

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,772 of 18th March, 2010

B. 12/10

BILL

FOR

AN ACT to amend the Criminal Procedure Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Criminal Procedure (Amendment) Act 2010 and comes into operation on the day of publication.

Amendments to section 2.

2. Section 2 of the Criminal Procedure Act (the Principal Act) is amended—

(a) by inserting the following definition after the definition of “adult”;

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

(b) by inserting the following definition after the definition of “indictable offence”;

““Family Judge” means a judge of the Supreme Court as referred to in section 12A(2) of the Supreme Court Act;”.

Substitution of section 275.

3. The Principal Act is amended by substituting the following section for section 275–

“Orders for care and protection.

275. If a juvenile court is satisfied that any person under the age of eighteen years brought before the court is in need of care or supervision, the court shall refer the matter to the Family Judge for consideration and that Judge may make any order that he deems appropriate under the Children Act 2009 (including an order under section 64 of that Act) as if an application under that Act had been made to him.”.

Amendments to section 276.

4. Section 276 of the Principal Act is amended–

- (a) by substituting “eighteen” for “seventeen”;
- (b) by substituting “the Family Judge, and that Judge may, if he ” for “a juvenile court, and that court may, if it”; and
- (c) by inserting “or to the care of the Agency” after “undertake the care of him”.

Amendments to section 278.

5. Section 278 of the Principal Act is amended–

- (a) in subsection (1), by substituting “person under the age of eighteen years” for “child or young person”;
- (b) in subsection (1), by substituting “refer the matter to the Family Judge for consideration and that Judge may make any order he deems appropriate under the Children Act 2009 (including an order under section 64 of that Act) as if an application under that Act had been made to him.” for “have power to commit him to the care of a fit person, whether a

relative or not, who is willing to undertake the care, of him.”;
and

(c) by substituting the following subsection for subsection (2)–

“(2) By virtue of a referral made by any court under this section, the Family Judge may also make a probation order in accordance with the provisions of this Act.”.

Repeal of sections 279 to 284.

6. Sections 279 to 284 of the Principal Act are repealed.

EXPLANATORY MEMORANDUM

This Bill amends the Criminal Procedure Act in order to make the relevant provisions consistent with the Children Act 2009.

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