

# Administration of Justice Act 2004

## Principal Act

Act. No. 2004-11

*Commencement (LN.2004/066)*  
*Assent*

1.9.2004  
7.6.2004

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## ARRANGEMENT OF SECTIONS

### Section

1. Title.
2. Amendments to the Supreme Court Act.
3. Repeal of Court of First Instance Act.
4. Amendment to the Court of Appeal Act.
5. Amendment to the Magistrates Court Act.
6. Other Acts.
7. Transitional Provisions.

AN ACT TO MAKE FURTHER PROVISION FOR THE ADMINISTRATION OF JUSTICE.

**Title.**

1. This Act may be cited as the Administration of Justice Act 2004 and comes into operation on the day appointed by the Government by Notice in the Gazette.

**Amendments to the Supreme Court Act.**

2. The Supreme Court Act is amended by—

(a) inserting the following after section 38—

**“Civil Procedure Rules.**

38A.(1) Subject to this and any other Act (and without prejudice to the generality of sections 15 and 38), and to rules made under this Act specifying otherwise, the Civil Procedure Rules made (and as amended from time to time) under the Civil Procedure Act 1997 in England and Wales shall apply in Gibraltar with such modifications (for example, in nomenclature) as the circumstances in Gibraltar may require.

(2) The Chief Justice may make Rules supplementing, amending or modifying the Civil Procedure Rules as they apply to Gibraltar.

**Masters.**

38B.(1) The small claims jurisdiction of the court (as defined in the Civil Procedure Rules), may be exercised by a judicial officer to be known as a Master.

(2) The Chief Justice may direct such other matters as he may determine to be heard by a Master, but such matters shall be limited to those which may be heard by a Master or district judge in England and Wales.

(3) A Master shall also have jurisdiction to hear and determine any summons issued under section 5 of the Debtors Act 1869 in respect of any judgment or decree, irrespective of the amount concerned.

(4) The Governor may appoint any person appearing to him to have the requisite knowledge and experience to act as a Master.

(5) An appeal from a decision of a Master shall lie to the Chief Justice or an additional judge.”.

**Repeal of Court of First Instance Act.**

3. Subject to section 7 the Court of First Instance Act is repealed.

**Amendment to the Court of Appeal Act.**

4. The Court of Appeal Act is amended by repealing section 22(iv).

**Amendment to the Magistrates Court Act.**

5. Section 26 of the Magistrates Court Act is repealed.

**Other Acts.**

6. Any reference to the Court of First Instance in any other Act shall be read as if it were a reference to the Supreme Court.

**Transitional Provisions.**

7. Any proceeding or matter before the Court of First Instance at the date of coming into operation of this Act shall be deemed to have been commenced in the Supreme Court and transferred to the small claims jurisdiction.