

**Nru. 184**

2. 6. 81

**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Brincat, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta ta' l-4 ta' Mejju, 1981.

A BILL introduced by the Honourable Joseph Brincat, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs and read the First time at the Sitting of the 4th May, 1981.

ATT biex jipprovdi għat-twaqqif ta' sistema għad-dipenalizzazzjoni u għas-smieghi ta' kazijiet zghar.

AN ACT to provide for the establishment of a system for the depenalisation and trial of petty cases.

C. MIFSUD

*Skrivan tal-Kamra tad-Deputati*

C. MIFSUD

*Clerk to the House of Representatives*

**ABBOZZ TA' LIGI**

**msejjah**

*ATT biex jipprovdi għat-twaqqif ta' sistema għad-dipenalizzazzjoni u għas-smiegħ ta' każijiet żgħar.*

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

Titolu fil-qosor u bidu fis-sehħ.

**1.** (1) Dan l-Att jista' jissejjah l-Att ta' l-1981 dwar il-Bord għal Każijiet Żgħar.

(2) Dan l-Att għandu jibda jsehħ f'dik id-data li l-Ministru responsabbli għal ġustizzja jista' b'ordni fil-Gazzetta jstabilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

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

“Kummissarju” tfisser Kummissarju għall-Ġustizzja mahtur skond l-artikolu 3 ta' dan l-Att;

“Ministru” tfisser il-Ministru responsabbli għall-ġustizzja;

“Qorti tal-Maġistrati” tfisser il-Qorti tal-Maġistrati tal-Pulizija Gudizzjarja bħala Qorti ta' Ġudikatura Kriminali;

“reat imniżżel fl-iskeda” tfisser reat imniżżel fl-Iskeda li tinsab ma' dan l-Att;

“reat imniżżel fl-iskeda speċifikat fl-akkuza” tfisser reat li għalih tirreferi l-akkuza maħruġa mill-Pulizija Eżekuttiva skond id-disposizzjonijiet ta' l-artikolu 5 ta' dan l-Att, u tinkludi dawk ir-reati l-oħra b'żieda magħhom jew minflokhom kif Kummissarju jista', skond is-subartikolu (5) ta' l-artikolu 5 ta' dan l-Att, jawtorizza.

Kummissarji għall-Ġustizzja.

**3.** (1) Għandhom jinhatru Kummissarji għall-Ġustizzja li separatament ikollhom il-funzjonijiet u s-setgħat mogħtija lilhom b'dan l-Att, jiġifieri —

(a) li jikkunsidraw kull akkuża miġjuba quddiemhom mill-Pulizija Eżekuttiva skond l-artikolu 5 ta' dan l-Att;

(b) li jisimgħu xhieda bil-ġurament jew b'dikjarazzjoni u li jeżaminaw dawk il-provi li jistgħu jingiebu quddiemhom;

(c) li jiddeċiedu jekk, fuq il-provi hekk miġjuba, ir-reat imniżżel fl-iskeda speċifikat fl-akkuża jkunx ġie ppruvat li għamlitu l-persuna akkużata jew le;

(d) li jordnaw il-ħlas ta' dik il-penali li jistgħu jimponu skond id-disposizzjonijiet tas-subartikolu (3) ta' l-artikolu 8 ta' dan l-Att, u

b'mod ġenerali, sabiex jeżerċitaw il-funzjonijiet u s-setgħat tagħhom, il-Kummissarji jkollhom, *mutatis mutandis*, dawk is-setgħat kollha li huma, bid-disposizzjonijiet tat-Tieni Ktieb tal-Kodiċi Kriminali, vestiti fil-Qorti tal-Maġistrati.

(2) Kull għemil jew nuqqas ma għandux, għall-finijiet ta' dan l-Att, jitqies li hu att kriminali minkejja d-disposizzjoni ta' dik il-liġi imniżżla fl-iskeda li tinsab ma' dan l-Att, iżda minkejja dan kollu għandu jitqies li jikkostitwixxi infrazzjoni ta' liġi li għalih Kummissarju jista', skond id-disposizzjonijiet tas-subartikolu (3) ta' l-artikolu 8 ta' dan l-Att, jordna l-ħlas tal-penali hemmhekk speċifikata.

(3) Bla ħsara għad-disposizzjonijiet ta' l-artikolu 9 ta' dan l-Att, il-Qorti tal-Maġistrati ma jkollhiex ġurisdizzjoni dwar reati mniżżlin fl-iskeda:

Iżda l-Qorti tal-Maġistrati jkollha ġurisdizzjoni dwar kull reat imniżżel fl-iskeda li l-akkuża dwaru titressaq ma' akkuża ta' xi reat ieħor li dwaru l-imsemmija Qorti jkollha ġurisdizzjoni.

4. (1) Il-Kummissarji jkunu maħtura mill-Prim Ministru minn fost persuni ta' kwalunkwe sess li jkunu għalqu l-erbghin sena.

Ħatra ta' Kummissarji.

(2) Kummissarju jkun maħtur għal perijodu ta' sentejn u għandu jhalli l-kariga tiegħu malli jispiċċa l-perijodu tal-ħatra tiegħu.

(3) Il-Kummissarji ma jistgħux jiġu maħtura mill-ġdid qabel ma jgħaddu tliet snin mill-ħatra ta' qabel.

(4) Matul il-kariga tagħhom il-Kummissarji ma jistgħux jitneħħew ħlief bl-istess mod u għall-istess raġunijiet kif Maġistrat jista' jitneħħa mill-kariga.

(5) Fl-eżerċizzju tal-funzjoni tiegħu Kummissarju ma jkunx suġġett għad-direzzjoni jew il-kontroll ta' xi persuna jew awtorità oħra.

(6) Id-disposizzjonijiet tal-Kodiċi Kriminali dwar l-astensjoni u r-rikuża ta' Maġistrati għandhom japplikaw għall-astensjoni u għar-rikuża ta' Kummissarju.

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(7) Meta Kummissarju jkun hemm oġġezzjoni għalih jew ikun astjena milli joqgħod, jew ikun xort'oħra ma jistax jaġixxi, Kummissarju ieħor għandu jiġi surrogat minflok mill-Ministru.

(8) Il-Ministru għandu jaħtar uffiċjal pubbliku biex ikun Segretarju tal-Kummissarji, u jista' jiddelega uffiċjali pubbliċi oħra biex jassistu lis-Segretarju fil-qadi ta' dmirijietu. Is-Segretarju tal-Kummissarji għandu jkollu, *mutatis mutandis*, dawk is-setgħat u dawk id-dmirijiet li huma bil-Kodiċi ta' Organizzazzjoni u Ċivili vestiti fir-Registatur tal-Qrati.

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(9) Mal-hatra tiegħu, il-Kummissarju jiehu gurament biex jeżamina u jiddeċiedi l-każijiet miġjuba quddiemu b'imparzjalità u b'ekwità skond il-liġi. Il-gurament għandu jittiehed quddiem l-Avukat Generali.

(10) Il-Kummissarju jista' jzomm is-seduti tiegħu f'dawk il-jiem u f'dawk il-hinijiet kif il-Ministru jista' jiddeċiedi u dawk is-seduti jistgħu jsiru nhar ta' Sibt u barra l-hinijiet li soltu r-Registru tal-Qrati Superjuri jkun magħluq.

(11) Is-seduti jinżammu fil-bini fejn il-qrati ordinarji normalment iżommu s-seduti tagħhom sakemm il-Ministru b'avviz fil-Gazzetta ma jiddeċidix xorti oħra.

(12) Il-mandati jew l-ordnijiet għandhom ikunu ffirmati minn Kummissarju.

(13) Il-gurament lix-xhieda jingħata minn Kummissarju.

(14) Il-Kummissarji għandhom jirċievu dik ir-rimunerazzjoni kif il-Ministru responsabbli għall-gustizzja, bi ftehim mal-Ministru tal-Finanzi, jista' minn żmien għal żmien jippreskrivi. Dik ir-rimunerazzjoni ma tistax tinbidel bi żvantaġġ ta' Kummissarju waqt il-perijodu tal-hatra tiegħu.

Proċeduri  
quddiem  
Kummissarju.

5. (1) Il-Pulizija Eżekuttiva għandha d-dmir li tiġbor xhieda u li takkuża persuni quddiem il-Kummissarju dwar xi reat imniżżel fl-iskeda li dwaru il-Kummissarju, skond id-disposizzjonijiet ta' dan l-Att, jista' jeżerċità l-funzjonijiet tiegħu.

(2) Il-Pulizija Eżekuttiva għandha, b'ordni bil-miktub, tħarek il-persuna akkużata b'reat imniżżel fl-iskeda biex tidher quddiem il-Kummissarju fil-gurnata u fil-hin speċifikat fl-imsemmi ordni.

(3) Fit-taħrika għandu jitniżżel tagħrif ċar fuq il-persuna mħarrka u dikjarazzjoni qasira tal-fatti ta' l-akkuża flimkien ma' dak it-tagħrif dwar hin u post kif ikun meħtieġ jew prattiku li jingħata. Fit-taħrika għandha titniżżel ukoll twissija li, fin-nuqqas li ma tidhirx, il-persuna hekk imħarrka tiġi arrestata b'mandat ta' Kummissarju u miġjuba f'dak il-jum li jissemma' fil-mandat.

(4) Fit-taħrika għandu jkun hemm ukoll xorta ta' kunsens fejn persuna akkużata tista', bil-firma tagħha, tawtorizza lill-Kummissarju biex jipproċedi bis-smieġ ta' l-akkuża fin-nuqqas tagħha. Il-persuna akkużata tista' tiddepożita dik il-formula hekk iffirmata f'xi waħda mill-Għases tal-Pulizija sabiex tinbagħat lill-Kummissarju.

(5) Kummissarju jista' f'kull stadju tal-proċeduri, jawtorizza li tiżdied akkuża oħra dwar reat imniżżel fl-iskeda jew li l-akkuża mnizżla fit-taħrika tiġi sostitwita b'akkuża oħra dwar reat imniżżel fl-iskeda:

Iżda l-persuna akkużata tingħata żmien xieraq sabiex tfejji d-difiża tagħha.

Disposizzjonijiet  
tal-Kodiċi  
Kriminali  
japplikaw għal  
proċeduri  
quddiem  
Kummissarju.

6. Id-disposizzjonijiet tal-Kodiċi Kriminali dwar proċeduri quddiem il-Qorti tal-Maġistrati japplikaw *mutatis mutandis* għal proċeduri quddiem Kummissarju u riferenza magħmula għall-Qorti tal-Pulizija Għodizzjarja f'dak il-Kodiċi għandha, għall-għanijiet u finijiet kollha tal-liġi, titqies li hi riferenza magħmula għal Kummissarju:

Iżda Kummissarju jista' jipproċedi bis-smieġ ta' l-akkuża fin-nuqqas tal-persuna akkużata meta dik il-persuna tkun tat il-kunsens

tagħha għal dawk il-proċeduri fuq il-formula li għaliha japplika s-sub-artikolu (5) ta' dan l-Att u l-uffiċjal tal-prosekuzzjoni ma joġġezzjonax.

7. Ir-Registru tal-Qrati tal-Magistrati tal-Pulizija Ġudizzjarja jkun ir-Registru tal-Kummissarji u l-karti tal-Kummissarji jiġu depożitati hemmhekk.

Registru  
tal-Kummissarji.

8. (1) Meta Kummissarju jiddeċiedi li l-persuna akkużata ma tkunx hatja tar-reat imniżżel fl-iskeda speċifikat fl-akkuża, il-persuna li dwarha tingħata d-deċiżjoni ma tkunx sugġetta, dwar dak ir-reat, għal proċeduri oħra wara quddiem Kummissarji jew quddiem xi qorti.

Deċiżjonijiet  
tal-Kummissarji.

(2) Meta Kummissarju jiddeċiedi li l-persuna akkużata tkun hatja tar-reat imniżżel fl-iskeda speċifikat fl-akkuża, il-Kummissarju għandu jiddikjara lil dik il-persuna hatja ta' infrazzjoni u jordna lil dik il-persuna biex tħallas penali f'ammont li ma jkunx iżjed mill-ogħla multa (multa jew ammenda) preskritta bil-liġi għar-reat.

(3) Meta Kummissarju jkun għamel ordni għall-ħlas ta' dik il-penali, is-Segretarju għandu, malli jsir dak l-ordni, jipproċedi għall-ġbir tal-penali.

(4) Kull persuna ordnata biex tħallas penali taħt is-sub-artikolu (3) ta' dan l-artikolu li, mingħajr raġuni valida, li hi għandha tipprova, tonqos li tħallas dik il-penali fi żmien xahar mill-jum li fih isir l-ordni, tkun hatja ta' reat kontra dan l-Att, u tehel, meta tinsab hatja, multa (*ammenda*) ta' lira għal kull jum li matulu jkompli r-reat wara li jgħaddi dak iż-żmien.

(5) L-ammont tal-penali jkun dovut u għandu jifhallas lill-Gvern bħal dejn ċivili likwidat u ċert, u jista' jiġi miġbur mir-Registatur tal-Qrati wara li jikseb mingħand Kummissarju l-ħruġ ta' mandat ta' qbid kontra l-proprjetà tad-debitur; u Kummissarju jista', għall-finijiet ta' dan is-subartikolu, jordna l-ħruġ tal-mandat imsemmi fl-ordni fejn il-ħlas tal-penali jkun obligat li jsir mill-persuna akkużata skond id-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu.

9. (1) Kull persuna li tthosha aggravata bid-deċiżjoni ta' Kummissarju tista', fi żmien sitt ijiem tax-xogħol mill-jum li fih tingħata dik id-deċiżjoni, tagħmel rikors lill-Qorti tal-Pulizija Ġudizzjarja sabiex id-deċiżjoni tal-Kummissarju tiġi revokata jew mibdula, u l-imsemmija qorti tkun minn dak il-hin vestita b'ġurisdiżzjoni li tiddeċiedi dwar il-meriti tar-rikors.

Rikorsi lill-Qorti  
tal-Pulizija  
Ġudizzjarja.

(2) Sabiex teżerċita l-funzjonijiet tagħha taħt dan l-artikolu, il-Qorti tal-Pulizija Ġudizzjarja għandha tipproċedi skond id-disposizzjonijiet tal-Kodiċi Kriminali:

Iżda d-deċiżjoni dwar il-meriti tar-rikors lill-Qorti tal-Pulizija Ġudizzjarja ma tkunx sugġetta għal appell quddiem xi qorti oħra.

(3) Il-Qorti tal-Pulizija Ġudizzjarja tista', jekk jidhrilha li r-rikors ikun frivolu jew vessatorju, tordna lill-appellant iħallas penali ta' mhux iżjed minn £50.

10. (1) Kull azzjoni quddiem Kummissarju tkun sugġetta għall-istess regoli ta' preskrizzjoni li jistghu minn żmien għal żmien ikunu applikabbli għall-azzjoni kriminali li tittiehed dwar reat imsemmi fl-iskeda li tinsab ma' dan l-Att.

Preskrizzjoni.

(2) Il-perijodu ta' preskrizzjoni ta' azzjoni kriminali dwar reat imsemmi fl-Iskeda li tinsab ma' dan l-Att tkun sospiza bil-proċeduri quddiem il-Kummissarju.

Setgħa għall-egħmil ta' regolamenti.

**11.** Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti li jippreskrivu jew li għandhom x'jaqsmu mal-proċedura li għandhom jitharsu mill-Kummissarji u ma' kull haġa oħra li tista' tkun spedjenti sabiex jinghata effett aħjar lil dan l-Att.

Disposizzjonijiet.

**12.** Meta malli jibda jseħh dan l-Att, persuna tkun diġà għet akkużata dwar reat imniżżel fl-iskeda quddiem il-Qorti tal-Pulizija Gudizzjarja u l-istadju tat-tmexxija li għalih jirreferi l-paragrafu (a) ta' l-artikolu 387 tal-Kodiċi Kriminali ma jkunx intlaħaq, it-tmexxija ta' dik l-akkuża għandha ssir quddiem Kummissarju; u d-disposizzjonijiet ta' dan l-Att dwar proċedura għandhom jitqiesu li ġew imħarsa għal kollox.

## SKEDA

### Artikolu 2

#### Reati li jistgħu jinstemghu minn Kummissarji

1. *L-Ordinanza dwar ir-Regulament tat-Traffiku (Kap. 105)*  
Artikolu 3, 11A.

2. *Ir-Regolamenti ta' l-1948 dwar il-Vetturi bil-Mutur*  
Regolament 18, 19, 21, 24, 24A, 25, 27, 28, 29, 30, 31, 31A, 32, 33, 34, 35, 35A, 35D, 35E, 35F, 35G, 35J, 57, 58, 58A, 58B, 59, 60, 61, 62, 63, 64, 65, 65A, 66, 67, 68, 68A, 68B, 69, 70, 71, 72, 72A, 73 to 85, 88 to 92, 92A, 92B, 92D, 93, 99, 100A, 101, 102A, 103.

3. *Il-Kodiċi tal-Liġijiet tal-Pulizija (Kap. 13)*  
Artikolu 186A.

4. *Att ta' l-1972 dwar il-Ħwejjeġ ta' l-Ikel, Mediċinali u Ilma tax-Xorb*  
Regolamenti ta' l-1969 dwar l-Iġjene ta' l-Ikel  
Regolament 25.

5. *Att ta' l-1947 dwar il-Provvisti u s-Servizzi*  
Regolamenti ta' l-1952 dwar il-Bejgħ tal-Prodotti tal-Biedja  
Regolament 17.

6. *L-Att ta' l-1968 dwar Zibel u Skart*  
Artikolu 3, 4, 5, 8

7. *Att ta' l-1974 dwar l-Edukazzjoni*  
Artikolu 19.

#### Għanijiet u Ragunijiet

L-Abbozz jipprovdi għall-hatra ta' Kummissarji li jkunu kompetenti li jisimgħu ċerti reati zgħar li sal-lum kienu jaqgħu taħt il-ġurisdizzjoni tal-Qrati tal-Magistrati tal-Pulizija Gudizzjarja u li qed jiġu depenalizzati għall-finijiet ta' proċeduri quddiem il-Kummissarji.

**A BILL****entitled**

*AN ACT to provide for the establishment of a system for the depenalisation and trial of petty cases.*

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. (1) This Act may be cited as the Board for Petty Cases Act, 1981.

Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

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

Interpretation.

“Commissioner” means a Commissioner for Justice appointed according to section 3 of this Act;

“Court of Magistrates” means the Court of Magistrates of Judicial Police as Court of Criminal Judicature;

“Minister” means the Minister responsible for justice;

“scheduled offence” means an offence set out in the Schedule to this Act;

“scheduled offence specified in the charge” means an offence to which the charge issued by the Executive Police in accordance with the provisions of section 5 of this Act, refers, and includes such other offence in addition thereto or in substitution therefor as a Commissioner may, in accordance with subsection (5) of section 5 of this Act, authorise.

Commissioners  
for Justice.

3. (1) There shall be appointed Commissioners for Justice who shall separately have the functions and powers assigned to them by this Act, that is to say —

(a) to consider any charge brought before them by the Executive Police in accordance with section 5 of this Act;

(b) to hear witnesses on oath or affirmation and to examine such evidence as may be produced before them;

(c) to determine whether, on the evidence so produced, the scheduled offence specified in the charge has or has not been proved to have been committed by the person charged;

(d) to order the payment of such penalty as they may impose in accordance with the provisions of subsection (3) of section 8 of this Act, and

generally, for the purpose of exercising their functions and powers, the Commissioners shall have, mutatis mutandis, all such powers as are, by the provisions of Book Second of the Criminal Code, vested in the Court of Magistrates.

(2) An act or omission shall not, for the purposes of this Act, be considered to be a criminal act notwithstanding the provision of such law as is set out in the Schedule to this Act, but shall nevertheless be deemed to constitute an infringement for which a Commissioner may, in accordance with the provisions of subsection (3) of section 8 of this Act, order the payment of the penalty therein specified.

(3) Saving the provisions of section 9 of this Act, the Court of Magistrates shall not have jurisdiction to try a scheduled offence:

Provided that the Court of Magistrates shall have jurisdiction to try any scheduled offence which is charged together with any other offence over which the said Court has jurisdiction.

Appointment of  
Commissioners.

4. (1) The Commissioners shall be appointed by the Prime Minister from persons of either sex who have completed forty years of age.

(2) A Commissioner shall be appointed for a term of two years and shall vacate his office at the expiration of the term of his appointment.

(3) The Commissioners shall not be re-eligible for appointment before three years have elapsed since the previous appointment.

(4) During their tenure of office the Commissioners may not be removed except in the same manner and on the same grounds as a Magistrate may be removed from office.

(5) In the exercise of his function a Commissioner shall not be subject to the direction or control of any other person or authority.

(6) The provisions of the Criminal Code regarding the abstention and challenge of Magistrates shall apply to the abstention and challenge of a Commissioner.

(7) Where a Commissioner has been objected to or has abstained from sitting, or is otherwise unable to act, another Commissioner shall be surrogated in his stead by the Minister.

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(8) The Minister shall designate a public officer to be Secretary to the Commissioners, and may also detail other public officers to assist the Secretary in the performance of his duties. The Secretary to the Commissioners shall have, mutatis mutandis, such powers and duties as are by the Code of Organization and Civil Procedure vested in the Registrar of the Courts.

(9) Upon his appointment, a Commissioner shall take an oath to examine and decide the cases brought before him with impartiality and equity according to law. The oath shall be taken before the Attorney General.

(10) A Commissioner shall hold sittings on such days and at such time as the Minister may determine and such sittings may be held on Saturdays and outside the hours when the Registry of the Superior Courts is considered closed.

(11) The sittings shall be held in the buildings where the ordinary courts normally hold their sittings unless the Minister by notice in the Gazette otherwise directs.

(12) The warrants or orders shall be signed by a Commissioner.

(13) The oath to the witnesses shall be administered by a Commissioner.

(14) The Commissioners shall receive such remuneration as the Minister responsible for justice, in consultation with the Minister of Finance, may from time to time prescribe. Such remuneration may not be altered to the disadvantage of a Commissioner during his period of office.

5. (1) The Executive Police shall have the duty to collect evidence and to charge offenders before a Commissioner in respect of any scheduled offence over which a Commissioner, in accordance with the provisions of this Act, may exercise his functions.

(2) The Executive Police shall, by an order in writing, summon the person charged with a scheduled offence to appear before a Commissioner on the day and at the time specified in the said order.

(3) The summons shall contain a clear designation of the person summoned and a brief statement of the facts of the charge together with such particulars as to time and place as it may be necessary or practicable to give. It shall also contain an intimation that, in default of appearance, the person summoned shall be arrested by a warrant of a Commissioner and arraigned on such day as may be stated in the warrant.

(4) The summons shall also contain a form of consent by which the person charged may, under his signature, authorise a Commissioner to proceed with the hearing of the charge in his absence. The person charged may deposit such form duly signed at any Police Station for onward transmission to a Commissioner.

(5) A Commissioner may at any stage during the proceedings, authorise the addition of a fresh charge on a scheduled offence or the substitution of any charge contained in the summons by another charge on a scheduled offence:

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Proceedings  
before a  
Commissioner.

Provided that the person charged shall be afforded a reasonable time within which to prepare for his defence.

Provisions of the Criminal Code applicable to proceedings before a Commissioner.

6. The provisions of the Criminal Code relating to proceedings before the Court of Magistrates shall apply *mutatis mutandis* to proceedings before a Commissioner and a reference made to the Court of Judicial Police in that Code shall, for all intents and purposes of law, be deemed to be a reference made to a Commissioner:

Provided that a Commissioner may proceed with the hearing of the charge in the absence of the person charged where such person has given his consent to such proceedings on the form to which subsection (5) of section 5 of this Act applies and the prosecuting officer does not object.

Registry of the Commissioners.

7. The Registry of the Courts of Magistrates of Judicial Police shall be the Registry of the Commissioners and the records of the Commissioners shall be deposited therein.

Decisions of the Commissioners.

8. (1) Where a Commissioner decides that the person charged has not committed the scheduled offence specified in the charge, the person to whom such decision applies shall not, in respect of such offence, be subject to any further proceedings before a Commissioner or before any court.

(2) Where a Commissioner decides that the person charged has committed the scheduled offence specified in the charge, a Commissioner shall declare such person guilty of an infringement and shall order such person to pay a penalty in an amount not exceeding the maximum of the fine (*multa or ammenda*) prescribed by law for the offence.

(3) Where a Commissioner has made an order for the payment of such penalty, the Secretary shall, as soon as such order is made, proceed to the collection of the penalty.

(4) Any person ordered to pay a penalty under subsection (3) of this section who, without lawful excuse, the proof of which shall lie with such person, fails to pay such penalty within a month from the day on which the order is made, shall be guilty of an offence against this Act, and shall, on conviction, be liable to a fine (*ammenda*) of one pound for every day during which the default continues after the expiration of the said time.

(5) The amount of the penalty shall be due and owing to the Government as a civil debt, liquidated and certain, and may be collected by the Registrar of the Courts after obtaining from a Commissioner the issue of a warrant of seizure against the property of the debtor; and a Commissioner may, for the purposes of this subsection, order the issue of the warrant in the order whereby the payment of the penalty is imposed on the person charged in accordance with the provisions of subsection (2) of this section.

Applications to Court of Judicial Police.

9. (1) Any person who feels himself aggrieved by the decision of a Commissioner may, within six working days from the day on which such decision is given, apply to the Court of Judicial Police to have the judgement of a Commissioner revoked or varied, and the court aforesaid shall thereupon become vested with jurisdiction to decide upon the merits of the application.

(2) For the purpose of exercising its functions under this section, the Court of Judicial Police shall proceed in accordance with the provisions of the Criminal Code:

Provided that the decision on the merits of the application to the Court of Judicial Police shall not be subject to appeal before any other court.

(3) The Court of Judicial Police may, if it considers the application frivolous or vexatious, order the appellant to pay a penalty not exceeding £50.

**10.** (1) Action before a Commissioner shall be subject to the same rules of prescription which may from time to time be applicable to the criminal action taken in respect of an offence mentioned in the Schedule to this Act.

Prescription.

(2) The period of prescription of the criminal action in respect of an offence mentioned in the Schedule to this Act shall be suspended by the proceedings before a Commissioner.

**11.** The Minister responsible for justice may make regulations prescribing or relating to the procedure to be followed by the Commissioners and any other matter that may be expedient for the better carrying into effect of this Act.

Power to make regulations.

**12.** Where on the coming into force of this Act, a person has already been charged in respect of a scheduled offence before the Court of Judicial Police and the stage of the proceedings to which paragraph (a) of section 387 of the Criminal Code refers has not yet been reached, the proceedings upon such charge shall be taken before a Commissioner; and all the provisions of this Act concerning procedure shall be deemed to have been fully complied with.

Transitory provisions.

## SCHEDULE

### Section 2

Offences which may be tried by the Commissioners.

#### 1. *Traffic Regulation Ordinance (Cap. 105)*

### Section 3, 11A.

#### 2. *Motor Vehicles Regulations, 1948*

Regulation 18, 19, 21, 24, 24A, 25, 27, 28, 29, 30, 31, 31A, 32, 33, 34, 35, 35A, 35D, 35E, 35F, 35G, 35J, 57, 58, 58A, 58B, 59, 60, 61, 62, 63, 64, 65, 65A, 66, 67, 68, 68A, 68B, 69, 70, 71, 72, 72A, 73 to 85, 88 to 92, 92A, 92B, 92D, 93, 99, 100A, 101, 102A, 103.

#### 3. *Code of Police Laws (Cap. 13)*

### Section 186A.

#### 4. *Food, Drugs and Drinking Water Act, 1972*

Food Hygiene Regulations, 1969  
Regulation 25.

#### 5. *Supplies and Services Act, 1947*

Agricultural Produce (Marketing) Regulations, 1952  
Regulation 17.

6. *Litter Act, 1968*

Section 3, 4, 5, 8.

7. *Education Act, 1974*

Section 19.

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**Objects and Reasons**

The Bill provides for the appointment of Commissioners of Justice to deal with certain minor offences hitherto falling within the jurisdiction of the Courts of Magistrates of Judicial Police and which are depenalised for the purposes of proceedings before the Commissioners.

100A, 101, 102A, 103  
A8A, 88, 89, 90, 91, 92  
100A, 101, 102A, 103