

MEMORANDUM FOR THE CABINET
BY THE HON. PRIME MINISTER

Order by the Governor directing which duty
or power the Gozo Civic Council shall
have to provide for certain services
(Sec. 26 of the Gozo Local Government
Ordinance, 1961)

Section 26 of the Gozo Local Government Ordinance, 1961, provides for a definition by order made by the Governor of the extent of the powers to be exercised by the Gozo Civic Council in relation to those services for the upkeep and maintenance of which the Council are, by law, responsible.

2. In the process of the legal drafting of this lengthy Ordinance on an entirely new institution, it was recognised that the new local government authority would be assuming certain powers and functions till then exercised by certain Government departments, in some cases by virtue of a law. A complete study of the amendments required to existing laws, consequent upon the establishment in Gozo of a local authority together with discussion and consultation with the departments concerned, would have taken up considerable time and in order not to hold up indefinitely the completion of the main Ordinance, provision as in section 26 was inserted which would enable the Government to consider and to decide, after consultation with departments, exactly what functions and powers the Gozo Civic Council should have in relation to the services for which they are responsible.

3. The position at present is, that whilst the Council are responsible for the running of such services as the Gozo Public Library, the Gozo Museum, the public cleansing service, public gardens, the Silver Jubilee Sports Ground, public cemeteries and district dispensaries, they cannot perform such elementary administrative acts as, for example, laying down opening and closing hours, and deciding what admission fees should be charged for the Museum, because both hours of admission and admission fees are regulated by the Fees Ordinance (Cap. 58) which naturally contains no reference to powers which may be exercised by the Gozo Civic Council. The same thing applies generally to public gardens, the Silver Jubilee Sports Ground and antiquities.

4. If therefore, the Gozo Civic Council is to have the fullest possible administrative powers over the services for the running of which they are responsible, it is necessary to define what these powers should be and to amend as necessary any legislation which does not at the moment contain provision which would enable these powers to be exercised legally.

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5. This definition would take the form of an Order made by the Governor on the advice of Ministers. A tentative layman's draft of such an Order which reflects the agreement reached in consultation with the Heads of Departments concerned, viz. C.G.M.O., D. of M., D. of A. and the Librarian, R.M.L., is attached below. It allows the Council the powers of practical management whilst reserving technical matters to the qualified officials of the Central Government. It also clarifies the Council's powers of control and supervision over the staff engaged in these services. Before the Order can be introduced, amendments to the following laws would, subject to the Attorney General's advice, be necessary:-

- (a) The Public Libraries Ordinance (Cap. 142)
- (b) The Antiquities (Protection) Ordinance (Cap. 90)
- (c) The Fees Ordinance (Cap. 58)
- (d) The Public Gardens (Closing) Ordinance (Cap. 57).

It would also be necessary to further amend the National Monuments and Museums (Fees and Hours of Admission) Regulations.

6. Ministers are asked to consider whether, as a matter of policy, the powers of the Gozo Civic Council should be extended or not, and if in the affirmative whether they agree with the arrangements reflected in the attached draft Order.

Section 26 of the Gozo Local Government
Ordinance, 1961

"26. As respects any service which, immediately before the date of the coming into force of this Part, was administered by the Government in relation to a thing for the maintenance and upkeep of which the Council has a duty or a power to provide under this Ordinance, the Governor may by order direct that, as from such date (which may be a date prior to the date on which the Order is made) and subject to such conditions and requirements as may be specified in the Order, the Council shall have a duty or a power, as the case may be, to provide for the upkeep and maintenance of the whole or any part of such service."

D R A F T

L.N. of 1962.

GOZO LOCAL GOVERNMENT ORDINANCE, 1961.

Gozo Civic Council Functions Order, 1962.

Date of commencement: 1962.

IN exercise of the powers conferred by section 26 of the Gozo Local Government Ordinance, 1961, the Governor has been pleased to make the following Order:-

Citation.

1. This Order may be cited as the Gozo Civic Council Functions Order, 1962.

2. Subject to the provisions of the Gozo Local Government Ordinance, 1961, the functions of the Gozo Civic Council shall be, in relation to:

(a) the Gozo Public Library and the Gozo District Library Service, to regulate the opening and closing hours of the Gozo Public Library, to manage the Library and the Library Service in a manner best suited to the requirements of the public and to control and supervise the staff engaged in these services,

Provided that the Council shall consult and shall be guided by the advice of the Librarian of the Royal Malta Library in all matters relating to the technical management of the Gozo Public Library and its contents, which shall remain the property of the Government;

(b) the Gozo Museum and Museum sites in Gozo, to regulate the opening and closing hours of the Gozo Museum and Museum sites in Gozo, to regulate the

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fees to be charged for admission to such Museum and such sites, to take charge of all chance archaeological finds in Gozo, which shall be reported to the Council, exercising due care as to their proper preservation and safety, to manage the Gozo Museum and Museum sites in Gozo in the manner best calculated to ensure the safety and proper preservation of their contents, which shall remain the property of the Government, and to control and supervise the staff engaged in this service,

Provided that the Council shall consult and shall be guided by the advice of the Director of Museum in all matters relating to the technical management of the Gozo Museum and Museum sites in Gozo. The Director shall remain responsible for all archaeological excavations in and around Gozo, for the examination, identification and restoration of all chance finds reported to him by the Council and for the restoration of the contents of the Gozo Museum and Museum sites in Gozo. All chance finds in Gozo shall, after restoration, be returned by the Director for preservation at the Gozo Museum, unless otherwise decided in agreement with the Council;

(c) District dispensaries in Gozo, to maintain such dispensaries in a proper state of cleanliness, to ensure the provision of adequate facilities for the public and to ensure the proper observation of the opening and closing hours of such dispensaries;

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(d) Public conveniences in Gozo, to regulate the time of opening and closing of such conveniences, to ensure the provision of proper facilities, to maintain such conveniences in a proper state of cleanliness and to supervise and control the staff employed therein;

(e) Villa Rundle Public Gardens, the Silver Jubilee Sports Ground and any other public garden which may be opened in Gozo, to ensure the proper maintenance of such places, to regulate their opening and closing hours, to supervise and control the staff employed therein and to recommend to the Governor the manner in which and the conditions under which such places may be used by other bodies;

(f) Public cemeteries in Gozo, to ensure the proper maintenance of such cemeteries, their general management and the supervision and control of the staff employed therein;

(g) The Silver Jubilee Playground, to ensure that it is properly maintained, to regulate its opening and closing hours and to decided on the manner in which and the conditions under which the ground may be used by other bodies.