

# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5113 GIBRALTAR Monday 11th December 2023

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B. 30/23

## BILL

FOR

**AN ACT** to amend the Mutual Legal Assistance (International) Act 2005.

**ENACTED** by the Legislature of Gibraltar.

### **Title.**

1. This Act may be cited as the Mutual Legal Assistance (International) (Amendment) Act 2023.

### **Commencement.**

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

### **Amendment of the Mutual Legal Assistance (International) Act 2005.**

3.(1) The Mutual Legal Assistance (International) Act 2005 is amended in accordance with this section.

(2) Substitute section 25 with the following-

#### **“Power to make regulations.**

25.(1) The Minister may, by regulations, make provision as the Minister considers appropriate-

- (a) in respect of any matter that arises from or is incidental to this Act; or
- (b) for the implementation of-
  - (i) an agreement with the Government on mutual legal assistance in criminal matters based on the principle of reciprocity, which is included in Schedule 2; or

- (ii) a Convention which has been extended to Gibraltar, and any relevant international obligation or standards concerned with the Convention which is applicable to Gibraltar, and recommendations (however described) of international bodies that are involved in the adoption, monitoring or promotion of such obligations and standards; or
  - (iii) an undertaking in writing between a State and the Government, where the State confirms that it would reciprocate in respect of a similar mutual legal assistance request issued by Gibraltar and received by it (to the extent that implementation is necessary).
- (2) The Minister may, by regulations, amend this Act for the purpose of implementing-
  - (a) an agreement with the Government on mutual legal assistance in criminal matters based on the principle of reciprocity, which is included in Schedule 2; or
  - (b) a Convention which has been extended to Gibraltar, and any relevant international obligation or standards concerned with the Convention which is applicable to Gibraltar, and recommendations (however described) of international bodies that are involved in the adoption, monitoring or promotion of such obligations and standards; or
  - (c) an undertaking in writing between a State and the Government, where the State confirms that it would reciprocate in respect of a similar mutual legal assistance request issued by Gibraltar and received by it (to the extent that implementation is necessary).
- (3) Regulations under subsections (1) and (2) may (among other things) be exercised by modifying any provision made by or under an enactment, including this Act.
- (4) Regulations made under subsections (1) or (2) may contain such consequential, supplementary, incidental and transitional provisions as the Minister considers it necessary or expedient.
- (5) Section 23(b) of the Interpretation and General Clauses Act shall not apply to any regulations made under this section.”.

**EXPLANATORY MEMORANDUM**

This Bill amends the Mutual Legal Assistance (International) Act 2005 by incorporating a wide regulation making power allowing international agreements and other arrangements to be provided by regulation, and to amend this Act for this purpose also, and to give the power to modify the Act when implementing international agreements.

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