

MALTA

ATT Nru. XVI ta' I-1980

ATT mahruġ b'ligi mill-Parlament ta' Malta.

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

ACT No. XVI of 1980

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

J. J. CREMONA
Agent President

9 ta' Mejju, 1980

ATT Nru. XVI ta' l-1980

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

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, ħareġ 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 teħtieġx xort' oħra —

“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;

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

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

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

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

Registrar u traskrizzjoni ta' proċedimenti.

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

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

Iżda f'guriġiet ir-Registratur ma jkunx obbligat li jara li ssir it-traskrizzjoni fil-lejla meta, u safejn, il-Qorti Kriminali jew il-Qorti ta' Appelli Kriminali, tkun hekk ordnat.

Iżda, ukoll, kull Qorti tista' tordna li parti biss tal-proċedimenti tiġi traskritta.

(3) It-traskrizzjoni tista' tkun miktuba bl-idejn jew bit-*type-writer* mit-traskritturi kif jordna r-Registratur, u għandha tagħmel parti mill-attijiet tal-proċedimenti.

(4) It-traskrittur għandu jiffirma kull pagna 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-proċedimenti tal-Qorti 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-manjetiċi.

Tista' tiġi registrata s-sustanza tal-proċedimenti.

(2) Meta l-Qorti tordna li s-sustanza biss ta' xiehda għandha tiġi registrata b'mezzi elettro-manjetiċi 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 tinqara mix-xhud waqt jew wara s-seduta u li nota ta' dak il-qari titnizzel 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, iżda l-Qorti għandha tagħmel 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-ħarsien tat-*tapes*:

ħarsien ta' *tapes*.

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

6. Meta tkun ingħatat sentenza finali jew meta l-kwistjoni tkun definita għal kollox jew meta tkun saret it-traskrizzjoni tar-registrazzjoni ir-Registratur jista' jordna li r-registrazzjoni, tithassar:

Thassir ta' *tapes*.

Iżda l-Qorti tista', jew *ex officio* jew fuq talba magħmula, fi żmien sebat ijiem mid-data tar-registrazzjoni, minn kull waħda mill-partijiet, tordna li r-registrazzjoni jew parti minnha ma tithassarx sakemm ma jingħatax kontro-ordni fuq talba tar-Registratur.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 392 tas-7 ta' Mejju, 1980.

C. AGIUS
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

J. J. CREMONA
Acting President

9th May, 1980

ACT No. XVI of 1980

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:—

Short title.

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

Interpretation.

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

“Court” means any Court of Law, Board, Arbitration, 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 Board, Arbitration, 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.

Recording and transcription of proceedings.

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.

(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.

Provided, further, that any Court may order that only part of the proceedings be transcribed.

(3) The transcription may be handwritten or typewritten by the transcribers as the Registrar may direct, and shall form part of the records of the proceedings.

(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.

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.

Substance of proceedings may be recorded.

(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.

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

Custody of tapes.

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

6. Where final judgement has been delivered or where the matter in issue has been finally resolved or where a transcription of the recording has been made, the Registrar may direct that the recording be erased:

Erasure of tapes.

Provided that the Court may, either *ex officio* or on an application filed within seven days from the date of the recording by any of the parties, direct that the recording or any part thereof be not erased until such time as a counter order is given on the application of the Registrar.

Passed by the House of Representatives at Sitting No. 392 of the 7th May, 1980.

C. AGIUS
Speaker

C. MIFSUD
Clerk to the House of Representatives