

MEMORANDUM BY THE HON. MINISTER OF JUSTICECode of Organization and Civil Procedure (Amendment) Bill,
1963Deputy Registrars in Her Majesty's Superior Courts

It has always been the practice to fill posts of Deputy Registrars from General Service Officers. The duties of Deputy Registrars were examined in the course of the 1959 regrading exercise, and it was found that the proper grading of Deputy Registrar posts is that of Higher Executive Officer. It has long been recognised that there are advantages in having General Service officers, as against Departmental officers, doing the duties of Deputy Registrars, chief among which advantages is the fact that General Service officers can be moved if they prove to be unsuitable for the particular job.

Up to 1959, the procedure for the appointment of Deputy Registrars was for the Registrar of the Courts to select suitable officers from among those posted to his Department. These officers were then appointed Deputy Registrars by the Governor on the recommendation of the Minister of Justice and of the Prime Minister. With the coming into force of the 1959 Constitution, the procedure was altered in the sense that appointments made between 1960 and 1962 were made by the Governor on the advice of the Judicial Service Commission. Both before and after the 1959 Constitution, the appointments were published in the Government Gazette.

However, the substantive office of those concerned remained the post which they held in the General Service. Those detailed to work as Deputy Registrars are shown, and provided for, in the annual Estimates, only as Higher Executive Officers.

The purpose of this Bill is to make it clear that Deputy Registrars do not hold an ad hoc office like that of Assistant Registrars but are General Service officers with a specific designation.

..... Honourable Ministers are requested to approve the attached Bill.

14th December, 1963.

A BILL
entitled

AN ACT further to amend the Code of Organization
and Civil Procedure, Cap. 15.

ENACTED by the Legislature of Malta:-

Short title.

1. This Act may be cited as the Code of Organization and Civil Procedure (Amendment) (No.3) Act, 1963, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

2. In subsection (1) of section 56 of the principal law, for the words "Deputy Registrars" there shall be substituted the words "by Deputy Registrars (being officers in any such Court designated in that behalf by the Minister of Justice)".

3. In subsection (2) of section 58 of the principal law, immediately after the word "office" there shall be inserted the words "or designation".

4. In subsection (1) of section 64 of the principal law for the words "the Senior Deputy Registrar" there shall be substituted the words "the senior among the Deputy Registrars".

Objects and Reasons

The Bill provides for the clarification of the position of those public officers who perform the duties of Deputy Registrars in Her Majesty's Superior Courts. In practice they are selected from amongst Higher Executive Officers in the General Service. The Bill specifies that they are to be designated Deputy Registrars by the Minister of Justice.

L-Arkivji Nazzjonali ta' Malta

Amendment of
section 56 of
the principal
law.

Amendment of
section 58 of
the principal
law.

Amendment of
section 64 of
the principal
law.