

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4567 of 11 April, 2019

LEGAL NOTICE NO. 093 OF 2019.

TERRORISM ACT 2018

TERRORISM ACT 2018 (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred on him by section 152(1)(e) and (f) of the Terrorism Act 2018, and in connection with the implementation of Council of Europe Resolution CM/Res (2015) 26 on the evaluation of Gibraltar by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the Minister with responsibility for Justice has made these Regulations-

Title.

1. These Regulations may be cited as the Terrorism Act 2018 (Amendment) Regulations 2019.

Commencement.

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

Amendment of the Terrorism Act 2018.

3.(1) The Terrorism Act 2018 is amended as follows.

(2) Insert the following section after section 39-

“Interpretation for the purposes of sections 35 to 39.

39A. For the purposes of sections 35 to 39, the definition of “terrorism” includes the use or threat of action where the action is one set out in the third column of the table in Schedule 17, and the definition of “terrorist property” shall be construed accordingly.”.

(3) Insert the following after Schedule 16-

“SCHEDULE 17

TREATY OFFENCES CONTAINED IN THE CONVENTIONS AND PROTOCOLS LISTED IN THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM (ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS IN RESOLUTION 54/109 OF 9 DECEMBER 1999)

section 39A.

	<i>Convention</i>	<i>Conduct (Offence)</i>
1.	Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970.	<p>Seizing or exercising control of an aircraft in flight by force or by any other form of intimidation, or attempting to perform any such act on board an aircraft, or being an accomplice of a person who performs or attempts to perform any such act.</p> <p>(For the purposes of this paragraph 1, an aircraft shall be deemed to be in flight in the cases set out in section 2(2) of the Civil Aviation Act 2009).</p>
2.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.	<p>(a) Performing an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft.</p> <p>(b) Destroying an aircraft in service or causing damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight.</p> <p>(c) Placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to causing damage to it which renders it incapable of flight, or causing damage to it which is likely to endanger its safety in flight.</p> <p>(d) Destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight.</p> <p>(e) Communicating information that is false, thereby endangering the safety of an aircraft in</p>

		<p>flight.</p> <p>(f) Attempting to commit any of the acts mentioned in sub-paragraphs 2(a) to (e) or being an accomplice of a person who commits or attempts to commit any such act.</p> <p>(For the purposes of this paragraph 2, an aircraft shall be deemed to be in flight in the cases set out in section 2(2) of the Civil Aviation Act 2009).</p>
3.	<p>Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988</p>	<p>Using any device, substance or weapon-</p> <p>(a) to perform an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or</p> <p>(b) to destroy or seriously damage the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupting the services of the airport, if such an act endangers or is likely to endanger safety at that airport.</p>
4.	<p>Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.</p>	<p>(a) A murder, kidnapping or other attack upon the person or liberty of an internationally protected person.</p> <p>(b) A violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty.</p> <p>(c) An attempt to commit any of the acts in sub-paragraph 4(a) or (b)</p> <p>(d) An act constituting participation as an accomplice in sub-paragraph 4(a) or (b).</p> <p>For the purposes of this paragraph 4-</p> <p>“internationally protected person” means –</p> <p>(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign</p>

		<p>Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;</p> <p>(b) any representative or official of a State or an official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household;</p> <p>“kidnapping means an offence under section 189 of the Crimes Act 2011;</p> <p>“murder” means an offence under section 149 or 154 of the Crimes Act 2011.</p>
5.	International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979	<p>(1) Seizing or detaining and threatening to kill, to injure or to continue to detain another person (the “hostage”) in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or legal person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage (“hostage-taking”).</p> <p>(2) Attempting to commit an act of hostage-taking, or participating as an accomplice of anyone who commits or attempts to commit an act of hostage-taking.</p>
6.	Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980.	<p>(a) An act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property.</p> <p>(b) Theft or robbery of nuclear material.</p> <p>(c) Fraudulently obtaining nuclear material.</p>

		<p>(d) An act constituting a demand for nuclear material by use of force or by any other form of intimidation.</p> <p>(e) A threat-</p> <p>(i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or</p> <p>(ii) to commit an act described in (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act.</p> <p>(f) An attempt to commit any act described in sub-paragraph 6(a), (b) or (c).</p> <p>(g) An act which constitutes participation in any act described in sub-paragraphs 6(a) to (f).</p>
7.	<p>Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988</p>	<p>(a) Seizing or exercising control over a vessel by force or any other form of intimidation.</p> <p>(b) Performing an act of violence against a person on board a vessel if that act is likely to endanger the safe navigation of that vessel.</p> <p>(c) Destroying a vessel or causing damage to a vessel or to its cargo which is likely to endanger the safe navigation of that vessel.</p> <p>(d) Placing or causing to be placed on a vessel, by any means whatsoever, a device or substance which is likely to destroy that vessel, or cause damage to that vessel or its cargo which endangers or is likely to endanger the safe navigation of that vessel.</p> <p>(e) Destroying or seriously damaging maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a vessel.</p> <p>(f) Communicating information that is false, thereby endangering the safe navigation of a vessel.</p> <p>(g) Injuring or killing any person, in connection with the commission or the attempted</p>

		<p>commission of any of the acts set out in sub-paragraphs 7(a) to (f).</p> <p>For the purposes of this paragraph 7, “vessel” includes any ship or boat, or any other description of vessel used in navigation.</p>
8.	<p>Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988</p>	<p>(a) Seizing or exercising control over a fixed platform by force or any other form of intimidation.</p> <p>(b) Performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety.</p> <p>(c) Destroying a fixed platform or causing damage to it which is likely to endanger its safety.</p> <p>(d) Placing or causing to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety.</p> <p>(e) Injuring or killing any person in connection with the commission or the attempted commission of any of the acts set out in sub-paragraphs 8(a) to (d).</p> <p>(f) An attempt to commit any of the acts set out in sub-paragraphs 8(a) to (e).</p> <p>(g) Abetting the commission of any acts in sub-paragraphs 8(a) to (e) or otherwise being an accomplice of a person who commits such acts.</p> <p>(h) Making a threat aimed at compelling a natural or legal person to do or refrain from doing any act set out in sub-paragraphs 8(f) or (g) if that threat is likely to endanger the safety of the fixed platform.</p>
9.	<p>International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the</p>	<p>Delivering, placing, discharging or detonating an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public</p>

	United Nations on 15 December 1997.	transportation system or an infrastructure facility with the intent to cause death or serious bodily injury or with the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss (or attempting to commit such an act).
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Dated 11th April, 2019.

N F COSTA,
Minister with responsibility for Justice.