STATUTORY INSTRUMENTS

2009 No. 3207

JUDICIAL COMMITTEE

The Gibraltar (Appeals to Privy Council) (Amendment) Order 2009

Made - - - - *9th December 2009*

Coming into force - - *1st January 2010*

At the Court at Buckingham Palace, the 9th day of December 2009

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 1 of the Judicial Committee Act 1844(**a**) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

Citation, construction and commencement

1.—(1) This Order may be cited as the Gibraltar (Appeals to Privy Council) (Amendment) Order 2009 and shall be construed as one with the Gibraltar (Appeals to Privy Council) Order 1985(**b**).

(2) This Order shall come into force on 1st January 2010.

Interpretation

2. In this Order—

"Court" means the Court of Appeal for Gibraltar established by section 61 of the Constitution set out in Annex 1 to the Gibraltar Constitution Order 2006;

"the 1985 Order" means the Gibraltar (Appeals to Privy Council) Order 1985.

Amendment of 1985 Order

3. The 1985 Order is amended in article 2, by substituting for the definitions of "Constitution" and "Court" the following—

""Constitution" means the Constitution set out in Annex 1 to the Gibraltar Constitution Order 2006;

(**a**) 1844 c.69.
(**b**) S.I. 1985/1199, amended by S.I. 2009/224.

"Court" means the Court of Appeal for Gibraltar established by section 61 of the Constitution;".

Transitional provisions

4.—(1) In respect of any judgment of the Court of Appeal for Gibraltar established by section 57 of the Constitution set out in Annex 1 to the Gibraltar Constitution Order 1969, or of the Court, given before the commencement of this Order, an appeal may be commenced, continued and concluded or continued and concluded, as the case may be, in accordance with the 1985 Order as amended by this Order as nearly as may be as if it were an appeal from a judgment of the Court given after the commencement of this Order.

(2) Any Order that Her Majesty in Council may see fit to make on any such appeal or any Order on an appeal from the Court of Appeal for Gibraltar established by section 57 of the Constitution set out in Annex 1 to the Gibraltar Constitution Order 1969 or from the Court made by Her Majesty before the commencement of this Order, but not enforced before such commencement, may be enforced as if it were an Order made on an appeal from a judgment of the Court given after the commencement of this Order.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order creates a right of appeal to the Privy Council from the Court of Appeal for Gibraltar established by the Constitution set out in Annex 1 to the Gibraltar Constitution Order 2006 in place of the Court of Appeal established by the Gibraltar Constitution Order 1969. It also includes transitional provisions.

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£4.00

E5486 12/2009 195486T 19585