

MEMORANDUM BY THE HON. MINISTER OF JUSTICE AND
PARLIAMENTARY AFFAIRS ON THE BILL RELATING TO THE
PUBLIC REGISTRY (AMENDMENT) ACT.

The Director of the Public Registry has been complaining for a long time that it is physically impossible for him to perform all the functions which the Public Registry Act requires him to perform personally.

A statistical review of the work of the Public Registry over the last thirty years proves the Director's complaint to be well founded. The work of the Public Registry cannot be allowed to fall into arrears, as it is governed by various time-limits fixed by law.

It is, therefore, necessary to empower the Assistant Director of the Public Registry to perform the same functions which at present are by law to be performed personally and solely by the Director. The attached Bill, while it maintains the present position of the Director as the officer ultimately responsible for the Public Registry, gives such power to his Assistant.

Hon. Ministers are requested to approve that the attached Bill be brought before the House of Representatives.

7th December, 1966.

A B I L L

entitled

AN ACT further to amend the Public Registry Act, Cap. 93.

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 Public Registry (Amendment) Act, 1966, and shall be read and construed as one with the Public Registry Act, hereinafter referred to as "the principal Act".

2. Section 3 of the principal Act shall be amended as follows -

(a) subsection (3) shall be renumbered as subsection (5);

(b) immediately after subsection (2) there shall be inserted the following new subsections:-

"(3) Saving the provisions of subsection (1) of this section and of section 35, the Assistant Director may exercise any of the functions which are by this Act assigned to the Director.

(4) In the exercise of any such function the Assistant Director shall have the same powers and the same obligations as are by this Act conferred on or imposed upon the Director and to the extent required for that purpose any reference in this Act to the Director, except such reference in the last preceding subsection, in section 35 and in section 37, shall be deemed to include a reference to the Assistant Director."

3. In subsection (1) of section 14 of the principal Act there shall be deleted the words "to the Director".

Amendment
of section
14 of the
principal
Act.

Substitution
of section 37
of the
principal
Act.

4. For section 37 of the principal Act there shall be substituted the following:-

"Duties
of Court
of
Revision. 37. During the said inspections the Court shall examine whether the Director or the Assistant Director, as the case may be, has complied with the provisions of this Act and may, for every contravention, inflict upon the Director or the Assistant Director, as the case may be, a fine (ammenda) not exceeding five pounds:

Provided that, where the contravention consists in the omission of anything which is required to be done under this Act and it is not possible for the Court to ascertain who was responsible for such omission, the contravention shall be deemed to have been committed by the Director and the punishment shall be inflicted accordingly."

Objects and Reasons

The object of this Bill is to enable the Assistant Director of the Public Registry of Malta to exercise concurrently with the Director the functions which the latter is to perform personally. The work of the Public Registry in Malta has increased to such an extent that it is no longer possible for the Director alone to perform personally all the duties which the Public Registry Act imposes upon him.