VERŻJONI ELETTRONIKA

L.N. 197 of 2019

PUBLIC ADMINISTRATION ACT (CAP. 595)

Court Services (Establishment as an Agency) Order, 2019

IN EXERCISE of the powers conferred by article 26(1) of the Public Administration Act, the Prime Minister has made the following order: -

Citation and applicability.

1. (1) The title of this order is the Court Services (Establishment as an Agency) Order, 2019.

(2) This order shall not be interpreted or construed to effect the impartiality, the independence or the functions of the Judiciary.

Interpretation.

2. In this order, unless the context otherwise requires –

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"the Act" means the Public Administration Act;

"Agency" means the Court Services Agency established by means of this order;

"Agency agreement" means the agreement as provided for in article 9;

"Minister" means the Minister responsible for justice;

"Permanent Secretary" means the Permanent Secretary in the Ministry responsible for justice.

Establishment of the Court Services Agency.

3. There shall be an Agency, to be known as the Court Services Agency, which shall carry out the functions and duties of the public administration in the following matters:

(a) strengthening and ensuring the achievement of the highest quality of court services;

(b) advising the Minister on the development of court services and on all other matters concerning the functions of the agency;

(c) ensuring that, without prejudice to the independence of the judiciary, the policies adopted by the Minister are implemented and that the court services provided are in line with applicable legislation;

(d) developing the necessary strategy to achieve the policies, strategies and objectives set by Government or by the Agency and to determine the short term and long term objective for the performance of the functions of the Agency;

(e) setting up of users' committees and other committees in order to evaluate, assess and provide the highest quality of court services;

(f) providing, or securing or promoting the provision of such services and facilities as appear to the Agency to be expedient in the performance of its functions, including the provision and accessibility of such services and facilities by any person;

(g) providing or securing or promoting the provision of training for persons engaged or to be engaged in the court services and to promote the welfare of such persons;

(h) compiling and keeping up to date records of such data as it may deem appropriate in connection with its functions;

(i) seeing to the carrying out of the functions and duties of the Director General (Courts) in accordance with the Code of Organization and Civil Procedure;

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(j) seeing to the carrying out of the functions and duties of the Director Civil Courts and Tribunals, Director Criminal Courts, Director Legal Services and Director Finance and Administration in accordance with the Code of Organization and Civil Procedure, Criminal Code and other applicable laws;

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(k) seeing to the carrying out of the functions and duties of the Registrar of the Civil Courts and Tribunals and of the Registrar of the Criminal Courts and all executive officers in accordance with the Code of Organization and Civil Procedure and any other applicable law;

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(l) assisting the members of the judiciary in the performance of their duties;

(m) carrying on all such activities not falling within the function or competence of another person, body or authority according to law as may appear to the Agency to be advantageous or convenient to be carried on for or in connection with the performance of any of the other functions of the Agency; and

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(n) performing any other function or duty and to exercise any power vested, in it by or pursuant to this order or any other law.

Minister responsible for Agency.

4. (1) The Minister responsible for the Agency shall be the Minister responsible for justice.

(2) The Permanent Secretary in the Ministry responsible for justice shall supervise the Agency in terms of article 29 of the Act:

Provided that the Prime Minister may assign the responsibility of the Agency to another Minister and its supervision to the Permanent Secretary of that ministry.

Operational set-up of the Agency.

5. (1) The Agency shall, in consultation with the Minister, establish and re-organise units, divisions and sections as appropriate in order to exercise its functions.

(2) The operations of the Agency shall follow an agreement which is to be made in writing between the Permanent Secretary and the Agency.

Role of the Chief Executive Officer.

6. (1) Subject to the provisions of this order, the executive conduct of the Agency, its administration and organization and the administrative control of its officers and employees, shall be the responsibility of a Chief Executive Officer, who shall be appointed by the Minister.

(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Agency in the exercise of its functions and, without prejudice to the generality of the foregoing, he shall –

(a) assume full responsibility for the overall supervision and control of the units, divisions and sections;

(b) assign to each unit, division and section such duties which he considers necessary or expedient;

(c) co-ordinate the work of the units, divisions and sections;

(d) develop the necessary strategies for the implementation of the objectives of the Agency; and

(e) perform such other duties as the responsible Minister may assign to him from time to time.

(3) The legal and judicial representation of the Agency shall

vest in the Chief Executive Officer of the Agency in accordance with article 27 of the Act.

Deployment of public officers and recruitment with the Agency.

7. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 33 of the Act.

(2) Subject to the provisions of the Act and of any other legislation, the Agency shall have authority to engage its own employees.

Financial arrangements. Cap. 174.

8. The Agency shall be governed by the provisions of the Financial Administration and Audit Act unless otherwise stated in the Agency agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency agreement shall prevail.

Other special arrangements applying to the Agency.

9. The operations of the Agency shall follow an Agency performance agreement which is to be agreed between the Permanent Secretary and the Agency. The provisions of article 40 of the Act shall apply.

Amends the Fourth Schedule to the Act.

10. In the Fourth Schedule of the Public Administration Act, immediately after the item "Correctional Services Agency" there shall be added the following:

Agency	Agency Function
"Court Services Agency	to execute the functions and duties in relation to the provision of court services in Malta and in Gozo.".

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