

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,755 of 9th DECEMBER, 1993.

I ASSENT,

JOHN CHAPPLE.

GOVERNOR.

9th December, 1993



GIBRALTAR

No. 23 of 1993.

AN ORDINANCE to amend the Imports and Exports Ordinance, 1986.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Ordinance may be cited as the Imports and Exports (Amendment) (No. 2) Ordinance, 1993.

Amendment to section 8.

2. Section 8 of the Imports and Exports Ordinance 1986 (hereinafter called "the principal Ordinance") is amended by omitting sub-section (2) and substituting therefor the following new sub-section-

"(2) Subject to the following provisions of this section, if a customs officer of at least the rank of Customs Surveyor has reasonable grounds for believing that a person who is being detained by customs-

(a) may have a Class A drug concealed on him; and

(b) was in possession of it with the intention to commit an offence under this Ordinance or the Drugs (Misuse) Ordinance before his detention,

the officer may authorise an internal search of that person.

(3) A customs officer may not authorise an internal search of a person for anything unless he has reasonable grounds for believing that it cannot be found without his being so searched.

(4) An officer may give an authorisation under sub-section (2) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.

(5) An internal search shall be by way of examination by a suitably qualified person, that is to say, a registered medical practitioner or a registered nurse, and no internal search may be carried out except at-

(a) the premises designated for this purpose by the Collector;

(b) a hospital;

(c) a registered medical practitioner's surgery; or

(d) some other place used for medical purposes.

(6) If an internal search of a person is carried out, the detention record relating to that person shall state which parts of his body were searched and that information shall be recorded as soon as practicable after the completion of the search.

(7) A customs officer may seize and retain anything which is found on an internal search of a person, or cause any such thing to be seized and retained if he has reasonable grounds for believing that it may be evidence relating to an offence, and where anything is seized under this sub-section, the person from whom it is seized shall be told of the reason for the seizure unless he is-

(a) violent or likely to become violent; or

(b) incapable of understanding what is said to him."

Amendment to section 9.

3. Section 9 of the principal Ordinance is amended in sub-section (2) by omitting the final fullstop and substituting therefor a colon and the following proviso-

"Provided that where the person is being detained on suspicion of having committed an offence relating to a Class A or a Class B drug and there are reasonable grounds to suspect that that person has that drug concealed on him, an officer of at least the rank of Customs Surveyor may authorise that that person be kept in the custody of customs officers for a period not exceeding 96 hours."

Passed by the Gibraltar House of Assembly on the 3rd day of December, 1993.

D. REYES,
Acting Clerk to the Assembly.