

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5166 GIBRALTAR Thursday 8th August 2024

LEGAL NOTICE NO. 152 OF 2024

PROCEEDS OF CRIME ACT 2015

PROCEEDS OF CRIME ACT 2015 (EXTERNAL INVESTIGATIONS ANCILLARY TO A CRIMINAL INVESTIGATION OR PROCEEDING) (AMENDMENT) ORDER 2024

In the exercise of powers conferred on it by section 184(1) and (2), and section 184ZA(2), of the Proceeds of Crime Act 2015, and all other enabling powers, and for the purposes of implementing, in part, into the Laws of Gibraltar, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime signed in Strasbourg on the 8th November 1990 and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism signed on the 16th May 2005 in Warsaw, the Government has made this Order-

Title.

1. This Order may be cited as the Proceeds of Crime Act 2015 (External Investigations Ancillary to a Criminal Investigation or Proceeding) (Amendment) Order 2024.

Commencement.

2. This Order shall come into operation on the day of publication.

Amendment to the Proceeds of Crime Act 2015 (External Investigations Ancillary to a Criminal Investigation or Proceeding) Order 2019.

3.(1) The Proceeds of Crime Act 2015 (External Investigations Ancillary to a Criminal Investigation or Proceeding) Order 2019 is amended as follows –

(2) After Article 34 insert-

“Requests under the Strasbourg Convention or Warsaw Convention.

35.(1) A request-

- (a) received by the Central Authority under the Warsaw Convention or Strasbourg Convention; or
- (b) sent by the Central Authority under the Warsaw Convention or Strasbourg Convention,

must comply with the provisions of the Proceeds of Crime Act 2015 (Investigations Ancillary to a Criminal Investigation or Proceeding under the Strasbourg Convention or Warsaw Convention) Order 2024.

(2) For the purposes of this Article-

“Strasbourg Convention” means the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime signed in Strasbourg on the 8th November 1990;

“Warsaw Convention” means the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism signed on the 16th May 2005 in Warsaw.”.

Dated: 8th August 2024.

N. FEETHAM KC,
Minister with responsibility for Justice,
For the Government.

EXPLANATORY MEMORANDUM

This Order implements, in part, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime signed in Strasbourg on the 8th November 1990 and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism signed on the 16th May 2005 in Warsaw.