

I assent.

(L.S.)

AGATHA BARBARA
President

30th April, 1982

ACT No. I of 1982

AN ACT, further to amend the Commissioners for Justice Act, 1981.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Commissioners for Justice (Amendment) Act, 1982, and shall be read and construed as one with the Commissioners for Justice Act, 1981, hereinafter referred to as "the principal Act".

Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint.

2. Subsection (3) of section 5 of the principal Act shall be amended as follows:

Amendment of section 5 of the principal Act.

(a) in the Maltese text for the words "li ma tidhirx" there shall be substituted the words "li tidher"; and

(b) for the words "in the warrant" there shall be substituted the words "in the warrant, and shall become liable to a penalty of not less than £1 and not more than £5".

3. Immediately after section 5 of the principal Act there shall be added the following new sections:

Addition of new sections 5A and 5B to the principal Act.

"Service of summons.

5A. (1) A summons shall be served by the Executive Police by the delivery of a copy thereof to the person to be summoned or by leaving such copy at the place of residence or business or place of work or postal address of such person with some member of his family or household or with some person in his service, or his attorney or person authorised to receive his mail;

Provided that it shall not be lawful to leave such copy with any person under the age of fourteen years, or with any person who, on account of infirmity of mind, is unable to give evidence of such service. A person shall be presumed to be able to give such evidence unless the contrary is proved; and no objection may be raised on the ground of irregularity of the service for any of those reasons, if it is shown that the copy has actually reached the person to be served therewith.

(2) Service may also be effected by officers of the post office, in such manner and under such rules in conformity with postal regulations as the Minister may order by notice in the Gazette.

(3) Where service is effected by post the person summoned shall be presumed to be duly served with the summons if the prosecuting officer confirms on oath that the summons was sent in a letter addressed at the last known address of the person charged, and the date of service shall be presumed to be the date of the first working day immediately after the day of posting.

Failure
to appear
when
summoned.

5B. (1) If any person duly served with a summons fails to appear before a Commissioner, the Commissioner shall, unless such person shall have deposited a form of consent as provided in subsection (4) of section 5 of this Act, order such person to pay a penalty of not less than £1 and not more than £5 and make an order as is provided in subsection (2) of this section:

Provided that the Commissioner may, on an application to that effect remit the penalty if he is satisfied that there was good cause for the non-appearance.

(2) The Commissioner shall also order such person to be arrested and brought before him on the day specified in the warrant or shall direct that a notice of adjournment be served on such person, and if such person shall again fail to appear, he shall be deemed to have admitted the charge and the Commissioner may proceed with the hearing as is provided in section 6 of this Act.

(3) The provisions of subsections (3), (5) and (6) of section 8 of this Act shall apply to the penalty ordered to be paid under subsection (1) of this section.

(4) Service of the notice of adjournment referred to in subsection (2) of this section shall be effected by the Executive Police or by post as is provided in section 5A of this Act:

Provided that where service is effected by post a notice of adjournment shall be sent by registered letter, and the date of service shall be presumed to be the date of the delivery of the registered letter,

(5) The notice of adjournment shall also contain an intimation that in default of appearance the person summoned shall be deemed to have admitted the charge."

Passed by the House of Representatives at Sitting No. 16 of the 28th April, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives