

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,772 of 18th March, 2010

B. 13/10

BILL

FOR

AN ACT to amend the Magistrates' Court Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

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

Amendments to section 2.

2. Section 2(1) of the Magistrates' Court Act (the Principal Act) is amended—

- (a) in the definition of “domestic proceedings”, by substituting “family” for “domestic”;
- (b) in the definition of “guardianship order”, by substituting “children” for “minor”;
- (c) after the definition of “guardianship”, by inserting the following definition—

““children” has the meaning given by the provisions of the Children Act 2009;”;
- (d) by substituting the following definition for the definition of “maintenance order”—

““maintenance order” means, subject to the provisions of the Maintenance (Amendment) Act 2010, any order for the payment of monies made by a court under the Maintenance Act;”.

Amendments to section 18.

3. Section 18 of the Principal Act and its heading are amended by substituting “family” for “domestic” where it appears twice.

Amendment to section 20.

4. Section 20(2) of the Principal Act is amended by substituting “family” for “domestic”.

Substitution of section 45.

5. Section 45 of the Principal Act is amended—

- (a) by substituting “family” for “domestic” in the heading and in line 1 where it appears twice;
- (b) by deleting paragraph (c); and
- (c) by deleting “other than proceedings for the enforcement of an order made under any of the laws mentioned in paragraphs (a), (b) and (e) or for the variation of any provision for the payment of money contained in an order made under any of those laws” after paragraph (e).

Amendments to section 46.

6. Section 46 of the Principal Act is amended—

- (a) by substituting “family” for “domestic” where it appears five times in subsections (1) to (4); and
- (b) by substituting “children” for “minor” in subsection (4).

Amendments to section 47.

7. Section 47(1) of the Principal Act is amended by substituting “family” for “domestic” in line 1.

Amendments to section 48.

8. Section 48(1) of the Principal Act is amended by substituting “family” for “domestic” where it appears twice.

Amendments to section 49.

9. Section 49 of the Principal Act is amended by substituting “family” for “domestic” where it appears twice.

Amendments to section 48.

10. Section 50(1) of the Principal Act is amended by substituting “family” for “domestic”.

Addition of section 79.

11. The Principal Act is amended by adding the following section after section 69–

“Savings and transitional provisions.

70.(1) Any case dealt with by the magistrates’ court or any order made by such court on any complaint or application or any domestic or other proceedings commenced in the magistrates’ court in accordance with the provisions of the Magistrates’ Court Act prior to the coming into operation of this Act, shall be deemed to have been validly made, commenced or continued.

(2) Upon coming into operation of this Act, any case, complaint, application or proceedings referred to in subsection (1) which has not been disposed of, the magistrate’s court may, if it appears to the court convenient to do so refer those matters forthwith to the Family Judge for hearing and disposal.

(3) In this section, "this Act" means the Magistrates' Court (Amendment) Act 2010."

EXPLANATORY MEMORANDUM

This Bill amends the Magistrates' Court Act as consequential to the amendments of the Maintenance Act.

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