

Powers of Governor which are not affected by proposed legislation

Enactment	Section	Remarks
Ecclesiastical Courts (Constitution and Jurisdiction) Law (Cap. 3)	Secs. 3 and 5	Constitution of Ecclesiastical Courts and swearing-in, appointment or removal of relative judges
Ecclesiastical Offices or Benefices (Appointment by Foreign Power) Ordinance (Cap. 8)	Secs. 2, 3 and 4	Approval of appointment to Ecclesiastical Benefices by foreign powers
Criminal Code (Cap. 12)	Subs. (1) and (6) of sec. 8	Manner of execution of death sentence
	Subs. (2) of sec. 82A	Wearing of certain uniforms
	Subs. (1), (2) of sec. 82C.	Consequential to sec. 82A
	Subs. (1) of sec. 413	Extension of term for criminal inquiry
	Subs. (1) of sec. 444	Extension of term for filing indictment
	Subs. (4) of sec. 445	Report by A.G. stating reasons for "nolle prosequi" or for re-arrest of person discharged
	Subs. (1), (2) of sec. 459	Substitution of judges and of supplementary judges
	Secs. 505, 506	Report, etc., re death penalty
	Subs. (4) of sec. 509	Constitution of Rule-Making Board
	Par. (c) of subs. (1) of sec. 513	Taking of oath of allegiance
Subs. (2) of sec. 568	Power to grant temporary release of accused in special cases	
Subs. (1) of sec. 619	Information to Governor when accused is remitted to Hospital for Mental Diseases	
Sec. 661	Warrant for execution of death sentence	

Code of Police Laws (Cap. 13)	Sec. 10	Land vested in Governor
	Sec. 12	Power to make certain regulations
	Sec. 13(6) (vi)	Power to exempt owners of buildings on certain streets from payment of contribution
Code of Organiza- tion and Civil Procedure (Cap. 15)	Secs. 7, 8(1), 10, 11, 13, and 14	Appointment of judges and of Supplementary judges; distributi- on of duties (some of these powers have been superseded by the 1961 Order in Council)
	Secs. 15, 18, 19, 20 and 21	As above, but referring to magistrates
	Sec. 28(3)	Appointment of Registrar (superseded by 1961 Order in Council)
	Sec. 30	Appointment of Rule-Making Board
	Secs. 42, 49 (4) and 53	Appointment of Courts to hear appeals from Court of Magistrates, and from Gozo Courts, and Court of Voluntary Jurisdiction for Gozo
	Secs. 64, and 76(1)	Appointment of Acting Registrar and of Archivist (superseded by 1961 Order in Council)
	Secs. 77, 82 and 83	warrant to practise as Advocate or as Legal Procurator, and relative disability
	Sec. 595(1)	Appointment of interpreter (superseded by 1961 Order in Council)
tradition (Italy) Ordinance (Cap. 20)	Sec. 2	Power to arrest foreigners on request of Consul for Italy
Accidents at Sea (Prevention) Ordinance (Cap. 27)	Sec. 3	Exemption of proceedings in certain cases involving foreign merchant ships
	Sec. 28	Powers in respect of ships beyond territorial jurisdiction
Anglican Church (Property and Administration) Ordinance (Cap. 30)	Subs. (2) of sec. 8	Power to dispose of property belonging to Anglican Church
Prisoners on Board Merchant Ships Ordinance (Cap. 34)	Secs. 2, 3, 5, 6, 9 and 10	Foreign element involved



Exportation of certain articles (prohibition) Ordinance (Cap. 33)	Sec. 2	Prohibition of exportation of certain articles for security and defence (Repeal of Ordinance is being suggested)
Industrial Schools and Houses of Correction Ordinance (Cap. 45)	Secs. 2 and 15	Not adapted as this law is practically a dead letter
Street-beating Ordinance (Cap. 47)	Sec. 3	Not adapted as this law is practically a dead letter (Appeal of Ordinance is being suggested)
Gun, Rifle and Torpedo Ranges Ordinance (Cap. 50)	Secs. 2 and 10	Not adapted as it refers to military matters
Medical and Allied Professions Ordinance (Cap. 51)	Secs. 4, 5, 5A, 11, 12, 15, 16, 58, 59(3), (4), 60(1), (2) and 63(2)	Granting of licences to medical practitioners, veterinary surgeons, apothecaries (and asst. apothecaries), dental surgeons, and references thereto
	Sec. 87H(3), (4) and (6)	Appeal to Governor from decisions of the Advisory and Executive Board
Fairs Ordinance (Cap. 58)	Secs. 2, 5 and 7	"ad hoc" amending Bill is being made
Customs Ordinance (Cap. 60)	Sec. 71	Restoration of seizures, remission of punishments and waiving of proceedings
	Secs. 79 and 80	Authorisation to certain customs Officers to carry out duties of Police; Rewards to officer arresting individuals and to persons giving information
Spirits Ordinance (Cap. 64)	Sec. 76	Order for restoration of things seized
	Sec. 90	Waiving criminal proceedings, etc.
	Sec. 98	Rewards to persons
Public Nighers Ordinance (Cap. 65)	Sec. 14	Date of coming into force of part of Ordinance

Architects' Ordinance (Cap.72)	Secs. 2, 4, 5(1), 6(2) and 7	Grant of warrant or special licence to architects, disqualifications, etc.
Lepers Ordinance (Cap. 73)	Sec. 2(4), (5) and (8)	Detention, etc, of lepers landing in Malta
Maintenance Orders (Facilities for Enforcement) Ordinance (Cap.76)	Sec. 12	Extension of law to other territories on basis of reciprocity
Official Secrets Ordinance (Cap.82)	Secs. 2, 7, 11, 14(1) and 18(2) and (3)	In view of matter involved
British Judgments (Reciprocal Enforcement) Act (Cap. 86)	Subs. (2) of sec. 5	enforcement of judgments on basis of reciprocity
Imperial Forces Training Ordinance (Cap. 91)	Secs. 3, 4 and 8; subs. (1) and (2) of sec. 15	Military matters involved
Notarial Profession and Notarial Archives Act (Cap. 92)	subs. (1) of sec.3; subs. (1) of sec.5; sec. 9; subs. (1) and (2) of sec. 14	appointment of notaries public and disabilities
	Sec. 141	Deprivation of office of notary public
	Subs. (1) of sec. 152	Disablement of notary public
Arms Ordinance (Cap. 106)	sec. 17	Power to cancel all licences in case of emergency
Public Meetings Ordinance (Cap.108)	Subs. (2) of sec. 19; sec. 21	Prohibition of public meetings and demonstrations
Letting of Urban Property (Regulation) Ordinance (Cap.109)	Secs. 17 and 18	Appointment of Rent Regulation Board



Seditious Propaganda (Prohibition) Ordinance (Cap. 111)	Secs. 3, 4, 5, 8 and 9; subs. (2) of sec. 10	Involves power to open correspondence, entry upon premises, etc.
Press Ordinance (Cap. 117)	Sec. 36	Privileged publications
	Sec. 61	Exemption from provisions of sec. 57 of Ordinance
Imports and Exports Ordinance (Cap. 122)	Sec. 17 (3)	Discretionary power
Land Acquisition (Public Purposes) Ordinance (Cap. 136)	Secs. 2, 3, 4 and 6; subs. (1) of sec. 7; subs. (1) of sec. 8; subs. (12) of sec. 25; subs. (2) of sec. 25 bis; sec. 30	Declaration by Governor re land required for a public purpose, or for clearance or subsoil rights, and references thereto
	Sec. 21	Appointment of Land Arbitration Board
	Subs. (1) of sec. 27	Order for temporary evacuation of land (referring to military, naval and aerial manouvres)
Pensions Ordinance (Cap. 143)		This law has not been adapted as it is considered that it requires special study separately from the field of adaptation
Medical and Health Department (Constitution) Ordinance (Cap. 148)	Sec. 1A	Licence by Governor to dental surgeons and apothecaries (as per Cap. 51)
	Sec. 23	Consequential to grant of licences to medical practitioners etc., being made by Governor (as per Cap. 51)
Electoral (Franchise, Method of Election and Registration of Voters) Ordinance (Cap. 157)	Subs. (1) of sec. 4	Oath of office of Principal Electoral Officer
	Subs. (1) of sec. 6	Involves extension of time limits under the Ordinance
	Subs. (1) and (2) of sec. 8	Appointment of Revising Officers and relative oath
	Subs. (3) of sec. 12	Revision of boundaries of electoral districts
Dangerous Drugs Ordinance (Cap. 161)	Subs. (3) of sec. 22	Certificate by Governor that offender be tried by H.M.'s Criminal Court
Wine Ordinance (Cap. 162)	Secs. 10 and 17	Not adapted as it is practically a dead letter - it is not yet in force and legislation will probably be made in the near future in substitution of whole matter.
Artificial Wine Ordinance, 1911	Secs. 29 and 32	Restoration of seized things and grant of rewards (Similar to secs. 71 and 80 of Cap. 60)

Electoral (Polling) Ordinance (Cap. 163)	Sec. 5	Oath of allegiance by Election Commissioners
	Subs. (1) of sec. 8	Making of Polling Regulations
	Subs. (1) of sec. 9; sec. 14	Writ to Election Commissioners
	Subs. (1) and (2) of sec. 15	Return by Commissioners re number of nominations received when such number is less or equal to the number of candidates returnable
Insensitry Areas Ordinance (Cap. 164)	Sec. 3; subs. (1), (3), (5), (7) and (9) of sec. 5; sec. 8; subs. (4) of sec. 9	Power to order clearance of insensitry or dangerous areas. Reference to Land Acquisition Ordinance
Malta Territorial Force Ordinance (Cap. 167)		Involves military matter
Personal Injuries (Emergency Provisions) Ordinance (Cap. 176)	Sec. 2; subs. (1) and (6) of sec. 3; sec. 4	Ordinance gradually dying out and not thought worthwhile to adapt
Court Deposits (Identification and Sale) Ordinance, 1944 (Ord. No. XIV of 1944)	Secs. 2 (1), 4(1), 7 and 12	Not adapted as the law is no longer operative.
Royal University of Malta (Constitu- tion) Ordinance, 1947 (Ord. No. XIII of 1947)	Sec. 4(2)	Governor is ex officio Chancellor
Conciliation and Arbitration Act, 1948 (Act No. XXVIII of 1948)	Sec. 10(1); sec. 10(2)(a) and (1); sec. 10 (2)(b)	Appointment of Malta Arbitration Tribunal which comprises a Judge among its members
Immigration (British Subjects) Ordinance, 1948	Sec. 5	Grant of certificate of naturalization
(Ord. No. I of 1948)	Sec. 11(3)	Detention of prohibited immigrants



	Sec. 27(2) and (3)	Removal Orders re prohibited immigrants
	Sec. 32	Power to make regulations re detention, diet, etc., of prohibited immigrants
	Sec. 35(1)	Power to make regulations
	Secs. 37 and 38	Absolute discretionary power
	<u>Schedule</u> (Regulations)	
	Regn. 11(1)	Place appointed for detention
Aliens Ordinance, 1949 (Ord. No. II of 1949)	Sec. 3; sec. 4 (where first mentioned); sec. 5; sec. 6(b), and (g); sec. 7(1); sec. 8; sec. 9(2), (3), (4), (5) and (7); sec. 11(1); sec. 12(2), (3), (5) and (6); Sec. 15; sec. 16(1), (2), (5), (6), (7) and (8); secs. 17, 18 and 23	Retention of foreign nationality of alien, permit for alien to be employed, imposition of conditions to alien, detention of alien, deportation orders, etc.
Diplomatic Privileges (extension) Act, 1950 (Act No. V of 1950)	Sec. 3(1), (2) and (3); sec. 4(1); secs. 5 and 6	These powers are considered to be such as should be exercisable by the Governor on the advice of the Ministers
Employment Service Act, 1955 (Act No. IV of 1955)	Sec. 10(7)	In view of procedure of resolution of Assembly
Electric Lighting Installations (Special Compensation) Act, 1955 (Act No. XXV of 1955)	Sec. 8(2)	This law is no longer effective and is to be repealed
Consular Conventions Act, 1955 (Act No. XXXI of 1955)	Secs. 2, 6 and 8	In view of nature of matters involved, it is advisable that powers be exercised by Governor on advice of Cabinet - and this until independence is reached
Petroleum (Production) Act, 1958 (Act No. IV of 1958)	Sec. 6	Making of Declaration re acquisition of land, etc., in accordance with Land Acquisition Ordinance (Cap. 136)

Maltese Government (Public Offices) Emergency Ordinance, 1958 (Emerg. Ord. No. VII of 1958)	Sec.6(1),(3)	This law has been superseded by 1961 Order in Council
Malta Dockyard Emergency Ordinance, 1959 (Emerg. Ord. No. XV of 1959)	Sec.6(1),(3)	This Ordinance is not being adapted in view of matter involved
Local Loans (Registered Stock and Securities) Ordinance, 1959 (Ord. No. VIII of 1959)	Sec.4(1); sec. 6(1) and (3); secs.7 and 9; s.c.17(1) and (2); sec.21; sec.22(1); sec. 25; sec.27(4); sec.28; s.c.31; sec.43(1)	amendments included in Adaptation Bill
Development Local Loan Ordinance, 1959 (Ord. No. XIX of 1959)	Secs.2 and 3	Not adapted
Police Ordinance, 1961 (Ord. No. II of 1961)		This Ordinance is not being adapted but an amending Bill is being drafted
Gozo Local Government Ordinance, 1961 (Ord. No. XI of 1961)	Subs.(1) of sec.36	Consent for alienation or hypothecation of land
Broadcasting Ordinance, 1961 (Ord. No. AA of 1961)	Sec.3(4); sec. 4(1),(2) and (3); sec.8(2) and (6); sec. 9(4),(5) and (6); sec.11; sec.12(1) and (3); secs.13 and 16	In view of the constitutional provisions, this Ordinance has not been adapted

Part 3 of Third Schedule



A BILL  
entitled

AN ACT to make certain adaptations in various laws.

ENACTED by the Legislature of Malta:-

Short title.

1. This Act may be cited as the Adaptation of Laws Act, 1963.

Amendment of enactments in Schedule.

2. The enactments mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule.

Saving.

3. Nothing in this Act shall affect the validity of anything heretofore lawfully done, or any right, obligation or liability heretofore acquired, accrued or incurred, under any of the enactments mentioned in the Schedule to this Act.

SCHEDULE

Section 2

First Column Enactment	Second Column Extent of amendment
Mortmain Law (Cap. 2)	<p>In section 8, for the words "the Governor", "by Proclamation" and "such Proclamation" there shall be substituted the words "the Prime Minister", "by order" and "such order" respectively.</p> <p>In section 9, for the words "the Governor" there shall be substituted the words "the Prime Minister".</p>
Encouragement of New Industries Act (Cap. 89)	<p>In section 7, the words "and counter-signed by the Minister for Industry" shall be deleted.</p>
Importation of Textiles (quotas) Ordinance (Cap. 123)	<p>In section 2, for the words "a Proclamation issued by the Governor", and for the words "the Governor" wherever they occur, there shall be substituted the words "an order made by the Minister" and "the Minister" respectively.</p> <p>In section 3, for the words "The Governor may, by Proclamation" there shall be substituted the words "The Minister may, by order".</p>

In section 6, for the words "the Governor", and for the word "Proclamation" wherever it occurs, there shall be substituted the words "the Minister" and "order" respectively.

Irrigation  
Ordinance (Cap. 166)

In section 3, for the words "the Governor" wherever they occur and for the words "by Proclamation" there shall be substituted the words "the Minister responsible for Agriculture" and "by order" respectively.

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

In section 5, for the words "the Governor", "by Proclamation" and "such Proclamation" there shall be substituted the words "the Minister responsible for water supply", "by order" and "such order" respectively.

In sections 6 and 8, for the word "Proclamation" wherever it occurs (except in paragraph (a) of subsection (4) of section 8) there shall be substituted the word "order".

Compulsory  
Education Ordinance,  
1946 (Ord. No. II of  
1946)

In section 3, for the words "the Governor, with the approval of the Secretary of State for the Colonies, may by Proclamation" there shall be substituted the words "the Minister of Education may by order".

In section 9, the words "and subject to the provisions contained in the Malta Letters Patent, 1939" shall be deleted.

In subsection (1) of section 10, for the words "the Governor may, by Proclamation" there shall be substituted the words "the Minister of Education may, by order".

In subsection (2) of section 10, for the words "the Governor" and "in every case by Proclamation" there shall be substituted the words "the Minister of Education" and "by order" respectively.

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

In subsection (3) of section 8, for the words "The Governor may by Proclamation" and "in the Proclamation" there shall be substituted the words "The Minister responsible for finance may by order" and "in the order" respectively.

Currency Notes  
Ordinance, 1949  
(Ord. No. I of 1949)

In section 7, for the words "The Governor may, by Proclamation issued with the approval of the Secretary of State" and "any such Proclamation" there shall be substituted the words "The Minister responsible for finance may, by order" and "any such order" respectively.

In subsection (4) of section 8 and in section 9, for the words "a Proclamation" wherever they occur there shall be substituted the words "an order".



Government Home  
Lotteries Act,  
1956 (Act No.  
XVI of 1956) f

In subsection (2) of section 20, for the words "Consolidated Revenue Fund of Malta by warrants under the hand of the Governor" there shall be substituted the words "Treasury Clearance Fund of Malta by warrants under the hand of the Minister".

Local Loans  
(Registered  
Stock and  
Securities)  
Ordinance,  
1959 (Ord.No.  
XVIII of 1959) f

For the words "Governor" and "Secretary of State" wherever they occur there shall be substituted the words "Minister responsible for finance" and "Prime Minister" respectively.

In subsection (1) of section 4, for the words "any Ordinance", "that Ordinance" and "this or any other Ordinance" there shall be substituted the words "any enactment", "that enactment" and "this Ordinance or any other enactment" respectively.

In subsection (2) of section 4, for the words "any other Ordinance" there shall be substituted the words "any other enactment/".

#### Objects and Reasons

The object of this Bill is to make certain adaptations in various laws.

A BILL

entitled

AN ACT further to amend the Fees Ordinance, Cap. 58.

ENACTED by the Legislature of Malta:-

Short title.

1. This Act may be cited as the Fees (Amendment) Act, 1963, and shall be read and construed as one with the Fees Ordinance, hereinafter referred to as "the principal law".

Amendment of section 2 of the principal law.

2. Section 2 of the principal law is amended -

(a) by the deletion of subsection (1) and the substitution of the following subsection:-

"(1) A Minister charged with responsibility for any Government Department or office may make regulations prescribing the fees to be charged in such Department or office in respect of licences, permits or any other act or service whatsoever, and may from time to time vary or amend such regulations."; and

(b) by the addition of the following subsection:-

"(3) The power conferred by subsection (1) of this section and any other power conferred by any other law to fix such fees as aforesaid shall be exercisable with the concurrence of the Minister responsible for finance."

Amendment of section 5 of the principal law.

3. Section 5 of the principal law is amended by the deletion of the words "It shall be lawful for the Governor by regulation to" and the substitution of the words "The competent Minister with the concurrence of the Minister responsible for finance, may by order".

Repeal of section 6 of the principal law.

4. Section 6 of the principal law is repealed.

Amendment of section 7 of the principal law.

5. Section 7 of the principal law is amended by the deletion of the word "Governor" and the substitution of the words "competent Minister with the concurrence of the Minister responsible for finance".

Saving.

6. Any fee heretofore lawfully fixed or prescribed in respect of the matters referred to in section 2 of the principal law, shall have effect as if it had been fixed or prescribed in accordance with the provisions of the principal law as amended by this Act.

Objects and Reasons

The object of this Bill is to amend the Fees Ordinance so that the power to fix fees chargeable in Government Departments in respect of licences, permits or any other service shall be exercisable by the Minister responsible for that Department with the concurrence of the Minister responsible for finance.



L.N. of 1963

CIVIL CODE (AMENDMENT) ORDINANCE, 1962  
(Ordinance No. XXI of 1962)  
Baby-farming Ordinance (Repeal) Order, 1963

Date of commencement:

IN exercise of the powers conferred by section 21 of the Civil Code (Amendment) Ordinance, 1962, the Governor has made the following order:-

Citation and commencement.

1. This order may be cited as the Baby-farming Ordinance (Repeal) Order, 1963, and shall come into force on the                      day of February, 1963.

Repeals Baby-farming Ordinance, Cap. 28.

2. The Baby-farming Ordinance, Cap. 28, is hereby repealed without prejudice to anything done, or any right, obligation, liability or penalty acquired, accrued or incurred under that Ordinance prior to its repeal.