



PRESS RELEASE

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Government to allow NGOs the right to challenge Bills

The Government has published a Bill which seeks to allow non-governmental organisations to apply to the Supreme Court for a declaration regarding the compatibility of a Bill with the Constitution.

This is in furtherance of a commitment made in the 2011 manifesto of the GSLP/Liberals which then became the policy of the Government.

The Bill amends the Constitution (Declaration of Compatibility) Act 2009 which as presently drafted allows only the Chief Minister, or a Minister with his consent, to seek such a declaration from the Court.

The Bill provides for a two stage process, with the first being an application seeking leave (permission) from the Court. This application must be filed at any time before the First Reading of the Bill by the Gibraltar Parliament. A non-governmental organisation must be granted leave where it satisfies the Court that it, or any of its members, is directly affected by the subject matter of the Bill and there is a high likelihood that the contents of the Bill will be held to be incompatible with the Constitution. Where leave is granted the Court will consider and determine the matter using its existing powers, in section 3 of the Act.

This represents the fulfilment of yet another commitment by the Government.