

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,759 of 21st January, 2010

B. 06/10

BILL

FOR

AN ACT to amend the Civil Jurisdiction and Judgments Act 1993 to make further provision in respect of EC Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation 1347/2000.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Civil Jurisdiction and Judgments (Amendment) Act 2010 and shall come into operation on the day of publication.

Amendment to Schedule 11 Civil Jurisdiction and Judgments Act 1993.

2. The Civil Jurisdiction and Judgments Act 1993 is amended by substituting for Schedule 11–

“SCHEDULE 11

Section 38A

**APPLICATION OF REGULATION 2201/2003
Jurisdiction and the recognition and enforcement of judgments in
matrimonial and parental responsibility matters.**

Interpretation.

1. In this Schedule, words defined in Regulation 2201/2003 have the same meaning.

Central authority for Gibraltar.

2. The Minister responsible for justice shall be the central authority in Gibraltar for the purposes of Article 53 of Regulation 2201/2003.

Recognition and enforcement of judgments.

3.(1) The Supreme Court—

- (a) may, for the purposes of Chapter III of Regulation 2201/2003, make an order that a judgment of a court in a Regulation State is recognised, or not recognised, in Gibraltar;
- (b) may, for the purposes of Article 28(1) of Regulation 2201/2003, make an order declaring that a judgment on the exercise of parental responsibility of a court in a Regulation State is enforceable in Gibraltar;
- (c) shall be the competent court for the purposes of Article 39 of Regulation 2201/2003.

(2) Where a judgment has been recognised or declared enforceable under subsection (1)(a) or (1)(b), any court in Gibraltar shall have the same powers for the purpose of enforcing the judgment as if the judgment had been made by the Supreme Court and, subject to Regulation 2201/2003, proceedings for or with respect to enforcement may be taken accordingly.

(3) For the purposes of Article 37(1)(a) of Regulation 2201/2003 a copy of a judgment shall be considered authentic unless the contrary is shown.

Rules of Court.

4. The Chief Justice may make rules of court to give effect to this Schedule, in particular in relation to the form and manner in which

judgments may be recognised, and applications under Regulation 2201/2003 are made.”

EXPLANATORY MEMORANDUM

This Bill amends existing Schedule 11 in order to insert a competent authority for Gibraltar and to renumber the schedule for ease of use.

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