

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 4,224 of 10th December, 2015

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B. 35/15

**BILL**

**FOR**

**AN ACT** to amend the Judicial Service Act 2007

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement**

1. This Act may be cited as the Judicial Service (Amendment) Act 2015 and comes into operation on a day to be appointed by the Government by notice in the Gazette and different days may be so appointed for different parts or sections.

**Amendment of the Judicial Service Act 2007 (Head of the Judiciary)**

2.(1) The Judicial Service Act 2007 (“the Act”) is amended in accordance with this section.

(2) For section 6 of the Act substitute-

**“Head of the Judiciary.**

6. (1) The Chief Justice shall be the Head of the Judiciary in Gibraltar and shall have overall responsibility-

- (a) for representing the views of the judiciary of Gibraltar to Parliament, to the Minister and to the Government generally;
- (b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of Gibraltar within the resources made available by the Government; and

- (c) for the maintenance of appropriate arrangements for the allocation of work within the Supreme Court and lower courts.
- (d) in consultation with the President of the Court of Appeal, for the maintenance of appropriate arrangements for the allocation of work within the Court of Appeal.

(2) In addition to the jurisdiction given to the Chief Justice by the Constitution of Gibraltar as Head of the Judiciary he may sit in the Magistrates' Court and the Coroner's Court."

(3) In section 24(1)(a) and 24(6)(b) of the Act for "President of the Courts of Gibraltar and the Chief Justice" substitute "the Chief Justice and the President of the Court of Appeal".

(4) In section 32(1) of the Act for "The President of the Courts of Gibraltar in consultation with the Chief Justice" substitute "The Chief Justice in consultation with the President of the Court of Appeal".

(5) In section 37(3) of the Act for "President of the Courts of Gibraltar" substitute "President of the Court of Appeal".

#### **Amendment of the Judicial Service Act 2007 (Discipline)**

3.(1) The Judicial Service Act 2007 ("the Act") is amended in accordance with this section.

(2) In section 33 of the Act (Termination of office and discipline of junior judicial officers: Commission to advise the Governor)-

- (a) in subsection (2) for "the behaviour of a junior judicial office holder" substitute "the misbehaviour of a junior judicial office holder or his inability to discharge the functions of his office";
- (b) after subsection (2)(a) insert-

"(aa) make a determination as to whether a recommendation that the officer be suspended pending the outcome of disciplinary proceedings should be made to the Governor in accordance with section 37(1)(ii)(ba);".

- (3) In section 37 of the Act (Disciplinary Powers)-
- (a) after subsection (1)(ii)(b) insert-
    - “(ba) the person is subject to disciplinary proceedings under this Act;”
  - (b) in subsection (1)(ii) delete-
    - “(c) in any of the above circumstances it appears to the Governor, acting with the agreement of the President of the Courts of Gibraltar, that the suspension is necessary for maintaining of confidence in the judiciary;”.
  - (d) in any of the above circumstances it appears to the Governor, acting with the agreement of the President of the Courts of Gibraltar, that the suspension is necessary for maintaining of confidence in the judiciary;”.
- (4) In section 40 (Contents of regulations) of the Act after section (1)(b) insert-
- “(ba) circumstances where the office holder may be suspended from office pending the outcome of disciplinary proceedings and the steps to be taken and procedures to be followed in making such a suspension;”.

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