

MEMORANDUM

for the Cabinet
by the Honourable Minister of Justice and
Parliamentary Affairs concerning the sur-
rogation of the Vice-President of the
Constitutional Court.

1. Section 6 of the Code of Organisation and Civil Procedure provides that the Vice-President of the Constitutional Court shall also be the Vice-President of the Court of Appeal. Consequently, as the law stands, when the Vice-President is surrogated he is so surrogated with respect to both the above Courts.

2. Occasion has arisen to surrogate the Vice-President only in respect of the Court of Appeal owing to his abstention from taking cognisance of a case pending before that Court, and it has been found that, in terms of the present provisions of the law, such surrogation cannot be made unless the law be amended.

3. In the circumstances, Honourable Ministers are solicited to agree to the amendment of the Code of Organization and Civil Procedure and to direct that action be taken for the enactment of the required amendment at the first opportunity.

22nd October, 1968.

(CAG/980/67)

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L-Arkivj Nazzjonali ta' Malta

A B I L L
entitled

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

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 Code of Organization and Civil Procedure (Amendment) (No.2) Act, 1968, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

Amendment of section 6 of the principal law. 2. Section 6 of the principal law shall be amended by the addition of the following proviso at the end thereof:

"Provided that, where the Vice-President abstains from taking cognisance of a case pending before either the Constitutional Court or the Court of Appeal, the Governor-General shall designate another of Her Majesty's Judges to perform the functions of Vice-President of the Constitutional Court or of the Court of Appeal, as may be required, in respect of such case."

OBJECTS AND REASONS

The Code of Organization and Civil Procedure provides that the Vice-President of the Constitutional Court is ope legis Vice-President of the Court of appeal.

The object of this Bill is to empower the Governor-General to surrogate the Vice-President of the Court of Appeal when the need of surrogation arises only in relation to a case pending before Her Majesty's Court of Appeal.