

REGISTRAR'S CIRCULAR NO: 4 OF 1953

All Presidents, ^{checking of Cash Books} Sessions Courts:

I would refer you to Circular No.(39) in RSC. 138/52 of 29th April, 1953 which is being circulated to all Presidents and Magistrates and which deals (inter alia) with the daily check of cash books etc. prescribed by F.G.O. 70.

2. This check, if done personally, imposes a heavy and irksome burden on Presidents and Magistrates in busy Courts, and in consequence may, at times, be done rather perfunctorily. It will be observed from F.G.O. 70 that it can be done "personally or by representative", and the following comments and suggestions as to delegation may be useful. They are put forward as suggestions only as Presidents may prefer a personal check also because the details of any such delegation can only be worked out on the spot.

3. First it must not be overlooked that the ultimate responsibility rests with the officer concerned, i.e. the President or Magistrate, and even if he delegates the duty to a representative, he is still responsible to see that the representative is a proper one and that the duty is properly carried out. His responsibility to this effect is absolute and therefore any delegation must be carefully considered and supervised. But if this is done a considerable saving in time and consequent efficiency may be secured.

4. It is suggested to this end that :-

- (a) Delegation should only be permitted by a President and in the following way.
- (b) The 'representative' should be a senior and responsible officer, such as a Registrar of a Sessions Court, Senior clerk or Senior Interpreter or other Senior officer in whom the President feels that implicit trust may be placed. This immediately rules out the smaller Courts but in such the duty is much lighter.
- (c) If the officer to whom the President has allowed delegation is absent, for any reason, no other officer should act for him and the officer concerned must check personally.
- (d) The check must be evidenced by 'ticks' in suitable coloured ink or pencil except green which is used by the Audit Department and by initials and date at the end of the day's entries, and must be an adequate check to show that all moneys received on that day have been properly brought to account.
- (e) When a fine is paid in Court, and no receipt is therefore issued, the Cash Book should be posted immediately after the Court's rising and the check should be made between Cash Book and Charge Book. Where receipts have been issued they should also be checked.

- (f) The officer ultimately responsible, i.e. the President or Magistrate concerned, should satisfy himself that the check is being properly carried out in the following manner :-
- (i) By frequent inspection of the books to see that the check is being made every day. Such inspections need only be cursory and need not go into detail, but should be frequent and would probably be most efficacious if made at irregular intervals so that they cannot be foreseen.
 - (ii) By occasional complete counter-checks of cases or transactions for a week or two in order to see that the check being made is a complete and accurate one.
 - (iii) Such inspections and counter-checks should be evidenced in the books, and in the case of counter-checks the period covered should be indicated.

The inspection under (i) should take place at least once a month and the complete counter-check under (ii) at least once in three months and should cover at least a week of entries.

- (g) Any case where it appears the check is not being made daily, should be reported by a Magistrate to the President and must be considered as a serious matter. It is essential that the check be made daily and this should be impressed on the checking officer. If the counter-checks lead to the belief that the checking officer is careless or incapable of an accurate check, the Magistrate should inform the President.

5. It is not suggested that delegation should extend further than to the daily detailed check between Charge Book and Cash Book (and receipts). The President or Magistrate should still :-

- (a) Personally endorse all cheques and money orders received.
- (b) Countersign the Bank Paying-In-Slips so that they cannot be changed or substituted. (All he will have to do is to ensure that the total in the Bank slips tallies with the Cash Book.)
- (c) Sign the Weekly Collector's Statement based on such Paying-In-Slips.

6. If this procedure is followed, considerable relief will be afforded to busy Presidents and Magistrates, in Courts where the work is heavy. But I would emphasize the necessity of the continuous adherence to the safeguards suggested :-

- (a) The careful selection of a responsible and "reliable representative".

(b) The counter-checks laid down

(c) Constant vigilance. The ultimate responsibility for seeing that such a system works, rests on the officer primarily responsible, i.e. President or Magistrate concerned, and this must never be forgotten.

7. This Circular has been drawn up after consulting the President, Sessions Court, Kuala Lumpur, and has been submitted to the Director of Audit who has no objection to the suggestions contained therein.

B. V. Rhodes

AG. REGISTRAR.
(B. V. RHODES)

THE FEDERAL REGISTRY, SUPREME COURT,
Federation of Malaya.

Kuala Lumpur, 29th April, 1953.
(No. 40 in RSC.138/52/TKC)