

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3813 of 30 September, 2010

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LEGAL NOTICE NO. 150 OF 2010.

**INTERPRETATION AND GENERAL CLAUSES ACT**

**MAINTENANCE ACT (AMENDMENT) REGULATIONS 2010**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act the Government, for the purpose of implementing in Gibraltar the relevant provisions of Council Regulation (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, has made the following Regulations-

**Title and commencement.**

1. These Regulations may be cited as the Maintenance Act (Amendment) Regulations 2010 and come into operation on the day of publication.

**Amendments to the Maintenance Act.**

2. The Maintenance Act is amended by inserting the following Part after section 75-

**“PART VIII  
INTERNATIONAL MAINTENANCE OBLIGATIONS**

**Interpretation for Part VIII.**

76. In this Part, unless the context otherwise requires-

“Article” means an Article of Council Regulation (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;

“EC Regulation” means the Council Regulation (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.

**Central Authority.**

77.(1) The Minister with responsibility for Justice—

- (a) is designated the Central Authority for the purposes of the EC Regulation; and
- (b) shall receive and transmit an application for a declaration of enforceability under Article 27 in Gibraltar.

(2) The Minister referred to in subsection (1) may by order designate the Registrar of the Supreme Court to carry out, on his behalf, such of the functions of the Central Authority as he shall specify.

**Refusal or suspension of enforcement decision.**

78.(1) The Magistrates' Court shall have jurisdiction to determine—

- (a) the question of refusal or suspension of enforcement under Article 21; and
- (b) an application for a declaration of enforceability under Article 27.

(2) Where the Magistrates' Court has determined by way of recognising a decision or declaring a decision as enforceable—

- (a) it shall be of the same force and effect as if it had originally been made by the Magistrates' Court; and
- (b) may be enforced in the same way as if the decision had been originally made by the Magistrates' Court.

(3) In this section, "decision" means the "decision" defined by Article 2(1).

**Review procedure.**

- 79.(1) A defendant who fulfils the criteria laid down by Article 19.1 may apply to the Magistrates' Court for a review within the time limit set out by Article 19(2).
- (2) The Magistrates' Court shall dispose of an application for a review in accordance with Article 19.

**Appeals against the decision on the application for a declaration.**

- 80.(1) Pursuant to Article 32, an appeal shall lie to the Supreme Court against the decision made by the court referred to in section 78.
- (2) Subsection (1) shall be subject to Article 32(5).

**Procedure on appeal.**

- 81.(1) An appeal under this Part shall be dealt with by the Family Judge within the meaning of section 12A of the Supreme Court Act.
- (2) An appeal under section 80 shall be made by way of case stated in accordance with section 62 of the Magistrates' Court Act.
- (3) Section 64 of the Magistrates' Court Act shall have effect.

**Language of translation.**

- 82.(1) Where any document or a decision referred to in Articles 20, 28 and 40 has been made in any language other than English, a translation in English of that document or decision must be submitted in accordance with those Articles.
- (2) For the purposes of Article 59, the accepted language for the Central Authority shall be English.

**Address and contact details of the Central Authority and the court in Gibraltar.**

- 83.(1) The address and contact details of the Central Authority and the court in Gibraltar are provided in Schedule 2.
- (2) The Government may change any contents of Schedule 2 by notice in the Gazette.”.

**Change of references to the Schedule.**

3.(1) The Maintenance Act is amended in sections 49(1), 49(3)(b) and (c), 53(2) and (2)(b) and (3) and 56(3) by substituting “Schedule 1” for “ the Schedule” where it appears seven times.

- (2) The Schedule is numbered as “SCHEDULE 1”.

**Addition of Schedule 2.**

4. The Maintenance Act is amended by adding the following Schedule—

**“SCHEDULE 2**

**1. Address and contact details of the Central Authority:**

Minister for Justice  
Government of Gibraltar  
No. 6 Convent Place  
Gibraltar.

Telephone: +350 20059267  
Fax: +350 20059271  
Email: [moj@gibraltar.gov.gi](mailto:moj@gibraltar.gov.gi)

**2. Address and contact details of the local court:**

Clerk to the Magistrates' Court  
120 Irish Town  
Gibraltar.

Tel: + 350 20070471  
Fax: + 350 20040483.

Dated 30th September, 2010.

P R CARUANA,  
Chief Minister,  
for the Government.

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**EXPLANATORY MEMORANDUM**

These Regulations amend the Maintenance Act in order to provide for the information to be supplied with the European Commission pursuant to Article 71 of the Council Regulation (EC) No 4/2009.

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**Printed by the Gibraltar Chronicle Limited  
Printing Office, 2, Library Gardens,  
Government Printers for Gibraltar,  
Copies may be purchased at 6, Convent Place, Price £0.60p**