

Annual Report

Her Majesty's Attorney General for Gibraltar

2017-2018



The Attorney General

HM Government of Gibraltar

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Annual Report of Her Majesty's Attorney General for Gibraltar: 2017-2018

Foreword

I am delighted to present this first Annual Report of Her Majesty's Attorney General for Gibraltar for the Legal Year 2017-2018.

It has been my firm objective since the beginning of my tenure in 2015 to achieve three interrelated goals. The first is to discharge the constitutional duties of the Attorney General within an optimal organisational and operational structure; the second is to do so with the help and support of the right team; the third is to carry out these responsibilities with the greatest possible transparency. In seeking to achieve these goals, I am both fortunate and grateful to have counted on the support of two successive Ministers of Justice: The Hon. Gilbert Licudi, QC MP and The Hon. Neil Costa MP.

In 2015, I initiated reforms toward meeting the first goal by amalgamating what were formerly known as the Attorney General's Chambers, the European Union and International Department and the Legislation Support Unit into a new organisational structure now known as the Government Law Offices ("GLO"). The GLO comprises the Office of Parliamentary Counsel, the Office of Criminal Prosecutions and Litigation, the Office of Advisory Counsel and the Office of Administration and Gazette, all of which I superintend, but each with its own head and significant day-to-day operational autonomy.

The second goal was partly achieved when I was still Chief Legal Adviser, particularly through the recruitment of lawyers of high calibre to strengthen an excellent core team: these are individuals who are not only technically skilled but also wholeheartedly committed to public service. The recruitment process continues. During the month of August, interviews for the recruitment of further Crown Counsel were conducted. A total of 20 applicants were interviewed, all members of the Gibraltar Bar. The successful applicants will be informed in the coming weeks.

The purpose of this first Annual Report is to help fulfil the third goal: transparency. You will see that it reflects the range, complexity and volume of work carried out by the GLO. I hope that you will find it useful, and I welcome your comments on how we can improve it with a view to next year's edition.

Finally, in a further effort to communicate who we are and what we do to as wide an audience as possible, this Annual Report is being published contemporaneously with the launch of the GLO's first website. I invite you to visit it on www.gibraltarlawoffices.gov.gi where, among other information, you will find an electronic version of this Report.

I would like to express my deep gratitude to my colleague, Lloyd DeVincenzi, Head of the Office of Advisory Counsel, without whose participation publication of this Report would not have been possible.

Michael Llamas, QC
HM Attorney General for Gibraltar

24 October 2018

1. The Attorney General

This year has seen a further intensification of my Brexit-related work.

I would highlight two milestones that have been reached in the last year which I consider are particularly important to our jurisdiction.

Firstly, the work we carried out in the months after the referendum of June 2016 confirmed that continued access to the UK market for our financial services and online gaming companies was the essential first step in securing Gibraltar's future post-Brexit, with the UK representing over 90% of the market for our online gaming and financial services companies. On 8 March 2018, the Government announced that, after months of negotiations, it had reached agreement with the United Kingdom Government for the continued access to the UK market post-Brexit for our companies in these two vital sectors of our economy until at least 2020, pending the design of a long-term replacement framework that would continue to be based on a shared, high standard of regulation. As regards online gaming, the UK provided assurances that gambling operators based in Gibraltar will continue to access the UK market after we leave the EU. We expect to sign a Memorandum of Understanding to enable closer collaboration between the UK and Gibraltar gambling regulators before the end of 2018. Doing so will serve to reassure the legal and business communities, significant sectors of which depend on the stability and growth of this industry.

This had been the stated objective for Phase 1 of the Government's Brexit Plan and is in my view the essential founding block for everything else connected to Brexit in Gibraltar.

Secondly, in same period I have been working relentlessly with the Chief Minister and Deputy Chief Minister to ensure that Gibraltar is not excluded from the arrangements aimed at ensuring the UK's orderly withdrawal from the European Union. On 19 March 2018, the Draft Withdrawal Agreement ("WA") was published. Article 3 of the draft Agreement provides for Gibraltar's inclusion in those arrangements, and notably, our inclusion in the transition period that is likely to run at

least until 31 December 2020. During that time, EU law will continue to apply in Gibraltar as it does now.

It is true that the WA has still not been finalised and that discussions are still ongoing, including on the final terms of Gibraltar's inclusion. But, as the Chief Minister has stated in an Address to the Nation on 28 March 2018 and in a Statement before Parliament on 20 September 2018, the Government is confident that the WA will apply to Gibraltar and that we will enjoy continued access to the EU Single Market until at least the end of the transition period.

As to the future post 31 December 2020, the rejection of the Chequers Proposal by the EU leaders in Salzburg on 19/20 September 2018 showed that tensions still exist. We are therefore working on outcomes for Gibraltar even in the unlikely event that the EU-UK negotiations on their future partnership fail. What we call the "No Deal-Deal for Gibraltar".

This work should be understood against the background of other Brexit-related activity which, in the last year, has included the Chief Minister giving evidence to the House of Commons Select Committee on Brexit and Northern Ireland (15 November 2017), a visit to the President of the Junta de Andalucía (24 January 2018), regular meetings to Brussels (in particular on 29-30 January 2018), two meetings of the Joint Ministerial Council - Gibraltar Exit Negotiations (JMC - GEN) (11 December 2017 and 8 March 2018), two meetings with the Chancellor of the Duchy of Lancaster David Lidington (6 February 2018 and 6 June 2018), regular meetings with the Minister of State for Europe and the Americas, Sir Alan Duncan, and our first meeting with the new Secretary of State for Exiting the European Union, Dominic Raab, on 26 September 2018.

And of course constant meetings with the excellent Gibraltar team at the Foreign & Commonwealth Office and other Whitehall Departments with whom we enjoy almost daily contact.

The meetings of the JMC – GEN provide a formal structure for inter-ministerial Brexit discussions between Her Majesty's Government and Her Majesty's Government of Gibraltar, and exemplifies the close cooperation between them since 2016. The UK

team is led by Parliamentary Under Secretary of State for Exiting the European Union Robin Walker and consists of senior officials from the Foreign & Commonwealth Office, the Cabinet Office, Department for Exiting the European Union and the Treasury, among others. The topics discussed within this framework have ranged from financial services to trade and investment to online gaming and the Brexit implementation phase. The significant challenge of dealing with the complex legal (as well as technical, financial, and other) aspects of Brexit has been eased by the formation of different Working Groups of the JMC-GEN (these include the Border, Online Gaming, the Environment, Trade and Investment, and Transport).

My work has also encompassed meeting with the ambassador of Monaco to the EU to discuss issues relevant to Gibraltar's potential status vis-a-vis the EU post Brexit and, in April this year, with the ambassador of Andorra to the EU to understand that country's proposed association agreement with the EU. I have also met with the ambassador of San Marino to the EU to understand their particular legal relationship with the EU, and with the head of the Faroe Islands' Representation to Brussels. The overarching objective has been to familiarise myself with some of the bespoke arrangements between small, 'third country' jurisdictions and the EU.

I would like to thank the Chief Minister and the Deputy Chief Minister for the trust they have bestowed in me in providing them with the legal advice they need to steer our nation through these historic negotiations and for making me an integral part of their team.

I would like to highlight the contribution of Gibraltar's Representation to the EU to all of these efforts, not least through the work in Brussels of a seconded member of the GLO team, Mr Daniel D'Amato. Much of Daniel's work involves working closely with me in analysing legal and policy issues arising from Brexit.

Non-Brexit

Dominant as Brexit-related legal issues have been, and will continue to be, it has been important to attend to other work-streams.

- *European Firearms Case*

In April 2016 the Chief Justice, Mr Anthony Dudley, decided to make a preliminary reference to the Court of Justice of the European Union in Luxembourg. This was the first time that a court in Gibraltar made a preliminary reference to the European Court.

The case, brought by members of the Gibraltar Target Shooting Association, concerned the application to Gibraltar of EU Directive 91/477 on firearms. Among other things, the Directive establishes a European Firearms Pass which entitles target shooters and hunters to travel to EU Member States with their firearms. The case raised complex questions of EU law, and its applicability to Gibraltar, and this led to the Chief Justice's decision to refer questions on the interpretation and validity of EU law to Luxembourg.

On 16 May 2017, the European Court heard submissions from the Government and the Gibraltar Target Shooting Association on the question of whether EU Directive 91/477 ought to be implemented in Gibraltar, in Case C-267/16. In my opening submissions, I stated that this was "a historic moment" and regretted that this might well be the first and last time that the courts of Gibraltar would seek the distinguished guidance of the European Court.

Significantly, the case was assigned to a Grand Chamber of the Court consisting of 15 judges and presided by the President of the Court of Justice, Mr. Koen Lenaerts. The UK Government, the European Parliament, the European Commission and the European Council also intervened in the case in support of the Gibraltar Government.

Advocate General P. Mengozzi delivered his Opinion on 12 September 2017. The Grand Chamber delivered its judgment on 25 January 2018. It upheld our argument that neither the Directive as a whole, nor its discreet provision on the European Firearms Pass, applied to Gibraltar. Of equal, if not greater, significance in my mind,

is that a team of Gibraltar lawyers successfully completed this first journey of a preliminary reference from Gibraltar to Luxembourg and, to boot, on a fairly complex case.

I appeared with Crown Counsel Mrs Yvette Sanguinetti, of the Office of Advisory Counsel, for the Government. The members of the Shooting Association were represented by Mr Lewis Baglietto QC and Mr Charles Bonfante of Hassans.

- **GBGA**

The judgment of the European Court of Justice (Grand Chamber) of 13 June 2017 on a request for a preliminary ruling from the High Court of Justice of England & Wales on the application of the *Gibraltar Betting and Gaming Association Limited as Defendant vs. Commissioners for Her Majesty's Revenue and Customs and Her Majesty's Treasury* slightly precedes the period covered by this Report, However, I mention it because the operative part of the judgment is one with which everyone involved in advising on EU law in Gibraltar should be conversant, not least because of its potential impact outside the gaming industry. The Court held that Article 355(3) of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 56 TFEU, is to be interpreted as meaning that the provision of services by operators established in Gibraltar to persons established in the United Kingdom constitutes, as a matter of EU law, a situation confined in all respects within a single Member State.

The effect of that finding is that, for the purposes of EU law, Gibraltar is treated as forming part of the United Kingdom, notwithstanding the fact that the position is clearly different under both domestic and public international law, both of which clearly recognise the separateness between the United Kingdom and Gibraltar.

The Gibraltar Government was an intervener in that case. I appeared with Lord Pannick QC and Ravi Mehta for the Government.

- **DPP**

On 2 August 2018, the Director of Public Prosecutions Act 2018 came into operation. The position of DPP has never existed before in Gibraltar. In the past, the Attorney General has principally carried out that function. With my appointment as Attorney in 2015, I committed to bringing about the necessary changes so that our system is more closely aligned with that in the UK. In such a system, the DPP is in charge of the day-to-day running of the criminal prosecution service under the direction of the Attorney and the Attorney can concentrate on being the chief legal adviser to the Government. The DPP will head the Office of Criminal Prosecutions and Litigation (which in Gibraltar performs a role akin to the Crown Prosecution Service in England and Wales) on a day-to-day basis and will carry out criminal law and litigation work on behalf of the Attorney. The DPP will also exercise certain of the Attorney's powers in relation to criminal litigation, such as consenting for certain offences to be prosecuted. The exercise of such powers will be strictly under the direction of the Attorney and, in accordance with the Constitution, the DPP will be subject to any instructions issued to by the Attorney in that regard.

The Act sets out that the appointment of the DPP is made by the Attorney General in consultation with the Governor. We have now issued an advert inviting applications and it is my intention to make the appointment by 1 November 2018.

Attendance at Conferences.

To round off on this year's activities, it is worth noting that Mr Lloyd DeVincenzi stood in for me in the Overseas Territories Attorneys General Conference held in Bermuda from 13-15 February and in the Devolved Administrations Law Officers' Meeting held in Belfast on 1 June. The former meeting was chaired by the then Attorney General for England and Wales, Jeremy Wright QC, while the latter was attended by the Lord Advocate of Scotland, the Counsel General for Wales and the Attorney General for Northern Ireland, the Attorney General of Jersey and senior law officers from the Isle of Man and Guernsey. Both meetings proved an excellent opportunity to strengthen our links with these jurisdictions and our understanding of the practical workings of their own constitutional systems.

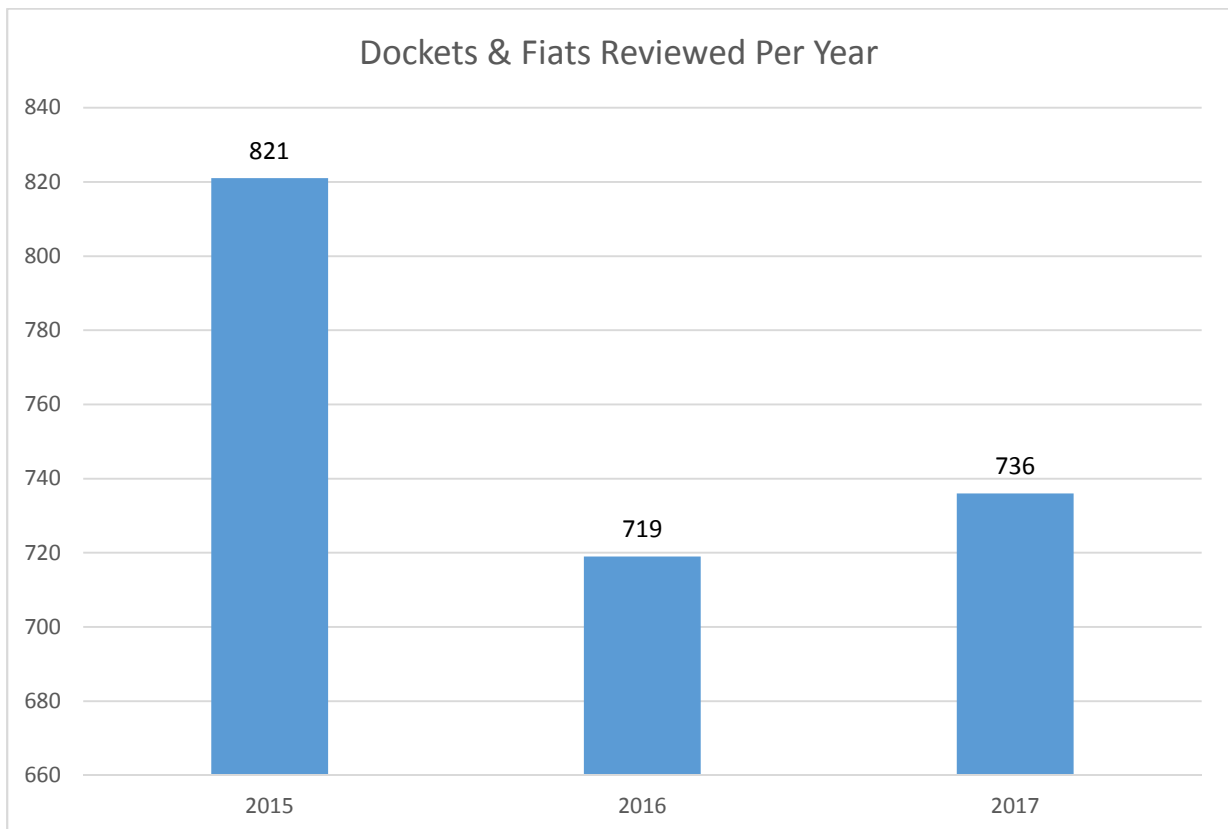
2. The Office of Criminal Prosecutions and Litigation (OCPL)

The OCPL assists and advises all law enforcement agencies, namely the Royal Gibraltar Police, HM Customs and the Gibraltar Defence Police.

All major crime and frauds are referred directly to the OCPL, who provide on-going advice as well as constant review during the course of the investigation.

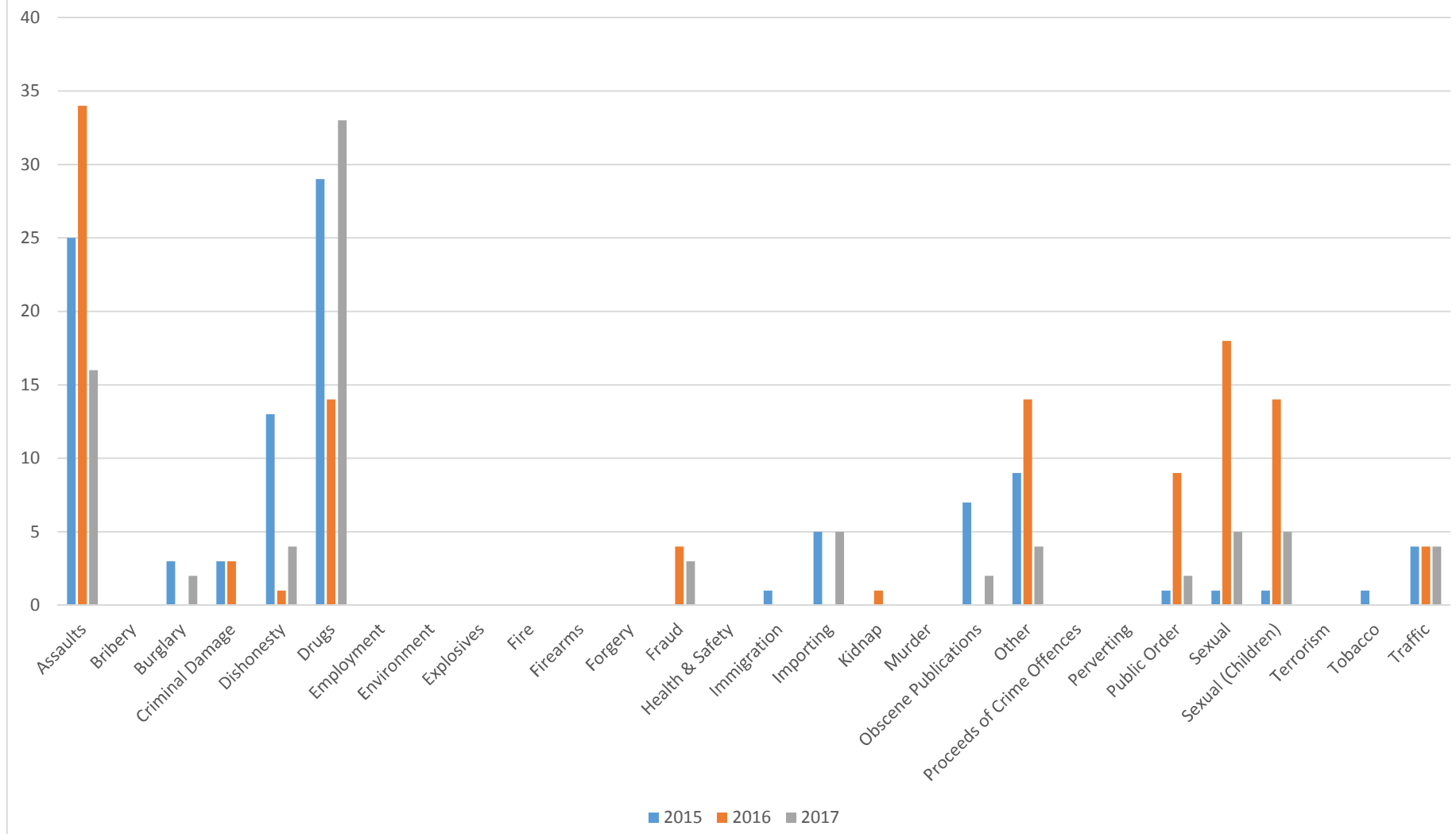
During the preceding twelve months, the following major offences have been under investigation and assistance provided by the OCPL: murder, attempted murder, rape, offences of, or in connection with, money laundering, conspiracy to cause grievous bodily harm, fraud, false accounting and armed robbery.

The table and chart immediately below show the number of dockets and fiats reviewed by the OCPL in calendar years 2015, 2016 and 2017.



The number and type (categorisation) of criminal charges committed or sent to the Supreme Court is shown in the bar graph on the next page. There has been a decline in 2017, offset however by the complexity and size of the cases.

Criminal Charges Committed to Supreme Court



Cash seizures

During 2017 HM Customs seized €95,577 in cash from a total of 17 individuals alleged to be “Recoverable Property” and as such liable to forfeiture. At present €88,853 has been forfeited.

Amendments to criminal law

The enactment of the Mental Health Act 2016 has resulted in various necessary amendments to the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011.

There have also been important changes to the Proceeds of Crime Act 2015, namely:

- a. to incorporate tokenised digital assets involving the use of digital ledger technology requiring relevant financial businesses to undertake independent audit functions in order to test policies, controls and procedures amongst other things with regard to record keeping, due diligence and risk assessment;
- b. giving the power to the Attorney General to appoint such suitably qualified person to act as the Head of the Gibraltar Financial and Intelligence Unit (“GFIU”) and creating the offence of disclosing information held by the GFIU;
- c. expanding upon the current definition of ‘unlawful conduct’ to include conduct outside Gibraltar by a public official that constitutes a gross human rights abuse which is further defined as the torture or inhuman, cruel or degrading treatment of a person on the grounds that such person has been obtaining, exercising, defending or promoting human rights, or has sought to expose gross human rights abuse conducted by a public official.

This latter amendment reflects a similar change made in the UK earlier last year, which came out of the so-called “Magnitsky Amendment”, named after the Sergei Magnitsky, a Russian lawyer who was tortured and died in prison in Moscow in 2009 after exposing an alleged \$230m (£184m) fraud carried out by leading Kremlin officials.

There have also been amendments to the Tobacco Act, allowing police and customs officers a right of entry into retail premises for the purposes of compliance with a retail licence, and creating offences of assaulting, resisting or obstructing a police or customs officer and providing false information to a customs officer in connection with tobacco

Inter-Agency Co-operation Committee

At the behest of the OCPL, an Inter-Agency Co-operation Committee was set up three years ago which meets bi-monthly to discuss cross-agency cases and issues. The cases and issues are related to fraud, money laundering, potential terrorist financing and proceeds of crime issues.

GFIU

The OCPL advises the GFIU on a very regular basis in connection with SAR's received, overseas enquiries received either directly or through an international medium as well as legal advice of a general or specific nature.

MONEYVAL

The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism ("MONEYVAL") is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems.

Gibraltar will be receiving its first MONEYVAL mutual evaluation during the first two weeks of April 2019. This will involve approximately four evaluators coming to Gibraltar and evaluating our law and processes for dealing with money laundering and the financing of terrorist activity. Not only has this involved a training session in

March 2018 in Gibraltar, but also in the preparation of considerable documentation which needs to be provided to the evaluators well in advance of their visit.

Quasi- criminal matters

Assistance is provided to the following with regards to the issuing of summonses and the subsequent representation at hearings: Labour Inspectors, Housing, Town Planning, Gibraltar Fire and Rescue Service, Environmental Agency and the Factory Inspectors.

This also involves advising the relevant department in accordance with the code for prosecutors as well as the compilation of dockets and identifying unused material.

Care Agency

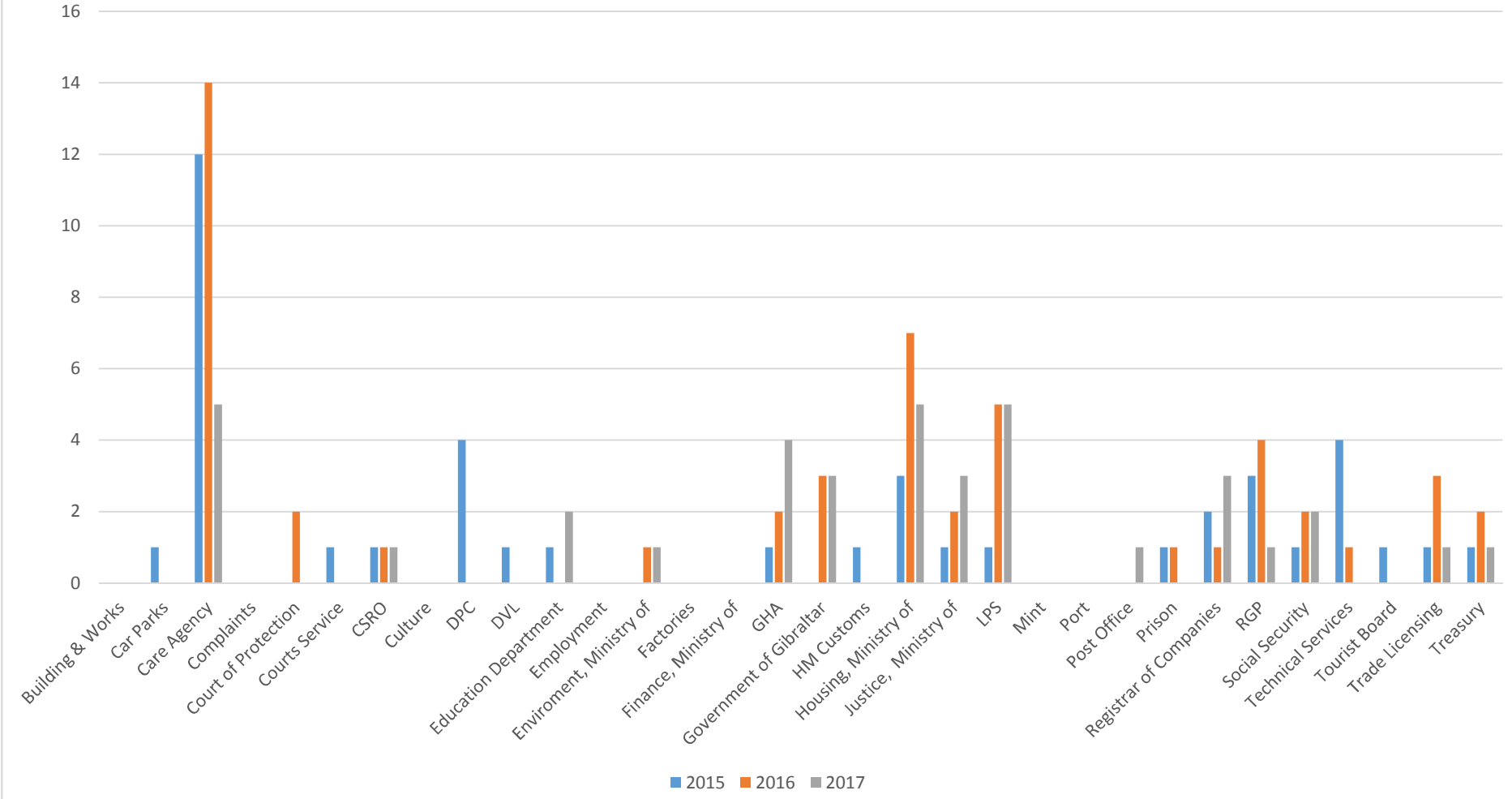
The OCPL deals with: Adoption Proceedings, Care Orders, Supervision Orders, Emergency Protection Orders and Special Guardianship Orders. It also holds training days for the Care Agency.

Civil Matters

The OCPL advises most government departments where the issue arising may result in litigation. A bar graph showing civil files opened in 2015, 2016 and 2017 follows on the next page.

In addition, five new Judicial Review case files were opened in 2017.

Civil Files Opened



3. The Office of Advisory Counsel (OAC)

The OAC provides Ministries, Departments, statutory agencies and other public bodies with legal advice across the entire spectrum of their activities.

One of OAC's primary focuses is Constitutional Law, but it also provides advice on EU Law and International Law, the three of which are often intimately connected. OAC also advise on all other fields of law (save criminal law and litigious matters – although there are some exceptions): from traffic to immigration and employment, and from the environment to financial services - and much else in between.

OAC also provides a service similar to the Crown Commercial Service in the UK, supporting government commercial and procurement activity by negotiating, drafting or reviewing contracts.

Complementary activities include producing policy and consultation papers and similar legal-policy documents, as well as preparing presentations and reports, coordinating legal projects and generally supporting the activities of the OPC and OCPL.

The OAC houses the Mutual Legal Assistance ('MLA') contact point for Gibraltar, although MLA activities are functionally separate from its advisory work. There is a separate note on MLA activities below.

There are discernible trends in the advice being provided this year. The implementation of the EU's General Data Protection Regulation (GDPR), for instance, has resulted in a marked increase in requests for advice on data protection issues (including disclosure of personal data) and subject access requests from numerous Government Departments, Authorities and Agencies. The OAC has also assisted in the drafting of Data Sharing Agreements between Government Departments and private entities. We expect these numbers to increase as the GDPR is applied on a day-to-day basis.

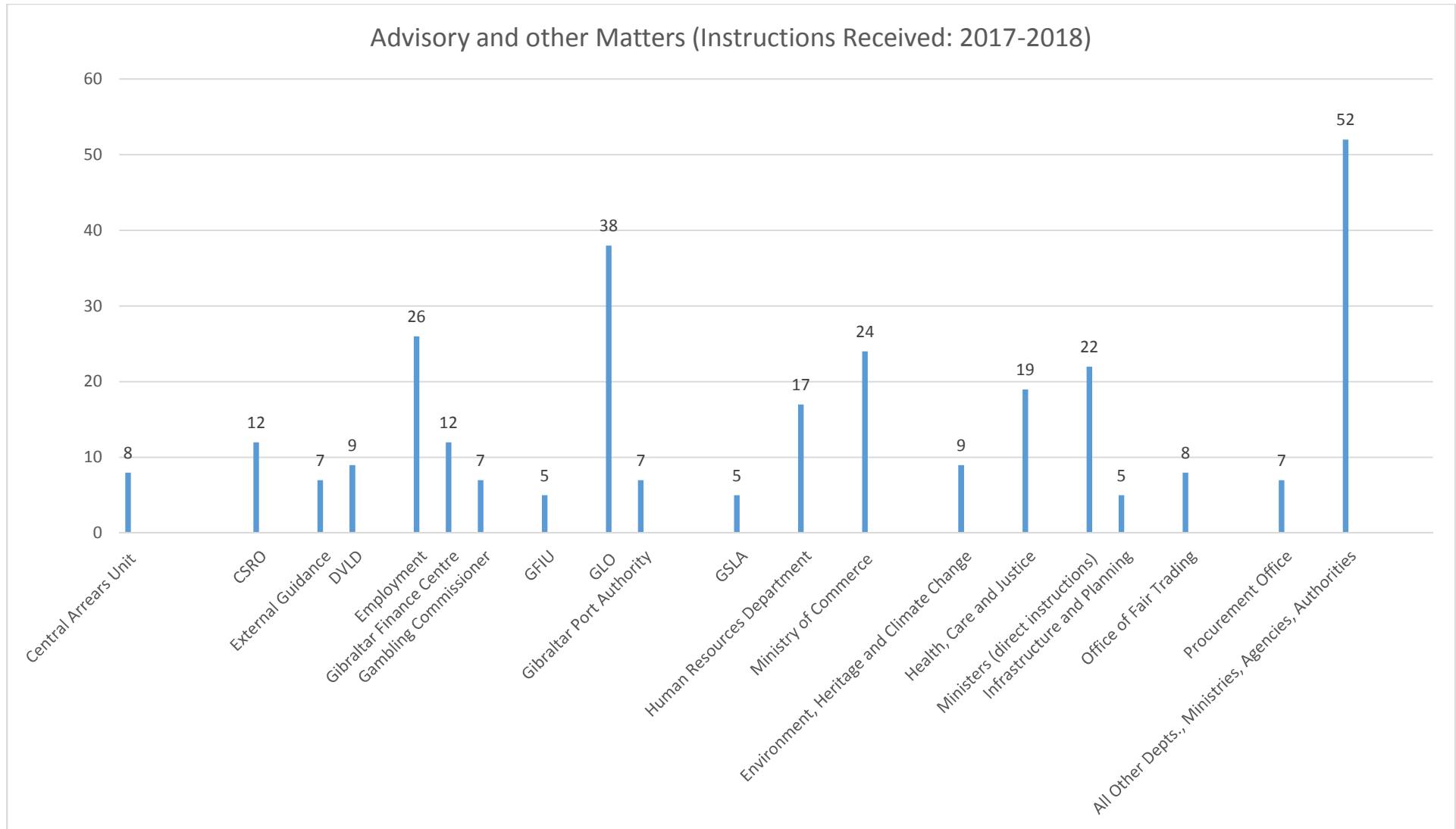
A highlight of the OAC's remit this year has been its work on the potential creation of the first European Grouping for Territorial Cooperation ("EGTC") between Gibraltar and Spain. The EGTC is an entity with legal personality under European law and its objective is to facilitate and promote cross-border cooperation.

There has been an increase in the number of requests for advice in the areas of healthcare, employment and human resources matters.

The following table overleaf shows the number of advisory and related matters dealt with during the Legal Year 2017-2018.

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Advisory and other Matters (Instructions Received: 2017-2018)



Mutual Legal Assistance

Gibraltar continues to provide mutual legal assistance in criminal matters to other jurisdictions, both in the European Union and further afield and this year has seen an increase in the number of requests received, from 35 requests in 2016, 52 requests in 2017 and 58 requests (to date) in 2018. During the reporting period (1 October 2017 to date) Gibraltar has received 68 requests (including 19 European Investigation Orders).

The European Investigation Order Regulations 2017, which transposed Directive 2014/41/EU on the European Investigation Order, was published on the 27 July 2017. These Regulations allow for a wider suite of measures within a regulated period of time and seek to provide more effective and timely assistance. Since the entry into force of the Regulations, Gibraltar has received 23 EIO's (19 during this reporting year). EIOs have thus far been received from five different European countries, with most EIOs having been sent by the Netherlands. Gibraltar has thus far issued one EIO.

It has taken a number of months for the majority of EU Member States to transpose the EIO Directive and Gibraltar has continued to receive Letters of Request from countries which should have transposed the Directive. In such cases, Gibraltar, where possible, has sought to provide assistance using the Mutual Legal Assistance (International) Act 2005. Given that the majority of Member States have now transposed the EIO Directive, a further increase in the number of EIO's is expected.

In June, amendments were made to the Mutual Legal Assistance (International) Act 2005 (by the Mutual Legal Assistance (Miscellaneous Amendments) Act 2018) that enlarge the scope of countries to whom we can provide assistance under that gateway. The amendments also clarify that production orders for special procedure material can be obtained. It is anticipated that this will speed up the process of providing mutual legal assistance.

During the reporting period, Gibraltar received one prisoner transfer request (from Spain) which was effected under the Transfer of Sentenced Persons (European Union) Regulations 2014 which transposed Council Framework Decisions 2008/909/JHA and 2009/299/JHA.

4. The Office of Parliamentary Counsel (OPC)

The Office of Parliamentary Counsel are the legislative drafters and have had a busy year. In terms of delivery of the Government's domestic agenda, a number of significant Bills have been published, several of which have since become Acts. These include the Town Planning Act 2018, the Heritage and Antiquities Act 2018, the Director of Public Prosecutions Act 2018, the Lasting Powers of Attorney Act 2018, the Immigration and Asylum Act 2018 and the Terrorism Act 2018.

A total of 270 items of secondary legislation have also been published. These include a significant body of subsidiary legislation by way of Regulations and Rules encompassing the Government's domestic legislative agenda and the implementation of EU Law, and ranging in subject matter from civil aviation to traffic and from merchant shipping to marine protection. Highlights of subsidiary legislation include:

- the Income Tax Act 2010 (Amendment No. 2) Regulations 2017 which give the Commissioner for Income Tax access to AML information for the purposes of exchange of information;
- the Public Health (Human Tissues, Cells and Organs) (Amendment) Regulations 2018 which include provisions on consent for organ donation after death;
- the Mental Health Review Tribunal Rules 2018 and the Mental Health (General) Regulations 2018 which replace UK rules with Gibraltar specific ones; and
- the Police Federation Regulations 2018 which give a framework for the operation of this representative body.

A total of 17 EU Directives have been transposed and Gibraltar continues to remain up to date with its obligation to implement all applicable EU measures in time.

By way of further explanation of key primary legislation:

- the Terrorism Act 2018 draws relevant provisions from six UK statutes. It provides the basis for the exercise of powers that have been used in the United Kingdom to deal with terrorism and terrorism related activities. These

powers were requested by the Royal Gibraltar Police, and agreed to by the Government. The drafting saw the engagement of the former Independent Reviewer of Terrorism Legislation, David Anderson QC, now Baron Anderson of Ipswich. It is a significant piece of legislation and will be a welcome and necessary entry into our statute book;

- the Town Planning Act 2018 was passed by the Parliament before the summer recess. The Act revises and modernises town planning law, in particular it strengthens the controls over developments;
- the Heritage and Antiquities Act 2018 reforms the law governing the protection of Gibraltar's heritage and provides for the safeguarding and management of items of historical and cultural interest, whether through the Gibraltar Museum, the Heritage Trust or the Gibraltar National Archive;
- the Lasting Powers of Attorney and Capacity Act 2018 provides for the support and protection of people who are unable to make specific decisions in relation to their health, welfare or finances, due to lack of capacity. It allows for the creation and registration of lasting powers of attorney and for advance decisions to refuse medical treatment to be made, before capacity is lost. It also sets out provisions as to best interests' decision-making in relation to the care and treatment of those who lack capacity and allows a manager of a care home or hospital to impose restrictions on the liberty of a person if a standard or urgent authorisation has been granted, an order of the court has been made, or the restriction is necessary to enable life-sustaining treatment to be given. Importantly, it also introduces independent capacity advocates to protect those who lack capacity to make decisions about their health and care and who may not have family members or others to assist them.

As noted above, the Government published the Data Protection Act 2004 (Amendment) Regulations 2018. These Regulations implement Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, commonly known as the 'General Data Protection Regulation' (GDPR). In the run up to the implementation date e-mails were sent to data subjects in unprecedented volumes

as the tables were turned from an 'opt-out' to an 'opt-in' regime. The effects of the GDPR have been keenly felt within the OPC in more ways than one, as the drafter of the legislation, Mr Tito Garro, has since taken up the post of Government Data Protection Officer.

From an international perspective, the Government has continued to meet its obligations to give effect domestically to international sanctions. Sanctions have been published in respect of, *inter alia*, the following States (and persons and entities connected with them): Central African Republic; Democratic People's Republic of Korea; Egypt; Guinea-Bissau; Libya; Russia; Tunisia; Ukraine; Venezuela and Zimbabwe.

It will come as no surprise that in addition to meeting the Government's domestic agenda, legislative preparations for Brexit have gathered momentum.

The OPC has been reconfigured and a 'Withdrawal Bill' Team has been established, led by Paul Peralta and also including Nadia Sisarello-Parody and Michelle Garcia.

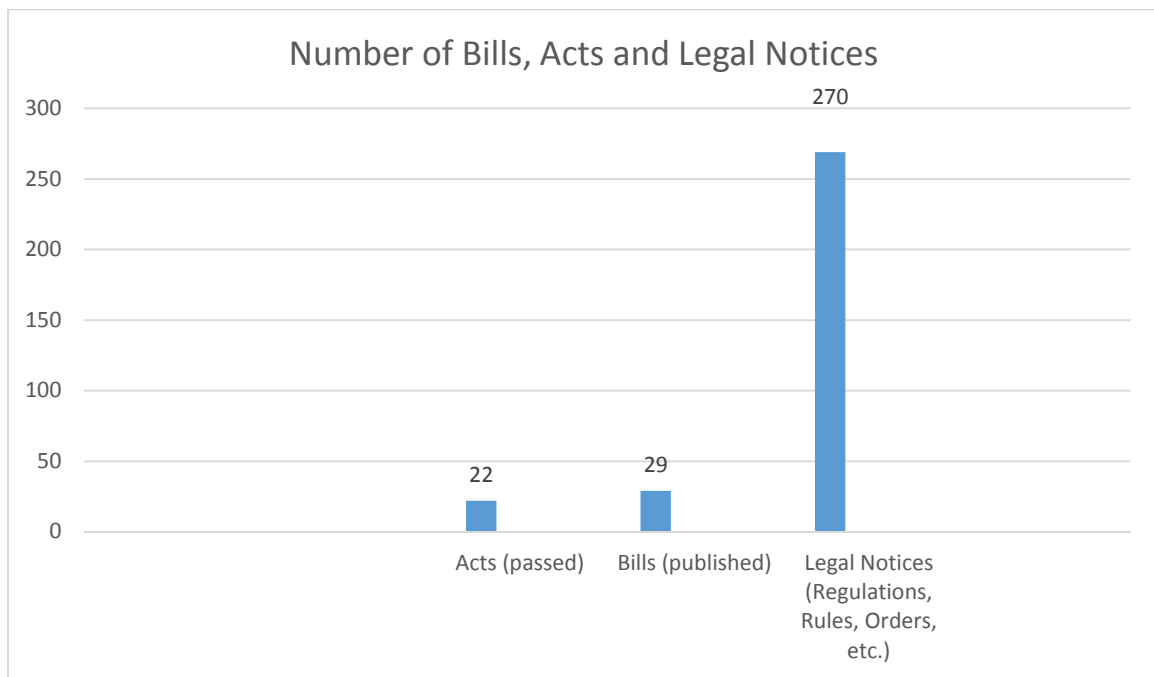
The Withdrawal Bill Team have held a number of technical meetings with colleagues in the UK Government.

In the UK, the European Union (Withdrawal) Act 2018 is now on the statute book. That Act is but one of a raft of primary and subordinate legislation that have been considered in Gibraltar. A Gibraltar equivalent Bill is in an advanced draft stage and, when passed, will have the effect of converting applicable EU law into Gibraltar domestic law on exit day. The Bill also contains powers to modify EU law, as incorporated, in order to make that law operable in Gibraltar. The task of identification of relevant EU laws has required the examination for applicability of in excess of 20,000 pieces of EU legislation. From this around 1600 have been identified as relevant and in need of further scrutiny and possible amendment.

The Gibraltar Parliament has already considered, and passed, our first Brexit-related statute. The European Parliamentary Elections (Amendment) Act 2018 provides an interim measure designed to prevent wasteful expenditure in the preparation of the next European elections, which Gibraltar will not participate in, and is a prelude to the repeal of the European Parliamentary Elections Act 2004.

Finally, the OPC has been working hard to learn from, and contribute to, developments in the legislative drafting field. In September this year, Paul Peralta and Nadia Sisarello-Parody participated in and prepared a presentation for a Jersey meeting of the Commonwealth Association of Legislative Counsel, focusing in particular on the drafting challenge posed by Brexit.

The following bar graph shows the number of legal instruments published during the Legal Year.



5. The Administration Office & Gazette (AOG)

The Administration Office and Gazette consists of a dedicated team of officers which provide administrative support to the GLO throughout its various obligations to ensure the smooth running of the Offices. The AOG team also work in conjunction with the Crown Counsel, towards the accurate and timely publication of legislation and Government notices in the Gibraltar Gazette.

The key duties and responsibilities of the AOG are as follows:

-) full financial accountability for the GLO budget and accounting;
-) the production of the Gibraltar Gazette;
-) responsibility for the Laws of Gibraltar On-Line Service which means that all legislation that is published by the Government in the Gazette is available on-line and is updated by us in order to provide users with an accurate, updated, electronic version of the Laws of Gibraltar;
-) ensuring that we communicate the transposition of EU obligations (in the Laws of Gibraltar) to the EU Commission;
-) providing a communications platform with the Foreign & Commonwealth Office and other UK Departments in relation to any EU Law and/or International Law matter which may arise within Government; and
-) operating the 'Post-Box Arrangements' which means facilitating communications between the competent authorities of Gibraltar and those of other EU Member States.

Appendix.

Government Law Offices – Organisational Chart

