

MEMORANDUM BY THE MINISTER OF JUSTICE AND  
PARLIAMENTARY AFFAIRS

The attached is a Bill to adapt several laws. It has been rendered necessary by the changes recently effected in the titles of Ministers and by the recent redistribution of Departments coming under the responsibility of the several Ministers.

This opportunity has been availed of to effect certain adaptations consequential to the Independence Constitution (such as most of the amendments appearing in the Second Schedule to the Bill), as well as to effect certain other adaptations previously necessary but which had been overlooked.

Besides the above, an amendment to the approved Schools Ordinance (Cap. 75) has been effected (vide page 6 of the Bill) to correct an adaptation erroneously made by Legal Notice No. 4 of 1963.

Hon. members are invited to recommend.

10th June, 1966.

GAG 291/66.

A B I L L  
entitled

AN ACT to adapt certain laws.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title.

1. This Act may be cited as the Adaptation of Laws Act, 1966.

Adaptation  
of various  
laws.

2. (1) The enactments specified in the first column of the First Schedule to this Act shall have effect as if, in the provisions set out in the second column of that Schedule, any reference to the authority shown in the third column were a reference to the authority shown in the fourth column thereof.

(2) The enactments specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments specified in the second column thereof.

Saving.

3. Nothing in this Act shall affect the validity of anything lawfully done or omitted to be done under any of the laws hereby amended, or any right, obligation or liability acquired, accrued or incurred, or any liability to criminal proceedings incurred under any such laws.

FIRST SCHEDULE

Section 2(1)

First Column Enactment	Second Column Provision	Third Column Authority	Fourth Column Authority
Criminal Code (Cap. 12)	Subsection (1) of section 14, subsection (1) of section 39, subsection (4) of section 409, subsection (3) of section 424, subsection (1) of section 541, subsection (1) of section 545, subsection (2) of section 643, subsection (2) of section 646, subsection (1) of section 662, subsection (1) of section 690.	Minister of Justice.	Minister responsible for Justice
Code of Organization and Civil Procedure (Cap. 15)	Section 29, subsections (1) and (3) of section 56, subsection (2) of section 76, subsection (1) of section 87, section 88, subsection (1) of section 275, subsection (1) of section 317, subsection (2) of section 611, subsection (1) of section 942, subsection (2) of section 948, subsection (1) of section 950, subsection (2) of section 1003, section 1007.	Minister of Justice	Minister responsible for Justice.
Commercial Code (Cap. 17)	Section 643.	Minister of Justice	Minister responsible for Justice.
Civil Code (Cap. 23)	Section 146.	Minister of Justice	Minister responsible for Justice.
Prisons Ordinance (Cap. 44)	Section 5, subsection (5) of section 6, section 11, subsections (1) and (3) of section 12.	Minister of Justice	Minister responsible for Justice.

Infant-Schools/....

Infant-schools Ordinance (Cap. 53)	Section 3, subsection (1) of section 4.	Minister of Justice	Minister responsible for Justice
Juvenile Courts Ordinance (Cap. 71)	Section 2.	Minister of Justice	Minister responsible for Justice
Compulsory School Attendance Act (Cap. 87)	Subsection (1) of section 3, section 7, subsection (1) of section 10.	Minister of Education.	Minister responsible for Education.
Antiquities (Protection) Act (Cap. 90)	Section 1A.	Minister of Education	Minister responsible for Education
Notarial Profession and Notarial Archives Act (Cap. 92)	Subsection (2) of section 5, subsection (1) of section 7, sections 18, 91, 92 and 108, subsection (3) of section 118, subsection (2) of section 148, subsection (1) of section 154.	Minister of Justice	Minister responsible for Justice
	Subsection (2) of section 22.	Prime Minister	Governor-General
Local Lace Industry (Protection) Act (Cap. 96)	Section 4	Minister of Industry	Minister responsible for industrial development
Reletting of Urban Property (Regulation) Ordinance (Cap. 109)	Section 47	Minister of Justice	Minister responsible for Justice
Public Lotto Ordinance (Cap. 110)	Subsection (1) of section 5, section 10, subsections (4), (6) and (10) of section 11, subsection (1) of section 13, subsection (2) of section 22.	Minister of Economic Planning and Finance	Minister responsible for finance.
Commissioners for Oaths Ordinance (Cap. 120)	Subsection (1) of section 2, section 7.	Minister of Justice	Minister responsible for Justice
Public Libraries Ordinance (Cap. 142)	Section 2, subsection (3) of section 4, section 6.	Minister of Education	Minister responsible for education.



Developed Land (Valuation) Ordinance (Cap. 175)	Subsection (1) of section 16.	Minister of Justice	Minister responsible for Justice
War Damage Ordinance, 1943, (Ord. No. III of 1943)	Subsection (1) of section 2, subsections (6) and (7) of section 3, section 5, subsections (5) and (6) of section 19, subsection (2) of section 20, subsection (1) of section 21, subsection (4) of section 24, subsections (1) and (5) of section 25, subsections (1) and (4) of section 34, subsections (1), (2), (4) and (5) of section 35, subsections (1), (2) and (3) of section 38, subsection (1) of section 43A, subsection (2) of section 44, subsections (4) and (5) of section 45, subsection (1) of section 46, subsection (1) of section 46, subsection (1) of section 47, section 53, subsection (1) of section 54, sections 54A and 54B, subsections (1) and (3) of section 66, subsections (1) and (2) of section 74, section 78.	Minister responsible for public works	Minister responsible for Justice
	Subsection (3) of section 43A.	Minister of Works and Reconstruction	Minister responsible for Justice
Employment of Children (Regulation) Ordinance, 1944 (Ord. No. VI of 1944)	Section 6, subsection (1) of section 9, section 10.	Minister responsible for labour and social welfare	Minister responsible for labour.
Compulsory Education Ordinance, 1946 (Ord. No. II of 1946.)	Subsection (1) of section 2, section 3, subsection (3) of section 5, subsection (2) of section 7, sections 8, 9 and 10.	Minister of Education	Minister responsible for education.

Criminal Code (Amendment) Ordinance, 1947 (Ord. No. VI of 1947)	Subsection (2) of section 13.	Minister of Justice	Minister responsible for Justice
Committee of Inquiry Act, 1948 (Act No. IV of 1948)	Section 3	Minister of Justice	Minister responsible for Justice
Developed Tenements (Compulsory Repairs) Act, 1948 (Act No. XXIV of 1948)	Section 2.	Minister responsible for public works	Minister responsible for Justice
Housing Act, 1949 (Act No. I of 1949)	Section 2	Minister responsible for public works	Minister responsible for Justice
Maltese Government Forecast P.ols Act, 1951 (Act No. XV of 1951)	Section 4	Minister of Finance	Minister responsible for finance
Donated Supplies (Prohibition of Sale) Act, 1955 (Act No. XLIV of 1955)	Section 3	Minister of Industry and Commerce	Minister responsible for the Department of Social Services
Probation of Offenders Act, 1957 (Act No. XII of 1957)	Section 2, subsection (1) of section 15.	Minister of Justice	Minister responsible for Justice
Housing (Decontrol) Ordinance, 1959 (Ord. No. XIXA of 1959)	Section 11.	Minister of Justice	Minister responsible for Justice
Existing Laws (Reprint) Act, 1963 (Act No. XXI of 1963)	Subsection (1) of section 2	Minister of Justice	Minister responsible for Justice

SECOND SCHEDULE

## Section 2(2)

First Column Enactment	Second Column Amendment
Ecclesiastical Courts (Constitution and Jurisdiction) Law (Cap. 3)	In section 3, the words "or of the Officer for the time being administer- ing the Government" shall be deleted.
	In paragraphs (c) and (d) of subsection (1) and in subsection 2 of section 5, the words "or the Officer for the time being administering the Government" wherever they occur shall be deleted.
	In subsection (1) of section 7, the words "or the Officer for the time being administering the Government" shall be deleted.
Criminal Code (Cap. 12)	In the proviso to section 5, the words "or Officer Administering the Govern- ment for the time being" shall be deleted.
Code of Organization and Civil Procedure (Cap. 15)	In section 469, for the words "General Revenue and other funds of the Govern- ment of Malta" there shall be substituted the words "Consolidated Fund".
Commercial Code (Cap. 17)	In section 359, for the words "the British Consul, or failing such officer," there shall be substituted the words "the diplomatic or consular representa- tive of the Government of Malta in that place or before a person serving in a diplomatic, consular or other foreign service of any country which, by arrange- ment with the Government of Malta, has undertaken to represent that Government's interests in that place, or before a person authorised in that behalf by the Governor-General, or, in the absence of such persons."
	In subsection (1) of section 474, for the words "in the hands of the British Consul, or, failing such official, in the hands of a respectable merchant, being a British subject, or of" there shall be substituted the words "with the diplomatic or consular representa- tive of the Government of Malta in that port or with a person serving in a diplomatic, consular or other foreign service of any country which, by
	arrangement/....

arrangement with the Government of Malta, has undertaken to represent that Government's interests in that port or with a person authorized in that behalf by the Governor-General, or, in the absence of such persons, with some trustworthy merchant being a citizen of Malta or other Commonwealth citizen, or with".

Industrial Property  
(Protection)  
Ordinance  
(Cap. 48)

In paragraph (d) of section 10, for the words "the British Consular Authority, or, if there be no such Authority", there shall be substituted the words "the diplomatic or consular representative of the Government of Malta in that country or by a person serving in a diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Malta, has undertaken to represent that Government's interests in that country, or by a person authorized in that behalf by the Governor-General, or, in the absence of such persons."

Food, Drugs and  
Drinking-water  
Ordinance (Cap. 54)

In subsection (2) of section 61, for the words "the British Consular Authority or, if there is no such authority" there shall be substituted the words "the diplomatic or consular representative of the Government of Malta in that country or by a person serving in a diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Malta, has undertaken to represent that Government's interests in that country, or by a person authorized in that behalf by the Governor-General, or, in the absence of such persons."

Approved Schools  
Ordinance (Cap. 75)

In section 12, for the words "Governor-General" there shall be substituted the word "Minister".

Reletting of Urban  
Property (Regulation)  
Ordinance (Cap. 109)

In section 39, for the words "General Revenue and other funds of the Government of Malta" there shall be substituted the words "Consolidated Fund".

Land Acquisition  
(Public Purposes)  
Ordinance (Cap. 136)

In paragraph (d) of subsection 10 of section 18 and in subsections (14) and (16) of section 25, for the words "General Revenue and other funds of the Malta Government" wherever they occur there shall be substituted in each case the words "Consolidated Fund".



Underground Water  
Ordinance, 1943  
(Ord. No. XII of  
1943)

In subsection (1) of section 8, for the words "Public Revenue of these Islands" there shall be substituted the words "Consolidated Fund".

Education Ordinance  
1946 (Ord. No. III of  
1946)

In subsection (6) of section 4, for the words "General Revenue of Malta" there shall be substituted the words "Consolidated Fund".

Old Age Pensions Act,  
1948 (Act No. XXV of  
1948)

In subsection (2) of section 14, for the words "Maltese Government" there shall be substituted the words "Government of Malta".

Conciliation and  
Arbitration Act, 1948  
(Act No. XXXVIII of  
1948)

In section 2, for the words "Department of Labour" there shall be substituted the words "Department of Labour and Emigration".

Income Tax Act, 1948  
(Act No. LIV of 1948)

In paragraph (a) of subsection (1) of section 8, the words "or by the Officer for the time being Administering the Government" shall be deleted.

Sand (Preservation)  
Act, 1949 (Act No.  
XVI of 1949)

In paragraph (b) of section 4, for the words "Maltese Government" there shall be substituted the words "Government of Malta".

Donated Supplies  
(Prohibition of Sale)  
Act, 1955 (Act No.  
XLIV of 1955)

In subsection (1) of section 2, for the words "Maltese Government" there shall be substituted the words "Government of Malta".

Government H<sub>o</sub>mo  
Lotteries Act, 1956  
(Act No. XVI of 1956)

In subsection (2) of section 6, for the words "Maltese Government" there shall be substituted the words "Government of Malta".

#### OBJECTS AND REASONS

The object of this Bill is to adapt all laws in view of the recent changes in the titles of Ministers and of the redistribution of Departments. The opportunity has been availed of to effect certain adaptations consequential to the Independence Constitution.