L.N. 52 of 1994

CONSTITUTION OF MALTA

Commission for the Administration of Justice (Election of Members) Rules, 1994

THE President of Malta approved the following Rules made in accordance with subsection (3) of section 101A of the Constitution by the Rule Making Board referred to in section 46 of the Constitution and constituted in terms of section 29 of the Code of Organization and Civil Procedure, Cap. 12.

Citation.

1. These Rules may be cited as the Commission for the Administration of Justice (Election of Members) Rules, 1994.

Chief Justice to convene meetings of Judges and Magistrates.

2. Where the President of Malta makes a call for the elections as contemplated in paragraph (c) of subsection (5) of section 101A of the Constitution of Malta, the Chief Justice shall within the available time therein mentioned, convene the necessary meetings of the Judges and the Magistrates, so that the necessary elections may, separately, take place.

Election by Judges of the Superior Courts.

3. (a) The election of the two judges of the Superior Courts shall be conducted in such manner that there shall first be elected one of the judges nominated for election, who shall have obtained more than fifty per cent of the votes.

(b) If no one is thus elected, a second ballot shall be held between the two candidates who shall have obtained the highest number of votes in the first ballot, by eliminating those who shall have obtained the least votes. If there are more than two candidates who have obtained the highest number of votes, then from among the candidates who shall have obtained the least votes, however in equal number, there shall be eliminated those who are less senior in appointment, and the ballot shall thus be held between two candidates so that one may be elected.

(c) When the first member is elected, a second election shall be held to elect the second member and this shall be conducted in the same manner as aforesaid.

Where only two candidates are nominated.

4. Where at the start only two candidates are nominated, these shall be deemed to have been elected members of the Commission.

Chief Justice shall preside over meeting, etc.

5. The meeting and the election shall be presided by the Chief Justice and the counting of votes shall be carried out by him, assisted by one of the Judges, during the meeting and in the presence of the Judges.

Election by Magistrates of Inferior Courts.

6. The same rules aforesaid shall apply, *mutatis mutandis*, for the election of the two Magistrates, so however that, in that meeting, the Chief Justice, who will preside and conduct the election, will not be entitled to vote.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – Kastilja — *Published by the Department of Information – Kastilja*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 1c — *Price 1c*