

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4859 GIBRALTAR Tuesday 1st June 2021

---

---

LEGAL NOTICE NO. 286 OF 2021

## FREEDOM OF INFORMATION ACT 2018

### FREEDOM OF INFORMATION (COURT RECORDS) (AMENDMENT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 21(1)(c) of the Freedom of Information Act 2018, the Minister has made the following Regulations-

#### **Title.**

1. These Regulations may be cited as the Freedom of Information (Court Records) (Amendment) Regulations 2021.

#### **Commencement.**

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

#### **Amendment of the Freedom of Information Act 2018.**

3.(1) The Freedom of Information Act 2018 is amended in accordance with this regulation.

(2) In section 12—

(a) in subsection (4)(g), delete the “or”; and

(b) in subsection (4)(h), for the full stop substitute “; or”.

(3) After section 12(4)(h), insert—

“(i) the information is held only by virtue of being contained in—

- (i) any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter;
  - (ii) any document served upon, or by, a public authority for the purposes of proceedings in a particular cause or matter;
  - (iii) any document created by a court, or a member of the administrative staff of a court, for the purposes of proceedings in a particular cause or matter;
- or

- (iv) any document placed in the custody of a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration;
- (v) any document created by a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.”.

(4) After section 12(10) insert—

“(11) For the purposes of subsection (4)(i)—

“court” includes any tribunal or body exercising judicial power;

“proceedings in a particular cause or matter” includes any inquest under the Coroner Act;

“inquiry” means any inquiry or hearing held under any provision contained in, or made under, an enactment; and

“arbitration” means any arbitration to which the Arbitration Act applies.”.

Dated: 1<sup>st</sup> June 2021.

DR J GARCIA,  
Deputy Chief Minister.

---

#### EXPLANATORY MEMORANDUM

These Regulations are made pursuant to section 21(1) of the Freedom of Information Act 2018 to add court records as one of the classes of information which a public authority may refuse to disclose pursuant to section 12.