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L.N. 370 of 2011

CIVIL CODE
(CAP. 16)

The Civil Court (Family Section), The First Hall of the Civil Court and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) (Amendment) Regulations, 2011

IN EXERCISE of the powers conferred by articles 66A(3), 66I(1) and 66J of the Civil Code, the Minister for Justice and Home Affairs has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is The Civil Court (Family Section), The First Hall of the Civil Court and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) (Amendment) Regulations, 2011, and these regulations shall be read and construed as one with The Civil Court (Family Section), The First Hall of the Civil Court and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations, hereinafter referred to as the "principal regulations".

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(2) These regulations shall come into force on the 1st October, 2011.

Adds new regulation to the principal regulations.

2. Immediately after regulation 3 of the principal regulations there shall be added the following new regulation:

"Applicability of regulation 3.

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3A. The provisions of regulation 3 shall apply for the purposes of article 66J(1) of the Civil Code, such that the panels referred to in the said regulation 3 shall be deemed also to be the register of qualified persons referred to in the said article 66J(1) of the Civil Code and shall serve the same function.".

Amends regulation 4 of the principal regulations.

3. Regulation 4 of the principal regulations shall be amended as follows:

(a) in subregulation (1) thereof, for the words "Any party wishing to proceed to initiate a suit for personal separation against the other spouse", there shall be substituted the words "Any party wishing to proceed to initiate a suit for personal separation or divorce against the other spouse"; and for the words "by filing a letter to that

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effect in the registry of the Court", there shall be substituted the words "by filing a letter, in the case of personal separation, or by filing an application, in the case of divorce, as the case may be, to that effect in the registry of the Court";

(b) subregulation (2) thereof shall be substituted by the following:

"(2) Where authority to proceed for personal separation or divorce is granted by the Court, it shall be lawful for either spouse to bring a suit before the Court, or counter claim for personal separation or divorce, as the case may be, on the same or any other of the grounds mentioned in the Civil Code as if such leave referred to both parties on all of the said grounds.";

(c) in subregulation (9) thereof, for the words "or otherwise agreed to enter into a deed of personal separation by mutual consent, the mediator shall transmit to the judge a draft of the deed of personal separation, together with any comments thereon", there shall be substituted the words "or otherwise agreed to enter into a deed of personal separation or divorce agreement by mutual consent, the mediator shall transmit to the judge a draft of the deed of personal separation or of the divorce agreement, as the case may be, together with any comments thereon"; and

(d) in subregulation (12) thereof, for the words "from the filing of the letter referred to in subregulation (1)", there shall be substituted the words "from the filing of the letter or of the application, as the case may be, referred to in subregulation (1)".

Amends regulation 7 of the principal regulations.

4. Regulation 7 of the principal regulations shall be amended as follows:

(a) in the marginal note thereof, immediately after the words "personal separation", there shall be added the words "or divorce"; and

(b) in subregulation (1) thereof, for the words "a suit for personal separation" there shall be substituted the words "a suit for personal separation or divorce".

Amends regulation 9 of the principal regulations.

5. Paragraph (c) of subregulation (1) of regulation 9 of the principal regulations shall be substituted by the following:

"(c) variations of any matter regulated by any judgement

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of personal separation or by a deed of personal separation or by a decree or judgment of divorce; or".