L.N. 46 of 2008

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

Civil Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) (Amendment) Regulations, 2008

IN virtue of the powers conferred by articles 27, 28, 57, 58, 65, 66, 67, 69, 109 and 1009B of the Code of Organisation and Civil Procedure, the Minister responsible for Justice, in concurrence with the Prime Minister, has made the following regulations:-

Citation.

1. The title of these regulations is the Civil Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) (Amendment) Regulations, 2008 and they shall be read and construed as one with the Civil Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) Regulations, hereinafter in these rules referred to as "the principal regulations". S.L. 12. 21

Amends regulation 3 of the principal regulations.

2. In sub-regulation (2) of regulation 3 of the principal regulations, for the words "regulation 8(2)(a) and (c) to (n)" there shall be substituted the words "regulation 8(2)(a) and (c) to (m) (both inclusive)".

Amends regulation 4 of the principal regulations.

3. In sub-regulation (2) of regulation 4 of the principal regulations, for the words "regulation 8(2)(a) and (c) to (n)" there shall be substituted the words "regulation 8(2)(a) and (c) to (m) (both inclusive)".

Amends regulation 8 of the principal regulations.

4. Regulation 8 of the principal regulations shall be amended as follows:

(a) in subregulation (2) thereof:

(i) paragraph (e) thereof shall be deleted; and

(ii) paragraphs (f) to (n) thereof shall be respectively renumbered as paragraphs (e) to (m);

(b) in subregulation (3) thereof, for the words "subregulation (2)(a) to (e) (both inclusive) and (i)" there shall be substituted the words "subregulation (2)(a) to (d) (both inclusive) and (h)"; and

(c) in subregulation (4) thereof, for the words "subregulation (2)(a) to (d) (both inclusive) and (i) and (j)" there shall be substituted the words "subregulation (2)(a) to (d) (both inclusive) and (h) and (i)".

Amendment of regulation 9 of the principal regulations.

5. Immediately after subregulation (1) of regulation 9 of the principal regulations there shall be added the following new proviso:

"Provided that in case of an emergency which affects the proper functioning of any one of the registries, the responsible Registrar may, with the consent in writing of the Chief Justice or, if the Chief Justice cannot easily be found, with the consent in writing of the Senior Administrative Judge or of the Senior Magistrate, extend the working hours of the registry for a determined period of time by means of a notice posted in the same registry.".

Adds new regulation to the principal regulations.

6. Immediately after regulation 11 of the principal regulations, there shall be added the following new regulation:

"Supervisory role of the Chief Justice.

12. Notwithstanding the foregoing provisions of these regulations, the Director-General or any person authorised by him under these regulations, in the exercise of his functions thereunder, shall ensure that he does not interfere in any manner in the exercise of judicial functions by the members of the judiciary and, should this be the case, the Chief Justice shall, by written notice under his hand and in terms of this regulation, overrule any such decision of the Director General; and, in doing so, the Chief Justice may give such directions to the Director General or to any delegate thereof which might appear to the Chief Justice to be in the interests of the better administration of justice in the instant case.".

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