

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4297 of 6th October, 2016

LEGAL NOTICE NO. 193 OF 2016.

INTERPRETATION AND GENERAL CLAUSES ACT

IMMIGRATION, ASYLUM AND REFUGEE ACT (AMENDMENT) REGULATIONS 2016

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and for the purpose of transposing into the law of Gibraltar Article 3(1) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Immigration, Asylum and Refugee Act (Amendment) Regulations 2016.

Commencement.

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

Amendment of Act.

3. The Immigration, Asylum and Refugee Act is amended by inserting the following section after the heading "PART IV EEA NATIONALS AND FAMILY MEMBERS, SWISS POSTED WORKERS"-

"Persons to whom this Part applies.

55ZA. This Part applies to EEA nationals who move to or reside in Gibraltar having earlier moved from or resided in an EEA State, and to-

- (a) family members (as defined in Article 2 of Directive 2004/38) who accompany or join them;
- (b) any other family member or person to whom Article 3(2) of Directive 2004/38 applies.”.

Dated 6th October, 2016.

F R PICARDO QC,
Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Immigration, Asylum and Refugee Act and inserts a new section 55ZA which is a transposition of Article 3(1) of Directive 2004/38/EC, and clarifies to whom and in what circumstances the Part applies. LEGAL NOTICE NO. 191 OF 2016.

