

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 2,154 of 15<sup>th</sup> MARCH, 1984.**

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I ASSENT,

DAVID WILLIAMS

GOVERNOR.

15th March, 1984.



**GIBRALTAR**

**No. 1 of 1984**

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**AN ACT** to amend the Education Act (No. 11 of 1974).

**ENACTED** by the Legislature of Gibraltar.

**Short title and commencement.**

1. (1) This Act may be cited as the Education (Amendment) Act, 1984.

(2) This Act shall come into operation on the 30th day of April, 1984

**Amendment of section 73 of Act No. 11 of 1974.**

2. (1) Section 73 (1) of the Education Act, 1974 (hereinafter called the principal Act) is amended by omitting the words "No fees", and substituting the words "Subject to subsection (2A), no fees".

**Education (Amendment) Act, 1984.**

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(2) Section 73 of the Education Act is further amended by inserting, after subsection (2), the following new subsection:

"(2A) Except as otherwise provided in regulations, subsection (1) shall not apply in respect of any child where—

"(a) any natural or adoptive parent of the child, being in either case a person who is entitled to the legal custody of the child, or would be if that parent asserted his rights, is living; and

"(b) no such parent as is described in paragraph (a) is ordinarily resident in Gibraltar (whether or not he is a parent resident in Gibraltar within the meaning of subsection (2) ).

"(2B) For the purposes of subsection (2A) -

"(a) where any natural or adoptive parent of a child is living, but does not have the legal custody of the child, it shall be presumed unless the contrary is proved by that parent that the parent is entitled to the legal custody of the child, or would be if the parent asserted his rights; and

"(b) where a natural or adoptive parent of a child, being a person to whom any of paragraphs (i) to (iv) of subsection (2) applies, has in any year resided outside Gibraltar for any period or periods exceeding in the aggregate 3 months, it shall be presumed . until the contrary is proved by that parent that he is not ordinarily resident in Gibraltar during that year.

"(2C) Regulations may provide for exceptions from subsection (W)."

Passed by the Gibraltar House of Assembly an the 13th day of March, 1984.

P. A. GARBARINO

Clerk to the Assembly.