



PRESS RELEASE

No: 312/2018

Date: 29th May 2018

Armed Forces (Gibraltar) Bill 2018

The Government is pleased to announce the publication of the Armed Forces (Gibraltar) Bill 2018. The principal purpose of the Bill is to apply in Gibraltar law certain provisions of the UK's Armed Forces Act 2006.

The Bill applies to two categories of persons, namely, persons who are subject to service law (effectively members of the Armed Forces) and to civilians who are subject to service discipline (effectively civilians with a close nexus to the Armed Forces). It shall also apply to members of the Gibraltar Regiment.

The Bill does not apply to ordinary civilians or to civilian property and makes it clear that it does not affect any right conferred upon any person by the Gibraltar Constitution.

The Bill sets out the cases where the RGP and the service police authorities shall exercise exclusive, primary or concurrent jurisdiction in Gibraltar and establishes mechanisms for close cooperation between both police forces, including allowing one police force to waive jurisdiction in favour of the other. It also provides for the conclusion of an operational protocol between the Commander of British Forces, Gibraltar and the Commissioner of Police setting out the circumstances and manner in which jurisdiction, power and competence shall be exercised by one or other of them or concurrently. Such protocols exist in the UK and the Sovereign Base Areas in Cyprus and one will exist in Gibraltar by the time the Bill enters into force.

The Bill creates certain offences in Gibraltar law relating to the armed forces, including desertion and absence without leave.

The Chief Minister has commented as follows:

'The events of February 2017 brought into sharp focus a jurisdictional gap in our law in respect of Her Majesty's Armed Forces. This Bill will address those issues whilst respecting the primacy of the Royal Gibraltar Police as the lead law enforcement agency throughout Gibraltar and the Gibraltar



Constitution. The Bill has been worked on closely by the Attorney General and the Ministry of Defence and I want to thank all those involved for producing this complex piece of legislation which I will be introducing to Parliament. As Section 35(2) of the Constitution requires, His Excellency the Governor has consented to the publication of this Bill for its subsequent progress through its Parliamentary stages, given it deals with matters which, we both agree, relate to his areas of responsibility under Section 47(1) of the Constitution.'

Commander British Forces said:

'I am delighted that the Armed Forces Bill (Gibraltar) 2018 has been published, and I welcome the opportunity it affords to confirm the strong relationship between Service Policemen and women on The Rock and their colleagues in the Royal Gibraltar Police. I would also like to thank the Attorney General for his perseverance in seeing this Bill through to publication.'

His Excellency the Governor commented:

'The publication of the Armed Forces (Gibraltar) Bill 2018 marks a significant step forward in the future assurance and progression of the legislative framework for all British Armed Forces personnel and their dependants working and living in Gibraltar. Accordingly, I very much welcome the Bill's publication and would like to take this opportunity to thank everybody involved in the Bill's drafting; especially the Attorney General and FCO and MoD Lawyers.'