

# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5152 GIBRALTAR Thursday 6th June 2024

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B. 15/24

## BILL

FOR

AN ACT to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year.

ENACTED by the Legislature of Gibraltar.

### Title.

1. This Act may be cited as the Civil Partnership (Amendment) Act 2024.

### Commencement.

2. This Act comes into operation on the day of publication.

### Amendment of the Civil Partnership Act 2014.

3.(1) The Civil Partnership Act 2014 (in this Act referred to as the “principal Act”) is amended in accordance with this section.

(2) In section 19(1) of the principal Act for “6 weeks” substitute “6 months”.

(3) For section 21(4) of the principal Act substitute-

“(4) Subsection (3)(a) applies despite section 19 (period before conditional orders may be made final).”.

(4) In section 22 of the principal Act-

(a) in subsection (1) for “3 years” substitute “1 year”;

(b) in subsection (3)(a) delete “on the same facts, or substantially the same facts, as those proved in support of the dismissed application”; and

(c) in subsection (4) for “three year period” substitute “specified period”.

(5) Section 25(2) of the principal Act is repealed.

(6) For section 25(3) of the principal Act substitute-

“(3) The Court hearing an application for a dissolution order shall not hold the civil partnership to have broken down irretrievably unless the applicant has filed with the Court, a notice of intention to dissolve the civil partnership which includes a statement of irretrievable breakdown in such form (if any) as may be prescribed.”.

(7) For section 25(4) of the principal Act substitute-

“(4) If the Court is satisfied that a notice of intention to dissolve the civil partnership, which includes a statement of irretrievable breakdown in such form (if any) as may be prescribed, has been filed and the rules of court complied with insofar as they relate to dissolution proceedings, it shall, subject to section 19 and section 42, grant a dissolution order.”.

(8) Section 25(5) of the principal Act is repealed.

(9) Section 26 of the principal Act is repealed.

(10) In section 27(2) of the principal Act-

(a) in paragraph (b) for “;” substitute “.”; and

(b) delete “on the same facts, or substantially the same facts, as those proved in support of the making of the order referred to in subsection (1).”.

(11) In section 27 of the principal Act, subsections (3), (4) and (5) are repealed.

(12) Section 28 of the principal Act is repealed.

(13) Section 29 of the principal Act is repealed.

(14) Section 35 of the principal Act is amended as follows-

(a) in subsection (1) for “on the ground that any such fact as is mentioned in section 25(5)(a), (b), (c) or (d) exists” substitute “and such application shall include a notice of intention to separate in such form (if any) as may be prescribed”;

(b) for subsection (2) substitute-

“(2) On an application for a separation order the Court shall not be concerned to consider whether the civil partnership has broken down irretrievably and if it is satisfied that the application for a separation order has been made with a notice of intention to separate shall include a notice of intention to judicially separate, in such form (if any) as may be prescribed, it shall, subject to section 42, grant a separation order.”;

(c) subsections (3) and (4) are repealed.

(14) Section 41 of the principal Act is repealed.

(15) Section 48(7)(b) in the principal Act is substituted with—

“(b) “separated” means that the parties separated and thereafter lived separately and apart immediately preceding the date of the filing of the application for dissolution, but the parties to a civil partnership may be held to have separated and to have lived separately and apart notwithstanding that they have continued to reside in the same residence or that either party has rendered some household services to the other.”.

(16) In Schedule 5 to the principal Act, in paragraph 11(5)(a), (6)(a) and 6(b) for “sub-paragraph (2)(f)” substitute “sub-paragraph (2)(g)” on each occasion those words appear.

#### **Transitional provisions.**

4. Except where provided for by rules made under section 123 of the principal Act, proceedings under the principal Act that had commenced before the coming into force of section 3 of this Act must continue in accordance with the provisions of the principal Act as if it had not been amended in accordance with section 3 of this Act.

### **EXPLANATORY MEMORANDUM**

This Bill amends the Civil Partnership Act 2014 in order to bring in line certain provisions with the Matrimonial Causes Act.

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