CHAPTER 11

ACTS OF PARLIAMENT (APPLICATION) (POWERS OF COURT OF MAGISTRATES) ORDINANCE

To make provision relating to the competence of the Court of Magistrates (Malta) to perform the duties assigned to Justices of the Peace by Acts of Parliament being in force in Malta and for establishing rules of procedure in the application of such Acts of Parliament.

(18th October, 1854)*

Enacted by ORDINANCE III of 1854 incorporating also Section 1 of Ordinance I of 1878, as amended by Act VIII of 1990.

Short title.

1. This Ordinance may be cited as the Acts of Parliament (Application) (Powers of Court of Magistrates) Ordinance.

Court of Magistrates (Malta) vested with powers of Justices of the Peace. *Amended by: VIII.1990.3.*

2. (1) The Court of Magistrates (Malta) is vested with the powers of Justices of the Peace for the exercise of the duties assigned to such Justices of the Peace, in pursuance of an Act of Parliament of the tenth and eleventh years of the Reign of Her Majesty Queen Victoria, Chapter 62, or in pursuance of any other Act of Parliament which has been passed or which shall henceforth be passed, whensoever the provisions of any such Act shall be in force in Malta.

Offences which according to Acts of Parliament are to be tried summarily.

(2) The said court shall also hear and determine all cases of offences, which, according to such Acts of Parliament, are to be tried summarily.

Composition of court.

3. (1) The said court, in the exercise of the duties assigned to Justices of the Peace, as provided in the last preceding section, shall be composed of more magistrates than one, whensoever the Act of Parliament, under which such powers are exercised, requires the presence of more Justices of the Peace than one, and the said court shall observe such mode of procedure as shall be expressly prescribed by such Act of Parliament.

Procedure.

(2) In the absence of any express provision in the Act of Parliament as to the mode of procedure, the aforesaid court shall observe the mode of procedure prescribed for the said court according to the laws enacted and in force in Malta.

Exception.

(3) Notwithstanding the provisions of subsection (1) of this section, where, according to the Act of Parliament under which the said duties are exercised, the proceedings may, in England, be carried out by two or more Justices of the Peace or by one magistrate called in England Stipendiary Magistrate, such proceedings may in Malta be carried out by one magistrate only.

**See* Proclamation No IV of 1854.

Procedure in the case of other offences. *Amended by: VIII.1990.3.*

4. In the case of offences liable to punishment under the provisions of any Act of Parliament whatsoever being in force in Malta, whensoever such offences are not declared in such Act to be triable by Justices of the Peace or summarily, the parties charged with such offences shall be brought before the Court of Magistrates (Malta), and the said court shall, observing the same mode of procedure prescribed for it, try such parties or commit them for trial by the Criminal Court according as the case requires, in the same manner at the said court tries or commits for trial in cases of offences liable to punishment under any law enacted and in force in Malta.

Jurisdiction of Court of Magistrates. *Amended by: VIII. 1900.3.*

5. The Court of Magistrates (Malta) shall, for the purposes of this Ordinance, have jurisdiction in Malta.

Procedure to be observed by the Criminal Court in trial of cases referred to it by Court of Magistrates. *Amended by: VIII. 1990.3.*

6. The Criminal Court shall try and determine, with the procedure prescribed for such court, all cases of offences liable to punishment under the provisions of any Act of Parliament as aforesaid, and referred to it by the Court of Magistrates.