

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,817 of 28th October, 2010

B. 29/10

BILL

FOR

AN ACT to amend the Counter-Terrorism Act 2010.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Counter-Terrorism (Amendment) Act 2010 and comes into operation on the day of publication.

Amendment to section 38 of the Counter-Terrorism Act 2010.

2.(1) Section 38 of the Counter-Terrorism Act 2010 is amended in accordance with this section.

(2) For section 38, substitute—

“Governor’s constitutional responsibilities.

38.(1) Nothing in this Act or in any regulations made under this Act shall derogate from the responsibility of the Governor under the Constitution for defence, internal security or any other matter for which the Governor may have responsibility under the Constitution.

(2) Before making a Direction under section 3, the Minister shall consult the Governor in relation to any matter for which the Governor has responsibility under the Constitution.

- (3) Without prejudice to the Minister's obligation to consult the Governor under sub-section (2), the question whether or not the Minister has in the case of any such Direction consulted with the Governor shall not be enquired into in any court of law so as to impugn the validity of the Direction.”.

EXPLANATORY MEMORANDUM

This Bill amends section 38 of the Counter-Terrorism Act 2010 by setting out that the Minister must consult the Governor before making a direction under section 3 of that Act and providing that no court may enquire into whether such a consultation has taken place so as to impugn the validity of such a Direction.

**Printed by the Gibraltar Chronicle Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £0.30p**