

FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5004 GIBRALTAR Thursday 20th October 2022



I ASSENT,
DAVID STEEL,
GOVERNOR.

20th October 2022.



GIBRALTAR

No. 9 of 2022

AN ACT to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Extradition (Amendment) Act 2022.

Commencement.

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

Amendments to the Extradition Act 2018.

3.(1) The Extradition Act 2018 is amended as follows.

(2) In section 17, after subsection (1)(d) insert,-

“(e) the person’s age;”.

(3) After section 19, insert-

“Age.

19A. A person’s extradition is barred by reason of their age if it would be conclusively presumed because of the person’s age that they could not be guilty of the extradition offence on the assumption that the-

- (a) conduct constituting the extradition offence constitutes an offence in Gibraltar within the meaning given by section 72;
- (b) person carried out the conduct when the extradition offence was committed, or was alleged to have been committed;
- (c) that the person carried out the conduct in Gibraltar.”.

(4) After section 109, insert the following section-

“Power to make regulations to implement conventions and international agreements.

109A. The Minister may by regulations-

- (a) make provision for the purpose of implementing, or further implementing in Gibraltar-
 - (i) a Convention, Treaty, or bilateral or multilateral agreement;
 - (ii) any other obligations or standards concerned with a Convention, Treaty or bilateral or multilateral agreement;

- (iii) the recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of such obligations or standards;
- (iv) any other international obligation,
that concerns the matters covered by this Act;
- (b) make provision to amend this Act for the purpose set out in subsection (a);
- (c) regulations made under-
 - (i) subsection (a), may contain such consequential, supplementary, incidental and transitional provisions as the Minister considers it necessary or expedient;
 - (ii) subsection (b), may contain any transitional, transitory or saving provision as the Minister may consider appropriate in connection with the coming into force of any provision of this Act.”.

(5) After section 110 insert-

“Transit arrangements.

Interpretation.

110A.(1) For the purposes of section 110B, the following expressions have the following meanings-

“non-Gibraltar extradition” means an extradition from a third state to a State;

“third state” means a country or territory other than Gibraltar which is not a State as defined under section 2;

(2) A reference to the transit of a person through Gibraltar is a reference to the person arriving in, being in, and departing from Gibraltar, whether or not the person travels within Gibraltar between arrival and departure.

Transit through Gibraltar.

110B.(1) Transit through Gibraltar of a person-

- (a) being conveyed from a third state to a State;
- (b) where that person is being surrendered into the custody of the State by that third state in accordance with a non-Gibraltar extradition request,

may be permitted where the Central Authority receives a transit request in that behalf from the State.

(2) The transit request must contain-

- (a) the identity and nationality of the person to whom the transit request relates, and any other information as will enable the Central Authority to identify the person;
- (b) information showing that an extradition request has been issued by the State in respect of the person;
- (c) the nature and classification under the law of the State of the offence to which the extradition request relates;
- (d) the circumstances in which the offence specified in the extradition request was committed or is alleged to have been committed, including the date and place of its commission.

(3) A transit request of a person containing the information set out in subsection (2) may be addressed to the Central Authority by any means capable of producing a written record.

(4) When responding to a transit request, the Central Authority must use the same procedure as used when the transit request is received from the State.

(5) The transit of a person through Gibraltar must be supervised by a police officer, and the person shall be deemed to be in the custody of a police officer that accompanies the person.

(6)

- (a) This subsection applies to an aircraft that has taken off from a place other than Gibraltar, and that is scheduled to land in a place other than Gibraltar, and on board which there is a person who is being conveyed to a State from a third state.
- (b) Where an aircraft to which this subsection applies lands, for whatever reason, in Gibraltar, the State must, upon its landing or as soon as may be after it lands, provide the Central Authority with the information referred to in subsection (2).
- (c) While an aircraft to which this subsection applies is in Gibraltar, a person referred to in paragraph (a) who is on board that aircraft shall be deemed to be in transit through Gibraltar and subsection (5) shall apply accordingly.”.

Passed by the Gibraltar Parliament on the 19th day of October 2022.

S. Galliano,
Clerk to the Parliament.