

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3441 of 29 November, 2004



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

24th November 2004.



GIBRALTAR

No. 33 of 2004

AN ORDINANCE to amend the Immigration Control Ordinance to transpose into the law of Gibraltar Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence.

ENACTED by the Legislature of Gibraltar.

Title and Commencement.

1. This Ordinance may be cited as the Immigration Control (Amendment) Ordinance 2004 and comes into operation on 4 December 2004.

Amendment of the Immigration Control Ordinance.

2.(1) The Immigration Control Ordinance is amended in accordance with the provisions of this section.

(2) The following is substituted for section 63A (1)–

“63A(1) The following persons are guilty of an offence and liable on summary conviction to imprisonment for up to three months or to a fine up to level 4 on the standard scale–

- (a) a person who, intentionally, assists a person who is not a national of a Member State of the European Union to enter or to transit across the territory of a Member State in breach of the immigration law of that State;
- (b) a person who, for financial gain, intentionally assists a person who is not a national of a Member State of the European Union to reside within the territory of a Member State in breach of that state’s immigration law;
- (c) a person who attempts, aids, abets, counsels or procures the commission of an offence under (a) or (b).”.

(3) After section 63A(2) insert the following–

“(3) In subsection (1) “immigration law” means a law which has effect in the relevant State and which controls, in respect of some or all persons who are not nationals of that State, entitlement to–

- (a) enter the State;
- (b) transit across the State; or

- (c) be in the State.
- (4) A document issued by the government of a state specified in Schedule 3 certifying a matter of law in that state–
 - (a) shall be admissible in proceedings for an offence under this section; and
 - (b) shall be conclusive as to the matter certified.”.
- (4) A new Schedule 3 is inserted as follows–

“SCHEDULE 3

Facilitating entry into or residence in another country

Section 63A

1. For the purpose of this Schedule “Member State of the European Union” means a state or territory which is part of the European Union.
2. The countries referred to in section 63A are—
 - (a) Member State of the European Union;
 - (b) Iceland; and
 - (c) Norway.”

Passed by the Gibraltar House of Assembly on the 1st day of November,
2004.

D. J. REYES,

Clerk to the Assembly.

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