

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,734 of 17th September, 2009**

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**B. 32/09**

**BILL**

**FOR**

**AN Act** to amend the Pensions Act.

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement**

1. This Act may be cited as the Pensions (Amendment) Act 2009 and comes into operation on the day appointed by the Government by notice in the Gazette.

**Amendments to the Pensions Act.**

2. The Pensions Act is amended-

(a) in section 2(1) by –

(i) inserting the following definitions before the definition of “designated officer”-

““Agency” means the Care Agency established under section 3 of the Care Agency Act 2009;

““child of the family” means-

- (a) a child of both of the parties to a marriage;
  - (b) any other child, not being a child who is placed with those parties as foster carer by the Agency under the Children Act 2009, who has been treated by both of those parties as a child of their family;”;
- (ii) inserting the following definition after the definition of “pensionable office”-  
  
““pension sharing order” shall have the meaning assigned to it by section 46A of the Matrimonial Causes Act;”;
- (iii) inserting the following definition after the definition of “salary”-  
  
““spouse” means –
  - (a) the wife of a man; or
  - (b) the husband of a woman;”;
- (b) by substituting the following section for section 13-  
  
“13.(1) A pension, gratuity or other allowance granted under this Act is not –
  - (a) assignable or transferable save as set out in subsection (2); or
  - (b) liable to be attached, sequestered or levied upon for or in respect of any debt or claim save as set out in subsection (2).  
(2) A pension, gratuity or other allowance granted under this Act may be assignable or transferable and may be attached, sequestered or levied upon -

- (a) in respect of a debt due to the Government from the person to whom the pension, gratuity, or other allowance has been granted; or
- (b) by an order of the court in relation to the payment of money, whether by way of maintenance, pension sharing order or otherwise, in favour of the spouse or former spouse or child of the family of the person to whom the pension, gratuity, or other allowance has been granted.”

**EXPLANATORY MEMORANDUM**

This Bill amends the Pensions Act. Under the existing provisions of section 13 of the Pensions Act, civil service pension cannot be subject to pension sharing order under the provisions of the new PART VIIA of the Matrimonial Causes Act. In view of this, section 13 of the Pensions Act has been proposed to be amended so that civil service pensions become subject to financial orders or pension sharing orders made by the court under the Matrimonial Causes Act.

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