

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 4,234 of 28th January, 2016

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**B. 04/16**

**BILL**

**FOR**

**AN ACT** to amend the Constitution (Declaration of Compatibility) Act 2009 to permit non-governmental organisations to apply to the Supreme Court for a declaration regarding compatibility in respect of Bills which directly affect a non-governmental organisation or its members.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Constitution (Declaration of Compatibility) (Amendment) Act 2016.

**Commencement.**

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

**Amendment of Act.**

3.(1) The Constitution (Declaration of Compatibility) Act 2009 is amended in accordance with the provisions of this section.

(2) In the heading to section 2 after the words “Supreme Court” insert “by the Government”.

(3) After section 2 insert the following section—

**“Application to the Supreme Court by non-governmental organisation.**

2A.(1) Subject to subsection (3), a non-governmental organisation may, with the leave of the Supreme Court, apply for a declaration under section 3, but only as to whether a Bill for an Act or any provision thereof is compatible with the Constitution.

(2) A non-governmental organisation must be granted leave where it satisfies the Court that-

(a) it or any of its members is directly affected by the subject matter to which the Bill for an Act, or any provision thereof, relates; and

(b) there is a high likelihood that the Bill for an Act or any provision thereof will be held to be incompatible with the Constitution.

(3) An application for leave must be filed in the Supreme Court at any time before the First Reading of the Bill by the Gibraltar Parliament.”.

(4) In section 3(1) after the words “section 2” insert “and 2A”.

**Explanatory Memorandum**

This Bill amends the Constitution (Declaration of Compatibility) Act 2009 to enable non-governmental organisations to seek a declaration from the Supreme Court in respect of a Bill that affects it or its members.

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