

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,735 of 24th September, 2009

B. 34/09

BILL

FOR

AN Act to amend the International Criminal Court Act 2007.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the International Criminal Court (Amendment) Act 2009 and comes into operation on the day of publication.

Amendment to section 3.

2. Section 3 of the International Criminal Court Act 2007 (the principal Act) is amended by inserting the following subsections after subsection (5)-

“(5A) Subject to subsection (5B), if, under Article 41 of the Charter of the United Nations 1945, the Security Council of the United Nations calls for any measures to give effect to any decision of that Council, the Minister may by Order make such provision as appears to him necessary or expedient for enabling those measures to be effectively applied in respect of Gibraltar, including provision for the apprehension, trial and punishment of persons offending against the Order.

(5B) The power conferred by subsection (5A) includes power to make in relation to any proceedings such provision corresponding to the provision made by this section in relation to the proceedings, but with the omission-

- (a) in subsection (2), of the words “by reason of a connection with a state party to the ICC Statute”; and
- (b) of subsections (3) and (4),

as appears to him to be necessary or expedient in consequence of such a referral as is mentioned in Article 13(b) (referral by the United Nations Security Council) of the ICC Statute.”.

Amendments to section 58.

3. Section 58 of the principal Act is amended—

- (a) by substituting the following subsections for subsection (1)—

“(1) In interpreting and applying the provisions of those articles referred to in section 57, the court shall take into account—

- (a) any relevant Elements of Crimes adopted in accordance with Article 9; and
- (b) until such time as Elements of Crimes are adopted under that article, any relevant Elements of Crimes contained in the report of the Preparatory Commission for the International Criminal Court adopted on 30th June 2000.

(1A) The Minister shall set out in Regulations the text of the Elements of Crimes referred to in subsection (1), as amended from time to time.”; and

- (b) in subsection (3), by substituting “Minister may by Regulations” for “Attorney General may”.

Amendments to section 72.

4. Section 72 of the principal Act is amended—

- (a) after subsection (6), by renumbering the second subsection (6) to subsection (8) as subsections (7), (8) and (9) respectively; and
- (b) by inserting the following subsection after subsection (9)—

“(10) The Minister may by Regulations make provisions to give effect to any international measures in respect of Gibraltar or to fulfil any other International obligations in relation to the International Criminal Court.”.

EXPLANATORY MEMORANDUM

(This Memorandum is not part of the Bill)

This Bill amends the International Criminal Court Act 2001 in order to provide for adequate vires for the purposes of making some subsidiary legislation.

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