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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Jos Brincat, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-28 ta' April, 1980.

A BILL introduced by the Honourable Jos Brincat, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs and read the First time at the Sitting of the 28th April, 1980.

ATT biex jipprovdi għar-registrazzjoni ta' proċedimenti b'mezzi elettromagnetici.

AN ACT to make provision for the recording of proceedings by electromagnetic means.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIGI

msejjah

ATT biex jipprovdi għar-reġistrazzjoni ta' proċedimenti b'mezzi elettromanjetici.

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

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1980 dwar ir-Registrazzjoni Elettromanjetika ta' Proċedimenti.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort' oħra —

“Qorti” tfisser kull Qorti ta' Ligi, Bord, Tribunal, Kummissjoni jew Kumitat ta' Inkjesta, li b'ligi għandu s-setgħa li jisma' xiehda waqt il-proċedimenti;

“proċedimenti” tinkludi xiehda, sottomissjonijiet *verbali*, deċiżjoni ta' arbitru, konstatazzjoni, ordni, digriet, deċiżjoni jew sentenza u kull kliem li jingħadu fil-Qorti bil-miftuħ jew *in camera* waqt it-tmexxija tax-xogħol tal-Qorti;

“Reġistratur” tfisser ir-Registratur tal-Qrati u kull segretarju ta' kull Tribunal, Kummissjoni jew Kumitat ta' Inkjesta;

“*tapes*” tfisser it-*tapes* jew oġġetti oħra li fuqhom ikunu ġew registrati proċedimenti b'xi mezzi elettromanjetici;

“traskrittur” tfisser kull persuna li tingħata d-dmir mir-Registratur biex ir-reġistrazzjonijiet fuq it-*tapes* tittraskrivihom bil-miktub.

3. (1) Minkejja kull disposizzjoni f'xi liġi oħra, kull Qorti tista' tordna li l-proċedimenti tagħha jew xi parti minnhom jiġu registrati b'mezzi elettro-manjetici.

Reġstrar u
traskrizzjoni
ta' proċedimenti.

(2) Ir-Registratur għandu jara li r-registrazzjoni fuq it-tapes tiġi traskritta:

Izda f'guriġiet ir-Registratur ma jkunx obligat li jara li ssir ssir it-traskrizzjoni hliet meta, u safejn, il-Qorti Kriminali jew il-Qorti ta' Appelli Kriminali, tkun hekk ordnat.

(3) It-traskrizzjoni tista' tkun miktuba bl-idejn jew bit-type-writer mit-traskritturi skond kif jordna r-Registratur.

(4) It-traskrittur għandu jiffirma kull paġna tat-traskrizzjoni u għandu jagħmel dikjarazzjoni fit-tarf tagħha li hu bis-sewwa u fedelment u skond l-aħjar tagħrif u hila tiegħu, ittraskriva r-registrazzjonijiet tat-tapes.

(5) It-tapes għandhom jitqiesu li jagħmlu parti mill-attijiet tal-kawża sakemm ma jithassrux skond id-disposizzjonijiet ta' dan l-Att.

4. (1) Minkejja d-disposizzjonijiet ta' l-artikolu 3 u ta' kull liġi oħra, il-Qorti tista' tordna, li s-sustanza biss tal-proċedimenti jew tax-xiehda miġjuba waqt il-proċedimenti, kif iddettata mill-Qorti tiġi registrata b'mezzi elettro-manjetici.

Tista' tiġi
registrata
s-sustanza tal-
proċedimenti.

(2) Meta l-Qorti tordna li s-sustanza biss ta' xiehda għandha tiġi registrata b'mezzi elettro-manjetici u dik is-sustanza tkun giet iddettata mill-Qorti quddiem ix-xhud, minkejja d-disposizzjonijiet ta' kull liġi oħra li teħtieġ li t-traskrizzjoni tax-xhieda għandha tingara mix-xhud waqt jew wara s-seduta u li nota ta' dak il-qari titniżzel fit-tarf ta' dik it-traskrizzjoni, dak il-qari ma jsirx, u t-traskrizzjoni titqies li tkun inqrat kif imiss u tkun giet ikkonfermata mix-xhud, izda l-Qorti għandha jagħmel dikjarazzjoni fit-tarf ta' dak li tkun iddettat fil-qosor li s-sustanza tax-xhieda tkun giet iddettata mill-Qorti quddiem ix-xhud.

5. Ir-Registratur ikun responsabbli għall-kustodja u għall-harsien tat-tapes:

Harsien ta'
tapes.

Izda l-Ministru responsabbli għall-gustizzja jista' jaħtar lil xi persuna oħra biex taqdi l-imsemmija dmirijiet.

6. Meta tkun inghatat sentenza finali jew meta l-kwistjoni tkun definita għal kollox, ir-Registratur jista', kemm-il darba l-Qorti ma tordnax xort'oħra, jordna li r-registrazzjoni tithassar:

Thassir ta'
tapes.

Izda meta tkun saret it-traskrizzjoni tat-tape u l-partijiet fil-proċedimenti, fi żmien xahar min-notifika ta' avviż mir-Registratur li jgħid li se jsir it-thassir tat-tapes, ma joġġezzjonax bil-miktub għal dak it-thassir, il-Qorti tista' tordna li r-registrazzjoni fuq it-tape tithassar ikun xi jkun l-istadju tal-proċedimenti.

Kopji tat-
tapes.

7. Kopji tat-tapes jistghu jinghataw mir-Registratur lil kull persuna li jkollha jedd għal kopji tat-traskrizzjonijiet b'dak il-ħlas li hu jista' jitlob meta jqis l-ispejjeż li jkunu saru.

Għanijiet u Ragunijiet

L-Għan ewlieni ta' l-Abbozz huwa li jipprovdi għar-registrazzjoni u traskrizzjoni ta' provvedimenti u għall-kustodja ta' tapes registrati.

A BILL
entitled

AN ACT to make provision for the recording of proceedings by electro-magnetic means.

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:—

1. This Act may be cited as the Electro-magnetic Recording of Proceedings Act, 1980. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“Court” means any Court of Law, Board, Tribunal, Commission or Committee of Inquiry, empowered by law to receive evidence during proceedings;

“proceedings” includes evidence, oral pleadings, award, finding, order, decree, decision or sentence and any words said in open Court or *in camera* during the conduct of business of any Court;

“Registrar” means the Registrar of the Courts and any secretary of any Tribunal, Commission or Committee of Inquiry;

“tapes” means the tapes or other objects on which proceedings have been recorded by any electro-magnetic means;

“transcriber” means the person charged by the Registrar with the duty of rendering in written form the recordings on the tapes.

3. (1) Notwithstanding any provision in any other law, any Court may order that its proceedings or any part thereof be recorded by electro-magnetic means. Recording and transcription of proceedings.

(2) The Registrar shall cause the recording on the tapes to be transcribed:

Provided that in trials on a Bill of Indictment the Registrar shall not be bound to cause such transcription to be made except when, and to the extent that, the Criminal Court or the Court of Criminal Appeal has so ordered.

(3) The transcription may be handwritten or typewritten by the transcribers as the Registrar may direct.

(4) The transcriber shall put his signature on every page of the transcript and shall make a declaration at the end thereof that he has honestly and faithfully and to the best of his knowledge and ability, transcribed the recordings on the tapes.

(5) The tapes shall be deemed to form part of the records of the proceedings of the Court until they are erased according to the provisions of this Act.

Substance of proceedings may be recorded.

4. (1) Notwithstanding the provisions of section 3 and of any other law, the Court may order that only the substance of proceedings or of the evidence produced during proceedings, as dictated by the Court, be recorded by electro-magnetic means.

(2) Where the Court has ordered that the substance only of the evidence of any witness be recorded by electro-magnetic means and such summary is dictated by the Court in the presence of the witness, notwithstanding the provisions of any other law requiring that the transcript thereof shall be read over by the witness during or after the sitting and that a note of such reading be made at the foot of such script, such reading over shall be dispensed with, and the transcript shall be deemed to have been duly read over and confirmed by the witness, provided that the Court shall make at the end of such summary a declaration that the substance of the evidence has been dictated by the Court in the presence of the witness.

Custody of tapes.

5. The Registrar shall be responsible for the custody and safe-keeping of the tapes:

Provided that the Minister responsible for justice may appoint any other person to perform the duties aforesaid.

Erasure of tapes.

6. Where final judgement has been delivered or where the matter in issue has been finally resolved, the Registrar may, unless the Court otherwise orders, direct that the recording be erased:

Provided that where a transcription of the tape is made and the parties in the proceedings, within one month from the service of an intimation from the Registrar stating that the erasure of the tapes is intended, have not made opposition in writing to such erasure, the Court may direct that the recording on the tape be erased at any stage of the proceedings.

7. Copies of tapes may be given by the Registrar to any person who is entitled to copies of transcriptions on such payment as he may, taking account of the expenses incurred, require. Copies of tapes.

Objects and Reasons

The Bill aims mainly at providing for the recording and transcription of proceedings and for the custody of recorded tapes.