L.N. 347 of 2020

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

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, 2020

IN EXERCISE of the powers conferred by articles 193A and 470 of the Code of Organization and Civil Procedure and by article 37 of the Civil Code, the Minister responsible for justice has made the following regulations:-

Citation.

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, 2020 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".

S.L. 12. 20.

Amends regulation 3 of the principal regulations.

2. Regulation 3 shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

Cap. 12.

"(1) (a) The Minister shall in accordance with article 89 of the Code of Organization and Civil Procedure appoint a panel of experts in family matters (hereinafter in these regulations called "mediators") being persons who in the opinion of the Minister have the necessary qualities to undertake the functions assigned to mediators by these regulations which panel shall consists of two lists as follows:

(i) a first list consisting of persons qualified as aforesaid from amongst whom the parties in a case may select by mutual consent a person to act as mediator; and

(ii) a second list of persons qualified as aforesaid who shall be appointed by the Court on a roster basis to act as mediators in a particular case.

A person who has the necessary qualities as aforesaid may be included in both the first and second list;

Cap. 12.

(b) The Minister shall in accordance with article 89 of the Code of Organization and Civil Procedure appoint a panel of advocates (hereinafter in these regulations called "children's advocates") being persons in possession of the warrant to practice as advocates and who having experience in family law.".

(b) immediately after sub-regulation (5) thereof there shall be added the following new sub-regulation:

"(6A)Without prejudice to the functions of the Children's Advocate under any other law, the functions of the Children's Advocate shall include *inter alia*:

(a) providing legal assistance, representations and advice to minors;

(b) acting in the best interests of the minors;

(c) submitting the views of minors in Court including through the filing of judicial acts;

(d) providing explanations to the minors on the possible consequences should the Court conform to the minors' wishes; and

(e) providing the minors with any relevant information:

Provided that the Children's Advocate shall provide the minor with all the relevant explanations and information as mentioned in paragraphs (b) and (c) only if the minors are considered by the Children's Advocate to possess sufficient understanding and maturity.".

Transitory provision. L.N. 347 of 2020.

3. The Civil Court (Family Section), The First Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) (Amendment) Regulations, 2020 shall

apply to those causes that are instituted following the coming into force of the Civil Court (Family Section), The First Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) (Amendment) Regulations, 2020.

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