

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No.4466 of 21 May, 2018**

LEGAL NOTICE NO. 112 OF 2018.

CIVIL MARRIAGE AMENDMENT ACT 2016

**CIVIL MARRIAGE (CONSEQUENTIAL AMENDMENTS)
REGULATIONS 2018**

In exercise of the powers conferred on it by section 4 of the Civil Marriage Amendment Act 2016, the Government has made the following Regulations–

Title and commencement.

1. These Regulations may be cited as the Civil Marriage (Consequential Amendments) Regulations 2018 and come into operation on the date of publication.

Amendment to the Administration of Estates Act.

2.(1) The Administration of Estates Act is amended in accordance with this regulation.

(2) In section 2(1)–

(a) after the definition of “entailed interest” insert–

“husband” includes a man who is married to another man;” ;

(b) after the definition of “legal estates” insert–

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” ; and

(c) in the definition of “trust for sale” –

(i) replace the “.” with a “,” ; and

(ii) after the definition insert–

“wife” includes a woman who is married to another woman.” .

Amendment to the Children Act 2009.

3.(1) The Children Act 2009 is amended in accordance with this regulation.

(2) In section 2(1)–

(a) after the definition of “health” insert–

“husband” includes a man who is married to another man;” ;

(b) after the definition of “maintenance” insert–

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” ; and

(c) in the definition of “voted funds”–

(i) replace the “.” with a “;” ; and

(ii) after the definition insert–

“wife” includes a woman who is married to another woman.” .

Amendment to the Civil Partnership Act 2014.

4.(1) The Civil Partnership Act 2014 is amended in accordance with this regulation.

(2) In section 2 after the definition of “Court” insert–

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” .

Amendment to the Domestic Violence and Matrimonial Proceedings Act, 1998.

5.(1) The Domestic Violence and Matrimonial Proceedings Act, 1998 is amended in accordance with this regulation.

(2) In section 2–

(a) in the definition of “matrimonial home” substitute “husband and wife” with “spouses”; and

(b) after the definition of “matrimonial home” insert–

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” .

Amendment to the Equal Opportunities Act 2006.

6.(1) The Equal Opportunities Act 2006 is amended in accordance with this regulation.

(2) In section 2(1) after “man” insert–

“married” includes a reference to a married same sex couple;” .

Amendment to the Gibraltarian Status Act.

7.(1) The Gibraltarian Status Act is amended in accordance with this regulation.

(2) In section 2–

(a) after “Gibraltarian by birth” insert–

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” ; and

(b) in the definition of “registration”–

(i) replace the “.” with a “;” ; and

(ii) after the definition insert–

“widow” includes a woman whose marriage to another woman ended with the other woman’s death;

“widower” includes a man whose marriage to another man ended with the other man’s death.” .

Amendment to the Home Purchase (Deductions) Rules, 1989.

8.(1) The Home Purchase (Deductions) Rules, 1989 are amended in accordance with this regulation.

(2) In rule 2(1)(b)(i) and (ii) substitute “her” with “his spouse” in each place it appears.

(3) In rule 2A(1)(b)(i) and (ii) substitute “her” with “his spouse” in each place it appears.

Amendment to the Housing Act 2007.

9.(1) The Housing Act 2007 is amended in accordance with this regulation.

(2) In section 53(4)(b) substitute “wife” with “spouse”.

(3) In Schedule 5, paragraph (h)(ii) substitute “wife” with “spouse” .

Amendment to the Income Tax (Allowances, Deductions and Exemptions) Rules, 1992.

10.(1) The Income Tax (Allowances, Deductions and Exemptions) Rules, 1992 are amended in accordance with this regulation.

(2) In the “ARRANGEMENT OF RULES.”, in Rule 2, substitute “Meaning of “child”” with “Interpretation.” .

(3) For the heading appearing above rule 2 substitute “**Meaning of “child.”**” with “**Interpretation.**”.

(4) Substitute rule 2 with-

“2. In these Rules, unless the context otherwise requires-

“child” includes a stepchild, an illegitimate child, and a child adopted in accordance with an order made by a Court of Competent Jurisdiction;

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;

“widow” includes a woman whose marriage to another woman ended with the other woman’s death;

“widower” includes a man whose marriage to another man ended with the other man’s death.” .

(5) In rule 16-

- (a) substitute “wife” with “spouse” in each place it appears; and
- (b) in sub-rule (1) substitute “herself” with “himself”.

(6) In rule 17 substitute “wife” with “spouse”.

(7) In rule 18 substitute-

- (a) “wife” with “spouse”; and
- (b) “wife’s” with “spouse’s”.

(8) In rule 19 substitute “wife” with “spouse”.

(9) In rule 22-

- (a) in sub-rule (1) substitute “wife” with “spouse” in each place it appears;
- (b) in sub-rule (2)(a) substitute “the husband and his wife” with “a married couple”;
- (c) in sub-rule (2)(b) substitute “wife or husband” with “spouse”;
- (d) in sub-rule (3) substitute “wife” with “spouse” in each place it appears;
- (e) in sub-rule (4) substitute “wife” with “spouse” in each place it appears;
- (f) in sub-rule (5)(a) substitute “the husband and his wife” with “a married couple”;

- (g) in sub-rule (5)(b) substitute “wife or husband” with “spouse”;
and
- (h) in sub-rule (6) substitute “wife” with “spouse”.

Amendment to the Inheritance (Provision for Family and Dependants) Act.

11.(1) The Inheritance (Provision for Family and Dependants) Act is amended in accordance with this regulation.

(2) In section 2(1)-

- (a) after “former civil partner” insert-

“husband” includes a man who is married to another man;

“marriage” includes a reference to marriage of a same sex couple;

“re-married” includes a reference to a re-married same sex couple;” ; and

- (b) in the definition of “valuable consideration”-

- (i) replace the “.” with a “,” ; and

- (ii) after the definition insert-

“wife” includes a woman who is married to another woman.” .

Amendment to the Maintenance Act.

12.(1) The Maintenance Act is amended in accordance with this regulation.

(2) In section 2-

- (a) substitute the definition of “cohabitees” with-

“cohabitees” means two people not married to each other living together as a married couple or as civil partners; and “cohabitee” shall be construed accordingly;” ; and

- (b) after the definition of “maintenance” insert-

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” .

(3) In section 30(1) substitute the definition of “spouse” with-

“spouse” means–

- (a) the wife of a man;
- (b) the husband of a woman; or
- (c) the wife of a woman or the husband of a man in a same sex marriage;” .

Amendment to the Matrimonial Causes Act.

13.(1) The Matrimonial Causes Act is amended in accordance with this regulation.

(2) In section 2-

(a) after the definition of “disposition” insert-

“husband” includes a man who is married to another man;

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” ; and

(b) after the definition of “Queen’s Proctor” insert-

“wife” includes a woman who is married to another woman;” .

(3) In section 47-

(a) in subsection (2) substitute “husband” with “spouse”; and

(b) delete subsection (3).

Amendment to the Public Trustee Act.

14.(1) The Public Trustee Act is amended in accordance with this regulation.

(2) In section 2-

(a) after the definition of “letters of administration” insert-

“marriage” includes a reference to marriage of a same sex couple;” ; and

(b) after the definition of “trust” insert-

“widow” includes a woman whose marriage to another woman ended with the other woman’s death;

“widower” includes a man whose marriage to another man ended with the other man’s death;” .

Amendment to the Wills Act 2009.

15.(1) The Wills Act 2009 is amended in accordance with this regulation.

(2) In section 2(1)-

(a) before the definition of “internal law” insert-

“husband” includes a man who is married to another man;” ;

(b) after the definition of “internal law” insert-

“marriage” includes a reference to marriage of a same sex couple;

“married” includes a reference to a married same sex couple;” ; and

(c) after the definition of “State” insert-

“wife” includes a woman who is married to another woman;” .

Dated 21st May, 2018.

F R PICARDO,
Chief Minister,
For the Government.