

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3,596 of 3rd May, 2007

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B. 33/07

**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 2007 and comes into operation on the day of publication.

**Amendment to sections 4 and 6.**

2.(1) Sections 4 and 6 of the Magistrates' Court Act is amended as follows—

- (a) in section 4 by inserting after the word "Governor", the words "acting on the advice of the Judicial Service Commission";
- (b) in section 6 sub-sections (1), (3) and (4) by inserting after the word "Governor" the words "acting on the advice of the Judicial Service Commission";
- (c) in section 6(4) by deleting the words "acting after consultation with the stipendiary Magistrate".

**Amendments to section 7.**

3.(1) Section 7 of the Magistrates' Court Act is repealed and replaced by a new section 7 in terms set out in sub-section (2) below.

(2) The following is inserted as section 7 of the Magistrates' Courts Act—

**“Appointment of justices of the peace.**

7.(1) The Governor, acting on the advice of the Judicial Service Commission, may appoint by a commission under his hand and the public seal, as occasion may require, any British subject resident in Gibraltar to be a justice of the peace for Gibraltar.

(2) The Governor shall, on the advice of the Judicial Service Commission, revoke any commission.”

**Amendment to section 8**

4. Section 8 of the Magistrates' Court Act is amended by deleting the words “Chief Justice” and substituting therefor the words “Minister for Justice”.

**Amendment to section 9.**

5.(1) Section 9(1) of the Magistrates' Court Act is amended by deleting the words “Chief Justice” and substituting therefor the words “Minister for Justice”.

(2) Section 9(4) of the Magistrates' Court Act is amended by deleting the words “Chief Justice” and substituting therefor the words “Governor acting on the advice of the Judicial Service Commission”.

**Amendments to section 12.**

6. Section 12(2) of the Magistrates' Court Act is amended by deleting the words “unless the Governor sees fit, upon good cause shown, to direct otherwise” and substituting therefor the words “unless the Governor acting on the advice of the Judicial Service Commission, directs otherwise.”

**Amendment to section 14.**

7. Section 14 of the Magistrates' Court Act is amended by deleting the words “Governor may appoint a person” and substituting therefor the words “Minister with responsibility for Justice may designate a public officer”.

**EXPLANATORY MEMORANDUM**

This Bill amends the Magistrates' Court Act following the new Constitution of Gibraltar.

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