

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,678 of 2nd October, 2008

B. 19/08

BILL

FOR

AN ACT to amend the Fostering Act 2002 for the purpose of transposing into the law of Gibraltar Article 19 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum applicants and Article 30 of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted into the law of Gibraltar.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Fostering (Amendment) Act 2008 and comes into operation on the day of publication.

Amendment of the Fostering Act 2002.

2. The definition of “child in need of care” in section 2 of the Fostering Act 2002 is amended by substituting for the existing definition—

“ “child in need of care” means—

- (a) a child under 16 in respect of whom the court has made an order under section 4(3); or
- (b) a child under 18 who is an “unaccompanied minor” as defined in the Asylum Regulations 2008 in respect

of whom the court has made an order under section 4(3);”.

EXPLANATORY MEMORANDUM

This Bill amends the Fostering Act 2002 in consequence of Asylum Regulations 2008 which transpose into the law of Gibraltar Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum applicants and Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted into the law of Gibraltar. It also further transposes Article 19 of Council Directive 2003/9 of 27 January 2003 and Article 30 of Council Directive 2004/83/EC of 29 April 2004.

The amendment enables the Juvenile Court to make a “child in need of care” order in respect of persons over the age of 16 who are “unaccompanied minors” as defined in the Asylum Regulations 2008.

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