

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3,772 of 18th March, 2010

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**B. 14/10**

**BILL**

**FOR**

**AN ACT** to amend the Supreme Court Act.

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement.**

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

**Amendment to the Supreme Court Act.**

2. The Supreme Court Act is amended by inserting the following section after section 12—

**“Jurisdiction of Family Judge.**

12A.(1) There shall be a puisne judge in the Supreme Court to whom shall be designated all family proceedings.

(2) The judge referred to in subsection (1) shall be known as the Family Judge and shall deal with family proceedings.

(3) Notwithstanding the other provisions of this section, the Family Judge may be allocated any matter, other than family proceedings, by the Chief Justice in the following cases—

- (a) where he has a spare capacity; or

- (b) during the vacation, illness or absence of another judge of the Supreme Court.
- (4) The Family Judge shall have a duty to prioritise the work of family proceedings.
- (5) For the purpose of this section, “family proceedings” shall have the meaning assigned to it by section 25 of the Children Act 2009.
- (6) Nothing in this section shall–
  - (a) limit or otherwise affect the competence and jurisdiction of all judges of the Supreme Court to deal with family proceedings; and
  - (b) limit or otherwise affect the competence and jurisdiction of the Family Judge to deal with matters other than family proceedings.
- (7) Where a judge other than the Family Judge deals with a family proceedings reference in any other legislation to the Family Judge shall be a reference to the judge that has dealt with those proceedings.”.

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#### **EXPLANATORY MEMORANDUM**

This Bill creates a provision for designating a puisne judge of the Supreme Court to be a Family Judge. The Family Judge shall be dealing with family proceedings and he shall also deal with other matters if he has a spare capacity or during the vacation, illness or absence of another judge of the Supreme Court. It will be his duty to prioritise the work of family proceedings.

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