

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

LEGAL NOTICE NO. 552 OF 2020.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

INTERNATIONAL RECOVERY OF MAINTENANCE (HAGUE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE 2007) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred on her by section 11 of and paragraph (1) of Schedule 3 to the European Union (Withdrawal) Act 2019, the Minister has made these Regulations-

PART 1 Introduction

Title.

1. These Regulations may be cited as the International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2020.

Commencement.

2. These Regulations come into operation on 1 January 2021.

PART 2

Amendment of primary and secondary legislation

Civil Jurisdiction and Judgments Act 1993.

3. After section 4(6) of the Civil Jurisdiction and Judgments Act 1983 insert-

“(7) The 2007 Hague Convention shall have the force of law in Gibraltar and judicial notice shall be taken of it.”.

The International Recovery of Maintenance (2007 Hague Convention) Regulations 2018.

4. In the International Recovery of Maintenance (2007 Hague Convention) Regulations 2018-

(a) in regulation 2(1) in the definition of “Contracting State”, omit “other than an EU Member State”;

(b) in the heading to regulation 7 omit “non-EU”.

PART 3

Revocation of retained direct EU legislation

Council Decision of 31 March 2011 (2011/220/EU).

5. Council Decision of 31 March 2011 on the signing, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2011/220/EU) is revoked.

Council Decision of 9 June 2011 (2011/432/EU).

6. Council Decision of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2011/432/EU) is revoked.

Dated: 24th December 2020.

S SACRAMENTO,
Minister with responsibility for Justice.

EXPLANATORY MEMORANDUM

These Regulations are made in exercise of the powers in section 11 of the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom and Gibraltar from the European Union.

These Regulations make amendments to legislation in the field of private international law, relating to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, done at The Hague on 23 November 2007 (“the 2007 Hague Convention”) and revoke retained direct EU legislation consisting of two Council Decisions relating to the signature and conclusion of the 2007 Hague Convention by the EU.