L.N. 140 of 2004

COMMISSIONERS FOR JUSTICE ACT (CAP. 291)

Local Tribunals (Establishment of Tribunals and Designation of Registry, Registrar and Other Officers) Regulations, 2004

IN virtue of the powers conferred by article 9 of the Commissioners for Justice Act, the Deputy Prime Minister and Minister for Justice and Home Affairs has made the following regulations:-

Citation and commencement.

1. (1) These regulations may be cited as the Local Tribunals (Establishment of Tribunals and Designation of Registry, Registrar and Other Officers) Regulations, 2004.

(2) These regulations shall come into force on the 30th March, 2004.

Interpretation.

2. For the purposes of these regulations:

"Act" means the Commissioners for Justice Act;

"authority" shall have the same meaning assigned to it in article 2 of the Act;

"Local Council", "locality" and "executive secretary" shall have the same meaning assigned to them by the Local Councils Act;

Cap. 363.

"Minister" means the Minister responsible for justice;

"Registrar" means the Registrar of the Tribunal;

"Tribunal" means the Local Tribunals set up in terms of the Act.

Establishment of tribunals.

3. Tribunals shall be established in the following localities:

(a) Valletta;

(b) Birgu;

(c) Fgura;

(d) Żejtun;

(e) Żurrieq;

(f) Qormi;

(g) Sliema;

(h) Mosta; and

(i) Victoria, Gozo.

Registrar of Tribunal.

4. (1) There shall be a Registrar for each Tribunal mentioned in regulation 3 of these Regulations.

(2) The Registrar of each Tribunal shall be such person as the Director, Department for Local Government may appoint for the purpose.

(3) In the execution of his functions, the Registrar shall not be subject to the direction or control of any person whatsoever except that of a Commissioner for Justice and in such case the Registrar shall follow the directions given to him by a Commissioner for Justice.

(4) The Registrar shall exercise his duties personally or may delegate all or any of his functions to any other person as he may deem fit.

(5) Prior to the carrying out of his duties, the Registrar or such other person mentioned in sub-regulation (4) of this regulation shall take the oath of office prescribed in article 60 of the Code of Organization and Civil Procedure before a Commissioner for Justice.

(6) The duties of Registrar shall be those pertaining to the Registrar of the Civil Courts and Tribunals as may be established from time to time by or under the Code of Organization and Civil Procedure. Cap. 12.

(7) The Registrar shall have the direction of, and shall be responsible for, the registry entrusted to him. He shall execute his legal duties in terms of law and shall not, in the execution of his legal duties under the Commissioners for Justice Act or under any

other law, act under the direction of any person or authority except for the directions that may be given to them by the Commissioners for Justice in terms of law.

(8) In exercise of his administrative duties, the Registrar shall be answerable to the Director (Local Government) in so far as the proper functioning of the Tribunal and the proper management of records are concerned.

Registry of the Tribunal.

5. (1) The Registry of each Tribunal shall be in the locality where each Tribunal is established provided that judicial acts, written pleadings and other documents may be kept in any place as the Registrar may direct.

(2) The Registry of a Tribunal shall be competent to issue and receive all judicial acts, written pleadings and other documents required under the Act.

Sittings of the Tribunal.

6. Sittings of Tribunals may be held on any day between Monday and Saturday not being a public or national holiday as provided in the National Holidays and Other Public Holidays Act and between 9.00 a.m. and 7.00 p.m..

Penalties.

7. For the purposes of sub-article (5) of article 10 of the Act, penalties, including additional penalties and expenses inflicted by the Tribunal, and including penalties for contempt of court, shall, unless otherwise determined, be due to the Government of Malta and shall be collected by the Registrar on its behalf and paid by him in the account of the Ministry responsible for Justice.

Penalties due to local councils.

8. Penalties, including additional penalties and expenses, which may be due to a Local Council shall be collected on its behalf by the person having the legal representation of that Local Council.

Penalties due to an authority.

9. Penalties, including additional penalties and expenses, which may be due to any authority shall be collected on its behalf by the person having the legal representation of that authority.

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