letter of Rights set out in Schedule 3.”.

Addition of Schedule 3.

3. The European Arrest Warrant Act 2004 is amended by inserting the following Schedule after Schedule 2–

“SCHEDULE 3

Section 9B

Indicative model Letter of Rights for persons arrested on the basis of a European Arrest Warrant

NOTE: The sole purpose of this model is to assist the Central Authority in Gibraltar in drawing up a Letter of Rights for use in Gibraltar. The Central Authority in Gibraltar is not bound to use this model and may amend this model in order to align it with the laws of Gibraltar and add further useful information.

You have been arrested on the basis of a European Arrest Warrant.
You have the following rights:

A. INFORMATION ABOUT THE EUROPEAN ARREST WARRANT

You have the right to be informed about the content of the European Arrest Warrant on the basis of which you have been arrested.

B. ASSISTANCE OF A LAWYER

You have the right to speak confidentially to a lawyer. A lawyer is independent from the police. Ask the police if you need help to get in contact with a lawyer, the police shall help you. Ask the police for more information.

C. INTERPRETATION AND TRANSLATION

If you do not speak or understand the language spoken by the police or other competent authorities, you have the right to be assisted by an interpreter, free of charge. The interpreter may help you to talk to your lawyer and must keep the content of that communication confidential. You have the right to a translation of the European Arrest Warrant in a language you understand. You may in some circumstances be provided with an oral translation or summary.

D. POSSIBILITY TO CONSENT

You may consent or not consent to being surrendered to the State seeking you. Your consent would speed up the proceedings. It may be difficult or even impossible to change this decision at a later stage. Ask the authorities or your lawyer for more information.

E. HEARING

If you do not consent to your surrender, you have the right to be heard by a court.”.

Dated 29th May, 2014.

G H LICUDI QC,
Minister with responsibility for Justice for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the European Arrest Warrant Act 2004 in order to transpose Article 5 and Annex II of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings.

