

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 0,000 of Xth January, 2000**

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I ASSENT,  
HUGO WHITE,  
GOVERNOR.

17th October, 1996.



**GIBRALTAR**

**No. 7 of 1996**

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

**E**NACTED by the Legislature of Gibraltar.

**Title and Commencement.**

1. This Ordinance may be cited as the Imports and Exports (Amendment) Ordinance 1996 and shall come into effect on such day as the Governor may by notice in the Gazette appoint.

**Amendment to the Imports and Exports Ordinance 1986.**

2. The Imports and Exports Ordinance 1986 is amended by inserting after Section 119(2) the following new Section 119A-

**“119A. Forfeiture of ships and vessels used or suspected of being used for carrying controlled drugs.**

(1) No person shall use attempt to use or allow the use of any ship, as defined in this Ordinance, or any vessel, as defined in the Seaside Pleasure Boats Rules 1989 made under the Public Health Ordinance in circumstances which-

(a) if they occur in Gibraltar, constitute an offence under section 15 or 80 of the Imports and Exports Ordinance 1986; or

(b) that such use would assist in or induce in Gibraltar the commission in any place outside Gibraltar of an offence punishable under the provisions of a corresponding law in that place.

“Corresponding law” in this part has the meaning ascribed to the expression in section 3 of the Drugs (Misuse) Ordinance.

(2) (a) Where in respect of any ship or any vessel referred to in sub-section (1), the Collector has reasonable grounds for believing that the ship or vessel, as the case may be, has been is likely to have been, or is used in circumstances falling within paragraph (a) or (b) of that sub-section, the ship or vessel, as the case may be, shall be forfeit to the Crown whether or not any person is charged with any offence under section 15 or 80 of the Imports and Exports Ordinance 1986 or in connection with the use of the ship or vessel, as the case may be.

(b) Where a ship or vessel is forfeit to the Crown in circumstances described in section 119A(1) (a) or (b) the Collector will by notice to the Owner communicate such forfeiture stating whether paragraph (a) or (b) of section 119A (1) is relied on

and informing the Owner of his right to appeal under Section 119A (3).

(3)(a) The owner of any ship or vessel who is aggrieved by a decision made by the Collector pursuant to sub-section (2) above, may appeal against the same to the Supreme Court by giving notice in writing to Her Majesty's Attorney General for Gibraltar and to the Registrar of the Supreme Court within one month of the date of the decision against which the appeal is made.

(b) If on an appeal as described in section 119A (3) (a) the Supreme Court is not satisfied on a balance of probabilities that the circumstances in section 119A (2) have been made out then compensation shall be payable to such Owner in an amount to be assessed by the Supreme Court but in any event to a maximum level of £5,000, and the ship or vessel shall remain forfeited.

(4) Provision may be made by rules of court with respect to appeals under sub-section (3) above, for the giving of notice of such appeals to persons affected, by the joinder of such persons as parties and generally with respect to the procedure to be adopted on such appeals.

(5) Sub-section (4) is without prejudice to the generality of any existing power to make rules.”.

**Revocation of the Imports and Exports (Control) (Amendment) Regulations 1996.**

3. The Imports and Exports (Control) (Amendment) Regulations 1996 are hereby revoked.

**Transitional Provision.**

4. No repeal or amendment by this Ordinance of the Imports and Exports (Control) (Amendment) Regulations 1996 relating to the jurisdictional powers of any Court, or to the effect of a conviction, shall affect the operation of those Regulations in relation to offences committed before the commencement of this Ordinance or to proceedings for any such offence.

Imports and Exports (Amendment) Ordinance 1996

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Passed by the Gibraltar House of Assembly on the 14th day of October,  
1996.

D. REYES,

Acting Clerk to the Assembly.