MALTA

ATT Nru. XI ta' l-1985

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jemenda l-Att ta' l-1980 dwar il-Qorti tal-Minorenni.

ACT No. XI of 1985

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Juvenile Court Act, 1980.

Naghti l-kunsens tiegħi.

(L.S.)

CARMELO SCHEMBRI
Aġent President

10 ta' Lulju, 1985

ATT Nru. XI ta' l-1985

ATT biex jemenda l-Att ta' l-1980 dwar il-Qorti tal-Minorenni.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati imlaqqgħa f'dan il-Parlament u bl-awtorità ta' l-istess, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1985 li jemenda l-Att dwar il-Qorti tal-Minorenni, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att ta' l-1980 dwar il-Qorti tal-Minorenni, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Sostituzzjoni ta' l-artikolu 4 ta' l-Att prinċipali.

2. Minflok l-artikolu 4 ta' l-Att prinċipali għandu jidħol dan li ġej:

"4. (1) Il-Qorti tal-Minorenni hija magħmula minn Maġistrat.

(2) Fil-proċedimenti quddiemha, il-Qorti tal-Minorenni tkun assistita minn żewġ persuni, li waħda minnhom tkun mara, maħturin taħt dan l-artikolu, li l-Qorti tista' tikkonsulta f'kull każ għad-deċiżjoni tagħha.

(3) Dik il-konsultazzjoni għandha ssir fil-Qorti bil-miftuħ, u l-Qorti ma tkunx marbuta li toqgħod għall-fehma ta' l-assistenti,

(4) Iż-żewġ assistenti jkunu maħturin mill-President, li jaġixxi fuq il-parir tal-Prim Ministru, minn fost persuni li fil-fehma tal-Prim Ministru jkollhom esperjenza minn qabel u kwalifiki speċjali biex jittrattaw il-problemi ta' minorenni.

(5) Il-President jista', f'kull żmien, jaħtar iktar minn żewġ persuni bħala assistenti tal-Qorti tal-Minorenni iżda tnejn biss minn dawn jistgħu jassistu lill-Qorti f'kull każ wieħed.

(6) Il-kariga ta' assistent tal-Qorti tal-Minorenni tkun vakanti —

(a) meta jgħaddu ħames snin mid-data tal-ħatra tiegħu jew qabel kif jista' jiġi speċifikat fl-ittra tal-ħatra tiegħu; jew

(b) jekk jitneħħa mill-kariga bl-istess mod u għall-istess raġunijiet kif Maġistrat jitneħħa mill-kariga tiegħu.

(7) Persuna maħtura bħala assistent tal-Qorti tal-Minorenni għandha, mal-bidu ta' l-ewwel seduta tal-Qorti wara li tkun ħadet il-ħatra tagħha, tieħu ġurament fil-qorti bil-miftuħ li taqdi l-funzjonijiet tagħha bl-onestà u b'imparzjalità u skond dan l-Att.

(8) L-assistenti tal-Qorti tal-Minorenni jistgħu jastjenu jew jiġu rikużati għall-istess raġunijiet u fuq l-istess bażi kif, skond il-liġi, Maġistrat jista' jastjeni jew jista' jiġi rikużat. Kull kwistjoni dwar xi każ ta' astensjoni jew rikuża għandha tkun deċiża mill-Maġistrat.".

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

3. Fis-subartikolu (1) ta' l-artikolu 5 ta' l-Att prinċipali, minflok il-kliem "miċ-*Chairman*" għandhom jidħlu l-kliem "mill-Qorti".

Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

4. L-artikolu 6 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "tiddeċiedi l-każ:" għandhom jidħlu l-kliem "tiddeċiedi l-każ; jekk, iżda, l-Qorti tal-Minorenni jidhrilha xort'oħra, għandha taġġorna l-każ u tirreferih lill-Qorti kompetenti tal-Pulizija Ġudizzjarja li għandha tieħu konjizzjoni tal-każ bħallikieku l-proċedimenti kienu nbdew quddiem l-imsemmija Qorti tal-Pulizija Ġudizzjarja."; u

(b) il-proviso li hemm għalih għandu jitħassar.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

5. Fl-artikolu 7 ta' l-Att prinċipali minflok il-kliem "il-membri u l-uffiċjali" għandhom jidħlu l-kliem "l-uffiċjali".

6. Minflok l-artikolu 12 ta' l-Att prinċipali għandu jidħol dan li ġej: Sostituzzjoni ta' **l-artikolu 12 ta' l-Att prinċipali**

"12. Il-Ministru jista' jagħmel regolamenti biex jippreskrivi r-rimunerazzjoni li għandha titħallas lill-assistenti tal-Qorti tal-Minorenni.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 264 tat-3 ta' Lulju, 1985.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

CARMELO SCHEMBRI
Acting President

10th July, 1985

ACT No. XI of 1985

AN ACT to amend the Juvenile Court Act, 1980.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Juvenile Court (Amendment) Act, 1985, and shall be read and construed as one with the Juvenile Court Act, 1980, hereinafter referred to as "the principal Act".

Substitution of section 4 of the principal Act.

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

"4. (1) The Juvenile Court shall consist of a Magistrate.

(2) In the proceedings before it, the Juvenile Court shall be assisted by two persons, one of whom shall be a woman, appointed under this section, whom the Court may consult in any case for its decision.

(3) Such consultation shall take place in open Court, and the Court shall not be bound to abide by the opinion of the assistants.

(4) The two assistants shall be appointed by the President, acting in accordance with the advice of the Prime

Minister, from amongst persons who in the Prime Minister's opinion have previous experience and special qualifications for dealing with problems of juveniles.

(5) The President may, at any time, appoint more than two persons as assistants of the Juvenile Court but only two such persons shall assist the Court in any one case.

(6) The office of an assistant of the Juvenile Court shall become vacant —

(a) at the expiration of five years from the date of his appointment or at such earlier time as may be specified in the instrument by which he is appointed; or

(b) if he is removed from office in the same manner and on the same grounds as a Magistrate may be removed from office.

(7) A person appointed as assistant of the Juvenile Court shall, at the beginning of the first sitting of the Court after his appointment, take in open court an oath to discharge his functions faithfully, impartially and in accordance with this Act.

(8) The assistants of the Juvenile Court may abstain or be challenged for the same reasons and on the same grounds as, according to law, a Magistrate may abstain or be challenged. Any question regarding any cause of abstension or challenge shall be decided by the Magistrate.".

3. In subsection (1) of section 5 of the principal Act, for the words "by the Chairman" there shall be substituted the words "by the Court". Amendment of section 5 of the principal Act.

4. Section 6 of the principal Act shall be amended as follows: Amendment of section 6 of the principal Act.

(a) in subsection (1) thereof, for the words "determination of the case:" there shall be substituted the words "determination of the case; if, however, the Juvenile Court thinks otherwise, it shall adjourn the case and refer it to the competent Court of Judicial Police which shall take cognizance of the case as if the proceedings had been commenced before the said Court of Judicial Police."; and

(b) the proviso thereto shall be deleted.

5. In section 7 of the principal Act for the words "the members and officers" there shall be substituted the words "the officials". Amendment of section 7 of the principal Act.

6. For section 12 of the principal Act there shall be substituted the following: Substitution of section 12 of the principal Act.

"12. The Minister may make regulations for prescribing the remuneration payable to the assistants of the Juvenile Court.".

Passed by the House of Representatives at Sitting No. 264 of the 3rd July, 1985.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives

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