

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4,353 of 20th March, 2017**

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**B. 07/17**

**BILL**

**FOR**

**AN ACT** to provide for the constitution of a Law Commission for the reform of the law and for connected purposes.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Law Commission Act 2017.

**Commencement.**

2. This Act comes into operation on the day of publication.

**Interpretation.**

3. In this Act, unless the context otherwise requires,—

“Commission” means the Law Commission constituted under section 4.

“Commissioner” means a member of the Commission and  
“Commissioners” shall be construed accordingly.

“Commission proposal” means—

- (a) a proposal formulated by the Commission in accordance with section 5(1)(b);
- (b) a proposal for consolidation or statute law revision for which a draft Bill has been prepared by the Commission in accordance with section 5(1)(c);

“Minister” means the Minister with responsibility for Justice.

**The Law Commission.**

4.(1) For the purpose of promoting reform of the law there shall be constituted in accordance with this section a body of Commissioners appointed by the Government to be known as the Law Commission.

(2) The Government shall appoint by notice in the Gazette no fewer than 6 members to the Commission, consisting of the following—

- (a) the Attorney-General;
- (b) the Minister, who shall act as Chairperson;
- (c) no fewer than two Commissioners, who are barristers or solicitors of at least 7 years' post-qualification experience;
- (d) no fewer than two Commissioners appearing to the Government to be suitable for the role.

(3) If a member of the Commission appointed under subsection (2) is for any reason unable to discharge the functions of his office the Government may appoint by notice in the Gazette a temporary member of the Commission.

(4) A quorum of the Commission shall consist of three members.

(5) A member of the Commission shall be appointed for a renewable term of 3 years.

(6) A member of the Commission may resign by notice in writing to the Government.

**Functions of the Commission.**

5.(1) The functions of the Commission shall be—

- (a) to receive and consider any proposals for the reform of the law which may be made or referred to them by the Government;
- (b) to undertake, pursuant to any such recommendations approved by the Government, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;

- (c) without prejudice to the powers of the Minister under the Revised Edition of the Laws Act 1998, to consider and prepare proposals for consolidation or statute law revision in such areas as may be referred to it by the Government, and to undertake the preparation of draft Bills pursuant to any such proposals approved by the Government;
- (d) to provide advice and information to the Government and other authorities or bodies concerned at the instance of the Government with proposals for the reform or amendment of any branch of the law;
- (e) to obtain such information as to the legal systems of other countries as appears to the Commissioners likely to facilitate the performance of any of their functions.

(2) The Commission shall make an annual report to the Government on their proceedings.

**Protocol about the Law Commission's work.**

6.(1) The Government and the Commission may agree for the purposes of this section a protocol regarding the Commission's work.

- (2) The protocol may include, among other things, provision regarding—
  - (a) principles and methods to be applied in deciding the work to be carried out by the Commission and in the carrying out of that work;
  - (b) the assistance and information that Ministers and the Commission are to give each other;
  - (c) the way in which Ministers are to deal with the Commission's proposals for reform, consolidation or statute law revision;
  - (d) the administrative support to be provided to the Commission by the Government.

(3) The Government and the Commission may from time to time review the protocol and may agree to revise it.

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**EXPLANATORY MEMORANDUM**

This Act provides for the constitution of a Law Commission for the reform of the law.

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