

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4521 of 22 November, 2018

LEGAL NOTICE NO.264 OF 2018.

INTERPRETATION AND GENERAL CLAUSES ACT

**CIVIL JURISDICTION AND JUDGMENTS ACT (2007 HAGUE
CONVENTION) REGULATIONS 2018**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act and for the purpose of implementing in part Council Decision of 9 June 2011 on the approval, on behalf of the European Union, of the Convention of 23 November 2007 on the International Recovery of Child Support and Other forms of Family Maintenance done at the Hague, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the Civil Jurisdiction and Judgments Act (2007 Hague Convention) Regulations 2018.

Commencement.

2. The Regulations come into operation on the day of publication.

Amendment to the Civil Jurisdiction and Judgments Act 1993.

3. The Civil Jurisdiction and Judgments Act 1993 is amended in accordance with regulations 4 to 9.

Amendment to section 2.

4. Section 2 is amended as follows-

(a) in subsection (1)-

(i) after the definition of "the 2005 Hague Convention"
insert-

““the 2007 Hague Convention” means the Convention of 23 November 2007 on the International Recovery of Child Support and other forms of Family Maintenance done at the Hague;” and

- (ii) after the definition of “the Lugano Convention” insert-

““the Maintenance Regulation” means Council Regulation 4/2009 (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;”;

- (b) in subsection (3) after the definition of “the 2005 Hague Convention State” insert-

““2007 Hague Convention State”, in any provision, in the application of that provision in relation to the 2007 Hague Convention, means a State bound by that Convention and for these purposes Gibraltar shall be deemed to be a Convention State;”;

- (c) in subsection (5) after the definition of “enforcement order” insert-

““the 2007 Hague Convention” has the meaning given in subsection (1);”

““2007 Hague Convention State” has the meaning given in subsection (3);”.

New section 7A.

5. After section 7 insert-

“Non-application of section 7.

7A. Section 7 of this Act does not apply to applications for recognition and enforcement under the 2007 Hague Convention.”.

Amendment to section 21.

6. For section 21(4)(a) substitute-

“(a) a judgment which is required to be recognised or enforced there under the 2005 Hague Convention, the 2007 Hague Convention, the 1968 Convention or the Lugano Convention or the Regulation;”.

Amendment to section 22.

7. For section 22(2) substitute-

“(2) Nothing in this section shall affect the recognition or enforcement in Gibraltar of a judgment which is required to be recognised or enforced there under the 1968 Convention or the Lugano Convention, or the Regulation, or the 2005 Hague Convention or the 2007 Hague Convention.”.

Amendment to section 32.

8. Section 32 is amended as follows-

(a) for subsection (1) substitute-

“(1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act, the Lugano Convention, the Brussels Conventions, the Regulation, Regulation 2201/2003, 2005 Hague Convention or the 2007 Hague Convention.”;

(b) for subsection (2) substitute-

“(2) Rules of court may make provision as to the manner in which the conditions subject to which a certificate or judgment enforceable by any court under any provision of this Act, the Regulation or the 2007 Hague Convention may be enforced including provision for enabling the court, subject to any conditions specified in the rules, to give directions about such matters.”; and

(c) in subsection (3)-

(i) substitute the frontispiece for-

“(3) Without prejudice to the generality of subsections (1) and (2), the power to make rules of court for the magistrates’ court shall include power to make such provision as the rule making authority considers necessary or expedient for the purposes of the provisions of the Lugano Convention, the Brussels Conventions, the Regulation, the Maintenance Regulation, the 2007 Hague Convention and this Act relating to maintenance proceedings and the recognition and enforcement of maintenance orders, and shall in particular include power to make provision for any of the following matters–”; and

(ii) substitute subparagraphs (a), (b), (e) and (g) with-

“(a) authorising the service in another Contracting State Regulation State or 2007 Hague Convention State of process issued by or for the purposes of the magistrates’ court and the service and execution in Gibraltar of process issued in another Contracting State Regulation State or 2007 Hague Convention State;

(b) requesting courts in other Contracting States Regulation States or 2007 Hague Regulation States to take evidence there for the purposes of proceedings in Gibraltar;

(e) the admission in evidence, subject to such conditions as may be prescribed in the rules, of statements contained in documents purporting to be made or authenticated by a court in another Contracting State Regulation State or 2007 Hague Convention State, or by a judge or official of such a court, which purports–

- (g) the cases and manner in which courts in other Contracting States Regulation States or 2007 Hague Convention States are to be informed of orders made, or other things done, by or for the purposes of the magistrate's court;”.

New section 32A.

9. After section 32 insert-

“Maintenance Arrangements.

32A.(1) Section 32 of this Act applies in relation to maintenance arrangements as if they were maintenance decisions to which the 2007 Hague Convention applies.

(2) The reference in subsection (1) to maintenance arrangements is to those maintenance arrangements which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 30 of the 2007 Hague Convention.

(3) In this section-

“maintenance arrangement” has the meaning given in Article 3(e) of the 2007 Hague Convention; and

“maintenance decision” means a decision, or part of a decision, to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1) of that Convention.”.

Dated 22nd November, 2018.

N F COSTA,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Jurisdiction and Judgments Act 1993 for the purposes of the implementing in part Council Decision of 9 June 2011 on the approval, on behalf of the European Union, of the Convention of 23 November 2007 on the International Recovery of Child Support and Other forms of Family Maintenance done at the Hague.