

320. Il-Kap tal-Oppożizzjoni l-Onor. Adrian Delia, l-Onor. David Agius, l-Onor. Jason Azzopardi, l-Onor. Therese Comodini Cashia u l-Onor. Robert Cutajar jipponu:

L-Ewwel Qari ta' Abbozz ta' Liġi msejjaħ "Abbozz ta' Liġi li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

26.02.2020

*Abbozz ta' Ligi imsejjah Att biex jipprovdi għall-protezzjoni
kontra kawzi strategici kontra l-partecipazzjoni pubblika
("SLAPP" suits)*

JIGI APPROVAT mill-President, fuq u bil-parir u kunsens tal-Kamra tar-Rapprezentanti, f'dan il-Parlament imlaqqa', u bl-awtorita' tal-istess, kif gej:-

Titolu fil-qosor

It-titolu qasir ta' dan l-Att hu l-Att tal-2020 li jemenda l-Kodici ta' Organizazzjoni u Procedura Civili minn hawn imsejjah l-"Att Principali".

Emenda tal-Art. 827 tal-Att Principali

Art. 827 (l)(c) għandu jigi emendat biex jaqra kif gej:

"(c) jekk is-sentenza jkollha xi disponiment kuntrarju għall-ordni pubbliku jew kuntrarja għal-ligi pubblika interna ta' Malta;

Għall-finijiet ta' dan is-sub-artiklu, sentenza mogħtija kontra persuna jew entita' normalment residenti jew domiciljata jew li topera gewwa Malta fuq kwistjoni ta' allegat malafama jew libell jew dwar delitt jew kwazi delitt naxxenti minn xi publikazzjoni kif definita fl-Att dwar Media u Defamazzjoni (Kap. 579) tkun meqjusa kuntrarja għall-ordni pubbliku jew il-ligi pubblika interna ta' Malta sakemm il-persuna jew entita' ma tkunx iddefendiet il-kaz fil-qorti estera li tkun tat is-sentenza li l-ezekuzzjoni tagħha tkun qed tigi mitluba f'Malta.

Emenda tal-Art 827 (2) tal-Att Principali

Wara l-kliem "għall-finijiet ta' dan l-artiklu" jiddahhlu l-kliem "u dan mingħajr pregudizzju għall-provvedimenti tal-Art. 827 (l)(c)"



Emenda konsegwenzjali ghall-Att dwar Media u Defamazzjoni (Kap 579)

L-Art 2 jigi emendat kif gej:

Art 2 (Tifsiriet)

"Pubblikazzjoni" tfisser kwalunkwe att li permezz tieghu materja stampata tkun, jew tista' tigi, kkomunikata jew migjuba a konjizzjoni ta' xi persuna jew li bih kliem jew viziv ikunu trasmessi, u ghall-finijiet u effetti kollha tal-ligi tkun kwistjoni ta' ordni pubbliku f'Malta illi kull procediment legali dwar xi publikazzjoni maghmula minn persuna jew entita' normalment residenti jew domiciljata jew li topera gewwa Malta ghandu jingab fil-Qrati jew Tribunali ta' Malta u tali Qrati jew Tribunali ghandhom ikollhom gurizdizzjoni esklussiva biex jisimghu u jiddeciedu tali procedimenti u dan anke jekk il-pubblikazzjoni in kwistjoni tkun ospitata jew imxandra minn sistemi ('servers' jew simili) operati barra minn Malta"

Ragunijiet u Ghanijiet

L-ghan ta' dan l-Abbozz hu biex ma jhallix l-ezekuzzjoni f'Malta mill-Qrati Maltin ta' decizjoni moghtija minn Qrati barra minn Malta wara kawzi migjuba biex jiccensuraw, jintimidaw u jwaqqfu kritici f'Malta billi jgiegheluhom ihallsu spejjez legali kbar u jidhlu ghal inkonvenjent sostanzjali li jaw iwassal lil dawn li jabbandunaw il-kritika jew oppozizzjoni taghhom, liema xkiel fuq il-liberta' tal-espressjoni u l-informazzjoni mhijjex accettabbli f'socjeta' demokratika.



A BILL entitled AN ACT to provide for the protection from strategic lawsuits against public participation ("SLAPP suits")

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

The short title of this Act is the Code of Organisation and Civil Procedure (hereinafter referred to as "the principal Act) (Amendment) Act 2020

Amendment of article 827 of the principal law.

Article 827 (1)(c) shall be amended to read as follows:

"(c) if the judgement contains any disposition contrary to the public policy or to the internal public law of Malta;

For the purposes of this sub-article, a judgement delivered on a matter of alleged defamation or libel or tort or quasi-tort arising out of a publication as defined in the Media and Defamation Act (Chap. 579) against a person or entity normally resident or domiciled in or operating within Malta shall be deemed to be contrary to the public policy or to the internal public law of Malta unless the said person or entity has defended the case in the foreign court that shall have delivered the judgement that is sought to be enforced."

Amendment of Article 827(2) of the principal law:

After the words "For the purposes of this article" insert the words "and without prejudice to the provisions of Article 827 (1) (c)"



Consequential amendment to the Media and Defamation Act, (Chapter 579)

Article 2 shall be amended to read as follows:

"publication" means any act whereby any printed matter is or may be communicated to or brought to the knowledge of any person or whereby any words or visual images are broadcast and for all intents and purposes at law it shall be a matter of the public policy of Malta that proceedings in respect of any publication made by a person or entity normally resident or domiciled in or operating within Malta shall be brought in the Courts or Tribunals of Malta and such Courts or Tribunals shall have exclusive jurisdiction to hear and determine such proceedings and this irrespective of whether the publication in question is hosted or otherwise broadcast from servers located outside Malta"

Objects and Reasons

The purpose of this Bill is to prevent the execution in Malta by the Maltese courts of law of strategic lawsuits against public participation intended to censor, intimidate, and silence critics by burdening them with the exorbitant cost and substantial material inconvenience of a legal defence such that they may abandon their criticism or opposition, which restriction on freedom of expression and information is unacceptable in a democratic society.

