

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

31 ta' Diċembru, 2002

ATT Nru. XXXI ta' l-2002

ATT biex jimplimenta varji miżuri li għandhom x'jaqsmu ma' azzjonijiet ġudizzjarji u miżuri amministrattivi oħrajn li għandhom x'jaqsmu miegħu.

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:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2002 dwar il-Proċeduri fil-Qrati u fit-Tribunali. Titolu fil-qosor.

TAQSIMA I

2. (1) Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandha tinqara u tinftiehem haġa wahda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed il-quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emendi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jibdew isehhu f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima.

Emenda ta' l-
artikolu 2 tal-
Kodiċi.

3. L-artikolu 2 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) fl-ahharnett tas-subartikolu (1) tieghu ghandhom jiżdiedu l-kliem li ġejjin:

"Kull qorti tista' tiġi maqsuma f'sezzjonijiet differenti."; u

(b) is-subartikolu (2) tieghu ghandu jiġi enumerat mill-ġdid bhala s-subartikolu (3) u s-subartikolu ġdid li ġej ghandu jiġi miżjud wara s-subartikolu (1):

"(2) Sakemm ma jiġix stabbilit mod ieħor b'liġi, il-President ta' Malta jista' b'Ordni jistabbilixxi s-sezzjonijiet ta' kull Qorti, u jistabbilixxi l-kategoriji ta' kawzi mogħtija lil kull sezzjoni; u jista' b'Ordni sussegwenti jemenda, jirrevoka jew jibdel dik l-Ordni."

Emenda ta' l-
artikolu 8 tal-
Kodiċi.

4. Minnufih wara s-subartikolu (2) ta' l-artikolu 8 tal-Kodiċi ghandu jiżdied is-subartikolu ġdid li ġej:

"(3) Xejn fid-disposizzjonijiet tas-subartikolu ta' qabel dan ma ghandu jitqies li jipprekludi mhallef jew maġistrat milli jikkomunika ma' l-avukat jew mal-prokuratur legali ta' parti rigward kull haġa li ghandha x'taqsam mal-konduzzjoni ta' kawza pendent quddiem l-imhallef jew il-maġistrat:

Iżda maġistrat ma jkunx prekluz milli jkollu komunikazzjoni għall-ghanjiet ta' xi inkjesta fi kwistjoni kriminali meta dan il-maġistrat ikun qed jagħmel inkjesta taht it-Titolu II tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi Kriminali."

Emenda ta' l-
artikolu 10 tal-
Kodiċi.

5. Fis-subartikolu (1) ta' l-artikolu 10 tal-Kodiċi, minflok il-kliem "L-Imħallfin, inkluzi aġenti mħallfin, ghandhom" ghandhom jiġu sostitwiti l-kliem "L-Imħallfin ghandhom."

Emenda ta' l-
artikolu 11 tal-
Kodiċi.

6. L-Artikolu 11 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tieghu ghandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-President ta' Malta ghandu jassenja lil kull wieħed mill-imħallfin il-qorti jew is-sezzjoni tal-qorti li fiha ghandu joqghod, u jista' jbidel imhallef minn qorti jew sezzjoni ta' qorti għal oħra:

Iżda mhallef jista' jiġi assenjat li joqghod f'iktar minn qorti wahda jew f'iktar minn sezzjoni wahda ta' qorti wahda jew aktar.";

(b) fis-subartikolu (2) tiegħu, il-kliem "jew aġent imhalled" għandhom jithassru; u

(ċ) is-subartikoli (3) u (4) tiegħu għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

"(3) Din is-surroga tista' ssir ukoll fil-każ li tibattal kariga ta' mhallaf.

(4) Kull assenjazzjoni jew tibdil ta' dmirijiet, jew surroga, u kull taqsim ta' dmirijiet in generali, dwar l-imhallfin, għandhom jitqiesu li jkunu ġew notifikati kif imiss u biżżejjed għall-finijiet kollha jekk jitwawhal avviż dwarhom f'dak ir-registru li l-Ministru jista' jippreskrivi għal dan il-ghan taht l-artikolu 27 qabel jew malli jibda il-perjodu li fih dik l-assenjazzjoni, dak it-tibdil, dik is-surroga jew dak it-taqsim għandhom isehhu."

7. Is-subartikolu (1) ta' l-artikolu 12 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 12 tal-Kodiċi.

"(1) Id-disposizzjonijiet ta' l-artikoli 8, 9, 10 u 11 għandhom, *mutatis mutandis*, ukoll japplikaw għall-President tal-Qorti ta' l-Appell."

8. L-artikoli 13 u 14 tal-Kodiċi għandhom jiġu mħassra.

Thassir ta' l-artikoli 13 u 14 tal-Kodiċi.

9. Minflok l-artikolu 15 tal-Kodiċi għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 15 tal-Kodiċi.

"15. Id-disposizzjonijiet ta' l-artikoli 8, 9, 10 u 11 għandhom, *mutatis mutandis*, japplikaw għall-maġistrati."

10. L-artikolu 16 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 16 tal-Kodiċi.

(a) minnufih wara l-kliem "L-imhallfin u l-maġistrati ma jistgħux ikollhom" għandhom jiżdiedu l-kliem "ebda professjoni, negozju jew kummerċ, jew";

(b) minnufih wara l-kliem "kariga ġudizzjarja f'Qorti" għandhom jiżdiedu l-kliem "jew tribunal"; u

(ċ) il-kliem "u, fil-każ ta' maġistrat, il-kariga ta' Reviżur ta' l-atti nutarili" għandhom jiġu mħassra."

11. L-artikoli 17 sa 20 tal-Kodiċi għandhom jithassru.

Thassir ta' l-artikoli 17 sa 20 tal-Kodiċi.

Sostituzzjoni ta' l-artikolu 27 tal-Kodiċi.

12. L-artikolu 27 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"27. (1) Għandu jkun hemm dak in-numru ta' registri li l-Ministru responsabbli għall-gustizzja jista' jippreskrivi b'regolamenti. Dawn ir-regolamenti jistgħu ukoll jistabilixxu l-post tar-registri, l-atti li kull registru hu kompetenti li jirċievi u l-kwistjonijiet l-oħra kollha neċessarji għall-funzjoni tagħhom kif ikun xieraq.

(2) Kull disposizzjoni f'dan il-Kodiċi jew f'liġi jew regolament ichor li tagħmel referenza għal registru jew għal sezzjoni ta' qorti għandha tinftiehem bhala referenza għar-registru ta' qorti jew ta' sezzjoni stabbiliti għal dak il-għan taht is-subartikolu (1) ta' dan l-artikolu.

(3) Il-Ministru responsabbli għall-gustizzja għandu jahtar ufficjal pubbliku biex ikun responsabbli għal kull registru li hu stabbilit taht is-subartikolu (1), u fl-għemil ta' dik il-hatra, il-Ministru responsabbli għall-gustizzja jista' wkoll jiddetermina l-funzjonijiet li għandhom jitwettqu mill-persuna u l-hwejjeġ kollha ancilljari."

Sostituzzjoni ta' l-artikolu 28 tal-Kodiċi.

13. L-artikolu 28 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Arkivji tal-Qorti.

28. Ikun hemm dawk l-arkivji li fihom jiġu depożitati l-atti kollha tal-qorti li għandhom jiġu depożitati kif jinghad fl-artikolu 65. Il-Ministru responsabbli għall-gustizzja jista' jippreskrivi n-numru ta' arkivji li għandhom jiġu mwaqqfa, l-atti li għandhom jiġu depożitati f'kull wieħed minnhom, il-post tagħhom, il-mod li bih għandhom jiazammu d-dokumenti u kull haġa oħra li għandha x'taqsam jew li hi ancilljari għalihom."

Emenda ta' l-artikolu 29 tal-Kodiċi.

14. L-artikolu 29 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "minn żewġ imhallfin u maġistrat mahtura mill-President ta' Malta, mill-Avukat Ġenerali u mill-President tal-Kamra ta' l-Avukati" għandhom jidhlu dawn il-kliem "minn imhalletf, li jkun imhalletf li jkun appuntat biex jservi fil-Qorti Kriminali jew fil-Qorti ta' l-Appelli Kriminali, minn maġistrat, u kemm l-imhalletf kif ukoll il-maġistrat jiġu appuntati mill-President ta' Malta, mill-

Avukat Ġenerali, mill-President tal-Kamra ta' l-Avukati u mill-President tal-Kamra tal-Prokuraturi Legali";

(b) fis-subartikolu (2) tiegħu:

(i) minflok il-kliem "it-tmexxija tal-qrati" ghandhom jidhlu l-kliem "it-tmexxija tal-kawżi";

(ii) minnufih wara l-paragrafu (f) ghandu jiżdied il-paragrafu li ġej:

"(g) sabiex jiġu stabbiliti proċeduri ta' tmexxija ta' kawżi"; u

(iii) minnufih wara l-proviso preżenti ghandu jiżdied il-proviso li ġej:

"Izda wkoll il-Ministru responsabbli għall-gustizzja jista' fin-nuqqas ta' Regoli tal-Qrati magħmula skond id-disposizzjonijiet ta' dan is-subartikolu, jagħmel regolamenti fuq kull haġa msemmija f' dan is-subartikolu.";

(c) fis-subartikolu (3) tiegħu minflok il-kliem "membru ieħor ma jkunx preżenti" ghandhom jidhlu l-kliem "żewġ membri oħra ma jkunux preżenti"; u

(d) is-subartikolu (6) tiegħu ghandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(6) Il-Prim Imhalled jista' minn żmien għal żmien iscejjah laqgħat ta' l-imhallfin u maġistrati, kemm flimkien kif ukoll separatament, u ghandu b'mod regolari jikkonsulta ma' l-istess, individwalment jew kollettivament, dwar affarijiet li jikkonċernaw it-tmexxija u l-proċedura tal-kawżi, l-applikazzjoni u t-tmexxija ta' proċeduri u regoli tal-qrati, l-implimentazzjoni ta' proċeduri amministrattivi li ghandhom x'jaqsmu mat-tmexxija u l-proċeduri tal-kawżi, ir-relazzjonijiet bejn il-membri tal-ġudikatura u l-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja, il-formulazzjoni ta' Regoli tal-Qorti u affarijiet oħra li l-Prim Imhalled jidhirlu xieraq li ghandu jressaq għad-diskussjoni.".

15. L-artikolu 31 tal-Kodiċi ghandu jithassar.

Thassir ta' l-artikolu 31 tal-Kodiċi.

Sostituzzjoni ta' l-artikolu 32 tal-Kodiċi.

16. L-artikolu 32 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Qorti Ċivili.

32. (1) Imhalled wicied jippresjedi f'kull sezzjoni tal-Qorti Ċivili.

(2) Il-Qorti Ċivili taqta' l-kawzi kollha ta' natura ċivili jew kummerċjali, u dawk il-kawzi l-oħra kollha li l-liġi tgħid espressament li għandha tiegħu konjizzjoni tagħhom."

Sostituzzjoni ta' l-artikolu 33 tal-Kodiċi.

17. L-artikolu 33 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Ġurisdizzjoni volontarja.

33. L-eżerċizzju tal-ġurisdizzjoni volontarja fi hwejjeg ta' natura ċivili jkun mogħti lill-Qorti Ċivili."

Emenda ta' l-artikolu 39 tal-Kodiċi.

18. Fl-artikolu 39 tal-Kodiċi minflok il-kliem "Prim'Awla jew f'xi sezzjoni" għandhom jidhlu l-kliem ", jew xi sezzjoni".

Tbassir ta' l-artikolu 39A tal-Kodiċi.

19. L-artikolu 39A tal-Kodiċi għandu jithassar.

Sostituzzjoni ta' l-artikolu 41 tal-Kodiċi.

20. L-artikolu 41 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Qorti ta' l-Appell.

41. (1) Kull sezzjoni tal-Qorti ta' l-Appell hija magħmula mill-Prim Imhalled u żewġ imhallfin oħra.

(2) (a) Fejn il-Qorti ta' l-Appell tkun tikkonsisti f'aktar minn sezzjoni waħda u wicied mill-imhallfin, li ma jkunx il-Prim Imhalled, li joqghod f'waħda mis-sezzjonijiet jastjeni jew mod ieħor jiġi rikuzat, u jekk din ir-rikuża tiġi aċċettata, il-kawża li fiha ssehh dik l-astensjoni jew rikuzat għandha tinstema' minn sezzjoni oħra mis-sezzjonijiet l-oħra li tiġi preskritta bl-Ordni li jistabbilixxi s-sezzjonijiet ta' dik il-Qorti.

(b) Meta jiġi rikużat u dik ir-rikuża tiġi aċċettata jew jastjeni l-Prim Imhallef, l-imhallef bl-aktar preċedenza (li ma jkunx il-Prim Imhallef) f'dik is-sezzjoni oħra li tista' tiġi preskritta fl-imsemmi Ordni, għandu jiġi surrogat għall-Prim Imhallef f'dik is-sezzjoni fejn il-kawża qed tinstema'.

(ċ) Meta, minkejja d-disposizzjonijiet ta' kull provvediment imsemmi fil-paragrafi (a) u (b) il-kawża ma tkunx tista' tinstema minn ebda sezzjoni skond kif provdut f'dik l-Ordni minhabba ir-rikuża jew l-astensjoni tal-Prim Imhallef jew xi wieħed mill-imhallfin l-oħra, il-President ta' Malta jissuroga imhallef ieħor jew imhallfin oħra biex joqgħod jew joqgħodu minflok l-imhallfin li jkunu ġew rikużati jew legittimament impediti fis-sezzjoni fejn il-kawża tkun l-ewwel ġiet assenjata taht id-disposizzjonijiet tas-subartikolu (2).

(3) Il-Qorti ta' l-Appell tisma' u tiddeċiedi l-appelli kollha mid-deċiżjonijiet tal-Qorti Ċivili, u tal-Qorti tal-Maġistrati (Għawdex) fil-kompetenza superjuri tagħha.

(4) Il-Qorti ta' l-Appell tisma' u tiddeċiedi ukoll l-appelli mid-deċiżjonijiet tal-Qorti tal-Maġistrati (Malta) u tal-Qorti tal-Maġistrati (Għawdex) fil-kompetenza inferjuri tagħhom. Izda, għall-ghanijiet ta' dawn l-appelli, il-Qorti ta' l-Appell tkun kostitwita minn wieħed biss mill-membri tagħha, u kull wieħed mill-Imhallfin, mahtura mill-President ta' Malta biex jippresjedu fis-smigh ta' dawn l-appelli, jitqies bhala membru ta' dik il-Qorti.

(5) Meta l-Qorti ta' l-Appell għandha tisma' appelli mill-Qrati tal-Maġistrati (Għawdex) fil-ġurisdizzjoni inferjuri tagħha, jkollha s-sede tagħha fil-bini tal-qrati f'Għawdex."

21. L-artikolu 47 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fit-test Malti tas-subartikolu (1) tiegħu il-kliem "Maġistrat wieħed joqgħod" għandhom jiġu sostitwiti bil-kliem

Emenda ta' l-artikolu 47 tal-Kodiċi.

"Magistrat wihed jippresjedi"; u

(b) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(3) Izda l-kawzi li fihom jidhlu kwistjonijiet dwar il-proprjetà ta' beni immobbli, jew li għandhom x'jaqsmu ma' servitujiet, piżijiet jew drittijiet oħra mgħaqqdin mal-beni immobbli, inkluża kull talba għal żgumbrament jew tkeċċija minn beni immobbli kemm urbani kif ukoll rurali, mikrija jew okkupati minn persuni li joqghodu jew li għandhom l-abitazzjoni ordinarja tagħhom fil-limiti tal-ġurisdizzjoni ta' dik il-qorti, ma jidhlux fil-kompetenza tal-Qorti tal-Magistrati (Malta) indipendentement mill-valur tat-talba."

Thassir ta' l-artikolu 48 tal-Kodiċi.

22. L-artikolu 48 tal-Kodiċi għandu jithassar.

Sostituzzjoni ta' l-artikolu 49 tal-Kodiċi.

23. L-artikolu 49 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Appell mid-deċiżjonijiet tal-Qorti tal-Magistrati.

49. Mid-deċiżjonijiet tal-Qorti tal-Magistrati (Malta) jew tal-Qorti tal-Magistrati (Għawdex), jinghata appell lill-Qorti ta' l-Appell, kostitwita kif jingħad fl-artikolu 41(6)."

Emenda ta' l-artikolu 54 tal-Kodiċi.

24. Fl-artikolu 54 tal-Kodiċi minflok il-kliem "lis-Sekond'Awla tal-Qorti Ċivili" għandhom jidhlu l-kliem "lill-Qorti Ċivili fil-ġurisdizzjoni volontarja tagħha".

Thassir ta' l-artikolu 55 tal-Kodiċi.

25. L-artikolu 55 tal-Kodiċi għandu jithassar.

Sostituzzjoni ta' l-intestatura tal-Titolu IV ta' l-Ewwel Ktieb tal-Kodiċi.

26. L-intestatura li tinsab qabel l-artikolu 57 tal-Kodiċi għandha tiġi sostitwita b'dan li ġej:

"Titolu IV - TA' L-UFFIĊJALI EżEKUTTIVI TAL-QORTI."

Sostituzzjoni ta' l-artikolu 57 tal-Kodiċi.

27. L-artikolu 57 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

ġdid li ġej:

"Dmirijiet tad-Direttur Ġenerali (Qrati).

57. (1) Id-Direttur Ġenerali (Qrati) ikun mahtur mill-Prim Ministru u, sakemm il-Ministru responsabbli għall-ġustizzja ma jiddeċidix mod ieħor, ikun responsabbli għall-amministrazzjoni tar-reġistri, l-arkivji, is-servizzi tal-qorti u l-uffiċċji amministrattivi l-oħra kollha tal-qrati.

(2) Id-Direttur Ġenerali (Qrati) ikollu l-funzjonijiet, is-setgħat u d-dmirijiet mogħtija lilu b'dan il-Kodiċi jew b'kull liġi oħra applikabbli, kif ukoll b'kull regolament li jista', minn żmien għal żmien, isir mill-Ministru responsabbli għall-ġustizzja taħt dan l-artikolu.

(3) Id-dmirijiet tad-Direttur Ġenerali (Qrati) għandhom jiġu mwettqa mid-Direttur Ġenerali (Qrati) innifsu jew minn dawk il-persuni l-oħra jew minn uffiċċjali eżekuttivi tal-qrati li l-Ministru responsabbli għall-ġustizzja jista' b'regolament jahtar, jew fin-nuqqas ta' regolament ta' din ix-xorta, minn kull persuna mahtura għal hekk mid-Direttur Ġenerali (Qrati); regolamenti ta' din ix-xorta jistgħu wkoll jispeċifikaw d-dmirijiet li għandhom jitwettqu minn kull persuna jew uffiċċjali bħal dawk."

28. L-artikolu 58 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 58 tal-Kodiċi.

"Reġistri.

58. (1) Ikun hemm dawk ir-reġistri tal-Qrati u tat-tribunali oħra stabbiliti bil-liġi kif il-Ministru responsabbli għall-ġustizzja jista', b'regolamenti taħt dan l-artikolu, jistabbilixxi.

(2) Dawn ir-regolamenti għandhom jassenjaw lil kull Qorti jew tribunal ir-reġistru li għandu jkun għad-disposizzjoni ta' dik il-Qorti jew dak it-tribunal u reġistru wieħed jista', skond dawk ir-regolamenti, ikun għad-disposizzjoni ta' aktar minn Qorti waħda jew tribunal wieħed.

(3) Kull referenza f'xi liġi għal reġistru ta' Qorti jew tribunal partikolari għandha tinftehem bħala referenza għar-reġistru assenjat lil dik il-qorti jew tribunal mill-Ministru f'regolamenti magħmulin taht dan l-artikolu.

(4) Kull reġistru għandu jkun immexxi minn uffiċjal pubbliku mahtur mill-Ministru għal dak il-ghan, u fin-nuqqas ta' dik il-hatra, mid-Direttur Ġenerali (Qrati). Il-kap ta' kull reġistru huwa hawn iżjed 'il quddiem imsejjah "ir-reġistratur".

(5) Kull reġistratur ikollu l-funzjonijiet, is-setgħat u dmirijiet mogħtija lilu b'dan il-Kodiċi jew b'kull liġi oħra applikabbli, kif ukoll b'kull regolament li jista', minn żmien għal żmien, isir mill-Ministru responsabbli għall-ġustizzja.

(6) Id-dmirijiet tar-reġistratur, inkluż kull dmir matul is-seduti tal-qrati, għandhom jiġu mwettqa mir-Reġistratur innifsu jew minn dawk il-persuni oħra jew minn uffiċjali eżekuttivi tal-qrati li l-Ministru responsabbli għall-ġustizzja jista' jahtar, jew fin-nuqqas ta' hatra ta' din ix-xorta, minn kull persuna mahtura għal hekk mir-Reġistratur, u hatra ta' din ix-xorta tista' wkoll tispeċifika d-dmirijiet li għandhom jitwettqu minn kull persuna jew uffiċjal bħal dawn.

(7) Kull disposizzjoni f'dan il-Kodiċi jew f'regolament li tagħmel referenza għar-Reġistratur għandha tinftehem bħala referenza għar-reġistratur ta' dak ir-reġistru li għalih tirreferi id-disposizzjoni jew għar-reġistratur li jkun imexxi r-reġistru assenjat lil dik il-Qorti u, fin-nuqqas ta' kull referenza ta' din ix-xorta, għandha tinftehem bħala referenza għar-reġistratur responsabbli għar-reġistru assenjat lill-Qorti Ċivili.

(8) Bla hsara ghad-disposizzjonijiet ta' dan il-Kodiċi u ta' kull regola maghmula taht l-artikolu 29, ir-registratur jichu l-ordnijiet mill-awtoritajiet ġudizzjarji dwar hwejjeġ li ghandhom x'jaqsmu ma' kull proċedura legali u dwar hwejjeġ li ghandhom x'jaqsmu ma' kull att ġudizzjarju, jiġifieri:

(a) fil-qrati superjuri fi hwejjeġ li jikkonċernaw qorti partikolari, jichu l-ordnijiet mill-imhallef jew mill-imhallfin, jekk ikun hemm żewġ imhallfin jew iktar, ta' dik il-qorti; f'kazijiet ohra, jichu l-ordnijiet mill-Prim Imhallef; u

(b) fil-qrati inferjuri, jichu l-ordnijiet mill-maġistrati tal-qorti partikolari.

(9) Id-disposizzjonijiet tas-subartikolu (8) ghandhom, bla hsara ghad-disposizzjonijiet ta' l-artikolu 69, jghoddu *mutatis mutandis* ghal uffiċjali eżekuttivi tal-qorti.

(10) Id-Direttur Ġenerali (Qrati), ir-Registratur u kull uffiċjal eżekuttiv tal-qorti mahtur ghal hekk mill-Ministru responsabbli għall-ġustizzja ghandhom, għall-ghanjiet ta' l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, ikunu *ex officio* Kummissjunarji b'setgħa li jagħtu ġurament."

29. L-artikolu 60 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 60 tal-Kodiċi.

"60. Meta d-Direttur Ġenerali (Qrati) u kull Registratur jidhlu għad-dmirijiet tal-kariga tagħhom, ghandhom jichdu quddiem il-Qorti ta' l-Appell, il-ġurament ta' lealtà imsemmi fl-artikolu 10, u l-ġurament tal-kariga skond il-formola li ġejja:

Jiena nahlef li naghmel bil-haqq u bis-sewwa u birreqqa kollha d-dmirijiet ta' Direttur Ġenerali / Registratur, mill-ahjar li nista' u li naf, u bl-ahjar hila tiegħi. Hekk Alla jghini."

30. L-artikolu 65 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

Sostituzzjoni ta' l-artikolu 65 tal-Kodiċi.

ġdid li ġej:

"Arkivji.

65. (1) Ikun hemm dawk l-arkivji tal-Qrati u tat-tribunali ohra stabbiliti bil-liġi kif il-Ministru responsabbli għall-ġustizzja jista', b'regolamenti taht dan l-artikolu, jistabbilixxi.

(2) Dawn ir-regolamenti għandhom jassenjaw lil kull Qorti jew tribunal l-arkivji li fihom għandhom jiġu depożitati ir-rekords u l-atti ta' dik il-Qorti jew ta' dak it-tribunal, u jistgħu, b'dawk ir-regolamenti, jiġu depożitati ir-rekords ta' iktar minn Qorti wahda jew tribunal wiehed f'xi arkivju partikolari.

(3) Id-Direttur Ġenerali (Qrati), ikun responsabbli għall-aministrazzjoni ta' l-arkivji u għandu, suġġett għad-disposizzjonijiet ta' dan il-Kodiċi jew ta' xi liġi ohra, jagħti dawk id-direttivi li jista' jidhirlu meħtieġa għall-hażna xierqa ta' dokumenti fl-arkivji, l-aċċess għal dawk l-arkivji, l-ghemil u l-awtentikazzjoni ta' kopji u għal kull haġa ohra li għandha x'taqsam ma' l-arkivji.

(4) Il-Ministru msemmi jista' minn zmien għal zmien jagħmel regolamenti li jirregolaw l-arkivji u t-thaddim tagħhom."

Sostituzzjoni ta' l-artikolu 66 tal-Kodiċi.

31. L-artikolu 66 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"66. (1) Il-Ministru responsabbli għall-ġustizzja għandu jahtar persuni biex jaġixxu għad-Direttur Ġenerali (Qrati), ir-Registratur u kull uffiċjal eżekuttiv tal-qorti fil-każ ta' assenza jew impediment ieħor bil-liġi tad-Direttur Ġenerali (Qrati), ir-registraturi, jew kull uffiċjal eżekuttiv tal-qorti ieħor, kif ikun il-każ."

Thassir ta' l-intestatura fl-Ewwel Ktieb tal-Kodiċi.

32. L-intestatura "Titolu V - Tal-Marixxalli, Purtieri u Uffiċjali Eżekuttivi Ohrajn" li tidher minnufih qabel l-artikolu 67 tal-Kodiċi għandha tithassar.

Sostituzzjoni ta' l-artikolu 67 tal-Kodiċi.

33. L-artikolu 67 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"67. (1) Għandu jkun hemm uffiċjali eżekuttivi tal-

qorti li jkunu inkarigati bin-notifika u bl-eżekuzzjoni ta' atti ġudizzjarji, mandati u ordnijiet oħra mogħtija mill-Qrati, mill-Imħallfin u mill-Maġistrati, u biex iwettqu dawk id-dmirijiet l-oħra li jistgħu jiġu lilhom assenjati mid-Direttur Ġenerali (Qrati) u mir-registraturi.

(2) Il-Ministru responsabbli għall-ġustizzja jista', b'regolamenti magħmula taht dan l-artikolu, jahtar l-uffiċjali li jkunu uffiċjali eżekuttivi tal-qorti, u jippreskrivi d-dmirijiet, is-setgħat u r-responsabbilitajiet tagħhom rispettivi u jista' jirregola kull haġa oħra li jista' jkollu neċessarja għat-tweqqif abjar tal-funzjonijiet tagħhom."

34. L-artikolu 68 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 68 tal-Kodiċi.

(a) minflok in-nota marginali tiegħu, għandha tidhol din li ġejja:

"Żamma tal-bon ordni fil-Qrati.";

(b) fis-subartikolu (1) tiegħu minflok il-kliem "Il-Marixxalli" għandhom jidhlu l-kliem "L-uffiċjali eżekuttivi tal-Qorti mahtura għal dak il-ghan mill-Ministru responsabbli għall-ġustizzja";

(ċ) fis-subartikolu (2) tiegħu minflok il-kliem "kull marixxal" għandhom jidhlu l-kliem "kull uffiċjal bħal dan", u minflok il-kliem il-kliem "mir-Registratur tal-Qrati" għandhom jidhlu l-kliem "mid-Direttur Ġenerali (Qrati)"; u

(d) fis-subartikolu (3) tiegħu minflok il-kliem "il-marixxal" għandhom jidhlu l-kliem "dak l-uffiċjal".

35. L-artikolu 69 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 69 tal-Kodiċi.

"L-uffiċjali eżekuttivi tal-qorti jsejwixxu dmirijiethom personalment.

69. (1) L-uffiċjali eżekuttivi tal-qorti għandhom jsejwixxu d-dmirijiet tagħhom huma nfushom blief fil-kazijiet preskritti minn regolamenti magħmula mill-Ministru responsabbli għall-ġustizzja, jew mir-Regoli tal-Qorti jew, fin-nuqqas ta' dawn ir-regolamenti jew regoli, skond l-ordnijiet, ukoll bil-fomm, ta' l-imħallfin jew maġistrati kif jingħad fl-artikolu 58.

(2) Id-disposizzjonijiet ta' l-artikolu 59 iġoddu għall-uffiċjali eżekuttivi tal-qrati u għal dawk li jagħmlu flokhom."

*Emenda ta' l-artikolu 70 tal-Kodiċi.

36. Is-subartikolu (1) ta' l-artikolu 70 tal-Kodiċi għandu jithassar u s-subregolament (2) tiegħu għandu jiġi numerat mill-ġdid bħala l-artikolu shih, u minflok il-kelma "purtieri" fin-nota marginali tiegħu għandhom jidhlu l-kliem "uffiċjali csekuttivi tal-Qorti".

Thassir tat-Titolu VI ta' l-Ewwel Ktieb tal-Kodiċi.

37. It-Titolu VI ta' l-Ewwel Ktieb tal-Kodiċi għandu jithassar.

Sostituzzjoni ta' intestatura fl-Ewwel Ktieb tal-Kodiċi.

38. Minflok l-intestatura "Titolu VII Ta' l-Avukati" li tidher minnufih qabel l-artikolu 78A tal-Kodiċi, għandha tiġi sostitwita l-intestatura "Titolu V Tal-Professjoni Legali".

Emenda ta' l-artikolu 84 tal-Kodiċi.

39. Fis-subartikolu (4) ta' l-artikolu 84 tal-Kodiċi, minflok il-kliem "lir-registratur tal-qrati tal-ġustizzja" għandhom jidhlu l-kliem "lir-registraturi".

Thassir ta' intestatura fl-Ewwel Ktieb tal-Kodiċi.

40. L-intestatura "Titolu VIII Ta' Prokuraturi Legali" li tidher minnufih qabel l-artikolu 85 tal-Kodiċi għandha tithassar.

Thassir intestatura fl-Ewwel Ktieb tal-Kodiċi.

41. L-intestatura "Titolu IX Ta' Kuraturi, Avukati u Prokuraturi Legali *ex officio* u fuq il-Komputisti" li tidher minnufih qabel l-artikolu 89 tal-Kodiċi għandha tithassar.

Sostituzzjoni ta' l-artikolu 91 tal-Kodiċi.

42. L-artikolu 91 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Pubblikazzjoni ta' l-elenku".

91. Elenku tal-membri fil-gruppi mahturin kif imsemmi qabel għandu jiġi publikat fil-Gazzetta."

Thassir ta' intestatura fl-Ewwel Ktieb tal-Kodiċi.

43. L-intestatura "Titolu X - Mġieba Illegali minn Avukati u Prokuraturi Legali" li tidher minnufih qabel l-artikolu 97 tal-Kodiċi għandha tithassar.

Emenda ta' l-artikolu 97 tal-Kodiċi.

44. Minnufih wara l-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 97 tal-Kodiċi, għandu jiddeed dan li ġej:

"(ċ) li xi avukat jew prokuratur legali jikser xi liġi jew Kodiċi ta' l-Etika li jista' jkun fis-schh u li jghodd ghalih,

u kull imhalef jew maġistrat għandu jirrapporta lill-Kummissjoni għall-Amministrazzjoni tal-Ġustizzja kull avukat jew prokuratur legali li jissuspetta li hu hati ta' abbuż ta' din ix-xorta."

45. L-intestatura "Titolu XI - Ta' Assistenti Ġudizzjarji" li tidher minnufih qabel l-artikolu 97A tal-Kodiċi għandha tithassar. Thassir ta' intestatura fl-Ewwel Ktieb tal-Kodiċi.
46. Is-subartikolu (3) ta' l-artikolu 97A tal-Kodiċi għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 97A tal-Kodiċi.
- (a) fil-paragrafi (a) u (d) tiegħu, minflok il-kliem "quddiem qorti superjuri" għandhom jidhru l-kliem "quddiem qorti"; u
- (b) minnufih wara l-paragrafu (c) tiegħu, għandu jiżdied il-paragrafu ġdid li ġej:
- "(f) li jkollhom dawk is-seduti kif jiġi deċiż mill-qorti, biex jiltaqgħu ma' l-avukati u l-prokuraturi legali tal-partijiet biex tiġi ppjanata t-tmexxija tal-kawża, u jistabilixxu dati għas-sottomissjoni ta' xieħda, talbiet jew atti ġudizzjarji ohra mill-partijiet."
47. Il-kliem "Nullità, Żminijiet Legali jew Ġudizzjarji, Vaganzi Pubbliċi, Ġuramenti, Atti Ġudizzjarji, Sessjonijiet u Ferjat" li jidhru minnufih qabel l-artikolu 98 tal-Kodiċi għandhom jithassru. Thassir ta' intestatura fit-Tieni Ktieb tal-Kodiċi.
48. L-artikolu 109 tal-Kodiċi għandhom jiġi sostitwit bl-artikolu ġdid li ġej: Sostituzzjoni ta' l-artikolu 109 tal-Kodiċi.
- "109. (1) Is-seduti tal-qorti jistgħu jinżammu f'dawk il-ġranet u f'dawk il-hinijiet li jistgħu jiġu preskritti mill-Ministru responsabbli għall-ġustizzja b'regolamenti magħmulin taħt dan l-artikolu u matul dak iż-żmien iehor li l-qorti tista', fid-diskrezzjoni tagħha, tiffissa.
- (2) Ir-registri tal-qorti jkunu miftuħa għall-preżentata ta' l-atti ġudizzjarji f'dawk il-ġranet u dawk iż-żminijiet li jistgħu, b'regolamenti, jkunu preskritti mill-Ministru responsabbli għall-ġustizzja taħt dan l-artikolu:
- Iżda kull wieħed mir-registri msemmija qabel jistgħu b'ordni speċjali tal-qorti jew b'ordni bil-miktub mogħti mir-registratur, jinfethu għall-preżentata ta' atti ġudizzjarji f'kull ġurnata u f'kull hin.
- (3) Id-Direttur Ġenerali (Qrati) u r-registratur għandhom jikkonformaw ruħhom u jwettqu għal kolloxx kull ordni tal-qorti biex huma jifethu l-edifizzju tal-qorti f'kull jum u f'kull hin kif il-qorti tista' tispeċifika fl-ordni.
- (4) Att ġudizzjarju jista' jiġi notifikat jew csegwit

f'dawk il-ġranet, f'dawk il-hinijiet u f'dak il-mod li jista' jkun preskritt mill-Ministru responsabbli għall-ġustizzja b'regolamenti magħmula taht dan l-artikolu:

Izda b'ordni speċjali tal-qorti jew b'ordni mogħtija bil-miktub mir-reġistratur f'każijiet ta' urġenza, att ġudizzjarju jista' jiġi notifikat jew esegwit f'kull ġurnata oħra jew f'kull hin ieħor.

(5) Ir-Reġistratur ma għandux jirrifjuta li jagħti ordni bis-sahha tas-subartikoli (2) jew (4) ta' dan l-artikolu sakemm huwa ma jkunx irrefera l-kwistjoni lill-qorti kompetenti għad-deċiżjoni tagħha."

Sostituzzjoni ta' l-artikolu 117 tal-Kodiċi.

49. L-artikolu 117 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"117. Kull citazzjoni jew mandat ieħor tal-qorti superjuri jinharġu fl-isem tar-Repubblika ta' Malta bix-xieħda ta' mhallef jew ta' assistent ġudizzjarju delegat għal dan l-ghan minn imhallef; delega bħal din għandha tiġi ppubblikata fil-Gazzetta:

Izda ma għandha ssir ebda delega bħal dik rigward mandat ta' inibizzjoni."

Emenda ta' l-artikolu 118 tal-Kodiċi.

50. Fl-artikolu 118 tal-Kodiċi minflok il-kliem "L-atti" għandhom jidhlu l-kliem "Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 117, l-atti".

Żieda ta' l-artikolu 119A mal-Kodiċi.

51. Minnufih wara l-artikolu 119 tal-Kodiċi, għandu jidher l-artikolu ġdid li ġej:

"Numru ta' kopji li għandhom jiġu pprezentati.

119A. Kull min, meta jipprezenta fir-reġistru tal-qorti xi att jew dokument li jeħtieġ li jiġi notifikat lill-parti l-oħra, għandu, minbarra l-kopja oriġinali, jipprezenta dak in-numru ta' kopji li hu ekwivalenti għan-numru ta' persuni li għandhom jiġu notifikati bl-att jew bid-dokument."

Thassir ta' l-artikoli 120, 121 u 122 tal-Kodiċi.

52. L-artikoli 120, 121 u 122 tal-Kodiċi għandhom jithassru.

Emenda ta' l-artikolu 123 tal-Kodiċi.

53. Fl-artikolu 123 tal-Kodiċi minflok il-kliem "Il-ferjat" għandhom jidhlu l-kliem "Il-ferjat kif jiġi stabbilit b'regolamenti skond l-artikolu 109".

54. L-artikolu 152 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 152 tal-Kodiċi.

"152. (1) Ir-Registratur wara konsultazzjoni mal-Prim Imhallef jew xi imhallef ieħor li jista' jkun qed jispresjedi f'dik il-Qorti, billi jimxi skond l-ordni msemmi fl-ahhar artikolu qabel dan, fl-ewwel jum tax-xogħol ta' kull xahar għandu jippubblika dawk il-kawżi li l-proċedimenti tagħhom ġew magħluqa għal mill-inqas ġimgħatejn billi juri d-data ta' l-ewwel smigh.

(2) Il-partijiet għandhom jivverifikaw id-data ta' l-ewwel smigh ta' l-appell.

(3) Il-qorti tista', għal raġuni tajba, tordna s-smigh ta' kawża li l-proċedura bil-miktub tagħha tkun ġiet magħluqa, minghajr każ ta' meta l-kawża imissha tinstema' jew li tordna l-pubblikazzjoni tad-data ta' l-ewwel smigh qabel id-data li imissha kif provdut fis-subartikolu (1):

Izda f'każ bħal dan ir-Registratur għandu jinnotifika l-partijiet bid-data msemmija sakemm il-partijiet ma jkunux permezz ta' nota pprezentata fir-Registru eżentaw lir-Registratur mid-dmir ta' notifika ta' avviż bħal dan.

(4) Fin-nuqqas tal-prezentata ta' l-avviż imsemmi lill-appellant, ir-Registratur, sakemm ma ġie eżentat kif provdut fil-proviso għas-subartikolu (3), għandu, fi żmien għaxart ijiem, jinforma bil-miktub lill-avukat jew lill-prokurator legali tat-tali parti li l-avviż ma ġie prezentat, u l-avukat jew il-prokurator legali, kif ikun il-każ, għandu jiffirma fuq kopja li rċieva dik il-komunika:

Izda ma tista' tittiehed l-ebda azzjoni kontra l-avukat jew il-prokurator legali għan-nuqqas li jinforma lil din il-parti."

55. L-artikolu 157 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 157 tal-Kodiċi.

*Notifika ta' ċitazzjoni.

157. Tkun ir-responsabilità ta' l-attur li jiehu hsieb li jiġu notifikati lill-konvenut kopja taċ-ċitazzjoni u tad-dikjarazzjoni u ta' kull affidavit ta' l-attur u ta' xi dokumenti annessi maċ-ċitazzjoni."

Emenda ta' l-
artikolu 158 tal-
Kodiċi.

56. Fis-subartikolu (8) ta' l-artikolu 158 tal-Kodiċi l-kliem "permezz tar-reġistru" ghandhom jiġu mhasra.

Emenda ta' l-
artikolu 171 tal-
Kodiċi.

57. Is-subartikolu (1) ta' l-artikolu 171 tal-Kodiċi ghandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Fil-Qorti tal-Maġistrati (Malta) u fil-Qorti tal-Maġistrati (Ghawdex) fil-kompetenza taghha infērjuri, jitmexxa bil-mod ta' ċitazzjoni li tkun skond l-ghamla preskritta u ssir fl-ghamla ta' avviz sempliċi ffirmat mir-Reġistratur, li jkun fih l-isem u l-kunjom ta' l-attur u tal-konvenut, it-talba ta' l-attur, u l-jum u l-hin meta l-konvenut ghandu jidher, minbarra partikolaritajiet oħra li jistgħu minn żmien għal żmien jiġu preskritti."

Emenda ta' l-
artikolu 173 tal-
Kodiċi.

58. L-artikolu 173 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minflok il-kliem "quddiem assistent ġudizzjarju jew quddiem imhalled supplenti" ghandhom jidhlu l-kliem "quddiem assistent ġudizzjarju"; u

(b) fis-subartikolu (3) tiegħu minflok il-kliem "l-assistent ġudizzjarju jew l-imhalled supplenti ghandhom" ghandhom jidhlu l-kliem "l-assistent ġudizzjarju ghandu".

Sostituzzjoni ta'
l-artikolu 174
tal-Kodiċi.

59. L-artikolu 174 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem "l-isem tal-qorti", ghandhom jidhlu l-kliem "l-isem tal-qorti u tas-sezzjoni tagħha"; u

(b) minflok is-subartikolu (2) tiegħu ghandu jidhol is-subartikolu ġdid li ġej:

"(2) Kull skrittura jew att ieħor li ghandhom jiġu notifikati, ghandu jkollhom magħhom:

(a) in-numu tal-karta ta' l-identità, jekk ikun il-każ, jekk il-persuna qed tagħmel it-talba fil-kapaċità tagħha;

(b) in-numru ta' reġistrazzjoni jekk il-persuna li qed tagħmel it-talba hija soċjetà jew kumpannija reġistrata skond l-Att dwar il-Kumpanniji;

(ċ) indikazzjoni xierqa u shiha tal-post ta' residenza jew tan-negozju tal-parti li qed tagħmel it-

talba u l-indirizz professjonali ta' l-avukat u, jew tal-prokuratur legali taghha;

(d) indikazzjoni xierqa u shiha tal-post ta' residenza jew negozju tal-parti li kontriha qed issir it-talba jew l-att;

(e) xi partikolari oħrajn li jistgħu jghinu għall-identifikazzjoni tal-partijiet imsemmija kif jista' jkun stabbilit bil-liġi jew b' regolament."

60. Minnufih wara s-subartikolu (2) ta' l-artikolu 176 tal-Kodiċi għandu jiżdied is-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 176 tal-Kodiċi.

"(3) Il-kopji tat-talbiet, kif kien ikun mehtieġ għan-notifika tagħhom, għandhom ikunu ffirmati mill-istess persuni bhall-oriġinali."

61. Is-subartikolu (2) ta' l-artikolu 178 tal-Kodiċi għandu jithassar, u s-subartikolu (1) għandu jiġi numerat mill-ġdid bhala l-artikolu shih.

Emenda ta' l-artikolu 178 tal-Kodiċi.

62. Is-subartikoli (2) u (3) ta' l-artikolu 179 tal-Kodiċi għandhom jithassru, u s-subartikolu (1) għandu jiġi numerat mill-ġdid bhala l-artikolu shih.

Emenda ta' l-artikolu 179 tal-Kodiċi.

63. Fis-subartikolu (1) ta' l-artikolu 182 tal-Kodiċi minflok il-kliem "(c), (d) u (e)" għandhom jidhlu l-kliem "(c), (d), (e) u (f)".

Emenda ta' l-artikolu 182 tal-Kodiċi.

64. L-artikolu 186 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 186 tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "huma jistgħu, meta jipprezentaw l-iskrittura, isemmu" għandhom jidhlu l-kliem "huma għandhom, meta jipprezentaw l-iskrittura, minbarra li jagħtu l-indirizzi rispettivi tagħhom, isemmu"; u

(b) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Meta tkun hekk imsemmija persuna, in-notifiki dwar l-att li għalih dik il-persuna tkun għet imsemmija, għandhom isiru lilha:

Izda kull waħda minn dawn il-persuni tista' permezz ta' nota oħra tiddikjara li minn dak il-hin tehtieġ notifikazzjoni separata f'indirizz, li jkun l-indirizz tar-residenza tiegħu jew tal-post tan-negozju tiegħu, li għandu jiġi indikat minnha."

Sostituzzjoni ta'
l-artikolu 187
tal-Kodiċi.

65. L-artikolu 187 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġejj:

"187. (1) In-notifika ssir bil-kunsinna ta' kopja ta' l-iskrittura:

(a) fi kwalunkwe post f'Malta jew f'Ghawdex, personalment lill-persuna li lilha ghandha tiġi notifikata t-talba; jew

(b) billi kopja taghha tithalla fil-post ta' residenza tal-persuna msemmija; jew

(ċ) billi l-kopja taghha tithalla fil-post tan-negozju jew il-post tax-xoghol jew fl-indirizz postali tal-persuna msemmija:

Izda notifika skond il-paragrafi (b) u (ċ) tkun valida biss jekk il-kopja tithalla ma' xi membru tal-familja jew tad-dar jew f'idejn persuna fis-servizz ta' dik il-persuna jew fl-impjeg taghha jew il-prokuratur taghha jew persuna awtorizzata minnha b'ix tirċievi l-posta taghha:

Izda wkoll il-kopja ma tistax tithalla f'idejn persuni ta' età inqas minn erbatax-il sena, jew f'idejn persuna li, minhabba mard tal-mohh, ma tistax taghti xiehda ta' dik in-notifika. Persuna titqies li hija kapaċi li taghti dik ix-xiehda sakemm ma jiġix ippruvat il-kuntrarju; u n-notifika ma tistax tiġi attakkata bhala irregolari ghal waħda minn dawn ir-raġunijiet, jekk jinsab illi fil-fatt il-kopja tkun waslet f'idejn persuna li lilha kellha tkun innotifikata.

(2) Fil-każ ta' korp li jkollu personalità ġuridika distinta, in-notifika lil dak il-korp ghandha ssir billi tithalla kopja ta' l-iskrittura:

(a) fl-uffiċċju registrat, l-uffiċċju prinċipali tiegħu, jew fil-post tan-negozju jew fl-indirizz postali f'idejn xi hadd minn dawk il-persuni msemmija fl-artikolu 181A(2) jew f'idejn impjegat ta' dak il-korp; jew

(b) f'idejn xi hadd mill-persuni msemmija fl-artikolu 181A(2) bil-mod provdut fis-subartikolu (1).

(3) Fil-każ ta' persuni abbord vapuri, bastimenti oħra jew inġenji ta' l-ajru, jew li jagħmlu parti mill-ekwipaġġ li ma jkollhomx darhom f'Malta, in-notifika tista' ssir billi tithalla kopja f'idejn is-sid jew il-kaptan tal-vapur, il-bastiment jew l-

ingenju ta' l-ajru jew f'idejn persuna ohra flokhom, jew fl-assenza taghhom f'idejn l-aġent tal-vapur jew bastiment iehor, kif jista' jaghti l-każ, jew fl-assenza taghhom u ta' l-aġent, f'idejn kuraturi mqabba mill-qorti skond l-artikolu 929.

(4) Meta persuna li lilha tkun indirizzata skrittura, jew persuna li hi obbligata li taċċetta n-notifika flokha, tirrifjuta li tirċeviha personalment minghand uffiċjal imqabba bil-kunsinna tan-notifika, dan l-uffiċjal għandu jhalli l-att kemm jista' jkun viċin b'mod raġonevoli għall-persuna u jniżzeċ nota tal-fatt u ċ-ċirkostanzi fuq iċ-ċertifikat tan-notifika u n-notifika għandha titqies li tkun saret fil-jum u l-hin tar-rifjut tagħha.

(5) (a) Meta n-notifika ta' att ġudizzjarju ma tistax issir skond is-subartikoli ta' qabel jew il-post ta' residenza, tan-negozju jew ta' l-impjieg mhuwiex maghruf imma ma jirrizultax lill-uffiċjal inkarigat bin-notifika li l-persuna li għandha tiġi notifikata hi barra minn Malta, l-uffiċjal inkarigat bin-notifika għandu:

(i) jistqarr li ma setax jikkunsinna n-notifika skond is-subartikoli (1) jew (2), u jsemmi l-postijiet, il-granet u l-hinijiet li pprova jinnotifika u l-informazzjoni li ġabar;

(ii) ihalli fl-aħhar indirizz reġistrat tal-persuna, jekk ikun il-każ, kopja ta' l-iskrittura f'idejn xi persuna kkwalfikata li tirċevieha jew, fin-nuqqas ta' din il-persuna, jhalli l-iskrittura fil-post jew iwahhalha mal-bieb;

(iii) jara li kopja ta' l-iskrittura tiġi pubblikata fil-Gazzetta u f'mill-inqas żewġ gazzetti ta' kuljum; u

(iv) jikkonferma b'ġurament dak kollu li ntqal qabel fuq iċ-ċertifikat tan-notifika,

u f'dawn il-każijiet kollha n-notifika titqies li tkun saret tliet ijiem wara l-aħhar pubblikazzjoni.

(b) Il-qorti tista' wkoll tuza kull mezz iehor li jidhrilha xieraq sabiex tgħarraf lil min għandu jiġi notifikat b'dik it-talba jew l-iskrittura.

(ċ) Għall-għanjiet ta' dan is-subartikolu, l-"aħhar indirizz reġistrat" għandu jfisser:

(i) dwar persuna li isimha jidher fl-aħhar Reġistru Elettorali, l-indirizz muri għal din il-persuna; u

(ii) fil-każ ta' korp ġuridiku li jkollu personalità ġuridika distinta, l-indirizz li jidher fuq ir-registrazzjoni ta' dak il-korp ġuridiku ma' xi korp ta' l-istat jew awtorità f'Malta li magħha hu, skond il-liġi, obligat li jirreġistra sabiex jiffunzjona jew ir-registrazzjoni volontarja ta' dak il-korp ġuridiku ma' xi korp jew awtorità statali.

(6) Id-disposizzjonijiet tas-subartikolu ta' qabel għandhom japplikaw ukoll meta n-notifika ma tkunx giet effettwata u jidher lill-uffiċjal inkarigat bin-notifika li wahda mill-persuni msemmijin fl-artikolu 181A(2) hija preżenti f'Malta.

(7) Meta jirriżulta li l-persuni kollha msemmija fl-artikolu 181A(2) ma jkunux jinsabu Malta jew li daww il-persuni ma jeżistux, il-qorti għandha, wara rikors li jsir minn xi parti interessata, tahtar kuratur li jidher għal dak il-korp skond ma hemm provdut fl-artikolu 929(d).

(8) Bla hsara għad-disposizzjonijiet tal-proviso ta' l-artikolu 193, in-notifiki jistgħu jsiru mill-uffiċjali eżekuttivi tal-qorti, minn persuni liċenzjati għan-notifiki jew minn xi impjegati tal-posta awtorizzati għal hekk b'xi liġi b'dak il-mod u taht daww ir-regoli li jistgħu jiġu preskritti.

(9) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex jirregola iktar in-notifika ta' l-atti ġudizzjarji, l-persuni li jistgħu jeffettwaw daww in-notifiki, kif ukoll dwar kull haġa li għandha x'taqsam jew li hi anċillari ma' daww l-atti."

Sostituzzjoni ta' l-artikolu 188 tal-Kodiċi.

66. L-artikolu 188 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"188. (1) (a) L-uffiċjal inkarigat min-notifika ta' att jista', mhux aktar tard mill-cwewel ġurnata ta' xogħol wara d-data tan-notifika ta' l-att, jagħmel rifertra li għandha turi l-isem u l-kunjom tal-persuna nnotifikata u, jekk l-att ma jkunx notifikat direttament lill-persuna li lilha kellha ssir in-notifika, l-isem u l-kunjom tal-persuna illi lilha giet konsenjata l-kopja u l-post fejn l-att gic notifikat.

(b) Meta n-notifika tkun saret skond l-artikolu 187(5), ir-riferta għandu jkollha l-informazzjoni meħtieġa f'dak is-subartikolu u għandu jkollha magħha kopji ta' l-avviżi.

(c) Meta uffiċjal inkarigat bin-notifika ta' l-att jibqa' assolutament mingħajr suċċess fin-notifika ta' l-att hu

għandu fir-riferta juri r-raġuni l-għala n-notifika ma saritx.

(2) Kull riferza msemmija fis-subartikolu (1) għandha ssir fil-mod preskritt f'regolamenti jew, fin-nuqqas ta' regolamenti, kif jiġi ordnat mir-Registratur."

67. L-artikolu 189 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 189 tal-Kodiċi.

"**189.** (1) Jekk att preżentat fi, jew mandat jew sekwestru mahruġ minn xi qorti fil-Gżira ta' Malta għandu jiġi notifikat jew, skond il-każ, esegwit fil-Gżira ta' Ghawdex jew ta' Kemmuna, kopja tiegħu għandha tiġi mibghuta mir-registru ta' l-imsemmija qorti lir-registru tal-qorti f'Ghawdex.

(2) L-uffiċjal li jagħmel in-notifika jew l-eskuzzjoni għandu jikkonsenja ir-riferta tan-notifika jew ta' l-eskuzzjoni, konfermata kif imiss bil-gurament lir-registru tal-Qorti f'Ghawdex, li għandu jibgħatha lir-registru tal-qorti li fiha l-att kien preżentat jew li minnha l-mandat kien mahruġ."

68. L-artikolu 190 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 190 tal-Kodiċi.

"**190.** (1) Jekk att preżentat, jew mandat jew sekwestru mahruġ minn qorti f'Ghawdex għandu jiġi notifikat jew, skond il-każ, esegwit fil-Gżira ta' Malta, għandha tintbagħat kopja tiegħu mir-registru ta' dik il-qorti f'Ghawdex lir-registru preskritt f'Malta.

(2) L-uffiċjal li jagħmel in-notifika jew l-eskuzzjoni għandu jikkonsenja ir-riferta tan-notifika jew l-eskuzzjoni, konfermata kif imiss bil-gurament lir-registru msemmi tal-qorti f'Malta li għandu jibgħatha lir-registru tal-qorti f'Ghawdex."

69. Is-subartikolu (2) ta' l-artikolu 191 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 191 tal-Kodiċi.

"(2) Il-kopji għandhom ikunu wkoll awtentikati mill-persuna li tipprezentahom jew minn avukat jew prokuratur legali li jkunu kopji veri ta' l-oriġinal."

70. Minnufih qabel l-artikolu 194 tal-Kodiċi, wara l-intestatura

Żieda ta' l-artikolu 193A tal-Kodiċi.

"FUQ IS-SMIGH TAL-KAWZI" ghandu jizdied l-artikolu ġdid li ġej:

"It-tqassim tal-kawzi.

193A. (1) Il-kawzi ghandhom jiġu assenjati skond regoli tal-qorti jew regolamenti magħmula skond l-artikolu 29.

(2) Dawn ir-regoli jew regolamenti jistgħu ukoll jipprovdu għall-proċedura li għandha tiġi segwita fl-istadji ta' qabel is-seduti u tas-seduti ta' kawża li ġiet imqiegħda għas-smigh.

Emenda ta' l-artikolu 194 tal-Kodiċi.

71. Fl-artikolu 194 tal-Kodiċi minflok il-kelma "twahhlet" kull fejn tidher ghandhom jidhlu l-kliem "ġiet ippubblikata".

Sostituzzjoni ta' l-artikolu 195 tal-Kodiċi.

72. L-artikolu 195 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"195. (1) Kawża li s-sottomissjonijiet bil-miktub tagħha ġew konklużi għandha titqiegħed jew għal smigh qabel is-seduti jew għal smigh waqt is-seduti kif jista' jkun provdut f'regolamenti u għandha tiġi deċiża kemm jista' jkun malajr possibbli:

Iżda f'kawzi fi qrati ta' ġurisidizzjoni inferjuri, is-sottomissjonijiet bil-miktub jiġu konklużi meta l-parti li għandha tiġi notifikata bil-kawża relativa tkun ġiet hekk notifikata skond id-disposizzjonijiet ta' dan il-Kodiċi.

(2) (a) Il-qorti għandha fl-ewwel smigh ta' kemm l-istadju ta' qabel is-seduta u kif ukoll l-istadju tas-seduta tippjana bil-quddiem, wara konsultazzjoni ma' l-avukati tal-partijiet, is-seduti kollha li għandhom jinżammu kif ukoll id-data proġettata tas-sentenza u tidderieġi wkoll il-partijiet dwar liema xieħda u sottomissjonijiet tistenna li jsiru f'kull seduta:

Iżda l-qorti tista', minhabba raġunijiet serji li għandhom jiġu espressament imsemmija fil-verbal tal-kawża jew minhabba raġunijiet ta' urġenza, tappunta xi seduti ohra u titlob kull xieħda jew sottomissjoni ohra li tqis xierqa:

(b) Il-Qorti tista' diddelega l-funzjonijiet tagħha taht il-paragrafu (a) ta' dan is-subartikolu lil assistent ġudizzjarju.

(3) Kemm jista' jkun possibbli, is-seduti għandhom

ikunu f'fissati kemm għal data determinata kif ukoll għal hin determinat, kif jista' jkun speċifikat f'regolamenti magħmula taht dan l-artikolu.

(4) Id-data u l-hin iffissati għas-smigh għandhom jiġu determinati għall-inqas xahrejn qabel d-data f'fissata għas-smigh, iżda l-qorti tista' tiddeċiedi, wara konsultazzjoni ma' l-avukati tal-partijiet jew f'kull każ ieħor fejn il-kawża għandha tinstema' b'urgenza, li tiffissa data aktar kmieni, u meta jiġu hekk iffissati data u hin l-ebda differiment għas-smigh ma jista' jinghata hliet għal raġunijiet serji u eċċezzjonali li għandhom jiġu mniżżlin fil-verbal tal-kawża:

Izda f'kawzi li għandhom jiġu mismugħa b'urgenza l-perjodu msemmi ta' xahrejn m' għandux japplika.

(5) Xejn f'dan l-artikolu ma jzomm il-qorti milli tiddeċiedi kawża fil-ġurnata f'fissata għall-ewwel smigh meta l-konvenut ma jopponix it-talba inkella meta l-qorti hija sodisfatta li l-attur ma għandu ebda talba tajba x'jagħmel jew il-konvenut ebda difiża valida."

73. Fis-subartikolu (2) ta' l-artikolu 196 tal-Kodiċi minflok il-kliem "imhallef supplenti" għandhom jidhlu l-kliem "assistent ġudizzjarju".

Emenda ta' l-artikolu 196 tal-Kodiċi.

74. L-artikoli 202 u 203 tal-Kodiċi għandhom jithassru.

Thassir ta' l-artikoli 202 u 203 tal-Kodiċi.

75. Is-subartikolu (1) ta' l-artikolu 204 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 204 tal-Kodiċi.

"(1) (a) Il-partijiet, jew personalment jew permezz ta' l-avukati tagħhom jew, fil-qrati inferjuri, jew personalment jew permezz ta' l-avukati jew tal-prokuraturi legali tagħhom, ikollhom id-dritt li jagħmlu s-sottomissjonijiet tagħhom bil-miktub jew bil-kliem skond ma tiddeċiedi l-qorti, billi l-attur li jissottometti l-każ tiegħu u l-konvenut it-twegiba tiegħu:

Izda l-qorti tista' f'ċirkostanzi xierqa tippermetti replika oħra ta' l-attur u l-kontro-replika tal-konvenut.

(b) Meta s-smigh tal-kawża jinghalaq ma tista' tinghata l-ebda xieħda oħra, hliet għal raġuni ġusta u bil-permess tal-qorti."

76. L-artikolu 206 tal-Kodiċi għandu jithassar.

Thassir ta' l-artikolu 206 tal-Kodiċi.

Sostituzzjoni ta' l-artikolu 207 tal-Kodiċi.

77. Fl-artikolu 207 tal-Kodiċi minflok il-kliem "is-subartikolu (3) ta' l-artikolu 202" kull fejn jidhru ghandhom jidhlu l-kliem "l-artikolu 204(1)".

Emenda ta' l-artikolu 209 tal-Kodiċi.

78. Is-subartikolu (1) ta' l-artikolu 209 tal-Kodiċi ghandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Ebda appell kontra sentenza jew digriet ta' qorti ta' l-ewwel grad ma jista' jsir jekk flimkien ma' l-appell l-appellant ma jiddepożita mar-registratur dik-is-somma flus bhala garanzija għall-ispejjeż ta' l-appell kif jista' jkun provdut f'regolamenti, u d-depożitu magħmul m'għandux ikun sugġett għat-talbiet tal-kredituri tal-parti li qed tagħmel id-depożitu sakemm jibqa' biex jilhaq l-ispejjeż tal-kawża.

Izda l-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jeżenta dawk il-klassijiet ta' appelli jew dawk il-klassijiet ta' appellanti kif jista' jiġi preskritt mill-ghoti ta' dik il-garanzija."

Emenda ta' l-artikolu 212 tal-Kodiċi.

79. Is-subartikolu (1) ta' l-artikolu 212 tal-Kodiċi ghandu jithassar u jiġi sostitwit b'dan li ġej:

"Il-qorti għandha tagħti r-raġuni tad-differiment.

(1) Meta l-qorti ma taqtax il-kawża fil-ġurnata f'fissata għas-sentenza, il-qorti għandha tagħti r-raġunijiet b'mod dettaljat li għaliha, skond il-liġi, tkun halliet il-kawża għal darb'ohra."

Sostituzzjoni ta' l-artikolu 220 tal-Kodiċi.

80. L-artikolu 220 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Rekordjar ta' deċiżjonijiet u raġunijiet.

220. L-imhallef jew il-maġistrat għandhom, immedjatament wara li tingħata s-sentenza fil-qorti fil-berah -

(a) jagħtu kopja ffirmata tas-sentenza lir-Registratur biex titqiegħed immedjatament fil-verbal tal-kawża;

(b) jagħtu kopja elettronika tagħha lir-Registratur;

(c) jordnaw li tintbagħat minnufih it-tieni kopja elettronika lil dak ir-repożitarju ċentrali li r-Registratur jista' jistabilixxi; u

(d) ihallu mar-Registratur kopji tagħha għall-partijiet jew l-avukati tagħhom."

81. Is-subartikolu (2) ta' l-artikolu 228 tal-Kodiċi għandu jithassar, u s-subartikolu (1) għandu jiġi numerat mill-ġdid bhala l-artikolu shih. Emenda ta' l-artikolu 228 tal-Kodiċi.

82. L-artikolu 244 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej: Sostituzzjoni ta' l-artikolu 244 tal-Kodiċi.

"Taqgħid ta' l-atti.

244. Meta jsiru proċedimenti għall-appell, l-atti tal-proċeduri tal-qorti ta' l-ewwel grad għandhom jiġu mdaħħla fil-qorti fi grad ta' appell skond regolamenti magħmula mill-Ministru responsabbli għall-ġustizzja taht dan l-artikolu."

83. L-artikoli 245, 247, 249 u 250 tal-Kodiċi għandhom jithassru. *Thassir ta' l-artikoli 245, 247, 249 u 250 tal-Kodiċi.

84. Minnufih qabel l-artikolu 252 tal-Kodiċi, għandha tiżdied l-intestatura ġdida li ġejja: Żieda ta' intestaturu ġdida mal-Kodiċi.

"Sub-titolu I DISPOSIZZJONJIET ĠENERALI".

85. Il-paragrafu (d) ta' l-artikolu 253 tal-Kodiċi għandu jiġi sostitwit bil-paragrafu ġdid li ġej: Emenda ta' l-artikolu 253 tal-Kodiċi.

"(d) id-deċiżjonijiet ta' arbitri rreġistrati maċ-Ċentru ta' l-Arbitraġġ ta' Malta."

86. Minnufih wara l-paragrafu (ċ) ta' l-artikolu 255 tal-Kodiċi għandu jiżdied l-paragrafu ġdid li ġej: Emenda ta' l-artikolu 255 tal-Kodiċi.

"(d) kull deċiżjoni mogħtija minn arbitru skond l-Att dwar l-Arbitraġġ."

87. Is-subartikolu (1) ta' l-artikolu 256 tal-Kodiċi għandu jithassar u s-subartikolu (2) tiegħu għandu jiġi numerat mill-ġdid bhala l-artikolu shih. Emenda ta' l-artikolu 256 tal-Kodiċi.

88. L-artikolu 265 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej: Sostituzzjoni ta' l-artikolu 265 tal-Kodiċi.

"Esekuzzjoni ta' sentenza tal-qorti ta' l-appell.

265. Fil-każ ta' appelli, is-sentenza għandha tiġi esegwita mill-qorti ta' l-ewwel grad indipendentement minn jekk il-Qorti ta' l-Appell tikkonferma, tvarja jew thassar is-sentenza ta' l-ewwel qorti."

Sostituzzjoni ta' l-artikolu 272 tal-Kodiċi.

89. L-artikolu 272 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Serġha tal-qorti fl-eskuzzjoni ta' titoli.

272. Fin-nuqqas ta' disposizzjoni espressa ta' liġi li tgħid kontra, il-qorti tista', matul l-eskuzzjoni ta' titolu eżekuttiv, fuq rikors ta' l-uffiċjal eżekuttiv tal-qorti, jew tal-partijiet, jew ta' persuna interessata oħra, bla ma ddewwem l-eskuzzjoni, tagħti dawk il-provvedimenti li jkunu meħtieġa sabiex tqiegħed fiż-żgur il-jeddijiet tal-partijiet."

Sostituzzjoni ta' l-artikolu 273 tal-Kodiċi.

90. L-artikolu 273 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Atti eżekuttivi.

273. It-titoli eżekuttivi msemmija fl-artikolu 253 jistgħu, skond iċ-ċirkostanzi, jiġu esegwiti bl-atti eżekuttivi li ġejjin:

(a) il-mandat ta' qbid ta' hwejjeġ mobbli;

(b) il-mandat ta' qbid ta' hwejjeġ immobbli;

(ċ) il-bejgħ fl-irkant ta' hwejjeġ mobbli jew immobbli jew ta' jeddijiet imghaqqdin ma' immobbli;

(d) il-mandat ta' sekwestru eżekuttiv;

(e) il-mandat ta' żgumbrament jew tkeċċija minn hwejjeġ immobbli;

(f) il-mandat *in factum*.

L-atti eżekuttivi għandhom jiġu esegwiti mill-uffiċjal eżekuttiv tal-qorti."

Emenda ta' l-artikolu 274 tal-Kodiċi.

91. Is-subartikolu (2) ta' l-artikolu 274 tal-Kodiċi ghandu jiġi sostitwit bis-subartikoli ġodda li ġejjin:

"(2) It-talba għall-hruġ ta' mandat jew ordni għandha ssir b'rikors, u dan ir-rikors għandu jindika s-somma jew il-haġa dovuta bis-sahha tat-titolu.

(3) Fejn it-titolu eżekuttiv ikun ta' xort'oħra milli sentenza tal-qorti li lilha hi magħmula t-talba, kopja ta' l-istess

titolu u ta' l-att li fih in-notifika, fejn l-istess notifika hi mehtieġa skond l-artikolu 256, ghandhom jiġu pprezentati flimkien mat-talba.

(4) Jekk bl-istess mandat jew ordni jintalab li jiġu rkuprati wkoll spejjeż ġudizzjarji, l-ammont tagħhom ghandu jtniżżel fit-talba u t-taxxa ta' dawn l-ispejjeż tiġi annessa magħhom."

92. L-artikoli 275, 276 u 277 tal-Kodiċi ghandhom jithassru.

Thassir ta' l-artikoli 275, 276 u 277 tal-Kodiċi.

93. Fl-artikolu 278 tal-Kodiċi minflok il-kelma "marixxall" kull fejn tidher ghandhom jidhlu l-kliem "uffiċjal eżekuttiv tal-qorti", u l-kliem ", wara li jsejjaħ żewġ xhieda," fis-subartikolu (1) tiegħu ghandhom jithassru.

Emenda ta' l-artikolu 278 tal-Kodiċi.

94. L-artikolu 280 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 280 tal-Kodiċi.

"Zmien għall-esekuzzjoni ta' mandati u ordnijiet.

280. (1) Hlief għall-kazijiet imsemmija f'dan il-Kodiċi, ebda mandat jew sekwestru ma ghandu jiġi esegwit matul dawk is-sigħat li jistghu jiġu preskritti mill-Ministru responsabbli għall-ġustizzja permezz ta' regolamenti magħmula taht dan l-artikolu.

(2) Ir-regolamenti magħmula taht dan l-artikolu jistghu ukoll jipprovdu għall-kazijiet li fihom l-esekuzzjoni ta' mandat jew ordni hi permessa barra milli fis-sigħat preskritti, il-metodu ta' l-esekuzzjoni u l-istqarrijiet li ghandu jkun hemm fiċ-ċertifikat tan-notifika:

Iżda, għal raġinijiet ta' urġenza li ghandhom jiġu konfermati bil-ġurament mir-rikorrent, il-qorti tista' tippermetti l-esekuzzjoni ta' mandat jew ordni barra milli fis-sigħat preskritti".

95. L-artikolu 281 tal-Kodiċi ghandu jithassar.

Thassir ta' l-artikolu 281 tal-Kodiċi.

96. Fl-artikolu 282 tal-Kodiċi minflok il-kelma "marixxall", kull fejn tidher, ghandhom jidhlu l-kliem "uffiċjal eżekuttiv tal-qorti".

Emenda ta' l-artikolu 282 tal-Kodiċi.

97. (1) Is-subartikoli (2) sa (4) ta' l-artikolu 283A tal-Kodiċi ghandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

Emenda ta' l-artikolu 283A tal-Kodiċi.

"(2) Il-persuna li tippreżenta r-rikors skond is-subartikolu (1) għandha, flimkien mar-rikors, tippreżenta bil-miktub is-sottomissjonijiet kollha li tista' tkun tixtieq tagħmel flimkien mad-dokumenti kollha li jsostnu r-rikors li tista' tkun tixtieq tippreżenta.

(3) L-applikazzjoni għandha tiġi notifikata lill-parti opposta li, fi żmien sebat ijiem, għandha tippreżenta risposta li jkun fiha s-sottomissjonijiet kollha li tista' tkun tixtieq tagħmel flimkien mad-dokumenti kollha li jsostnu r-risposta li tista' tkun tixtieq tippreżenta:

Izda l-qorti tista', f'każijiet urġenti, tirriduċi l-perjodu msemmi f'dan is-subartikolu.

(4) Il-qorti għandha tiddeċiedi dwar ir-rikors b'urġenza jew *in camera* jew wara s-smigh ta' l-avukati tal-partijiet, u kull xieħda li jidhrilha xierqa, jekk taħseb li hu xieraq, sakemm mhux iktar minn seduta wahda tiġi f'fissata għal dan il-ghan."

(2) Fis-subartikolu (5) ta' l-artikolu 283A tal-Kodiċi l-kliem "d-digriet jinqara fil-qorti bil-miftuh." għandu jithassar u jiġi sostitwit bil-kliem "jinhata d-digriet b'dan illi jekk it-talba tkun ġiet miċhuda, kollha jew in parti, l-appell m'għandux iżomm l-eskuzzjoni tal-mandat fil-parti li jkun ġie konfermat."

Sostituzzjoni ta' intestatura fit-Tieni Ktieb tal-Kodiċi.

98. Minflok l-intestatura "Sub-titolu I FUQ IL-MANDAT TA' QBID TA' HWEJJEĠ MOBBLI" li tidher minnufih qabel l-artikolu 284 tal-Kodiċi, għandhom jiġu l-kliem "Sub-titolu II FUQ IL-MANDAT TA' QBID TA' HWEJJEĠ MOBBLI".

Sostituzzjoni ta' l-artikolu 284 tal-Kodiċi.

99. L-artikolu 284 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Mandat ta' qbid fuq hwejjeġ mobbli.

284. (1) Il-mandat ta' qbid ta' hwejjeġ mobbli, barra l-partikolaritajiet imsemmijin fl-artikolu 274, għandu jkun fih l-ordnijiet lir-registratur -

(a) li jaqbad, mingħand id-debitur, is-somma mitluba mill-kreditur jew hwejjeġ li jiswew daqs is-somma mitluba mill-kreditur, jew li jaqbad il-ħaġa msemmija fit-titolu li bis-sahħa tiegħu issir l-eskuzzjoni;

(b) li jesegwixxi l-mandat, jekk meħtieġ hekk, wara s-siġħat legali u fi Hdud u btajjel pubbliċi;

(é) li jittrasporta l-hwejjeġ miżmuma għall-postijiet uffiċjali tal-hażna stabbiliti b'regolamenti magħmulin mil-Ministru responsabbli għall-ġustizzja u jittrasferixxi l-pussess tagħhom mid-debitur għall-kunsinnatarju uffiċjali mahtur skond dawk ir-regolamenti:

Iżda fejn kreditur, flimkien mar-rikors għall-hruġ tal-mandat, kien innomina kunsinnatarju hu nnifsu, u dak il-kunsinnatarju jkun ġie approvat mir-reġistratur, il-pussess tal-hwejjeġ miżmuma għandu jiġi trasferit lil dan il-kunsinnatarju u l-post tal-hażna għandu jiġi deċiż mill-istess kunsinnatarju;

(d) li jahtar esperti biex jivvalutaw il-hwejjeġ miżmuma jekk dan hu meħtieġ bil-liġi;

(e) li jahtar irkantatur jekk dan hu meħtieġ bil-liġi;

(f) regolamenti li jistgħu isiru mill-Ministru responsabbli għall-ġustizzja taht dan l-artikolu, li jbigħ l-oġġetti miżmuma mill-hwejjeġ tad-debitur fl-ewwel opportunità disponibbli u mingħajr il-bżonn ta' notifika oħra lid-debitur; u

(g) li jiddisponi mill-qligħ tal-bejgħ skond it-titolu eżekuttiv infurzat u d-disposizzjonijiet ta' dan il-Kodiċi jew ta' kull liġi oħra.

(2) Id-disposizzjonijiet ta' dan is-Sub-titolu m'għandhomx japplikaw għal vapuri jew bastimenti oħra ta' iktar minn għaxar metri tul u għall-inġenji ta' l-ajru."

100. L-artikolu 285 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 285 tal-Kodiċi.

"Deskrizzjoni tal-hwejjeġ maqbuda.

285. L-uffiċjal eżekuttiv tal-qorti għandu jehmeż mal-mandat deskrizzjoni dettaljata tal-hwejjeġ maqbuda."

Sostituzzjoni ta' l-artikolu 286 tal-Kodiċi.

101. L-artikolu 286 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Hlas ta' l-ammont dovut.

286. (1) Fl-eskuzzjoni ta' mandat ta' qbid, l-ammont shih mitlub mill-kreditur biss jista' jkun imħallas mid-debitur.

(2) Ir-Registratur ghandu jaghti rċevuta lid-debitur għall-flus kollha mħallsa u ghandu jhallas lill-kreditur, l-avukat jew il-prokuratur legali tiegħu l-ammont ikkonsenjat fil-jum tax-xogħol li jiġi wara l-konsenja kontra rċevuta li ghandha tiġi mwahhla mal-mandat, sakemm ma jkunx hemm sekwestru jew jew mandat ta' qbid ieħor li jaffettwa dawn il-flus, f'licma każ ir-Registratur ghandu jiddepożita dawn il-flus fil-qorti."

Thassir ta' l-artikoli 287 sa 291 tal-Kodiċi.

102. L-artikoli 287, 288, 289, 290 u 291 tal-Kodiċi ghandhom jithassru.

Sostituzzjoni ta' l-artikolu 292 tal-Kodiċi.

103. L-artikolu 292 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Konsenjatarju.

292. (1) Hwejjeġ maqbuda mill-pussess tad-debitur ghandhom, bla hsara għad-disposizzjonijiet ta' l-artikolu 293, jkunu immedjatament trasferiti fil-pussess ta' kunsinnatarju uffiċjali li jzomm dawn il-hwejjeġ f'post tal-hażna uffiċjali sakemm dawn il-hwejjeġ jiġu mibjugħa jew sakemm ma jingħatax ordnijiet oħra mill-qorti jew mir-Registratur:

Izda l-kunsinnatarju uffiċjali jista', bil-kunsens bil-miktub tar-Registratur, iżomm dawk il-hwejjeġ f'postijiet oħra minflok il-post tal-hażna uffiċjali fejn, minhabba x-xorta jew id-daqs tal-beni maqbuda, hu impossibli li jsir hekk.

(2) Il-Ministru responsabbli għall-ġustizzja ghandu jahtar kunsinnatarji uffiċjali biex jieħdu hsieb il-hwejjeġ maqbuda mill-hin li l-hwejjeġ huma miżmuma mill-uffiċjal eżekuttiv tal-qorti sal-jum tal-bejgħ tagħhom:

Iżda jekk il-kunsinnatarju uffiċjali ikun kumpanija jew soċjetà, dik il-kumpanija jew is-soċjetà ghandhom jahtu persuna li fil-hinijiet kollha tkun personalment responsabbli għall-eskuzzjoni ta' l-obbligi tal-kunsinnatarju uffiċjali, u li tassumi ir-responsabbiltà *in solidum* mal-kumpanija jew is-soċjetà:

Iżda wkoll il-Ministru responsabbli għall-ġustizzja jista' permezz ta' regolamenti jipprovi għall-impożizzjoni ta' dawk il-kondizzjonijiet oħra li jista' jqis meħtieġa sabiex persuna tkun mahtura bhala kunsinnatarju uffiċjali jew bhala l-persuna responsabbli skond l-ewwel proviso ta' dan is-subartikolu.

(3) Il-Ministru responsabbli għall-ġustizzja ghandu jahtar postijiet uffiċjali għall-hażna fejn il-hwejjeġ miżmuma ghandhom jinżammu minn kunsinnatarji uffiċjali mill-hin li l-hwejjeġ huma miżmuma mill-uffiċjal eżekuttiv tal-qorti sal-jum tal-bejgh tagħhom:

(4) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex jipprovi għall-mod ta' konservazzjoni ta' dawn il-hwejjeġ, għar-rilaxx tagħhom qabel il-bejgh, għall-proċeduri konnessi mal-bejgh tagħhom, għar-responsabbiltà tal-kunsinnatarju uffiċjali u għal xi hwejjeġ oħra konnessi mal-preservazzjoni, l-bejgh, il-kunsinna u r-rilaxx tal-hwejjeġ maqbuda."

104. L-artikolu 293 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 293 tal-Kodiċi.

(a) id-disposizzjoni preżenti ghandha tiġi numerata mill-ġdid bhala s-subartikolu (3) tiegħu; u

(b) iż-żewġ subartikoli godda li ġejjin ghandhom ikunu miżjuda minnufih qabel is-subartikolu (3):

"(1) Il-kreditur jista', flimkien mar-rikors għall-hruġ tal-mandat, iqabbad kunsinnatarju hu nnifsu, basta li daqk il-kunsinnatarju jkun approvat mir-registratur, f'licma każ il-hwejjeġ maqbuda, minnufih wara l-qbid

tagghom, ikunu trasferiti fil-pussess ta' dak il-kunsinnatarju li ghandu jiddeċiedi l-post tal-hażna tagghom.

(2) Id-disposizzjonijiet ta' dan il-Kodiċi applikabbli għall-kunsinnatarji uffiċjali għandhom, *mutatis mutandis*, japplikaw għall-kunsinnatarju mahtur mill-kreditur."

Thassir ta' l-artikolu 294 tal-Kodiċi.

105. L-artikolu 294 tal-Kodiċi għandu jithassar.

Emenda ta' l-artikolu 295 tal-Kodiċi.

106. Fl-artikolu 295 tal-Kodiċi minflok il-kliem "il-marixxall" għandhom jidhlu l-kliem "l-uffiċjal eżekuttiv tal-qorti", u minflok il-kliem "li ma jkunux suġġetti għal qbid." għandhom jidhlu l-kliem "li ma jkunux suġġetti għal qbid u għandu jwahhal ir-riferta mal-mandat."

Sostituzzjoni ta' l-artikolu 296 tal-Kodiċi.

107. L-artikolu 296 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Attendenza tal-kunsinnatarju

296. Il-kunsinnatarju mahtur mill-kreditur, jekk ikun hemm, ikollu d-dritt li jattendi ma' l-uffiċjal eżekuttiv tal-qorti għall-esekuzzjoni tal-mandat iżda l-uffiċjal eżekuttiv tal-qorti ma jkunx dovut jagħti lill-kreditur avviż ta' l-esekuzzjoni."

Thassir ta' l-artikolu 297 tal-Kodiċi.

108. L-artikolu 297 tal-Kodiċi għandu jithassar.

Sostituzzjoni ta' l-artikolu 298 tal-Kodiċi.

109. L-artikolu 298 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Kunsinnatarju responsabbli għall-preservazzjoni tal-hwejjeġ.

298. (1) Il-kunsinnatarju għandu jkun responsabbli għall-preservazzjoni xierqa tal-hwejjeġ fdati lil u m'għandux iħalli lil ebda persuna li tagħmel użu mill-hwejjeġ sakemm mhux ordnat mod ieħor mill-qorti:

Iżda d-debitur jista' jithalla juża jew jibqa' jzomm pussess ta' dawk l-oġġetti minn fost il-hwejjeġ maqbuda li l-qorti tista' tawtorizza jekk tqis li dawk l-oġġetti huma normalment mehtieġa f'dar medja għal għixien deċenti sabiex tinzamm id-dinjità umana tad-debitur u tal-familja tiegħu.

(2) Meta jinqabdu hwejjeg li jiddeterjoraw, ir-registratur ghandu, minghajr bżonn ta' iktar awtorizzazzjoni, jbigħ il-hwejjeg maqbuda u bir-rikavat minn dak il-bejgħ, jaġixxi skond id-disposizzjonijiet ta' l-artikolu 286."

110. L-artikolu 300 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 300 tal-Kodiċi.

"Il-Kunsinnatarju ghandu jaġixxi bħal missier tajeb.

300. Il-kunsinnatarju hu fid-dmir li juża, għall-irfiġh tal-hwejjeg maqbuda, id-diligenza ta' missier tajeb; jekk il-kunsinnatarju jonqos li jipprezenta dawk il-hwejjeg meta jintalab biex jagħmel dan, il-qorti ghandha tordnalu jidher quddiemha biex jiġġustifika n-nuqqas tiegħu li jagħmel dan; il-kunsinnatarju jkun responsabbli għad-danni u l-imghax, u l-qorti, wara li teżamina ċ-ċirkostanzi tal-każ, tista' tagħti dawk l-ordnijiet li jidrilha xierqa, magħdud l-arrest personali tal-kunsinnatarju għal perjodu li ma jaqbiżx it-tlett xhur, sabiex huwa jiġi mġiegħel jipprezenta dawk il-hwejjeg."

111. L-artikolu 301 tal-Kodiċi ghandu jithassar.

Thassir ta' l-artikolu 301 tal-Kodiċi.

112. Fl-artikolu 302 tal-Kodiċi minflok il-kliem "għall-eżekuzzjoni tal-mandat" għandhom jidhru l-kliem "għall-eżekuzzjoni tal-mandat jew għall-bejgħ tal-hwejjeg."

Emenda ta' l-artikolu 302 tal-Kodiċi.

113. L-artikolu 303 tal-Kodiċi ghandu jithassar.

Thassir ta' l-artikolu 303 tal-Kodiċi.

114. L-artikolu 304 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 304 tal-Kodiċi.

(a) id-disposizzjoni preżenti għandha tiġi numerata mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) minflok il-paragrafu (b) tas-subartikolu (1), ghandu jiġi sostitwit il-paragrafu ġdid li ġej:

"(b) il-karti personali u l-kotba li għandhom

x'jaqsmu mal-professjoni tad-debitur, tal-mara tieghu jew tat-tfal tieghu;"

(c) minflok il-paragrafi (d), (e) u (f) tas-subartikolu (1) tieghu, ghandhom jigu sostitwiti l-paragrafi godda li gcejjin:

"(d) il-makni u l-ghodda mehtiega ghat-taghlim jew l-ezerċizzju ta' xi xjenza jew ta' xi arti tad-debitur, tal-mara tieghu jew tat-tfal tieghu;

(e) il-bhejjem u l-ghodod mehtiega ghall-biedja u xi frott kemm jekk imqaċċta jew mhux imqaċċta mill-art;

(f) inġenji ta' l-ajru u bastimenti mikrija ghal kollox fis-servizz tal-Gvern ta' Malta;"

(d) il-paragrafu (g) tas-subartikolu (1) tieghu ghandu jigi numerat mill-gdid bhala l-paragrafu (h) u minnufih wara l-paragrafu (f) tieghu, ghandu jizdied il-paragrafu gdid li gcej:

"(g) ilbies sagru u kontenituri wzati fi knisja kkonsagrata jew ta' proprjeta' ta' qassis, ta' ordni religjuza jew ta' membru taghha;"

(c) minflok il-proviso tieghu ghandu jigi sostitwit il-proviso gdid li gcej:

"Izda l-hwejjeg imsemmija fil-paragrafi (a) sa (g) jistghu jigu maqbuda -

(i) meta l-mandat ta' qbid jintalab ghall-prezz ta' dawk il-hwejjeg;

(ii) meta l-mandat ta' qbid jintalab ghall-kera jew ghal cenus tal-fond fejn dawk il-hwejjeg kienu jinzammu;

(iii) jekk it-titolu eżekuttiv li fuqu l-mandat inhareg jikkundanna lid-debitur b'mod speċifiku biex jaghti lura dawk il-hwejjeg;" u

(f) minnufin wara s-subartikolu (1), kif numerat mill-gdid, ghandu jizdied s-subartikolu gdid li gcej:

"(2) Jistghu jigu maqbuda hwejjeg mobbli mhux maqsuma bejn id-debitur u terza persuna, izda ma jistax isir il-bejgh ta' dawn il-hwejjeg jekk mhux wara l-qasma taghhom."

115. Minflok l-intestatura "Sub-titolu II FUQ IL-BEJGH FL-IRKANT BIL-QORTI" li tidher minnufih qabel l-artikolu 305, ghandha tigi sostitwita l-intestatura "Sub-titolu III FUQ IL-MANDAT TA' QBID TA' HWEJJEĠ IMMOBBLI".

Sostituzzjoni ta' intestatura fit-Tieni Ktieb tal-Kodiċi.

116. L-artikoli 305, 306, 307 u 308 tal-Kodiċi ghandhom jiġu sostitwiti bl-artikoli godda li ġejjin:

Sostituzzjoni ta' l-artikoli 305 sa 308 tal-Kodiċi.

"Talba ghandha ssir b'rikors.

305. (1) It-talba ghall-qbid ta' beni immobbli hi maghmula b'rikors.

(2) Fir-rikors ghandu jkun hemm deskrizzjoni tal-hwejjeġ li tagghom jintalab il-bejgħ fl-irkant.

Dmirijiet tal-Qorti.

306. (1) Meta tilqa' rikors ghall-hruġ ta' mandat ta' qbid ta' hwejjeġ immobbli u fid-digriet li jippermetti dan il-qbid il-qorti ghandha -

(a) tordna lir-registratur li jahtar lil xi esperti li jistgħu jkunu mehtieġa biex iwettqu l-valutazzjoni tal-hwejjeġ, liema valutazzjoni ghandha ssir fiż-żmien li jista' jiġi deċiż mir-registratur;

(b) tordna li l-espert ifassal valutazzjoni tal-hwejjeġ flimkien ma' deskrizzjoni tagghom u jissottometti l-istess b'ġurament lir-registratur;

(c) tordna lid-debitur li b'ġurament jaghti dik l-informazzjoni li ghandha x'taqsam mal-hwejjeġ kif jista' jkun mehtieġ mir-Registratur jew l-esperti, u d-disposizzjonijiet li ghandhom x'jaqsmu max-xhieda ghandhom jghoddu għad-debitur;

(d) skond ir-regolamenti li jistgħu jsiru mill-Ministru responsabbli għall-ġustizzja, tordna l-bejgħ fl-irkant tal-qorti tal-hwejjeġ f'dik il-ġurnata li tista' tigi f'fissata mir-registratur u minghajr bżonn ta' iktar notifika lid-debitur;

(e) tordna lir-registratur li jinforma lid-Direttur tar-Registru Pubbliku u lir-Registratur ta' l-Artijiet bid-digriet fi żmien l-cwwel ġurnata tax-xogħol li tigi wara;

(f) tordna lid-Direttur tar-Registru Pubbliku biex jirregistra minnufih id-digriet fi ktieb li ghandu jinżamm ghal dak il-ghan fir-Registru Pubbliku u li jkun aċċessibbli ghall-pubbliku; u

(g) tordna lir-registratur li jiddisponi mir-rikavat tal-bejgħ skond is-sentenza jew it-titolu eżekuttiv iehor infurzat u d-disposizzjonijiet ta' dan il-Kodiċi jew ta' kull liġi oħra.

(2) Id-digriet ikun notifikat lid-debitur.

Applikabbiltà tad-disposizzjonijiet għall-bastimenti u ingeni ta' l-ajru.

307. (1) Id-disposizzjonijiet ta' dan is-sub-titolu japplikaw għall-vapuri jew bastimenti oħra ta' iktar minn għaxar metri tul u għall-ingenji ta' l-ajru.

(2) Stima tal-hwejjeġ li ghandhom jiġu mibjugħa għandha dejjem issir qabel il-bejgħ, iżda jekk stima, magħmula mhux iktar kmieni minn tnax-il xahar qabel is-sentenza infurzata, għet aċċettata mill-qorti fis-sentenza tagħha ir-registratur għandu jaċċetta dik l-istima u ma jappuntax esperti godda biex iwettqu stima ġdida.

(3) Stima ma tkunx meħtieġa wkoll jekk il-kreditur u d-debitur jipprezentaw, fi żmien sebat ijiem mid-digriet notifikat lid-debitur, nota fl-inkartament li taqbel mal-valur tal-proprietà.

Espert mahtur mir-Registratur.

308. (1) Ir-Registratur jista', skond iċ-ċirkostanzi, jahtar iktar minn espert wieħed.

(2) L-istima ma tistax tiġi attakkata, imma r-Registratur jista', permezz ta' rikors, jordna l-korrezzjoni ta' kull żball li jkun ittiċhed fl-istima."

Thassir ta' l-artikolu 309 tal-Kodiċi.

117. L-artikolu 309 tal-Kodiċi għandu jithassar.

Sostituzzjoni ta' l-artikoli 310 u 311 tal-Kodiċi.

118. L-artikoli 310 u 311 tal-Kodiċi għandhom jiġu sostitwiti

bl-artikoli godda li ġejjin:

"L-istima ta' l-immobbli għandu jkun fih deskrizzjoni tal-fond, eċċ.

310. (1) Fl-istima ta' immobbli, l-esperti għandhom jinkludu deskrizzjoni tal-fond li tfisser il-piżijiet, kirjiet u jeddijiet oħra kemm reali jew personali, jekk ikun hemm, li għalihom il-fond ikun soġġett, kif ukoll l-aħhar trasferiment tiegħu, skond l-informazzjoni li jkunu hađu mill-kreditur jew mid-debitur.

(2) Fuq talba bil-miktub jew verbali ta' l-espert jew il-kreditur, id-debitur jew persuna oħra tkun tista' tintalab tikkonferma b'ġurament, mogħti mill-qorti jew mir-registratur, l-informazzjoni mogħtija lill-espert jew li dan ikun talab.

(3) Id-debitur jew persuna oħra jiġu msejha biex jagħtu l-informazzjoni hawn fuq imsemmija permezz ta' ittra mir-registratur.

(4) Id-disposizzjonijiet dwar ix-xhieda jgħoddu għad-debitur jew persuna oħra msejha kif jingħad hawn fuq.

L-istima għandu jiġi mahfuf.

311. Ir-rapport ta' l-istima għandu jiġi ppreżentat b'ġurament mill-espert fiż-żmien permess mir-Registratur. Fil-każ li l-esperti jonqsu milli jippreżentaw l-istima fiż-żmien imsemmi ir-Registratur jista' jew jestendi ż-żmien għal perjodu ieħor determinat ta' mhux iktar minn tlett xhur jew jappunta espert ġdid."

119. Minnufih qabel l-artikolu 312 tal-Kodiċi, għandha tiżdied l-intestatura ġdida li ġejja:

Żieda ta' intestatura ġdida fi-Tieni Ktieb tal-Kodiċi.

"Sub-titolu IV - FUQ IL-BEJGH BL-IRKANT TAL-QORTI".

120. L-artikoli 312 u 313 tal-Kodiċi għandhom jiġu sostitwit bl-artikoli godda li ġejjin:

Sostituzzjoni ta' l-artikoli 312 u 313 tal-Kodiċi.

"Digriet biex jiġi iffissat il-jum tal-bejgh bl-irkant. Hruġ ta' l-avviżi.

312. (1) Il-mobbli jew l-immobbli, maqbuda mill-pussess ta' debitur, għandhom jinbiegħu b'irkant pubbliku skond id-disposizzjonijiet ta' dan it-Titolu.

(2) L-irkanti ghandhom jinżammu kull meta jkun hemm bżonn meta jkun henn numru suffiċjenti ta' hwejjeġ biex jinbieghu, hekk iżda li ma jghaddux iktar minn sittin gurnata bejn il-qbid tal-proprjetà u d-data ta' l-irkant pubbliku.

(3) Id-disposizzjonijiet ta' dan is-Sub-titolu ghandhom jghoddu għall-proprjetà kemm mobbli u immobbli u xejn ma jwaqqaf lir-registratur milli jbigħ proprjetà mobbli u immobbli fl-istess irkant.

(4) Għall-ghanjiet ta' dan is-Sub-titolu it-tifsira ta' mobbli ghandha tkun l-istess bhal dik mogħtija fis-Sub-titolu II ta' dan it-Titolu u dik ta' immobbli ghandha tkun l-istess bhal dik mogħtija fis-Sub-titolu III ta' dan it-Titolu.

Forma ta' l-avviż tal-bejgħ fl-irkant.

313. Ir-registratur ghandu, mill-inqas wicħed u għoxrin jum qabel l-irkant, jippubblika avviż fil-Gazzetta li jindika d-data, l-post u l-hin ta' l-irkant, il-hwejjeġ li ghandhom jinbieghu b'irkant, inkluż in-numru approssimativ tagħhom, u l-hinijiet, jekk ikun hemm, meta jista' jarahom il-pubbliku:

Iżda fil-każ ta' bejgħ bl-irkant tal-qorti ta' immobbli, ir-registratur ghandu jinkludi fl-avviż id-deskrizzjoni tal-proprjetà u l-istima magħmula mill-espert u ghandu wkoll jippubblika l-avviż għall-inqas f'gazzetta ta' kuljum waħda:

Iżda wkoll kopja ta' l-avviż ghandha tinżamm fir-Registru u ghandha tkun aċċessibbli għall-pubbliku."

Thassir ta' l-artikoli 314, 315 u 316 tal-Kodiċi.

121. L-artikoli 314, 315 u 316 tal-Kodiċi ghandhom jithassru.

Emenda ta' l-artikolu 317 tal-Kodiċi.

122. Fl-artikolu 317 tal-Kodiċi minflok il-kliem "Il-marixxall" ghandhom jidhlu l-kliem "Il-kunsinnafarju".

Thassir ta' l-artikoli 318, 319, 320 u 322 tal-Kodiċi.

123. L-artikoli 318, 319, 320 u 322 tal-Kodiċi ghandhom jithassru.

124. L-artikolu 323 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 323 tal-Kodiċi.

"Kemm għandu jidm sejjer l-irkant.

323. L-irkant ta' immobbli, ta' jeddijiet imgħaqdin ma' immobbli, jew ta' azjendi, għandu jidm mill-inqas sagħtejn:

Izda irkant ta' hwejjeġ oħrajn ikunu x'ikunu għandu jidm mill-inqas siegħa:

Izda wkoll jista' jsir l-irkant fl-istess żmien ta' iżjed minn haġa waħda."

125. L-artikoli 324 u 325 tal-Kodiċi għandhom jithassru.

Thassir ta' l-artikoli 324 u 325 tal-Kodiċi.

126. L-artikolu 326 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 326 tal-Kodiċi.

"Twaqqif ta' l-irkant jew tal-librazzjoni.

326. (1) It-talba għall-bejgħ bl-irkant tal-qorti tista' tiġi rtirata mill-kreditur f'kull hin imma kreditur li jichu dik l-azzjoni ma jistax jipproċedi b'titolu eżekuttiv kontra l-istess debitur għall-istess debitu qabel ma jkun għadda perjodu ta' sena mid-data ta' l-irtirar tat-talba.

(2) Il-qorti tista', fuq it-talba ta' parti interessata, jekk tkun sodisfatta li l-kontinwazzjoni tiegħu ser tikkawża telf serju u irreparabbli għall-parti konċernata, tordna s-sospensjoni ta' bejgħ bl-irkant tal-qorti.

(3) Jekk it-twaqqif ta' l-irkant jiġi mitlub mid-debitur jew minn terza persuna, it-talba ma tiġix milqugħa, kemm-il darba, flimkien magħha, ma titqiegħedx f'idejn ir-Registratur somma li tkun ekwivalenti għal dik imhallsa mill-kreditur biex jeffettwa l-qbid u l-bejgħ, inkluż kull depożitu magħmul minnu.

(4) Lanqas ma tiġi milqugħa t-talba għat-twaqqif ta' irkant illi tiġi magħmula f'inqas minn sitt ijiem qabel il-jum iffissat għall-irkant, kemm-il darba min jagħmel it-talba ma jikkonfermax bil-ġurament quddiem ir-Registratur, illi r-raġuni tat-twaqqif inqalghet f'dak iż-żmien, inkella, illi hu ma kienx jaf b'dik ir-raġuni qabel dak iż-żmien.

(5) Kull min ghandu interess jista' jaghmel rikors li bih jitlob lill-qorti tirrevoka *contrario imperio* d-digriet taghha li bih tkun awtorizzat it-twaqqif ta' l-irkant, u l-qorti ghandha tisma' lill-partijiet b'mod sommarju qabel ma taghti d-digriet taghha. Dan id-digriet ma jistax jiġi kontestat f'xi qorti."

Thassir ta' l-artikolu 327 tal-Kodiċi.

127. L-artikolu 327 tal-Kodiċi ghandu jithassar.

Sostituzzjoni ta' l-artikoli 328 sa 330 tal-Kodiċi.

128. L-artikoli 328 sa 330 tal-Kodiċi ghandhom jiġu sostitwiti bl-artikoli ġodda li ġejjin:

"Depozitu tal-prezz tal-liberazzjoni.

328. (1) Il-hwejjeġ għall-irkant ghandhom jinbieghu lil min joffri l-oghla prezz sakemm dan:

(a) fil-każ ta' mobbli, jhallas il-prezz immedjatament, jichu l-pussess tal-hwejjeġ mibjugha u jneħhi l-hwejjeġ mill-post u l-kunsinnatarju, fuq il-hlas tal-prezz, m'ghandux ikun iktar responsabbli għal dawn il-hwejjeġ; u

(b) fil-każ ta' immobbli, fi żmien sebat ijiem mill-liberazzjoni, jiddepożita mar-registratur somma ta' flus jew *bank draft* mahruġ minn bank lokali ekwivalenti għall-prezz li għalih il-hwejjeġ kien liberati.

Għall-finijiet ta' dan is-subartikolu l-kelma "prezz" tinkludi d-drittijiet kollha li jithallsu f'konnessjoni ma' l-irkant.

(2) Fin-nuqqas ta' dan il-hlas, ix-xerrej ghandu, fuq talba ta' l-eżekutant jew ta' l-eżekutat, b'ċitazzjoni, jkun jista' jiġi arrestat għal perjodu li ma jaqbiżx it-tliet xhur u għal danni u imghax.

(3) Offerent li kien mogħti permess li jixtri *animo compensandi* jista' jiddepożita id-digriet relattiv minflok il-prezz jew parti minnu u r-registratur ghandu, minkejja kull disposizzjoni oħra ta' dan il-Kodiċi, jaghmel it-tpaċija relattiva minghajr il-bżonn ta' iktar proċeduri.

(4) Offerta maghmula f'isem kumpanija jew soċjetà ssir biss minn persuna awtorizzata u qabel ma' ssir l-ewwel offerta dik il-persuna ghandha taghti lill-irkantatur dikjarazzjoni bil-miktub iffirmata minnha u mir-rappreżentant awtorizzat tal-kumpanija jew tas-soċjetà li turi -

(a) l-isem tal-kumpanija jew tas-soċjetà;

(b) l-isem, l-indirizz u n-numru tal-karta ta' l-identità tal-persuna awtorizzata li taghmel offerta ghan-nom taghha;

(c) il-kariga ta' dik il-persuna fil-kumpanija jew fis-soċjetà;

(d) l-awtorizzazzjoni tal-kumpanija jew tas-soċjetà, ċertifikata mir-rappreżentant awtorizzat, lill-persuna li taghmel offerta ghan-nom taghha; u

(e) l-aċċettazzjoni minn dik il-persuna ta' dik l-awtorizzazzjoni;

(5) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti jipprovdi biex jiġu stabbiliti dawk il-kondizzjonijiet, barra minn dawk elenkati fis-subartikolu (4), li jista' jqis mehtieġa sabiex persuna tkun awtorizzata taghmel offerta ghan-nom ta' kumpanija jew soċjetà.

(6) Persuna li taghmel offerta f'isem kumpanija jew soċjetà skond ta' dan l-artikolu ghandha tkun personalment responsabbli għall-esekuzzjoni ta' l-obbligi tal-kumpanija jew tas-soċjetà u ghandha tassumi tali repsonsabbiltà *in solidum* mal-kumpanija jew mas-soċjetà.

Proprietà mhux
mibjugha.

329. (1) Jekk l-offerent rebbieh jonqos li josserva d-disposizzjonijiet ta' l-artikolu 328, jew jekk xi parti mill-hwejjeġ jibqgħu mhux mibjugha, il-proprjetà ghandha, għal darb'ohra biss, terġa tittalla' għal irkant pubbliku fl-irkant li jmiss wara, kemm-il darba il-kreditur, fi żmien tliet ijiem mill-jum meta l-prezz kellu jithallas, jhallas kull dritt addizzjonali li jista' jkun dovut.

(2) Hwejjeġ li jibqgħu mhux mibjugħa fl-ahħar tat-tieni irkant għandhom jingħataw lura lid-debitur, u, fil-każ ta' hwejjeġ immobbli, ir-registrazzjoni magħmula skond l-artikolu 306(1)(f) għandha tiġi kkanċellata fuq rikors tad-debitur.

Depozitu tal-prezz ta' hwejjeġ mobbli.

330. (1) Ir-rikavat tal-bejgħ bl-irkant għandu jithallas mir-Registratur lill-kredituri wara t-tnaqqis ta' xi spejjeż legali.

(2) Ir-Registratur għandu jhallas lid-debitur l-ammont li jibqa' wara li jsir il-hlas lill-kredituri skond id-disposizzjonijiet tas-subartikolu (1).

(3) Jekk ir-Registratur jidherli li tkun ingabret sōmma li tkun biżżejjed għall-hlas tad-debiti u l-ispejjeż ta' l-irkant, ir-registratur għandu jordna li l-irkant ma jtkompliex u li l-hwejjeġ mhux mibjugħa jingħataw lura lid-debitur.

(4) Fil-każ ta' xi mandat ta' sekwestru li jibqa' fuq il-prezz tal-hwejjeġ jew fuq il-hwejjeġ innfishom, ir-Registratur għandu, minflok id-disposizzjonijiet tas-subartikoli (1) sa (3) jiddepożita il-flus jew il-hwejjeġ fil-qorti."

Emenda ta' l-artikolu 340 tal-Kodiċi.

129. Fis-subartikolu (1) ta' l-artikolu 340 tal-Kodiċi, minflok il-kliem "tas-subartikoli (2) u (3) ta' l-artikolu 329", għandhom jidhlu l-kliem "ta' l-artikolu 329(2)".

Thassir ta' l-artikoli 342 sa 345 tal-Kodiċi.

130. L-artikoli 342, 343, 344 u 345 tal-Kodiċi għandhom jithassru.

Emenda ta' l-artikolu 346 tal-Kodiċi.

131. Fit-test ingliz tas-subartikolu (1) ta' l-artikolu 346 tal-Kodiċi, minflok il-kliem "as an addition execution creditor and such addition execution creditor shall", għandhom jidhlu l-kliem "as an additional execution creditor and such additional execution creditor shall".

Sostituzzjoni ta' l-artikolu 347 tal-Kodiċi.

132. L-artikolu 347 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

ġdid li ġej:

"Proċess verbal tal-bejgħ fl-irkant.

347. Ir-Registratur jew persuna oħra li twettaq l-irkant għandu jagħmel proċess verbal, li fih inizzel dawk il-partikolaritajiet li jistgħu jkunu meħtieġa minn regolamenti magħmula mill-Ministru responsabbli għall-gustizzja taht dan l-artikolu."

133. L-artikoli 348, 349, 350, 351 u 352 tal-Kodiċi għandhom jiġu sostitwiti bl-artikoli ġodda li ġejjin:

Sostituzzjoni ta' l-artikoli 348 sa 352 tal-Kodiċi.

"Proċedura fl-irkant ta' merkanzija jew ta' proprjetà oħra.

348. L-irkant jinżamm fil-pubbliku u jista', minkejja kull liġi oħra, jsir mir-registratur jew xi ufficjal eżekuttiv ieħor tal-qorti u, bla hsara għal regolamenti li jistgħu isiru mill-Ministru responsabbli għall-gustizzja taht dan l-artikolu, il-persuna li tmexxi l-irkant għandha tirregola l-proċedura tiegħu:

Kap. 345.

Izda fil-każ ta' titoli fil-borża rikonoxxuta taht l-Att dwar is-Swieq Finanzjarji, l-irkant għandu jinżamm minn *stockbroker* liċenzjat skond id-disposizzjonijiet ta' l-artikolu 9 ta' l-Att dwar is-Swieq Finanzjarji.

Persuni li ma jistgħux joffru l-irkant.

349. L-Imhalledf, il-maġsirat, l-impjegati tal-qrati jew il-persuna li tmexxi l-irkant ma jistgħux jagħmlu offerti, diretti jew indiretti, f'irkant.

Tkeċċija tad-debitur mil-lok ta' l-irkant jekk ifixkel l-irkant.

350. Ir-registratur jew il-persuna li tmexxi l-irkant jistgħu jkeċċu lid-debitur jew kull persuna oħra mill-post fejn l-irkant hu miżmum, jekk dak id-debitur jew persuna oħra jippruvaw ifixklu l-kors ta' l-irkant, jew jiddiswadu lil min joffri.

Effett tat-twaqqif ta' l-irkant għal iżjed minn sena.

351. Jekk fuq talba tal-kreditur l-irkant hu mholli wicqaf għal iktar minn xahrejn l-atti kollha tal-kreditur rigward dak il-mandat isiru bla effett.

It-trasferiment ta' immobbli, eċċ., magħmul mid-debitur fi żmien sena mill-iskrizzjoni tad-digriet għall-irkant, huwa null.

352. (1) Kull trasferiment ta' immobbli jew ta' jeddijiet imghaqdin ma' immobbli u kiri jew trasferiment ieħor tat-tgawdija ta' dawn l-immobbli jew il-jeddijiet u t-tnaqqis jew restrizzjonijiet fit-tgawdija ta' dawn l-immobbli jew il-jeddijiet magħmula mid-debitur matul ir-reġistrazzjoni tad-digriet li bih il-qbid ta' tali proprjetà jew jeddijiet kien ordnat huwa null.

(2) Jekk, waqt il-proċeduri tal-bejgħ fl-irkant, dawn il-beni jkunu baqgħu f'idejn id-debitur, dan jista' jiġi mgiegħel jiddepożita fil-qorti l-frottijiet li fil-fatt ikunu ngabru jew li setgħu jingabru."

Emenda ta' l-artikolu 353 tal-Kodiċi.

134. Fis-subartikoli (1) u (2) ta' l-artikolu 353 tal-Kodiċi, minflok il-kliem "d-debitur jippreżenta" kull fejn jinsabu, għandhom jidhlu l-kliem "d-debitur jippreżenta, f'dak iż-żmien li jista' jiġi preskritt f'regolamenti magħmulin mill-Ministru responsabbli għall-gustizzja taht dan l-artikolu,".

Sostituzzjoni ta' l-artikolu 354 tal-Kodiċi.

135. L-artikolu 354 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Bejgħ bl-irkant tal-qorti.

354. Minkejja kull disposizzjoni oħra ta' dan il-Kodiċi, il-bejgħ bl-irkant tal-qorti għandu jitwettaq taht l-awtorità tal-Qorti Ċivili jew tal-Qorti tal-Maġistrati (Għawdex) fil-ġurisdizzjoni superjuri tagħha, kif ikun il-każ, indipendentement mill-qorti li kienet tat is-sentenza li tagħha tkun qed tintalab l-eskuzzjoni."

Emenda ta' l-artikolu 355 tal-Kodiċi.

136. Is-subartikolu (2) ta' l-artikolu 355 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Għall-finijiet tas-subartikolu (1) hwejjeg immobbli għandhom ukoll jinkludu azjenda, iżda ma jinkludux vapuri jew bastimenti oħra ta' iktar minn għaxar metri tul jew inġenji ta' l-ajru."

Sostituzzjoni ta' intestatura fit-Tieni Ktieb tal-Kodiċi.

137. Minflok l-intestatura "Sub titolu IV FUQ IL-MANDAT TA' SEKWESTRU EŻEKUTTIV", li tidher minnufih qabel l-artikolu 375 tal-Kodiċi, għandhom jiġu l-kliem "Sub-titolu VI FUQ IL-MANDAT TA' SEKWESTRU EŻEKUTTIV".

138. L-artikolu 376 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 376 tal-Kodiċi.

"X' għandu jkun fih il-mandat ta' sekwestru.

376. (1) Il-kreditur għandu, fir-rikors għall-hruġ ta' mandat ta' sekwestru, jindika sewwa l-isem u l-kunjom tad-debitur, u dettalji oħra dwar id-debitur kif jista' jkun preskritt sabiex id-debitur ikun jista' jiġi identifikat mis-sekwestratarju.

(2) Il-mandat għandu:

(a) jindika l-isem u l-kunjom tad-debitur u xi dettalji oħra mniżżlin fir-rikors għall-identifikazzjoni tad-debitur;

(b) jindika s-somma jew il-haġa dovuta;

(c) jindika t-titolu li bis-saħha tiegħu il-kreditur jitlob l-esekuzzjoni;

(d) jordna lis-sekwestratarju li ma jhallasx jew ma jagħtix lid-debitur, jew lil xi persuna oħra, il-flus jew il-hwejjeġ li jistgħu jinsabu għandu, taht piena tal-hlas tad-danni u l-imghax; u

(e) jordna lis-sekwestratarju biex jiddepożita, bi spejjeż tad-debitur u fi żmien sebat ijiem minn notifika tal-mandat, mar-reġistratur xi flus jew hwejjeġ li jkunu proprjetà tad-debitur, issekwestrati bil-mandat."

139. Is-subartikolu (1) ta' l-artikolu 377 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 377 tal-Kodiċi.

"(1) L-esekuzzjoni ta' mandat ta' sekwestru ssir billi tinghata kopja, permezz ta' l-uffiċjal eżekuttiv tal-qorti, lis-sekwestratarju."

140. L-artikoli 378 u 379 tal-Kodiċi għandhom jiġu sostitwiti

Sostituzzjoni ta' l-artikoli 378 u 379 tal-Kodiċi.

bl-artikoli godda li ġejjin:

"Dikjarazzjoni tas-sekwestratarju. Żmien għal din id-dikjarazzjoni.

378. Sekwestratarju li, għalkemm fil-pussess ta' flus jew hwejjeġ ohra, ta' proprjetà tad-debitur, li setgħu ġew issekwestrati bil-mandat, ma jagħmilx id-depożitu msemmi fl-artikolu 376 fi żmien il-perjodu hemm stipulat, ikun responsabbli għad-danni u l-imghax favur il-kreditur u l-qorti tista', wara rikors magħmul għal dak il-għan mill-kreditur, tohroġ dawk l-ordnijiet li jistgħu jkunu meħtieġa, inkluż l-arrest personali tal-persuna għal perjodu li ma jaqbiżx it-tliet xhur, biex tisfurzah jiddepożita dawk il-beni.

Sejha lis-sekwestratarju biex jiddepożita.

379. (1) Fil-każ ta' sekwestru ta' flus, is-sekwestratarju jista', qabel ma jqiegħed fil-qorti dawn il-flus, iżomm l-ispejjeż ta' dak id-depożitu u, fil-każ ta' sekwestru ta' hwejjeġ mobbli ohra, hu jista' jitlob lura dawk l-ispejjeż bi privileġġ fuq il-hwejjeġ depożitati.

(2) Fil-każijiet kollha, is-sekwestrant u s-sekwestrat għandhom jiġu notifikati bid-depożitu."

Thassir ta' l-artikolu 380 tal-Kodiċi.

141. L-artikolu 380 tal-Kodiċi għandu jithassar.

Emenda ta' l-artikolu 381 tal-Kodiċi.

142. L-artikolu 381 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tas-subartikolu (1) tiegħu, minflok il-kliem "dak li wiehed jirċievi bhala karità" għandhom jidhlu l-kliem "dak li wiehed jirċievi bhala karità jew bhala donazzjoni";

(b) il-paragrafu (f) tas-subartikolu (1) tiegħu għandu jithassar; u

(ċ) is-subartikolu (2) tiegħu għandu jithassar.

Sostituzzjoni ta' intestatura fit-Tieni Ktieb tal-Kodiċi.

143. Minflok it-Titolu "Sub titolu V FUQ IL-MANDAT TA' ŻGUMBRAMENT JEW TA' TKEĊĊIJA MINN BENI IMMOBBLI", li jidher minnufih qabel l-artikolu 384 tal-Kodiċi, għandhom jiġu sostitwiti l-kliem "Sub-titolu VII FUQ IL-MANDAT TA' ŻGUMBRAMENT JEW TA' TKEĊĊIJA MINN BENI

IMMOBBLI".

144. Fl-artikolu 384 tal-Kodiċi minflok il-kliem "il-marixxall" kull fejn jinsabu għandhom jidhlu l-kliem "l-uffiċjal eżekuttiv tal-qorti".

Emenda ta' l-artikolu 384 tal-Kodiċi.

145. Minflok l-intestatura "Sub titolu VI FUQ IL-MANDAT *IN FACTUM*", minnufih tidher qabel l-artikolu 385, għandha tiġi sostitwita l-intestatura "Sub-titolu VIII FUQ IL-MANDAT *IN FACTUM*".

Sostituzzjoni ta' intestatura fit-Tieni Ktieb tal-Kodiċi.

146. L-artikolu 385 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 385 tal-Kodiċi.

"Mandat *in factum*."

385. (1) Il-mandat *in factum* għandu jkun fih ordni lill-uffiċjal eżekuttiv tal-qorti biex l-eżekutat jiġi mehud il-habs u jinżamm hemm bi spejjeż tiegħu innifsu sakemm ma jagħmilx il-fatt ordnat bis-sentenza, jew sakemm il-qorti jidhrilha li hu mehtiegħ sabiex tiżgura l-eskuzzjoni ta' dak il-fatt.

(2) Il-mandat m'għandux jinharegħ hliet wara rikors mill-kreditur u l-qorti għandha tohroġ il-mandat biss jekk tkun sodisfatta li l-kreditur ma għandu ebda mezz ta' eskuzzjoni oħra."

147. Fis-subartikoli (1) u (3) ta' l-artikolu 387 minflok il-kliem "il-marixxal" kull fejn jinsabu għandhom jidhlu l-kliem "l-uffiċjal eżekuttiv tal-qorti".

Emenda ta' l-artikolu 387 tal-Kodiċi.

148. Minflok l-intestatura "Sub-titolu VII FUQ IR-RENDIKONT U L-LIKWIDAZZJONI TAL-FROTTIJET", minnufih tidher qabel l-artikolu 389 tal-Kodiċi, għandha tiġi sostitwita l-intestatura "Sub-titolu IX FUQ IR-RENDIKONT U L-LIKWIDAZZJONI TAL-FROTTIJET".

Sostituzzjoni ta' intestatura fit-Tieni Ktieb tal-Kodiċi.

149. Minnufih wara l-paragrafu (d) fis-subartikolu (2) ta' l-artikolu 460 tal-Kodiċi, għandu jidhol dan il-paragrafu ġdid li ġej:

Emenda ta' l-artikolu 460 tal-Kodiċi.

"(c) għal riferenzi ta' tilwimiet għall-arbitraġġ."

150. L-artikolu 470 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

Sostituzzjoni ta' l-artikolu 470 tal-Kodiċi.

ġdid li ġej:

"Proċediment
f'affarijiet ta'
ġurisdizzjoni
volontarja.

470. (1) Bla hsara tad-disposizzjonijiet ta' l-artikolu 489 ta' dan il-Kodiċi u ta' l-artikolu 37 tal-Kodiċi Ċivili, it-talba għal awtorizzazzjoni jew permess biex wiehed jista' jikkuntratta jew biex jagħmel disposizzjoni li dwarhom il-liġi ma tippermettix minghajr ma' jkun hemm qabel awtorizzazzjoni jew permess, jew għal provvediment jew ordni iehor ta' ġurisdizzjoni volontarja u ta' natura ċivili, għandha ssir lil sezzjoni tal-Qorti Ċivili kif jiġi preskritt b'regolamenti.

(2) Dak ir-rikors għandu jkun iffirmit mill-parti nfisha, jew minn avukat, nutar jew prokuratur legali."

Emenda ta' l-
artikolu 478 tal-
Kodiċi.

151. Is-subartikolu (3) ta' l-artikolu 478 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"L-imhalled
jista' jahtar
assistent
gudizzjarju.

(3) L-imhalled jista' jahtar assistent gudizzjarju biex ikun preżenti fl-att. Jista' wkoll jahtar assistent gudizzjarju biex jichu l-informazzjonijiet kif jingħad fl-artikolu 471, jew iddikjarazzjonijiet b'gurament imsemmija f'din it-Taqsima, jekk il-persuna li għandha tiġi eżaminata jew mismugħa, jew li għandha tagħmel iddikjarazzjoni, ma tkunx tista', minhabba mard, tidher il-qorti jew f'lok iehor magħżul mill-imhalled."

Thassir ta' l-
artikoli 480 u
481A tal-
Kodiċi.

152. L-artikoli 480 u 481A tal-Kodiċi għandhom jithassru.

Emenda ta' l-
artikolu 486 tal-
Kodiċi.

153. Fis-subartikolu (1) ta' l-artikolu 486 tal-Kodiċi, minflok il-kelma "registru", għandha tidhol il-kelma "Registru".

Sostituzzjoni ta'
l-artikolu 489
tal-Kodiċi.

154. L-artikolu 489 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

ġdid li ġej:

"Disposizzjonijiet ta' din it-Taqsima li jghoddu għall-qorti ta' Ghawdex u Kemmuna, bhala qorti ta' ġurisdizzjoni volontarja.

489. Id-disposizzjonijiet ta' din it-Taqsima ta' dan il-Kodiċi dwar is-sezzjoni ta' Ġurisdizzjoni Volontarja tal-Qorti Ċivili, u l-imhalef tagħha iġoddu wkoll għall-Qorti tal-Maġistrati (Ghawdex) bhala qorti ta' ġurisdizzjoni volontarja, kif kostitwita taht l-artikolu 54, u għall-maġistrat li joqghod f'dik il-qorti."

155. L-artikolu 606 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 606 tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "wied mill-imhallfin jew maġistrati supplenti, skond fejn ikun joqghod ix-xhud" għandhom jidhlu l-kliem "assistent ġudizzjarju";

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "wied mill-maġistrati supplenti mahturin taht l-artikolu 20" u "wied mill-imhallfin supplenti mahturin taht l-artikolu 13" għandhom jidhlu, fiż-żewġ każijiet, il-kliem "assistent ġudizzjarju";

(ċ) fis-subartikolu (4) tiegħu, minflok il-kliem "mill-imhalef jew maġistrat supplenti" għandhom jidhlu l-kliem "mill-assistent ġudizzjarju"; u

(d) fis-subartikolu (5) tiegħu, l-kliem "ghad-dritt ta' l-imhalef jew maġistrat supplenti u" għandhom jithassru.

156. L-artikolu 607 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 607 tal-Kodiċi.

"L-assistent ġudizzjarju għandu jniżżel l-ecċezzjonijiet dwar il-kompetenza jew il-kredibbiltà tax-xhieda.

607. L-assistent ġudizzjarju għandu jniżżel kull oġġezzjoni mressqa mill-partijiet dwar il-kompetenza jew il-kredibbiltà ta' xhud."

157. L-artikolu 609 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

Sostituzzjoni ta' l-artikolu 609 tal-Kodiċi.

ġdid li ġej:

"Ix-xichda ghandha tigi iffirmata u issigillata.

609. Ix-xihdjet mehuda kif jinghad fl-artikoli 606 u 607 ghandhom jigu wkoll iffirmati mill-assistent ġudizzjarju, u mbaghad ghandhom jigu ssiggillati mir-Registratur, u mdahhlin fl-atti tal-kawża."

Emenda ta' l-artikolu 610 tal-Kodiċi.

158. L-artikolu 610 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minflok il-kliem "l-imhalledf supplenti" ghandhom jidhlu l-kliem "l-assistent ġudizzjarju";

(b) is-subartikolu (3) tiegħu ghandu jithassar;

(c) is-subartikoli (4), (5) u (6) tiegħu ghandhom jigu numerati mill-ġdid bħala s-subartikoli (3), (4) u (5); u

(d) fis-subartikolu (3), kif numerat mill-ġdid, minflok il-kliem "imhalledf supplenti" kull fejn jinsabu ghandhom jidhlu l-kliem "assistent ġudizzjarju".

Zieda ta' l-artikolu 622B mal-Kodiċi.

159. Minnufih wara l-artikolu 622A tal-Kodiċi ghandu jiżdied l-artikolu ġdid li ġej:

"Irrekordjar fuq tejp jew fuq video ta' xichda.

622B. Bla hsara għad-disposizzjonijiet ta' l-artikolu 622A, il-qorti tista' jekk tqis li jkun hekk xieraq, tippermetti l-irrekordjar fuq tejp jew fuq video ta' xi xichda mehtieġa minn xhud, skond kodiċijiet ta' prattika li l-Ministru responsabbli għall-ġustizzja jista', b'regolamenti, jippreskrivi."

Emenda ta' l-artikolu 686 tal-Kodiċi.

160. Fl-artikolu 686 tal-Kodiċi minflok il-kliem "imhalledf jew maġistrat supplenti" ghandhom jidhlu l-kliem "assistent ġudizzjarju".

Emenda ta' l-artikolu 706 tal-Kodiċi.

161. L-artikolu 706 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "minn wiehed mill-imhallfin jew maġistrati supplenti, skond ma jkun il-kaz" ghandhom jidhlu l-kliem "minn assistent ġudizzjarju"; u

- (b) fis-subartikolu (3) tieghu minflok il-kliem "mill-imhalled jew maġistrat supplenti" ghandhom jidhlu l-kliem "mill-assistent ġudizzjarju".

162. Fl-artikolu 707 tal-Kodiċi minflok il-kliem "mill-imhalled jew maġistrat supplenti" kull fejn jinsabu fis-subartikoli (1) u (2) tieghu, ghandhom jidhlu l-kliem "mill-assistent ġudizzjarju".

Emenda ta' l-artikolu 707 tal-Kodiċi.

163. Fis-subartikolu (1) ta' l-artikolu 712 tal-Kodiċi minflok il-kliem "mhalled jew maġistrat supplenti, skond il-każ," ghandhom jidhlu l-kliem "assistent ġudizzjarju".

Emenda ta' l-artikolu 712 tal-Kodiċi.

164. L-artikolu 733 tal-Kodiċi ghandu jiġi emendat biż-żieda, fl-aħhar tieghu, tal-proviso li ġej:

Emenda ta' l-artikolu 733 tal-Kodiċi.

"Iżda mhalled li jagħmilha ta' *Master* jista' jastjeni mill-assenjazzjoni ta' kawża, u jista' jittrasferixxi l-assenjazzjoni tal-kawża lil imhalled ieħor."

165. L-artikolu 830 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 830 tal-Kodiċi.

(a) is-subartikoli (2) u (3) tieghu ghandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

"(2) (a) Bla hsara għad-disposizzjonijiet ta' l-artikolu 870 ta' dan il-Kodiċi u ta' l-artikolu 357 ta' l-Att dwar il-Bastimenti Merkantili, dawk l-atti msemmijin fis-subartikolu (1) jiġu mhassra, kemm-il darba l-parti li kontra tagħha l-att ikun ġie mahruġ, tagħmel depożitu jew tagħti garanzija illi, fl-opinjoni tal-qorti, skond iċ-ċirkostanzi tal-każ, ikunu biżżejjed biex iqieghdu fiż-żgur il-jeddijiet jew il-pretensjonijiet imsemmija fl-att, jew jekk jintwera li l-att ġudizzjarju li bih tiġi aċċettata r-responsabbiltà kif imsemmi fis-subartikolu (3) ġie preżentat fir-reġistru xieraq.

(b) Minkejja li jkun sar depożitu jew inghatat garanzija kif imsemmi qabel, it-termini stabbiliti f'dan it-Titolu fuq il-kreditur sabiex iressaq l-azzjoni tieghu ghandhom jibqghu jghoddu.

(c) Dawk it-termini ghandhom jibdeu għaddejjin minn meta jinhareġ l-att kawtelatorju, u nuqqas tal-kreditur li jagħmel kawża fit-termini mogħtija jagħti jedd lid-debitur li jiżbanka d-depożitu jew ihassar il-garanzija.

(3) Meta jkun inhareġ att kawtelatorju kontra xi

persuna, jew b'mod li jkun jolqot xi proprjetà ta' dik il-persuna, sabiex titqiegħed fiż-żgur talba għal danni, u kumpannija ta' l-assigurazzjoni rreġistrata lokalment jew ufficċju lokali, kif imfisser fl-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni, permezz ta' att ġudizzjarju, pprezentat fir-reġistru ta' l-istess qorti, aċċettaw ir-responsabilità biex jhallsu s-somom kollha li jistgħu ikunu dovuti għal dawk id-danni, rigward it-talba magħmula f'dak l-att jekk il-persuna tinstab li hi responsabbli għal dawk id-danni -

(a) l-assigurat jew l-ufficċju lokali, kif ikun il-każ, ikunu responsabbli li jhallsu s-somom kollha li jistgħu ikunu dovuti għal danni li jiġu kkaġunati kif imsemmi;

(b) it-talba għal dawk id-danni tista' titmexxa kontra l-assigurat jew l-ufficċju lokali direttament; u

(ċ) l-att kawtelatorju kontra l-persuna jkun rexiss.";

(b) is-subartikoli (4) u (5) tiegħu għandhom jithassru;

(ċ) is-subartikolu (6) tiegħu għandu jiġi numerat mill-ġdid bħala s-subartikolu (4) u sostitwit bis-subartikolu ġdid li ġej:

"(4) Ebdha att kawtelatorju kif provdut fis-subartikolu (3) ma jinhareġ kontra l-assigurat jekk il-persuna li bi hsiebha toħroġ il-mandat taf li l-assigurat jew l-ufficċju lokali hareġ għall-assigurat ċertifikat ta' l-assigurazzjoni validu li jaċċetta r-responsabbiltà għall-hlas tad-danni; u f'dak il-każ it-talba għal dawn id-danni tista' titmexxa kontra l-assigurat jew l-ufficċju lokali jew l-agent, skond il-każ, direttament."; u

(d) is-subartikolu (7) tiegħu għandu jithassar;

ġdid li ġej:

"Rikors għal brug ta' mandat.

831. (1) It-talba għall-hruġ ta' xi wiehed mill-atti msemmija għandha ssir b'rikors imbejji mir-rikorrenti u għandu jkun fiha, taht il-piena tan-nullità ta' l-att, minbarra partikolaritajiet ohra li jistgħu ikunu preskritti b'regolamenti -

(a) l-origini u x-xorta tad-debitu jew il-pretensjoni li wiehed ikun irid iqiegħed fiż-żgur; u

(b) fejn id-dritt imfittex li jkun assigurat bl-att huwa dejn, jew talba li tista' tkun sodisfatta bil-hlas ta' ammont ta' flus, l-ammont li għalih tammonta t-talba.

Jekk il-kawża diġà ġiet ipprezentata fil-qorti, dik it-talba tista' tispeċifika u tinkludi l-ispejjeż ġudizzjarji kollha.

(2) Ir-rikors għandu jiġi konfermat mill-applikant bil-ġurament:

Iżda meta f'rikors ikun hemm iktar minn rikorrent wiehed li jkun qiegħed jitlob il-hruġ ta' xi wiehed mill-atti kawtelatorji msemmija fl-artikolu 830(1) kontra l-istess intimat, il-ġurament għandu jittiehed minn għall-inqas wiehed mir-rikorrenti.

(3) Il-mandati mahruġin jew l-ordnijiet imsemmijin fl-artikolu 830 għandhom jinħarġu mill-qorti:

Iżda meta fil-fehma tar-reġistratur, il-firma ta' l-imhallett jew tal-maġistrat li għandu s-setgħa li johroġ mandat ta' qbid jew mandat ta' sekwestru jew mandat ta' impediment tas-safar ma tistax tinkiseb fi żmien raġjonevoli u illi d-dewmien jista' jkun ta' preġudizzju, l-imsemmi mandat jew ordni jistgħu jiġu mahruġa bil-firma tar-reġistratur personalment wara li qabel ikun għie awtorizzat verbalment jagħmel hekk mill-imhallett jew mill-maġistrat. F'dan il-każ, l-imhallett jew il-maġistrat għandu jżid il-firma tiegħu stess taht dik tar-reġistratur minnufih biex jikkonferma li jkun ta l-awtorizzazzjoni verbali tiegħu imsemmija jew, jekk ma huwiex possibbli għar-reġistratur li jikseb dik l-awtorizzazzjoni verbali, ir-reġistratur għandu taht l-awtorità tiegħu johroġ dak il-mandat jew l-ordni bil-firma tiegħu, b'dan illi dak il-hruġ għandu jiġi ratifikat mill-imhallett jew mill-maġistrat kemm jista' jkun malajr."

Thassir ta' l-artikoli 832 sa 835 tal-Kodiċi.

167. L-artikoli 832, 833, 834 u 835 tal-Kodiċi għandhom jithassru.

Emenda ta' l-artikolu 836 tal-Kodiċi.

168. L-artikolu 836 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok is-subartikoli (2), (3) u (4) tiegħu għandhom jidhlu s-subartikoli ġodda li ġejjin:

"(2) Il-persuna li tagħmel ir-rikors skond is-subartikolu (1) għandha, flimkien mar-rikors tippreżenta bil-miktub is-sottomissjojjiet kollha li tkun trid tagħmel flimkien mad-dokumenti kollha li jsostnu t-talba li tkun trid tippreżenta.

(3) Ir-rikors, hlief għal xi rikors skond is-subartikolu (1)(a), għandu jiġi ppreżentat lill-parti kontra li tista', fi żmien sebat ijiem min-notifika, tippreżenta li jkun fiha s-sottomissjonijiet kollha li tixtieq tagħmel flimkien mad-dokumenti kollha li jsostnu t-talba li tkun trid tippreżenta.

(4) Il-qorti għandha tiddeċiedi dwar ir-rikors b'urġenza jew *in camera* jew wara s-smiġħ ta' l-avukati tal-partijiet, jekk jidhrilha xieraq, iżda ma tiġix iffissata

iktar minn seduta wahda ghal dan il-ghan."; u

(b) fil-paragrafu (a) tas-subartikolu (8) tiegħu, minflok il-kliem "jekk ir-rikorrent ma jagħmilx" għandhom jidhlu l-kliem "jekk ir-rikorrent, minghajr raġuni valida, ma jagħmilx".

169. Is-subartikoli (3) u (4) ta' l-artikolu 837 tal-Kodiċi għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

Emenda ta' l-artikolu 837 tal-Kodiċi.

"(3) Ma jista' jinħareġ ebda mandat ta' qbid, ta' sekwestrju, jew ta' impediment tas-safar, biex jitqiegħdu fiż-żgur jeddijiet jew pretensjonijiet kontra l-persuni msemmijin fis-subartikolu (4)(a), lanqas ebda mandat ta' impediment tas-safar biex jitqiegħdu fiż-żgur jeddijiet jew pretensjonijiet kontra persuni msemmija fil-paragrafu (b) ta' l-istess subartikolu.

(4) Il-persuni li għalihom jirreferi s-subartikolu (3) huma:

(a) in-nies tal-forzi armati ta' xi pajjiż jew dawk ta' xi bastiment jew inġenju ta' l-ajru li jkun mikri għal kollox fis-servizz tal-Gvern ta' Malta meta dawn in-nies ikunu jinsabu f'Malta mal-forza jew bastiment jew l-inġenju ta' l-ajru li miegħu ikunu jagħmlu;

(b) xi kaptan, inġinjer ta' kull grad, bahri jew persuna oħra ingaġġati regolarmet, meta l-bastiment jew l-inġenju ta' l-ajru li jkunu fuqu ngaġġatti jkun irċieva l-karti tas-safar; u

(ċ) l-inġinieri ta' kull grad, li jkunu fis-servizz ta' bastiment ta' l-istess."

170. L-artikolu 838 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 838 tal-Kodiċi.

*Att kawtelatorju.

838. Il-qorti tista', malli jsirilha rikors ta' wahda mill-partijiet innotifikat lill-oħra, tagħti kull ordni sabiex il-hwejjeġ deskritti fl-att kawtelatorju ma jithassrux jew ma jitgharrqux jew ma tigrilhomx hsara."

171. Fis-subartikolu (1) ta' l-artikolu 840 tal-Kodiċi minflok il-kliem "Il-marixxall" għandhom jidhlu l-kliem "L-uffiċjal eżekuttiv tal-qorti".

Emenda ta' l-artikolu 840 tal-Kodiċi.

Zieda ta' l-artikolu 838B mal-Kodiċi.

172. Minnufih wara l-artikolu 838A tal-Kodiċi, għandu jiżdied dan l-artikolu ġdid li ġej:

"Il-mandati kawtelatorji jibqgħu fis-siġġ sakemm tinqata' b'mod konklussiv.

838B. Sakemm ma jiġix imhassar mill-Qorti jew irtirat mill-parti li tohroġ il-mandat, kull mandat kawtelatorju għandu jibqa fis-siġġ sakemm il-kawża tiġi maqtugħa b'mod konklussiv."

Sostituzzjoni ta' l-artikolu 843 tal-Kodiċi.

173. L-artikolu 843 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Zmien li fih ir-rikorrent għandu jagħmel il-kawża.

843. (1) Ir-rikorrent għandu jagħmel il-kawża għall-jedd imsemmi fil-mandat fi żmien erbatax-il ġurnata mill-hruġ tal-mandat:

Iżda fejn il-hruġ tal-mandat jintalab minn xi parti minn koppja kontra l-parti l-oħra u l-parti li tohroġ il-mandat tkun diġà għamlet rikors biex tibda l-kawża quddiem il-qorti tal-ġurisdizzjoni kontenzjuża, il-perjodu hawn fuq imsemmi jibda jghodd mill-ġurnata li fiha r-rikors jintlaqa' imma l-mandat jicqaf milli jkollu effett immedjatament jekk ir-rikors jiġi rtirat jew abbandunat.

(2) Jekk ir-rikorrent jonqos li jagħmel il-kawża minghajr raġuni tajba, l-effetti tal-mandat jicqfu u huwa jkun responsabbli għad-danni u l-imghaxijiet kollha."

Sostituzzjoni ta' l-artikolu 845 tal-Kodiċi.

174. L-artikolu 845 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Applikabbiltà ta' l-artikoli 278, 279 u 282.

845. Id-disposizzjonijiet ta' l-artikoli 278, 279 u 282 għandhom jghoddu għall-esekuzzjoni ta' mandat ta' deskrizzjoni."

Emenda ta' l-artikolu 846 tal-Kodiċi.

175. Is-subartikolu (2) ta' l-artikolu 846 tal-Kodiċi għandu jiġiħassar u s-subartikolu (1) għandu jiġi numnerat mill-ġdid bhala l-artikolu shih.

Emenda ta' l-artikolu 847 tal-Kodiċi.

176. Fl-artikolu 847 tal-Kodiċi minflok il-kliem "l-kreditu jew il-pretensjoni jiġu kanonizzati b'sentenza:" għandhom jidhlu l-kliem "l-kreditu jew il-pretensjoni jiġu kanonizzati b'sentenza u biss wara l-

hruġ ta' mandat ta' qbid eżekuttiv:".

177. L-artikolu 848 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 848 tal-Kodiċi.

"Fil-qorti inferjuri t-talba biex jiġi ikkanonizzat il-kreditu ssir flimkien ma-talba għall-hruġ tal-mandat.

848. Bla hsara għad-disposizzjonijiet ta' l-artikoli 466 u 467 għal dawk li huma krediti tal-Gvern, fil-Qorti tal-Maġistrati (Malta) jew fil-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha inferjuri, il-mandat ta' qbid ma jiġix mahruġ kemm-il darba l-mandat ma jsirx flimkien ma' talba sabiex il-kreditu jew il-pretensjoni jiġu kanonizzati b'sentenza u sakemm il-kreditu jew il-pretensjoni ma jkunux iktar minn elf u hames mitt lira, jew it-talba għall-hruġ ta' dak il-mandat hi għal xi haġa li, kif jingħad, hi l-proprjetà tal-persuna li qed tohroġ il-mandat."

178. Minflok il-proviso għall-artikolu 849 tal-Kodiċi għandu jidhol il-proviso ġdid li ġej:

Emenda ta' l-artikolu 849 tal-Kodiċi.

"Izda meta s-sekwestratarju huwa bank, mandat ta' sekwestru kawtelatorju ma japplikax għal flus li jkollhom jithallsu mill-bank fl-esekuzzjoni ta' xi garanzija mogħtija mill-bank li huwa jhallas fuq it-talba tal-persuna li favur tagħha tkun saret il-garanzija bankarja; u f'kull każ bhal dak, minkejja l-mandat ta' sekwestru, il-bank ikollu s-setgħa li jhallas jew xort'ohra jiddisponi minn dawk il-flus bhala hielsa mill-mandat ta' sekwestru u jkollu d-dritt ukoll li jirtira dawk il-flus minn kull qorti jew post ichor, jew minghand kull persuna, fejn, jew għand min, ikunu tqieghdu jew ġew depożitati, u jkun id-dmir tar-registratur ta' dik il-qorti jew tal-persuna ohra li jkollha fil-pussess tagħha jew taht il-kontroll tagħha dawk il-flus li tagħtihom lura minnufih lill-bank."

179. L-artikolu 850 tal-Kodiċi għandu jithassar.

Thassir ta' l-artikolu 850 tal-Kodiċi.

180. L-artikoli 855 sa 870 tal-Kodiċi, t-tnejn inklużi,

Sostituzzjoni ta' l-artikoli 855 sa 870 tal-Kodiċi.

għandhom jiġu sostitwiti bl-artikoli ġodda li ġejjin:

"Skop tal-mandat.

855. Mandat ta' impediment tas-safar ta' xi vapur jew bastiment jew inġenju ta' l-ajru jista' jinhareġ biss biex jitqieghdu fiż-żgur dejn jew pretensjoni li bit-tluq tal-vapur jew il-bastiment jew l-inġenju ta' l-ajru jistgħu jiġu skartati.

L-effetti tal-mandat ta' impediment tas-safar.

856. Bis-saħħa tal-mandat ta' l-impediment tas-safar, l-uffiċjal eżekuttiv tal-qorti hu ordnat li jżomm it-tluq ta' vapur, bastiment jew inġenju ta' l-ajru u li jagħti lill-Kontrollur tad-Dwana u lill-uffiċjal responsabbli għall-portijiet, jew l-uffiċjal responsabbli għall-ajruport, kif ikun il-każ skond il-liġi, kopja tal-mandat u jordnalu li ma jagħtix karti tat-tluq lil dak il-vapur, bastiment jew inġenju ta' l-ajru, skond il-każ, jew jekk ikunu diġà nharġu, li jirtirahom.

Kopja tal-mandat tiġi notifikata lill-kaptan tal-vapur jew ta' l-inġenju ta' l-ajru.

857. Il-persuna li jkollha t-tluq tal-vapur, tal-bastiment jew ta' l-inġenju ta' l-ajru tagħha miżmum jew il-kaptan tal-vapur jew tal-bastiment jew ta' l-inġenju ta' l-ajru, skond il-każ, jew il-persuna oħra li jkollha l-inkarigu tal-vapur jew il-bastiment jew l-aġent tal-vapur jew bastiment ichor għandhom ukoll jiġu notifikati b'kopja tal-mandat.

Disprezz lejn l-awtorità tal-qorti.

858. Fil-mandat għandu jkun hemm twissija lill-persuni kollha notifikati bih li, fil-każ li ma jobdux l-ordni, dawk il-persuni jkunu hatja ta' disprezz lejn l-awtorità tal-qorti.

Mizuri li għandhom jittieghdu għall-eżekuzzjoni ta' mandat.

859. L-uffiċjal eżekuttiv tal-qorti hu awtorizzat li jagħmel, soġġett għad-direttivi tal-qorti jew tar-reġistratur, dak kollu li jidhirlu meħtieġ sabiex il-mandat jiġi eżegwit sewwa.

Il-kreditu jew it-talba m'għandhomx ikunu ta' inqas minn hamest elef lira.

860. Il-mandat jintalab u jingħata biex jitqieghdu fiż-żgur kreditu jew xi pretensjoni oħra ta' mhux inqas minn hamest elef lira.

Penali għal min jagħmel it-talba għall-mandat bil-qerq.

861. Jekk jinsab li l-mandat għie miksub mir-rikorrent fuq talba magħmula b'qerq, il-penali skond l-artikolu 836(8) ma għandhiex tkun anqas minn hamest elef lira.

Garanzija għall-hlas tal-penali, eċċ.

862. Il-qorti tista', meta tingieb raġuni tajba, fuq talba b'rikors magħmula mill-persuna li kontra l-vapur, il-bastiment jew l-ingenju ta' l-ajru tagħha għie mahruġ il-mandat, mill-kaptan tal-vapur jew tal-bastiment, mill-kaptan ta' l-ingenju ta' l-ajru, jew minn persuna oħra li jkollha l-inkarigu tiegħu, jew minn l-aġent, tordna lill-parti li titlob il-hruġ tal-mandat li gġib, fiż-żmien li jiġi mogħti mill-qorti, garanzija tajba f'ammont ta' mhux inqas minn hamest elef lira, għall-hlas tal-penali, id-danni u l-imghaxijiet u, fin-nuqqas ta' dan, thassar il-mandat.

Vapuri jew bastimenti li kontribom ma jistax jinhareġ mandat.

863. (1) Ebda mandat ma għandu jinhareġ kontra vapur jew bastiment mikrija għal kollox fis-servizz tal-Gvern ta' Malta jew inkarigati mis-servizz postali jew mill-Gvern ta' Malta jew minn xi gvern ieħor.

(2) Ebda mandat ma jista' jinhareġ kontra xi vapur tal-gwerra.

(3) Mandat ta' impediment ta' tluq ta' vapur jew bastiment għandu, meta jsir rikors mill-Awtorità Marittima ta' Malta, jithassar jekk il-qorti hi sodisfatta li minhabba fix-xorta tal-merkanzija jew it-tul jew il-pixka tiegħu jew ċirkostanzi oħra li jolqtu s-sigurtà, in-navigazzjoni jew manuvrar fil-port, ikun jaqbel li l-vapur jew il-bastiment jitlaq mill-port minghajr dewmien."

181. L-artikolu 873 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

"(1) L-iskop tal-mandat ta' inibizzjoni hu dak li jżomm persuna milli tagħmel kwalunwke haġa li tkun li tista' tkun ta' preġudizzju għall-persuna li qed tohroġ il-

Emenda ta' l-artikolu 873 tal-Kodiċi.

mandat.”;

(b) is-subartikoli (4) u (5) tiegħu għandhom jgħassru;

(ċ) il-proviso għas-subartikolu (6) tiegħu għandu jgħassrar; u

(d) is-subartikoli (8) sa (11) tiegħu, it-tnejn inklużi, għandhom jgħassru.

Zieda ta' l-
artikoli 873A u
873B mal-
Kodiċi.

182. Minnufih wara l-artikolu 873 tal-Kodiċi, għandhom jiżdidu l-artikoli godda li ġejjin:

*Mandat
sabieħ
jassigura
dejn jew
pretensjoni.

873A. (1) Mandat ta' inibizzjoni jista' jintalab ukoll minn kreditur biex jiżgura dejn, jew kull pretensjoni oħra li tkun li tammonta għal mhux inqas minn hamest elef lira. L-iskop ta' dan il-mandat hu biex jzomm id-debitur milli jbigħ, jittrasferixxi jew jiddisponi *inter vivos* minn proprjetà b'titolu oneruż jew gratuwitu: iżda dak il-mandat ma jgħoddx għall-kostituzzjoni ta' xi dritt fuq, jew trasferiment ta', proprjetà li jsir skond ordni tal-qorti.

(2) Meta mandat jipprojibixxi l-bejgħ, it-trasferiment jew it-tneħħija oħra ta' proprjetà immobbli, r-rikors għandu jkun fih il-partikolaritajiet kollha li għandhom x'jaqsmu mal-persuna li jinhareġ kontriha u li huma meħtieġa mill-liġi dwar ir-registrazzjoni ta' trasferiment ta' proprjetà immobbli minn dik il-persuna fir-Registru Pubbliku. Fejn il-mandat jirreferi għal immobbli speċifiċi, dawn għandhom jiġu deskritti fir-rikors, bil-mod provdut fl-Att dwar ir-Registru Pubbliku, dwar noti ta' l-iskrizzjoni.

(3) Il-mandat imsemmi fis-subartikolu (2) għandu meta jinhareġ u bi spejjeż tar-rikorrent, jiġi notifikat mir-Registratur fi żmien erbgħa u għoxrin siegħa lid-Direttur tar-Registru Pubbliku u r-Registratur ta' l-Artijiet li għandhom minnufih jiktub f'registru li jzommu għaldaqshekk. Dawn ir-registri għandu jkollhom indiċi u jista' jarahom kulhadd. Dan il-mandat għandu jiġi notifikat ukoll lil kull min hekk jitniżzeċ mir-rikorrent.

(4) Malli ssir ir-registrazzjoni tal-mandat kif imsemmi fis-subartikolu (2) mid-Direttur tar-Registru Pubbliku, kull bejgh, trasferiment jew tnehhija sussegwenti ta' hwejjeġ immobbli li ghalihom jirreferi l-mandat ikun null u bla ebda effett.

(5) Minghajr preġudizzju ghad-disposizzjonijiet ta' l-artikolu 836, il-mandat imsemmi fis-subartikolu (2) ghandu, kemm-il darba ma jigix revokat jew ma jibqax isehh iktar fi żmien qabel, jibqa' jsehh ghal perjodu ta' sena mid-data meta tinghata s-sentenza finali favur il-kreditur fil-kawża tiegħu b'ix jigbor lura d-debitu jew il-pretensjoni msemmija fis-subartikolu (1).

Fejn
mandat
jipprojbixxi
l-bejgh
eċċ., ta'
beni
immobbli.

873B. (1) Meta mandat jipprojbixxi l-bejgh, it-trasferiment jew it-tnehhija ohra ta' proprjetà immobbli, r-rikors ghandu jkun fih il-partikolaritajiet kollha li ghandhom x'jaqsmu mal-persuna jew is-soċjetà li jinhareġ kontribom u li huma mehtieġa mill-liġi dwar ir-registrazzjoni ta' trasferiment ta' proprjetà immobbli minn dik il-persuna jew soċjetà fir-Registru Pubbliku. Fejn il-mandat jirreferi ghal immobbli speċifiċi, dawn ghandhom jiġu deskritti fir-rikors fil-mod provdut fl-Att dwar ir-Registru Pubbliku, dwar noti ta' iskrizzjoni.

(2) Il-mandat imsemmi ghandu, meta jinhareġ u bi spejjeż tar-rikorrent, jiġi notifikat mir-Registratur fi żmien erbgħa u għoxrin siegħa lid-Direttur tar-Registru Pubbliku, lir-Registratur ta' l-Artijiet u lir-Registratur tal-Kumpanniji li ghandhom minnufih jiktub f'reġistri li jzommu għaldaqshekk. Dawn ir-reġistri ghandu jkollhom indiċi u jista' jarahom kulhadd. Dan il-mandat ghandu jiġi notifikat ukoll lil kull min hekk jitniżzeġ mir-rikorrent.

(3) Malli ssir ir-reġistrazzjoni tal-mandat mid-Direttur tar-Registru Pubbliku, kull bejgħ, trasferiment jew tnehhija sussegwenti ta' hwejjeġ immobbli li għalihom jirreċferi l-mandat u mhux registrati qabel fir-Registru Pubbliku jew fir-Registru ta' l-Artijiet, għandhom ikunu nulli u bla ebda effett. It-trasferiment ta' ishma magħmul wara r-reġistrazzjoni tal-mandat mir-Registratur tal-Kumpanniji għandu bl-istess mod ikun null."

Emenda ta' l-artikolu 874 tal-Kodiċi.

183. Fl-artikolu 874 tal-Kodiċi minflok il-kliem "Il-marixxall" għandhom jidhlu l-kliem "L-uffiċjal eżekuttiv tal-qorti".

Sostituzzjoni ta' l-artikolu 875 tal-Kodiċi.

184. L-artikolu 875 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Artikoli li jghoddu għal dan il-mandat.

875. Id-disposizzjonijiet ta' l-artikoli 279, 282, 843 u 844 għandhom jghoddu għall-mandat ta' inibizzjoni."

Sostituzzjoni ta' l-artikolu 876 tal-Kodiċi.

185. L-artikolu 876 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Mandat f'kazi ta' separazzjoni personali.

876. (1) Meta parti fiż-żwieġ tkun għamlet jew tkun se tagħmel quddiem il-Qorti Ċivili kawża għal separazzjoni personali, il-parti tista' titlob lil dik il-qorti li toħroġ mandat ta' inibizzjoni:

(a) kontra l-parti l-oħra fiż-żwieġ fejn ma thallix lil dik il-parti l-oħra li tbiegħ, tneħhi, tittrasferixxi jew tiddisponi *inter vivos* sew b'titolu oneruż jew gratuwitu xi ishma f'xi soċjetà kummerċjali jekk dawn l-ishma jkunu parti mill-komunjoni ta' l-akkwisti; jew

(b) kontra xi soċjetà li fiha l-parti l-oħra jkollha maġġoranza ta' l-ishma li jkunu tal-komunjoni ta' l-akkwisti milli tbiegħ, tneħhi, titrasferixxi jew xort'oħra tiddisponi sew b'titolu oneruż jew gratuwitu, xi proprjetà immobbli jew jeddijiet marbutin magħha li tkun proprjetà ta' dik is-soċjetà kummerċjali; jew

(ċ) kontra l-parti l-oħra fiż-żwieġ milli tagħmel xi dejn jew garanzija li tkun ta' piż fuq il-komunjoni ta' l-akkwisti.

(2) It-talba msemmija fis-subartikolu (1) tista' ssir f'kull żmien wara li r-rikors ikun ippreżentat quddiem il-Qorti Ċivili u sakemm tinghata s-sentenza finali għal dik l-azzjoni ta' separazzjoni. It-talba tista' wkoll issir fejn hi l-parti l-oħra li għamlet ir-rikors.

(3) Mandat mahruġ taht dan l-artikolu ma japplikax għall-kostituzzjoni ta' xi jedd fuq, jew tneħhija jew trasferiment ta' xi beni li jsir fuq ordni tal-qorti.

(4) Meta l-mandat ikun notifikat kif imiss, kull obligazzjoni msemmija fis-subartikolu(1)(ċ) li ssir wara din in-notifika minn dik il-parti fiż-żwieġ li kontra tagħha jkun inhareġ il-mandat favur il-persuna notifikata tkun nulla u minghajr effett, u dan bla hsara għal xi responsabbiltà għal xi disprezz għall-awtorità tal-qorti skond dan il-Kodiċi.

(5) Il-parti taż-żwieġ li kontra tagħha jinhareġ il-mandat kif ukoll kull soċjetà msemmija fil-mandat u kull persuna li turi interess jistgħu f'kull żmien b'rikors jitolbu lill-qorti biex tirrevoka jew tiddel il-mandat taht dan l-artikolu."

186. L-artikolu 877 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (5) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

"(5) Il-mandat għandu jkun fih l-isem u l-

Emenda ta' l-artikolu 877 tal-Kodiċi.

kunjom tal-persuna ta' taht l-eta u kull partikolarita ohra, kif jista' jkun preskritt f'regolamenti, b'mod li min jigi notifikat bil-mandat ikun jista' jaghraf sew min hi l-persuna ta' taht l-eta."; u

(b) is-subartikolu (8) tieghu ghandu jigi mhassar.

Emenda ta' l-artikolu 963 tal-Kodiċi.

187. Fil-paragrafu (a) ta' l-artikolu 963(5) tal-Kodiċi minflok il-kliem "u d-disposizzjonijiet ta' l-artikoli 964 sa 967 ta' dan il-Kodiċi ghandhom ikunu japplikaw ghalha; u" ghandhom jidhlu l-kliem "u d-disposizzjonijiet ta' l-artikolu 964 ta' dan il-Kodiċi ghandhom ikunu japplikaw ghalha; u".

Sostituzzjoni ta' l-artikolu 964 tal-Kodiċi.

188. L-artikolu 964 tal-Kodiċi ghandu jigi sostitwit bl-artikolu gdid li ġej:

"Kawzi mholljin *sine die* jew xort'ohra mwaqqfa.

964. (1) Kull kawza li jkun hemm f'qorti ta' ġurisdizzjoni ċivili li, wara li tkun ġiet mressqa ghas-smigh, tiġi, b'ordni tal-qorti, differita *sine die* jew xort'ohra sospiza ghandha titqies bhala deżerta sakemm ma tiġix appuntata mill-gdid mill-qorti fiż-żmien perentorju ta' sitt xhur minn meta tkun hekk ġiet differita jew sospiza jew ikun ġie pprezentat fil-qorti rikors, f'dak il-perjodu, biex tiġi appuntata mill-gdid:

Iżda meta l-kawza tkun ġiet sospiza sakemm tiġi deċiża kawza ohra, iż-żmien jibda ghaddej mid-data meta din is-sentenza tkun moghtija.

(2) Kawza tiġi appuntata mill-gdid jew mill-qorti fuq il-mozzjoni taghha stess jew wara rikors ta' wahda mill-partijiet."

Thassir ta' l-artikoli 965 u 966 tal-Kodiċi.

189. L-artikoli 965 u 966 tal-Kodiċi ghandhom jithassru.

Emenda ta' l-artikolu 967 tal-Kodiċi.

190. Fl-artikolu 967 tal-Kodiċi minflok il-kliem "l-ahhar żewġ artikoli qabel dan" ghandhom jidhlu l-kliem "l-artikoli 963 u 964".

Sostituzzjoni ta' l-artikolu 997 tal-Kodiċi.

191. L-artikolu 997 tal-Kodiċi ghandu jigi sostitwit bl-artikolu

ġdid li ġejj:

*Disprezz lejn
l-awtorità tal-
qorti.

997. (1) Fi proċedimenti istitwiti għal xi att jew ommissjoni li tammonta għal disprezz lejn l-awtorità tal-qorti, il-hati jista', mal-kundanna, jiġi kkundannat għal priġunerija għal żmien sa xahar jew għal multa ta' mhux inqas minn mitt lira iżda mhux iktar minn elf lira jew għall-multa u l-priġunerija flimkien.

(2) Il-qorti tista', ukoll jekk tkun tat xi piena lil min jagħmel ir-reat, tordnalu t-tnehhija ta' kull diżordni jew inkonvenjent li bih ikun sar ir-reat fi żmien biżżejjed għal dan il-għan iżda f'ebda każ iktar minn tliet xhur mid-data tas-sentenza, li tiġi stabbilita mill-qorti; u jekk min jagħmel ir-reat jonqos milli jhares xi ordni bhal dak fiz-żmien hekk stabbilit, hu jehel penali ta' ammenda ta' mhux inqas minn għaxar liri u mhux iktar minn hamsin lira kif il-qorti tistabbilixxi, għal kull ġurnata li matulha jkompli n-nuqqas wara li jgħaddi ż-żmien imsemmi."

192. Fl-artikolu 1003A tal-Kodiċi minflok il-kliem "ir-Regjstratur" għandhom jidhlu l-kliem "l-Avukat Ġenerali".

Emenda ta' l-
artikolu 1003A
tal-Kodiċi.

193. Minnufih wara l-artikolu 1009A tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġejj:

Żieda ta' l-
artikolu 1009B
mal-Kodiċi.

*Regolamenti.

1009B. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti għall-implimentazzjoni tad-disposizzjonijiet ta' dan il-Kodiċi u, b'mod ġenerali, biex iġib fis-schh id-disposizzjonijiet ta' dan il-Kodiċi."

194. It-Tariffa E ta' l-Iškeda A tal-Kodiċi għandha tiġi emendata kif ġejj:

Emenda tat-
Tariffa E ta' l-
Iškeda A tal-
Kodiċi.

(a) fil-paragrafu 8 tagħha, il-kliem "l-imhallef supplenti jew" għandhom jithassru;

(b) fis-sub-paragrafu (ii) tal-paragrafu 8 u fil-paragrafu

10 tagħha, minflok il-kliem "mill-imhalledf supplenti" għandhom jidhlu l-kliem "mill-assistent ġudizzjarju"; u

(ċ) fis-sub-paragrafu (h) tal-paragrafu 43 tagħha, minflok il-kliem "quddiem perit, assistent ġudizzjarju jew quddiem maġistrat supplenti u għal kull attendenza" għandhom jiġu sostitwiti l-kliem "quddiem perit jew assistent ġudizzjarju u għal kull attendenza".

Thassir tat-Tariffa F ta' l-Iskeda A tal-Kodiċi.

195. It-Tariffa F ta' l-Iskeda A tal-Kodiċi għandha tithassar.

Emenda tat-Tariffa K ta' l-Iskeda A tal-Kodiċi.

196. Fil-paragrafu 17 tat-Tariffa K ta' l-Iskeda A tal-Kodiċi, minflok il-kliem "quddiem Assistent Ġudizzjarju, Imhalledf Supplenti jew perit ġudizzjarju" għandhom jiġu sostitwiti l-kliem "quddiem xi assistent ġudizzjarju jew perit ġudizzjarju".

Disposizzjoni transitorja.

197. Kull hatra ta' maġistrat supplenti taht il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, emendat b'dan l-Att, u li tkun għadha fis-sehh minnufih qabel dik l-emenda, għandha tibqa' fis-sehh, minkejja d-disposizzjonijiet ta' l-artikolu 9 ta' dan l-Att, sakemm tiskadi l-hatra relattiva, skond il-kondizzjonijiet ta' din il-hatra.

TAQSIMA II

Emendi tal-Kodiċi Kriminali Kap. 9.

198. (1) Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem f'din it-Taqsima mséjjah "il-Kodiċi".

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jibdeu isehhu f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima.

Sostituzzjoni ta' l-artikolu 369 tal-Kodiċi.

199. L-artikolu 369 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Xogħol ta' registratur.

369. Fil-Qorti tal-Maġistrati, ix-xogħol ta' registratur jista' jsir minn uffiċjal eżekuttiv tal-qorti msemmi fl-artikolu 57(3) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

Sostituzzjoni ta' l-artikolu 496 tal-Kodiċi.

200. L-artikolu 496 tal-Kodiċi għandu jiġi sostitwit bl-artikolu

ġdid li ġejj:

"Xogħol ir-registratur fil-Qorti Kriminali.

496. Ix-xogħol ta' registratur fil-Qorti Kriminali jista' jsir minn uffiċjal eżekuttiv tal-qorti msemmi fl-artikolu 57(3) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

201. L-artikolu 514 tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġejj:

Sostituzzjoni ta' l-artikolu 514 tal-Kodiċi.

"Xogħol ir-registratur fil-Qorti ta' l-Appell Kriminali.

514. Ix-xogħol ta' registratur fil-Qorti ta' l-Appell Kriminali jista' jsir minn uffiċjal eżekuttiv tal-qorti msemmi fl-artikolu 57(3) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

202. Minnufih qabel l-artikolu 516 għandu jiżdied l-artikolu ġdid li ġejj:

Żieda ta' l-artikolu 515A tal-Kodiċi.

"Sezzjonijiet tal-qrati ta' gudiċatura kriminali.

515A. Il-qrati tal-ġustizzja kriminali jistgħu jiġu maqsuma f'awli jew sezzjonijiet bħal qrati ta' ġurisdizzjoni ċivili, u d-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili li għandhom x'jaqsmu mal-mod li fih dawn l-awli jew sezzjonijiet huma stabbiliti u li għandhom x'jaqsmu mal-ġurisdizzjoni tagħhom għandhom, *mutatis mutandis*, jghoddu kemm-il darba ma jkunx stabbilit mod ieħor f'dan il-Kodiċi."

203. Is-subartikolu (1) ta' l-artikolu 520 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġejj:

Emenda ta' l-artikolu 520 tal-Kodiċi.

"(1) Bla ħsara għad-disposizzjonijiet l-oħra ta' dan il-Kodiċi, id-disposizzjonijiet li ġejjin tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom, hliet sa fejn hu provdut xort'oħra f'dan il-Kodiċi, jghoddu għall-qrati tal-ġustizzja kriminali:

(a) l-artikoli 8, 10 sa 12, 16 u 17, 23 sa 30, 57 sa 61, u 65 sa 76 li għandhom x'jaqsmu ma' l-organizzazzjoni tal-qrati;

(b) l-artikoli 98 sa 106, 108 sa 110, 113 u 114,

119A u 123 li ghandhom x'jaqsmu maż-żminijiet ġudizzjarji;

(c) l-artikolu 205;

(d) l-artikoli 558 sa 662 li ghandhom x'jaqsmu ma' xichda b'mod ġenerali; u

(e) l-artikoli 627 sa 633, u l-artikoli 635 sa 637 li ghandhom x'jaqsmu ma' provi permezz ta' dokumenti u l-esibizzjoni ta' dokumenti li jkunu fil-pussess ta' haddiehor."

Sostituzzjoni ta' l-artikolu 521 tal-Kodiċi.

204. L-artikolu 521 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Registru u r-registratur.

521. (1) Ir-registru u r-registratur imsemmijin f'dan il-Kodiċi jiġu stabbiliti b'regolamenti magħmulin mill-Ministru responsabbli għall-ġustizzja taht dan l-artikolu.

(2) Bla hsara għad-disposizzjonijiet tas-subartikolu (1), u sakemm isiru r-regolamenti taht l-imsemmi subartikolu (1), ir-registru u r-registratur huma dawk stess stabbiliti mill-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, jew mahtura bis-sahha tiegħu, għall-qrati ta' ġurisdizzjoni ċivili."

Emenda ta' l-artikolu 647 tal-Kodiċi.

205. Fil-proviso għas-subartikolu (1) ta' l-artikolu 647 tal-Kodiċi minflok il-kliem minn "jew lil wiehed mill-imħallfin supplenti" sal-kliem "f'Għawdex jew Kemmuna" ghandhom jidhru l-kliem "jew lil assistent ġudizzjarju".

Żieda ta' l-artikolu 647A fil-Kodiċi.

206. Minnufih wara l-artikolu 647 tal-Kodiċi ghandu jiżdied l-artikolu ġdid li ġej:

"Irrekordjar fuq tejp jew fuq video ta' xichda.

647A. Bla hsara għad-disposizzjonijiet ta' l-artikoli 646 u 647, il-qorti tista' jekk tqis li jkun hekk xieraq, tippermetti l-irrekordjar fuq tejp jew fuq video ta' xi xichda mehtieġa minn xhud, skond kodiċijiet ta' prattika li l-Ministru responsabbli għall-ġustizzja jista', b'regolamenti, jippreskrivi."

207. Minflok l-intestatuta tat-Titolu VIII tat-Taqsima III tat-Tieni Ktieb tal-Kodiċi ghandha tidhol l-intestatura "Disposizzjonijiet Ġenerali".

Sostituzzjoni ta' intestatura tat-Titolu VIII tat-Taqsima III tat-Tieni Ktieb tal-Kodiċi.

208. Minnufih wara l-artikolu 696 tal-Kodiċi ghandu jiżdied l-artikolu ġdid li ġej:

Zieda ta' l-artikolu 697 mal-Kodiċi.

"Regolamenti.

697. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti għall-implimentazzjoni tad-disposizzjonijiet ta' dan il-Kodiċi u, b'mod ġenerali, biex iġib fis-sehh id-disposizzjonijiet ta' dan il-Kodiċi."

TAQSIMA III

209. (1) Din it-Taqsima temenda l-Kodiċi Ċivili u ghandha tinqara u tintfichem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "il-Kodiċi".

Emendi għall-Kodiċi Ċivili, Kap. 16.

(2) Id-disposizzjonijiet ta' din it-Taqsima ghandhom jibdeu ischhu f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima.

210. L-artikolu 37 tal-Kodiċi ghandu jiġi sostitwit bl-artikolu li ġej:

Sostituzzjoni ta' l-artikolu 37 tal-Kodiċi.

"Separazzjoni personali.

37. (1) Il-kawzi kollha għal separazzjoni personali ghandhom jinġiebu quddiem is-sezzjoni xierqa tal-Qorti Ċivili kif jiġi stabbilit b'regolamenti magħmulin mill-Ministru responsabbli għall-ġustizzja:

Iżda qabel jinbdew il-proċedimenti, tista' ssir talba sabiex jiġi stabbilit l-ammont tas-somma għall-manteniment fil-waqt li l-proċedimenti jkunu pendenti u għall-ghoti ta' digriet li jordna l-hlas ta' dik is-somma jew talba lill-qorti biex b'digriet tistabbilixxi liema waħda mill-partijiet fiż-żwieġ, jekk ikun il-każ, ghandha matul il-proċedimenti tibqa' tgħix fid-dar matrimonjali.

(2) Ir-rikors li jkun fih it-talba msemmija fil-proviso tas-subartikolu (1) ghandu jiġi appuntat ghas-smigh f'data vicina, f'kull każ mhux iktar tard minn sitt ijiem tax-xoghol mid-data tal-prezentata tiegħu u ghandu jiġi notifikat lill-intimat minghajr dewmien flimkien ma' l-avviż ta' dak l-appuntament.

(3) Il-qorti ghandha tisma' lir-rikorrent u lill-intimat sommarjament u mbagħad ghandha, b'digriet, tiddeċiedi fuq ir-rikors:

Iżda l-qorti tista' tiddeċiedi fuq it-talba meta r-rikorrent jew l-intimat jew kemm ir-rikorrent kif ukoll l-intimat jonqsu li jidhru fil-jum tas-smigh.

(4) Id-digriet imsemmi fis-subartikolu (3) ikun titolu eżekuttiv meqjus bhala inkluż fost id-digrieti msemmija fl-artikolu 253(a) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u jkun eżegwibbli bl-istess mod u taht l-istess kondizzjonijiet kif jiġu eżegwiti atti bhal dan.

(5) Id-digriet imsemmi fis-subartikolu (3) ma jibqax eżegwibbli jekk l-azzjoni ghas-separazzjoni li għaliha jinghata permess ma tinbedix fi żmien xahrejn mid-data tad-digriet jew f'dak iż-żmien itwal li tista' tagħti l-qorti fl-istess digriet jew f'digriet ichor wara.

(6) Id-disposizzjonijiet ta' l-artikolu 381(3) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili li bis-sahha tagħhom il-qorti ta' ġurisdizzjoni kontenzjuża tista' tagħmel il-mandat hemm speċifikat għandhom japplikaw, *mutatis mutandis*, daqslikieku r-riferenza għall-qorti f'dak is-subartikolu, kienet riferenza ghas-sezzjoni xierqa tal-Qorti Ċivili li quddiemha tkun saret it-talba msemmija fil-proviso ghas-subartikolu (1).

(7) Id-digriet u l-ordni msemmija f'dan l-artikolu jistgħu biss jiġu riveduti, mibdula jew revokati fuq rikors magħmul mill-parti li titlob dik ir-reviżjoni, dak it-tibdil jew dik ir-revoka.

(8) Bla hsara ghad-disposizzjonijiet ta' l-artikolu 39 tal-Kostituzzjoni, regolamenti maghmulin taht dan l-artikolu jistghu jipprovdu ghas-smigh ta' kawzi bil-magħluq."

211. Is-subartikolu (1) ta' l-artikolu 256 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu li ġej:

Emenda ta' l-artikolu 256 tal-Kodiċi.

"(2) Kull korrezzjoni, tħassir jew reġistrazzjoni ordnata ssir mid-Direttur fi żmien għaxart ijiem minn dak in-nhar li s-sentenza tghaddi f'gudikat u għandha ssir bis-saħħa ta' kopja vera tas-sentenza li tingħata lilu mir-Registratur."

212. Fit-test ingliż tas-subartikolu (2) ta' l-artikolu 1808 tal-Kodiċi l-kliem "from bed and board" għandhom jithassru.

Emenda ta' l-artikolu 1808 tal-Kodiċi.

TAQSIMA IV

213. (1) Din it-Taqsima temenda l-Att dwar il-Kummissarji għall-Ġustizzja u għandha tinqara u tinftiehem haġa waħda ma' l-Att dwar il-Kummissarji għall-Ġustizzja, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att".

Emenda għall-Att dwar il-Kummissarji għall-Ġustizzja, Kap. 291.

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jibdeu isehhu f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima.

214. L-artikolu 2 ta' l-Att għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2 ta' l-Att.

(a) minnufih qabel it-tifsira ta' "Kummissarju" għandha tiżdied it-tifsira ġdida li ġejja:

" "awtorità" tisser kull korp ġuridiku jew mhux ġuridiku, kif ukoll kull assoċjazzjoni ta' persuni, ikun x'ikun l-isem li bih tissejjaħ;"

(b) minnufih wara t-tifsira ta' "Ministru" għandha tiżdied it-tifsira ġdida li ġejja:

" "Qorti ta' l-Appell Kriminali" tisser il-qorti mwaqqfa skond l-artikolu 498 tal-Kodiċi Kriminali;"

(c) fit-tifsira ta' "reat imniżżel fl-Iskeda" minflok il-kliem "mill-Pulizija Eżekuttiva" għandhom jidhlu l-kliem "mill-Pulizija Eżekuttiva jew mill-kunsill lokali jew mill-awtorità"; u

(d) minnufih wara t-tifsira ta' "reat imniżżel fl-Iskeda" ghandha tiżdid it-tifsira ġdida li ġejja:

" "Reġistru Elettorali" ghandu jkollu l-istess tifsira kif moghtija lill-Att dwar l-Elezzjonijiet Ġenerali."

Emenda ta' l-
artikolu 3 ta' l-
Att.

215. L-artikolu 3 ta' l-Att ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok mil-kliem "jew bl-Att dwar il-Kunsilli Lokali" ghandhom jidhlu l-kliem "jew bl-Att dwar il-Kunsilli Lokali, jew b'xi Att ieħor,";

(b) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem "taht l-Att dwar il-Kunsilli Lokali," ghandhom jidhlu l-kliem "taht l-Att dwar il-Kunsilli Lokali, jew minn xi awtorità oħra taht xi Att ieħor,";

(ċ) fis-subartikolu (2) tiegħu, minflok il-kliem "jikkostitwixxi infrazzjoni ta' liġi" ghandhom jidhlu l-kliem "jikkostitwixxi reat"; u

(d) fis-subartikolu (3) tiegħu, minflok il-kliem "Bla hsara ghad-disposizzjonijiet ta' l-artikolu 11, il-Qorti tal-Maġistrati" għandhom jidhlu l-kliem "Il-Qorti tal-Maġistrati".

Emenda ta' l-
artikolu 5 ta' l-
Att.

216. L-artikolu 5 ta' l-Att ghandu jiġi emendat kif ġej:

(a) is-subartikoli (1) u (2) tiegħu ghandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

"(1) Il-Pulizija Eżekuttiva, il-kunsill lokali jew awtorità oħra, kif ikun il-każ, ghandhom id-dmir li jiġbru xichda u li jakkużaw persuni quddiem Kummissarju dwar xi reat imniżżel fl-Iskeda li dwar l-Kummissarju, skond id-disposizzjonijiet ta' dan l-Att, jista' jeżerçita l-funzjonijiet tiegħu.

(2) Bla hsara ghad-disposizzjonijiet ta' l-artikolu 14(4), il-Pulizija Eżekuttiva, il-kunsill lokali jew awtorità oħra, kif ikun il-każ, ghandhom, permezz ta' ordni bil-miktub, iħarrku il-persuna akkużata b'reat imniżżel fl-Iskeda biex tidher quddiem Kummissarju fil-ġurnata u fil-hin speċifikati fl-ordni msemmija.";

(b) is-subartikolu (4) tiegħu ghandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(4) Fit-tabrika ghandu jkun hemm formola li

tindika l-pieni li tista' tehel il-persuna akkużata jekk tinstab li tkun ghamlet ir-reat kif ukoll il-penali massima addizzjonali li tista' tehel skond dan l-Att, u l-persuna akkużata tista', sa tliet ijiem qabel is-smigh, taççetta l-akkuża billi thallas il-penali biss. F'dan il-każ dik il-persuna m'ghandhiex ghalfejn tidher quddiem il-Kummissarju."

217. L-artikolu 6 ta' l-Att ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 6 ta' l-Att.

"Notifika ta' atti ġudizzjarji.

6. (1) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex jirregola l-mod kif għandhom jiġu notifikati l-atti ġudizzjarji taht dan l-Att.

(2) Sakemm isiru dawn ir-regolamenti, d-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u ta' xi regolamenti magħmula tahtu għandhom jghoddu għan-notifika ta' atti ġudizzjarji taht dan l-Att."

218. Fl-artikolu 7 ta' l-Att minflok il-kliem "tonqos li tidher quddiem" għandhom jidhlu l-kliem "tonqos li tidher personalment quddiem".

Emenda ta' l-artikolu 7 ta' l-Att.

219. Fil-proviso ta' l-artikolu 8 ta' l-Att, il-kliem minn "meta dik il-persuna tkun ta'" sal-kliem "ma joġġezzjonax" għandhom jithassru.

Emenda ta' l-artikolu 8 ta' l-Att.

220. L-artikolu 9 ta' l-Att ghandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 9 ta' l-Att.

"Funzjonijiet.

9. Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jahtar ir-registratur u r-registru ta' kull Tribunal Lokali u l-funzjonijiet tagħhom u bl-istess regolamenti jista' wkoll jahtar daww l-uffiċjali l-oħra li jistghu jkunu neċessarji għall-operazzjoni tat-Tribunal Lokali."

221. L-artikolu 10 ta' l-Att ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 10 ta' l-Att.

(a) minflok l-ewwel proviso tas-subartikolu (2) tiegħu, għandu jiġi sostitwit dan li ġej:

"Iżda l-Kummissarju ghandu, jekk jikkunsidra li d-difiża tal-persuna hi frivola jew vessatorja, jew jekk il-persuna tonqos milli tidher quddiemu u skond l-artikolu 7 dik il-persuna titqies li tkun ammettiet l-akkuża, jew jekk din il-persuna tidher quddiemu biss biex tammetti l-akkuża, jordna lil dik il-persuna biex thallas b'żieda mal-penali dik il-penali ohra li ma tkunx aktar mill-massimu ta' l-istess penali mogħtija lilha jew hamsin lira liema tkun l-inqas u li ma tkunx inqas mill-penali minima ta' ghaxar liri stabbilita bil-proviso li jmiss ta' dan l-artikolu:";

(b) minflok is-subartikolu (3) tiegħu, ghandu jiġi sostitwit dan li ġej:

"(3) Meta Kummissarju jkun għamel ordni għall-blas ta' dik il-penali, ir-Registatur tat-Tribunal jew persuna ohra mahtura mill-Ministru responsabbli għall-ġustizzja, ghandu jipproċedi, u fil-każijiet fejn il-penali originali li tohroġ mill-akkuża hi dovuta lil Kunsill Lokali jew lil xi awtorità ohra skond xi Att, dak il-Kunsill Lokali jew l-awtorità għandhom jipproċedu, għall-ġbir tal-penali malli ssir l-ordni. Ir-registatur ghandu minnufih jinforma lill-awtoritajiet xierqa bil-miktub b'kull konfisika ta' xi oġġett użat fl-ghemil tar-reat, jew għar-revoka jew is-sospensjoni ta' xi liċenza ordnata mill-Kummissarju u ghandu jibgħat lill-awtorità kopja ċertifikata tad-deċizzjoni tal-Kummissarju.";

(ċ) minflok is-subartikolu (5) tiegħu, ghandu jiġi sostitwit dan li ġej:

"(5) L-ammont tal-penali jkun dovut u ghandu jithallas lill-Gvern, lill-kunsill lokali jew lill-awtorità, kif ikun il-każ, bhala dejn ċivili, likwidu u ċert, u jista' jiġi miġbur mir-Registatur tat-Tribunal jew xi persuna ohra mahtura mill-Ministru responsabbli għall-ġustizzja jew mill-kunsill lokali jew mill-awtorità, kif ikun il-każ. L-ordni msemmija fis-subartikolu (2) għandha tikkostitwixxi titolu eżekuttiv skond u għall-finijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.";

ġdid li ġej:

*Rikors fil-Qorti ta' l-Appell Kriminali.

11. (1) Kull persuna li thossha aggravata mid-deċiżjoni ta' Kummissarju tista', fi żmien għoxrin ġurnata mill-ġurnata li fiha tinghata din id-deċiżjoni, tagħmel rikors fil-Qorti ta' l-Appell Kriminali sabiex id-deċiżjoni tal-Kummissarju tiġi revokata jew mibdula, u l-qorti msemmija tkun minn dak il-hin vestita b'ġurisdizzjoni li tiddeċiedi dwar il-merti tar-rikors. Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jistabilixxi d-drittijiet li għandhom jithallsu fir-reġistru mal-presentata ta' dan l-appell.

(2) Appell mid-deċiżjoni tal-Kummissarju jista' jsir biss fuq punt ta' liġi u fl-eżerċizzju tal-funzjonijiet tagħha taht dan l-artikolu, il-Qorti ta' l-Appell Kriminali għandha tipproċedi skond id-disposizzjonijiet tal-Kodiċi Kriminali.

(3) Il-Qorti ta' l-Appell Kriminali tista', jekk jidhrilha li r-rikors ikun frivolu jew vessatorju, tiċhad l-appell u tordna lill-appellant biex ihallas penali li m'għandhiex tkun inqas minn hamsin lira u mhux iżjed minn mitt lira.

(4) Id-disposizzjonijiet ta' l-artikolu 10(3), (5) u (6) għandhom jghoddu għal kull deċiżjoni tal-Qorti ta' l-Appell Kriminali li tikkonferma jew tvarja deċiżjoni tal-Kummissarju, u tghodd ukoll għal kull ordni magħmula taht is-subartikolu (3)."

223. Is-subartikolu (1) ta' l-artikolu 12 ta' l-Att għandu jiġi emendat biż-zieda, fit-tarf tiegħu, tal-proviso li ġej:

Emenda ta' l-artikolu 12 ta' l-Att.

"Izda l-perjodu ta' preskrizzjoni rigward atti quddiem Kummissarju jkun sospiż mid-data li fiha jiġu notifikati u jibqa' hekk sospiż għal perjodu ta' sitt xhur."

224. Il-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 13 ta' l-Att għandu jiġi sostitwit bil-paragrafi ġodda li ġejjin:

Emenda ta' l-artikolu 13 ta' l-Att.

"(ċ) li jistabbilixxu d-drittijiet li jistgħu jkunu dovuti skond dan l-Att;

(d) li jistabilixxu kull formola li ghandha tiġi wżata skond dan l-Att;

(e) li jistabilixxu l-proċeduri li ghandhom jiġu segwiti fir-Registru tat-Tribunali Lokali;

(f) li jistabilixxu u jiffissaw il-funzjonijiet tar-Registratur u ta' uffiċjali oħra tat-Tribunal Lokali;

(g) li jipprovdu għar-regoli ta' notifika ta' atti ġudizzjarji skond dan l-Att;

(h) li jistabilixxu regoli rigward il-mod kif jistgħu jingabru l-penali, l-konfiska ta' oġġetti u t-tneħħija u s-sospensjoni ta' liċenzi skond dan l-Att; u

b'mod ġenerali dwar kull haġa li tista' tiġi minnu stabbilita, ordnata, diretta jew preskritta skond id-disposizzjonijiet ta' dan l-Att u kull haġa oħra li tista' tkun spjeganti sabiex jinghata effett ahjar lil dan l-Att."

Emenda ta' l-
artikolu 14 ta' l-
Att.

225. L-artikolu 14 ta' l-Att għandu jiġi emendat kif ġej:

(a) is-subartikoli (2), (3) u (4) tiegħu għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

"(2) Kull uffiċjal tal-Pulizija u kull uffiċjal, awtorità jew persuna oħra li skond xi liġi kif issemma' qabel ikunu responsabbli li jinfurzaw dik il-liġi, li fil-fehma tagħhom ikun sar xi reat bħal dak, jistgħu jagħtu lil min jagħmel ir-reat avviż li jkun fih deskrizzjoni ġenerali tar-reat, il-penali li għandha tithallas, il-post fejn tista' tithallas din il-penali, iż-żmien li fih jista' jsir dan il-ħlas u l-konsegwenzi tan-nuqqas ta' ħlas:

Iżda jekk tkun ġiet użata vettura bil-mutur, dgħajsa jew oġġett iehor biex isir ir-reat, dak l-avviż għandu jitqiegħed mal-*windscreen* jew parti oħra ta' din il-vettura bil-mutur, dgħajsa jew oġġett iehor:

Iżda wkoll meta ma jkunx prattikabbli li jinghata avviż, jew li jiġi mwahhal kif imsemmi qabel, l-avviż jista' jiġi notifikat lil min jikser il-liġi bl-istess mod bħal ma tista' tiġi notifikata tahrika skond l-artikolu 6.

(3) Meta jkun inghata jew ġie mwahhal xi avviż kif provdut fis-subartikolu (2), il-persuna msemmija f'dak l-avviż tista' thallas fil-post imsemmi f'dak l-avviż

fiż-żmien indikat fl-avviż, li f'ebda każ m'għandu jkun inqas minn sebat ijiem, penali dwar kull reat imsemmi f'kull avviż bhal dak, kemm-il darba dik il-penali ma tkunx iżjed mill-minimu stabbilit fil-liġi għal kull reat jew għaxar liri skond liema tkun l-ogħla.

(4) (a) Meta l-penali imposta taht is-subartikolu (3) ma tithallasx fiż-żmien fuq imsemmi, jistgħu jittiehdu proċedimenti ordinarji dwar ir-reat skond id-disposizzjonijiet ta' dan l-Att jew ta' xi liġi oħra.

(b) Fil-proċedimenti quddiem Kummissarju ma jehdieg li tinghata l-ebda notifika lil min għamel ir-reat ta' xi data li għaliha tiġi differita kawża li thalliet għas-smigh jew li bdiect tinstama' u min ikun għamel ir-reat ikun responsabbli li jivverifika din id-data."; u

(b) minnufih wara s-subartikolu (5) tiegħu, għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

"(6) *Data* jew informazzjoni oħra minn apparat elettroniku jew apparat ieħor użat minn Uffiċjal tal-Pulizija jew xi uffiċjal, awtorità jew persuna oħra li skond xi liġi kif imsemmi qabel tkun responsabbli li tenforza dik il-liġi għandha titqies bhala prova tal-kontenut tagħha kemm-il darba l-akkużat ma jippruvax xort'oħra.

(7) (a) Fejn ix-xieħda li għandha tinghata minn xi persuna għandha x'taqsam mar-registrazzjoni ta' vetturi bil-mutur, dgħajjes jew oġġetti oħra li jehdiegu li jiġu registrati skond xi liġi, dik ix-xieħda tista' tinghata permezz ta' affidavit.

(b) Fejn ix-xieħda tinghata permezz ta' ritratti, *video-film* jew mezzi viżwali oħra, dik ix-xieħda għandha tkun awtentikata mill-persuna li tkun hadet dawk ir-ritratti, *video-film* jew mezzi viżwali oħra.

(8) L-ebda proċedimenti quddiem Kummissarju m'għandhom jiġu meqjusa li huma invalidi minhabba fin-nuqqas ta' osservanza ta' xi formalitajiet jew proċeduri jekk kien hemm konformità sostanzjali mad-disposizzjonijiet ta' dan l-Att u xi regolamenti magħmula tahtu u l-prinċipji tal-ġustizzja naturali ġew osservati.

(9) Il-Kummissarju għandu jisma' u jiddeċiedi l-kawzi kollha miġjuba quddiemu fl-ewwel ġurnata tas-

smigh u ghandu biss f'kazi cêcezzjonali jaççetta xi talba għall-aġġornament tas-smigh."

TAQSIMA V

Emendi għall-Att dwar Tribunal għal Talbiet Żgħar. Kap. 380.

226. (1) Din it-Taqsima temenda l-Att dwar Tribunal għal Talbiet Żgħar u ghandha tinqara u tinftiehem haġa wahda ma' l-Att dwar Tribunal għal Talbiet Żgħar, hawnhekk f'din it-Taqsima iżjed 'il quddiem imsejjah "l-Att".

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jibdeu isehhu f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima.

Emenda ta' l-artikolu 3 ta' l-Att.

227. Il-proviso ġdid li ġej għandu jiżdied fl-aħhar tas-subartikolu (2) ta' l-artikolu 3 ta' l-Att:

"Iżda fil-kalkolu tas-somma msemmija f'dan is-subartikolu, ma jitqiesux id-drittijiet u l-ispejjeż li għandhom x'jaqsmu ma' l-istess talba."

Emenda ta' l-artikolu 8 ta' l-Att.

228. L-artikolu 8 ta' l-Att għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "Dak l-appell għandu jsir b'rikors li għandu jiġi preżentat fi żmien tmintax-il jum," għandhom jiġu sostitwiti l-kliem "Dak l-appell għandu jsir b'rikors li għandu jiġi preżentat fi żmien għoxrin ġurnata";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "Appell jista' jsir biss fil-każijiet li ġejjin:", għandhom jiġu sostitwiti l-kliem "Indipendentement mill-ammont tat-talba, jista' dejjem isir appell fil-każijiet li ġejjin:";

(ċ) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (4);

(d) minnufih wara s-subartikolu (2) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(3) Ikun hemm ukoll dritt ta' appell fil-każijiet kollha fejn l-ammont in kwistjoni, kalkolat skond id-disposizzjonijiet ta' l-artikolu 3(2), jaqbeż il-hames mitt lira."; u

(e) minnufih wara s-subartikolu (4) tiegħu, kif enumerat

mill-ġdid, ghandhom jiżdedu s-subartikoli ġodda li ġejjin:

"(5) Il-Qorti ta' l-Appell tista', jekk tikkonsidra r-rikors frivolu jew vessatorju, tiċhad l-appell u tordna lill-appellant biex iħallas penali li m'għandhiex tkun inqas minn mitt lira u li ma tkunx iżjed minn hames mitt lira.

(6) L-ammont tal-penali għandu jkun dovut u għandu jithallas lill-Gvern bhala dejn ċivili, likwidu u ċert, u jista' jiġi miġbur mir-registratur. L-ordni msemmija fis-subartikolu (5) għandha tikkostitwixxi titolu eżekuttiv skond u għall-finijiet tat-Titolu VII tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

229. Il-proviso għas-subartikolu (2) ta' l-artikolu 10 ta' l-Att għandu jithassar.

Emenda ta' l-artikolu 10 ta' l-Att.

230. L-artikolu 11 ta' l-Att għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 11 ta' l-Att.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Ministru jista' b'regolamenti jistabbilixxi r-registru tat-Tribunal u l-funzjonijiet tagħhom u bl-istess regolamenti jista' wkoll jahtar dawk l-uffiċjali li jistgħu jkunu meħtieġa għall-operazzjoni tar-registru. Ir-records kollha tat-Tribunal għandhom jinżammu fir-registru msemmi f'dan is-subartikolu."; u

(b) is-subartikolu (3) għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) L-atti tat-Tribunal għandhom jiġu depożitati u miżmuma f'dawk l-arkivji, kif jista' jiġi stabbilit mill-Ministru b'regolamenti magħmula taht dan l-artikolu."

231. L-artikolu 13 ta' l-Att għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 13 ta' l-Att.

"Meta l-partijiet jonqsu li jidhru.

13. Jekk xi parti tonqos li tidher fid-data stabbilita għas-smiġh tal-kawża, id-disposizzjonijiet li ġejjin għandhom jghoddu:

(a) jekk min jagħmel it-talba jonqos li jidher, il-ġudikatur għandu jhalli l-kawża għal data oħra u jekk min ikun għamel it-talba jerga' ma jidhirx, il-ġudikatur għandu jirrigetta l-kawża u jordna li l-ispejjeż jithallsu mill-persuna li qed tagħmel it-talba:

Iżda l-ġudikatur m'għandux jagħmel id-differiment imsemmi kemm-il darba l-konvenut jitlob li l-kawża tinstema' dak inhar jew li tiġi kanċellata bl-ispejjeż kontra l-persuna li tkun għamlet it-talba;

(b) jekk il-konvenut jonqos li jidher, il-ġudikatur jista' jiddeċiedi l-kawża fin-nuqqas tal-konvenut u tista' ssir ammissjoni bis-subizzjoni tal-konvenut, u d-disposizzjonijiet tas-Subtitolu VI tat-Titolu I tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, li jirrigwardaw l-ammissjoni bis-subizzjoni tal-konvenut fil-qrati inferjuri għandhom jghoddu *mutatis mutandis*."

Emenda ta' l-artikolu 16 ta' l-Att.

232. L-artikolu 16 ta' l-Att għandu jiġi emendat kif ġej:

(a) id-disposizzjoni preżenti għandha tiġi numerata mill-ġdid bħala s-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(2) In-notifika ta' atti ġudizzjarji skond dan l-Att għandha titwettaq bl-istess mod kif provdut għan-notifika ta' l-atti ġudizzjarji fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kemm-il darba l-Ministru, b'regolamenti magħmula taht dan l-artikolu, ma jipprovdix xort'ohra."

TAQSIMA VI

Emendi għall-Att dwar l-Arbitraġġ, Kap. 387.

233. (1) Din it-Taqsima temenda l-Att dwar l-Arbitraġġ u għandha tinqara u tinftiehem haġa waħda ma' l-Att dwar l-Arbitraġġ, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att".

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jibdeu

ischhu f'dik id-data li l-Ministru responsabbli għall-Gustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima:

Iżda d-disposizzjonijiet ta' l-artikolu 234 ta' dan l-Att għandhom jiġu fis-sehh f'dik id-data, kif il-Ministru responsabbli għall-gustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, li tkun wara d-data tat-temm tal-hatra tal-membri tal-Bord skond l-Att prinċipali hekk kif fis-sehh qabel l-emenda magħmula bl-imsemmi artikolu 234 ta' dan l-Att.

234. Fis-subartikolu (2) ta' l-artikolu 4 ta' l-Att minflok il-kliem "Il-Bord ikun jikkonsisti f'mhux anqas minn hames u mhux aktar minn disa' membri", għandhom jidhru l-kliem "Il-Bord ikun jikkonsisti f'mhux anqas minn tliet membri u mhux aktar minn hames membri".

Emenda ta' l-artikolu 4 ta' l-Att.

235. L-artikolu 15 ta' l-Att għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 15 ta' l-Att.

(a) il-kliem li ġejjin għandhom jiżdiedu fl-ahħar tas-subartikolu (3) tiegħu:

"Rikors jista' jsir minkejja li l-kwistjoni għandha tiġi riferita lill-arbitraġġ biss wara li jiġu eżawriti proċeduri oħra ta' riżoluzzjoni ta' kwistjonijiet.";

(b) is-subartikolu (4) għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(4) Meta l-proċedimenti kif hemm imsemmija fis-subartikolu (3) ikunu nġiebu quddiem qorti, proċedimenti ta' arbitraġġ jistghu jinbdeu jew jitkoplew: iżda t-tribunal ta' l-arbitraġġ m'għandu jiehu ebda passi fl-arbitraġġ sakemm ma l-Qorti tiddeċiedi dwar ir-rikors hliet f'każijiet meta nuqqas li jinghata rimedju jirriżulta fi hsara irreparabbli għal xi parti fil-proċedimenti ta' l-arbitraġġ. Mad-deċiżjoni tal-Qorti, li għandha tiġi notifikata lit-tribunal ta' l-arbitraġġ mir-rikorrent, it-tribunal ta' l-arbitraġġ għandu jkun marbut bid-deċiżjoni tal-Qorti dwar kwistjonijiet involuti fir-rikors u għandu jaġixxi skond hekk.";

(ċ) minnufih fi tmiem is-subartikolu (6) tiegħu, għandu jiżdied dan il-proviso li ġej:

"Iżda kwistjonijiet li jkunu jirrigwardaw il-qsim ta' proprjetà bejn il-miżżewġin jistghu jiġu riferiti għall-

arbitraġġ bla hsara għall-approvazzjoni tal-qorti kompetenti tal-ftehim ta' arbitraġġ u ta' l-arbitru li jkun ser jiġi mahtur."; u

(d) minnufih wara s-subartikolu (7) tiegħu, għandhom jiżdedu s-subartikoli ġodda li ġejjin:

"(8) Mal-preżentata ta' rikors biex jitwaqqfu l-proċedimenti skond is-subartikolu (3), kull limitu ta' żmien għall-preżentata ta' kull risposta ta' l-intimat jew twegħiba oħra, kemm jekk titnissel mill-liġi jew minn ordni ta' xi qorti jew tribunal jew xort'oħra, għandu jiġi interrott u għandu jerġa' jibda jssseh mid-data li fiha r-rikorrent jiġi notifikat bid-deċiżjoni tal-Qorti li tiegħad ir-rikors, u dan irrispettivament minn jekk isirx appell minn xi parti dwar din id-deċiżjoni.

(9) Il-Bord stabbilit taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli dwar ir-rikorsi lill-Qorti taht is-subartikolu (3) ta' dan l-artikolu u jippreskrivi d-drittijiet li għandhom jithallsu ma' dawn ir-rikorsi.

(10) Kull meta tingieb fl-arbitraġġ tilwima li l-materja ewlenija tagħha tkun taqa' taht il-ġurisdizzjoni jew il-kompetenza ta' xi bord, tribunal jew awtorità oħra mwaqqfa għal dak l-ghan b'xi liġi, dan ikun validu u effettiv u d-disposizzjonijiet tas-subartikolu (3) għandhom japplikaw dwar dan *mutatis mutandis*; iżda d-disposizzjonijiet ta' dan is-subartikolu ma għandhomx japplikaw meta l-bord, tribunal jew awtorità oħra jkunu tax-xorta speċifikata fl-artikolu 75(1)."

Emenda ta' l-artikolu 17 ta' l-Att.

236. L-artikolu 17 ta' l-Att għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan is-subartikolu ġdid li ġej:

"(1) Il-parti li tibda l-proċeduri ta' arbitraġġ (hawnhekk iżjed 'il quddiem imsejha "ir-rikorrent") għandha tippreżenta għand ir-registratur, avviż ta' arbitraġġ għal reġistrazzjoni għand iċ-Ċentru u sabiex dan jiġi notifikat lill-parti l-oħra (hawnhekk iżjed 'il quddiem imsejha "l-intimat") u kull proċedura u kull deċiżjoni li tingħata wara bis-sabha tagħhom f'xi arbitraġġ li għalih tirreferi din it-Taqsima, għandhom ikunu nulli u bla ebda effett u mhux eżegwibbli jekk l-avviż ta' arbitraġġ relattiv

ma jkunx ġie pprezentat fiċ-Ċentru:

Iżda ma jkun hemm l-ebda nullità tal-proċeduri jekk, wara li tonqos milli tippreżenta l-avviż ta' arbitraġġ kif imfisser b'dan l-artikolu fil-bidu tal-proċedimenti, xi parti tippreżenta l-avviż f'xi żmien qabel tinghata d-deċiżjoni ta' arbitraġġ skond l-artikolu 44(6). F'dan il-każ iċ-Ċentru għandu jirreġistra l-avviż ta' arbitraġġ iżda ma għandu jkollu ebda dmirijiet oħra f'dak ir-rigward."; u

(b) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili" għandhom jiżdiedu l-kliem "u ta' l-artikolu 1357(2) tal-Kodiċi Ċivili".

237. L-artikolu 32 ta' l-Att għandu jiġi emendat biż-żieda tas-subartikolu ġdid li ġej minnufih wara s-subartikolu (4) tiegħu:

Emenda ta' l-artikolu 32 ta' l-Att.

"(5) Fil-każ li jinbdew proċedimenti quddiem xi qorti għal dikjarazzjoni li għandha x'taqsam mal-ġurisdizzjoni ta' tribunal ta' l-arbitraġġ, dawn il-proċedimenti għandhom jiġu xolti u l-partijiet għandhom jiġu riferiti għat-tribunal ta' l-arbitraġġ għad-deċiżjoni tiegħu fuq din il-kwistjoni, sakemm il-qorti ma tikkunsidrax li xi parti sejra ssoffri hsara irreparabbli jekk ma tiddeċidiex dwar il-kwistjoni."

238. Is-subartikolu (5) ta' l-artikolu 36 ta' l-Att għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 36 ta' l-Att.

"(5) Malli jiġi preżentat rikors li għalih japplikaw is-subartikoli (3) u (4), il-qorti li, li kieku ma kienx hemm ftehim ta' arbitraġġ, kien xort'oħra jkollha ġurisdizzjoni, għandha tinnotifika l-mandat jew xort'oħra taġixxi dwar ir-rikors bl-istess mod daqslikieku dak ir-rikors jew mandat kienu nħargu jew ġew approvati mill-Prim'Awla tal-Qorti Ċivili."

239. L-artikolu 38 ta' l-Att għandu jiġi emendat biż-żieda tas-subartikoli ġodda li ġejjin minnufih wara s-subartikolu (6) tiegħu:

Emenda ta' l-artikolu 38 ta' l-Att.

"(7) Il-qorti tista', meta jsirilha rikors minn parti jew oħra, tordna l-infurzar ta' miżura li tkun ġiet lilha riferita skond is-subartikolu (6) u għandu jkollha kull setgħa anċillari li temenda jew tirrevoka dawk l-ordnijiet wara li tkun semgħet lill-partijiet u lit-tribunal ta' l-arbitraġġ skond ma tqis li jkun meħtieġ.

(8) Il-Bord stabbilit taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli dwar

Emenda ta' l-
artikolu 44 ta' l-
Att.

hwejjeg li ghandhom x'jaqsmu mal-hrug ta' atti kawtelatorji u ordnijiet ohra bhalhom meta dawn ikollhom x'jaqsmu mal-proceduri ta' l-arbitragg."

240. L-artikolu 44 ta' l-Att ghandu jigi emendat kif gej:

(a) minflok is-subartikolu (1) tieghu, ghandu jigi sostitwit is-subartikolu gdid li gej:

"(1) Sakemm ma jkunx miftiehem xort'ohra bejn il-partijiet, it-tribunal ta' l-arbitragg jista' jaghti iktar minn decizjoni wahda fi zminijiet differenti dwar aspetti differenti ta' kwistjonijiet li ghandhom jigu decizi. It-tribunal ta' l-arbitragg jista' jaghti decizjoni li ghandha x'taqsam -

(a) ma' kwistjoni li taffettwa t-talba shiha, jew

(b) ma' parti biss mit-talbiet jew il-kontroll talbiet sottomessi lilu ghal decizjoni,

u jista' wkoll jaghti decizjonijiet temporanji u, jew interlokutorji,";

(b) is-subartikolu (2) tieghu ghandu jigi emendat bit-thassir tal-kliem "Din ghandha tkun wahda finali u vinkolanti fuq il-partijiet kollha. Il-partijiet ghandhom iwettqu d-decizjoni minghajr dewmien."; u

(c) is-subartikolu (7) tieghu ghandu jigi sostitwit bis-subartikoli godda li gej:

"(7) Decizjoni tkun finali meta tirrizolvi dwar il-merti kollha jew parti mill-merti ta' kwistjoni, tista' tkun cze gwita minnufih u mhix preparatorja ghal stadju iehor fil-procedimenti jew inkella ghandha l-effett li ggib il-procedimenti fi tmiem.

(8) It-tribunal ta' l-arbitragg ghandu minnufih u f'kull kaz mhux aktar tard minn ghoxrin gurnata mid-data msemmija fis-subartikolu (4), jipprezenta kull decizjoni finali flimkien mad-decizjonijiet kollha parzjali, temporanji u interlokutorji li ma jkunux ghadhom gew ghand ir-registratur ghal registrazzjoni miċ-Ċentru u ghandu jhares id-disposizzjonijiet rilevanti ta' dan l-Att u l-htigiet ta' registrazzjoni mahruġa miċ-Ċentru.

(9) Bla hsara għall-proċedimenti li jistghu jsiru kontra deċiżjoni skond l-artikolu 69A, deċiżjonijiet finali għandhom ikunu jorbtu lill-partijiet, u l-partijiet għandhom jobdu dawk id-deċiżjonijiet mingħajr dewmien."

241. Is-subartikolu (3) ta' l-artikolu 46 ta' l-Att għandu jiġi sostitwit bis-subartikoli ġodda li ġejjin:

Emenda ta' l-artikolu 46 ta' l-Att.

"(3) Kopji ta' l-ordni għat-temma tal-proċedimenti ta' arbitraġġ jew tad-deċiżjoni arbitrali fuq patti miftiehma, iffirmati mill-arbitri, għandhom jitwasslu mit-tribunal ta' l-arbitraġġ lill-partijiet u lir-reġistratur. Meta tinghata deċiżjoni arbitrali fuq il-patti miftiehma, id-disposizzjonijiet tas-subartikoli (2) u (4) sa (8) ta' l-artikolu 44 għandhom jghoddu.

(4) Id-disposizzjonijiet ta' dan l-artikolu għandhom ukoll japplikaw fil-każ li l-partijiet jirrisolvu tilwima li setgħet inqalghet bejniethom permezz ta' medjazzjoni, konċiljazzjoni jew kull mezz ieħor. F'dak il-każ il-persuna li tassisti fid-determinazzjoni tat-tilwima tista', bil-kunsens taż-żewġ partijiet, toqghod bħala arbitru għall-fini tar-reġistrazzjoni tal-ftehim li jsir bejniethom skond dan l-Att u, meta jkun hekk reġistrat, dak il-ftehim għandu jkun ittrattat għall-finijiet u effetti kollha bħala deċiżjoni reġistrata.

(5) Meta l-partijiet jirrisolvu tilwima bħalma hemm imsemmi fis-subartikolu (4) u l-persuna li setgħu intużaw is-servizzi tagħha fid-determinazzjoni tat-tilwima ma tkunx tista' jew ma tkunx trid taġixxi skond dan l-artikolu, iċ-Ċentru jista', wara li jsirlu rikors kongunt mill-partijiet fil-ftehim, jahtar arbitru għal dak il-ghan:

Iżda, bil-kunsens tal-partijiet, ir-Reġistratur jista' jipprovdi appoġġ lill-partijiet f'dawk il-każijiet billi jwettaq il-funzjonijiet ta' reġistrazzjoni ta' arbitru skond regoli li jistghu jsiru miċ-Ċentru minn żmien għal żmien."

242. Is-subartikolu (2) ta' l-artikolu 47 ta' l-Att għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 47 ta' l-Att.

"(2) It-tifsira għandha tinghata bil-miktub fi żmien hamsa u erbgħin ġurnata wara li tasal it-talba. It-tifsira mogħtija għandha tiffirma parti mid-deċiżjoni, u d-disposizzjonijiet tas-subartikoli (2) sa (8) ta' l-artikolu 44 għandhom jghoddu."

243. Is-subartikolu (2) ta' l-artikolu 48 ta' l-Att għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 48 ta' l-Att.

"(2) Dawn it-tiswijiet ghandhom isiru bil-miktub, u d-disposizzjonijiet tas-subartikoli (2) sa (8) ta' l-artikolu 44 ghandhom jghoddu."

Emenda ta' l-artikolu 49 ta' l-Att.

244. Is-subartikolu (3) ta' l-artikolu 49 ta' l-Att ghandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Meta tinghata deċiżjoni addizzjonali, d-disposizzjonijiet tas-subartikoli (2) sa (8) ta' l-artikolu 44 ghandhom jghoddu."

Sostituzzjoni ta' l-artikolu 61 ta' l-Att.

245. L-artikolu 61 ta' l-Att ghandu jiġi sostitwit b'dan li ġej:

"Registrazzjoni b' għażla ta' deċiżjonijiet internazzjonali

61. (1) Ir-registrazzjoni maċ-Ċentru ta' deċiżjoni internazzjonali ma tkunx meħtieġa għall-validità tad-deċiżjoni.

(2) Meta skond l-artikolu 60, japplikaw id-disposizzjonijiet tat-Taqsima IV ta' l-Att, ma ghandhiex tapplika l-hteġa fl-artikolu 17(1) għar-rigward tal-preżentata ta' avviż ta' arbitraġġ għar-registrazzjoni miċ-Ċentru u ghandhom japplikaw id-disposizzjonijiet rilevanti tal-Mudell ta' Liġi.

(3) Minkejja s-subartikolu (1), deċiżjoni internazzjonali tista' tiġi registrata maċ-Ċentru kif provdut fl-artikolu 72 wara li jsir rikors minn parti li jkollha interess u meta jsir il-ħlas tad-dritt li jmiss; iżda f'dak il-każ l-artikolu 72(4)(a) u l-artikolu 72(6) ma ghandhomx japplikaw u dawn is-subartikoli (4) u (5) ghandhom japplikaw minflokhom.

(4) Ir-registratur ma ghandux jirregistra deċiżjoni internazzjonali qabel ma jiskadu mill-inqas tliet xhur mid-data tad-deċiżjoni kemm-il darba l-partijiet jikkonfermaw bil-miktub li ma jkunu bi hsiebhom jagħmlu ebda proċeduri kontra d-deċiżjoni skond xi liġi li tkun tapplika.

(5) Meta jiskadi l-perjodu msemmi fis-subartikolu (4), ir-Registratur ma ghandux jirregistra deċiżjoni internazzjonali jekk huwa jkun ġie avżat li jkunu saru proċeduri minn xi parti fil-proċedimenti ta' arbitraġġ, sa meta huwa jiġi avżat bir-riżultat ta' dawk il-proċeduri. Kull parti fil-proċedimenti li tista' tagħmel proċeduri kontra xi deċiżjoni ghandha tavża liċ-Ċentru bil-miktub dwar kull proċedura li tkun saret, f'Malta jew barra minn Malta, fi żmien hmistax-il ġurnata minn dik il-ġrajja.

(6) Meta l-partijiet fi ftehim ta' arbitraġġ internazzjonali jkunu espressament irriservaw milli jsiru xi proċeduri skond l-artikolu 69A(3), kull appell ghandu jsir fiż-żmien mogħti fl-artikolu 34(3) tal-Mudell ta' Liġi.

(7) Deċiżjoni internazzjonali mogħtija konformi mat-Taqsima V ghandha, meta tiġi registrata maċ-Ċentru kif provdut f'dan l-artikolu, tikkostitwixxi titolu eżekuttiv għall-finijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(8) Meta ebda parti ma tkun irregistrat id-deċiżjoni maċ-Ċentru skond dan l-artikolu, kull parti li tkun isserrah fuq deċiżjoni internazzjonali tista' f'kull waqt tirrikorri quddiem il-Qorti ta' l-Appell għar-rikonoxximent u l-infurzar ta' dik id-deċiżjoni skond it-Taqsima VIII tal-Mudell ta' Liġi u d-disposizzjonijiet f'dik il-parti għandhom japplikaw *mutatis mutandis* għal kull appell li seta' kien riservat skond l-artikolu 69A(3).

(9) Meta jsir rikors minn xi parti, il-Qorti ta' l-Appell tista', minkejja d-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jew tal-Mudell ta' Liġi, tordna l-infurzar provviżorju ta' deċiżjoni internazzjonali kollha kemm hi jew f'parti minnha, u tista' tohrog' kull tali ordni relatata u anċillari li tista' tqis li tkun meħtieġa."

Zieda ta' artikolu ġdid ma' l-Att.

246. Minnufih wara l-artikolu 69 ta' l-Att, ghandu jiżdied l-artikolu ġdid li ġej:

"Titolu
Eżekuttiv.

69A. (1) Deċiżjoni mogħtija skond ftehim ta' arbitraġġ konformi mat-Taqsima VI ta' dan l-Att, ghandha marreġistrazzjoni miċ-Ċentru, kif provdut fl-artikolu 72, tikkostitwixxi titolu eżekuttiv għall-iskopijiet tat-**Titolu VII** tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(2) Jistghu jinbdew proċedimenti kontra deċiżjoni arbitrali mogħtija taht it-Taqsima IV quddiem il-Qorti ta' l-Appell permezz ta' rikors jew -

(i) b'talba li d-deċiżjoni titwarrab skond id-disposizzjonijiet ta' l-artikolu 70, jew

(ii) b'appell fuq punt ta' liġi skond l-artikolu 70A.

(3) Appell fuq punt ta' liġi lill-Qorti ta' l-Appell kontra deċiżjoni arbitrali mogħtija skond it-Taqsima V jista' jsir biss jekk il-partijiet għall-ftehim ta' l-arbitraġġ ftehimu espressament li dan id-dritt ta' appell hu disponibbli għall-partijiet b'zieda mad-drittijiet għal proċedimenti ohra stabbiliti fl-artikolu 34 tal-Liġi Mudell. F'dawn il-każijiet id-disposizzjonijiet ta' l-artikoli 61(5), 70A, 70B u artikoli relatati għandhom jghoddu.

(4) Jistgħu ukoll jinbnew proċedimenti kontra deċiżjoni skond kull proċedura ta' appell jew reviżjoni li tista' tkun espressament miftichma bejn il-partijiet fil-ftehim ta' l-arbitraġġ.

(5) Id-drittijiet għal proċedimenti speċifikati fis-subartikoli (2) u (3) għandhom jibnew isehhu sal-limitu stabbilit skond dan l-Att u l-ftehim ta' l-arbitraġġ, mat-tmiem ta' xi proċess kuntrattwali. Il-limiti ta' żmien kollha speċifikati f'dan l-Att għal rikorsi taht l-artikoli 70 u 70A għandhom jibnew jsehhu minn dak iż-żmien li fih ir-riżultat tal-proċess kuntrattwali jiġi notifikat, jiġi mitmum xort'ohra jew jiskadi.

(6) Meta jkun hemm xi liġi li tirreferi għal bord, tribunal jew xi awtorità oħra ta' arbitraġġ u tkun tikkontempla xi dritt speċifiku ta' appell, reviżjoni jew rikors ichor mid-deċiżjoni tagħhom, ma għandhomx ikunu japplikaw id-disposizzjonijiet ta' dan l-Att għar-rigward ta' azzjoni li tista' tittiched fil-konfront tad-deċiżjonijiet ta' kull bord, tribunal jew awtorità oħra bhal dawk.

(7) Minkejja li r-registrazzjoni ta' deċiżjoni tista' ma tkunx saret skond l-artikolu 61(4) jew 72(4)(a), il-Qorti ta' l-Appell tista', wara li jsirilha rikors minn xi parti u minkejja kull disposizzjoni tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, tordna l-infurzar provviżorju tad-deċiżjoni kollha kemm hi jew f'parti minnha, u tista' tohroġ kull ordni relatata u anċillari skond ma tqis li jkun adatt."

247. Minflok l-artikolu 70 ta' l-Att, għandu jiġi sostitwit l-

Sostituzzjoni ta' l-artikolu 70 ta' l-Att.

artikolu ġdid li ġej:

"Deċiżjoni.

70. (1) Bla hsara għad-disposizzjonijiet ta' l-artikolu 71, il-Qorti ta' l-Appell għandha tiddeċiedi li deċiżjoni ma għandhiex tiġi eżerċitata biss jekk -

(a) ir-rikorrent iġib provi għas-sodisfazzjon tal-Qorti ta' l-Appell li -

(i) xi parti fil-ftehim ta' l-arbitraġġ kellha xi inkapaċità li żżomma milli tidhol f'dak il-ftehim ta' l-arbitraġġ; jew dak il-ftehim ma kienx validu skond dik il-liġi li l-partijiet għamluh sugġett għaliha; jew

(ii) il-parti li tkun inghatat deċiżjoni kontriha ma tkunx ġiet avżata kif imiss dwar il-hatra ta' xi arbitru jew dwar il-proċedimenti ta' arbitraġġ jew inkella kienet mod ichor miżmuma milli tippreżenta l-każ tagħha; jew

(iii) id-deċiżjoni titratta dwar xi tilwima li ma tkunx kontemplata minn jew li ma tidholx fil-patti li bihom ischh l-arbitraġġ, jew ikun fiha konkluzjonijiet dwar kwistjonijiet li jmorru 'l hemm mill-iskop li għalih kellu jschh dak l-arbitraġġ:

l-żda jekk deċiżjonijiet dwar kwistjonijiet sottomessi għall-arbitraġġ jistgħu jinfirdu minn dawk mhux hekk sottomessi, dik il-parti tad-deċiżjoni li jkun fiha konkluzjonijiet dwar kwistjonijiet mhux sottomessi għall-arbitraġġ biss tkun tista' titwarrab; jew

(iv) l-ghamla tat-tribunal ta' l-arbitraġġ jew il-proċedura ta' l-arbitraġġ ma kienux skond il-fiehim tal-partijiet, kemm-il darba dak il-fiehim ma kienx konfligġenti ma' xi disposizzjoni ta' dan l-Att li minnha l-partijiet ma jistgħux jidderogaw, jew, fin-nuqqas ta' fiehim bhal dak ma kienux skond dan l-Att;

(b) jirriżulta lill-Qorti ta' l-Appell li -

(i) is-sugġett li dwaru hemm kwistjoni fit-tilwima ma jistax jitranga bil-mezz ta' arbitraġġ skond il-Liġijiet ta' Malta; jew

(ii) id-deċiżjoni tmur kontra l-ordni pubbliku ta' Malta.

(2) Ir-rikors imsemmi fl-artikolu 69A(2) għandu jsir fi żmien hmistax-il ġurnata min-notifika lir-rikorrenti tad-deċiżjoni skond dan l-Att, u r-rikorrent għandu jinnotifika lill-arbitri u liċ-Ċentru kopja tar-rikors kemm jista' jkun malajr skond kif ikun prattikabbli, iżda mhux iktar tard minn hmistax-il ġurnata wara l-preżentata tar-rikors.

(3) Għall-finijiet ta' dan l-artikolu u l-artikoli 57 u 73, il-Qorti ta' l-Appell għandha tkun magħmula bil-mod provdut fl-artikolu 41(6) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(4) Kull rikors taht dan l-artikolu għandu jiġi trattat bil-maġhluq u jithallew jidhlu biss fil-qorti matul is-smiġh il-partijiet u l-avukati u l-prokuraturi legali tagħhom.

(5) Id-deċiżjoni tal-qorti għandha żzomm shih il-kunfidenzjalità ta' l-arbitraġġ u għandha tiżvela biss dawk il-fatti li jistgħu jkunu meħtieġa sabiex dik id-deċiżjoni tkun tista' tiftiehem u tkun eżegwibbli mill-partijiet.

(6) L-ispejjeż ta' l-appell ikunu skond ma tiddeċiedi l-Qorti ta' l-Appell u jkunu dak l-ammont li jiġi stabbilit mir-Registratur, Qrati u Tribunali Ċivili (Sezzjoni Ċivili) jew mir-Registratur, Qrati u Tribunali Ċivili (Sezzjoni Ċivili) Ghawdex, kif ikun il-każ.

(7) Il-Bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jkunu jirrigwardaw rikorsi quddiem il-Qorti ta' l-Appell taht dan l-artikolu u taht l-artikolu 70A u l-artikolu 73, u jistabilixxi d-drittijiet li għandhom jithallsu meta jsiru dawk ir-rikorsi."

Zieda ta'
artikoli godda
ma' l-Att.

248. Minnufih wara l-artikolu 70 ta' l-Att, għandhom jiżiedu l-artikoli ġodda li ġejjin:

"Appell fuq
punt ta' liġi.

70A. (1) Parti fil-proċedimenti ta' l-arbitraġġ tista' tappella lill-Qorti ta' l-Appell fuq punt ta' liġi li jitnissel minn deċiżjoni finali magħmula fil-proċedimenti kemm-il darba -

(a) il-partijiet ma eskudewx espressament dan id-dritt ta' l-appell fil-fiehim ta' l-arbitraġġ jew mod ichor bil-miktub; jew

(b) minkejja kull haġa msemmija fil-fiehim ta' l-arbitraġġ, il-partijiet ma ftehmux espressament li ma għandhom jingħataw l-ebda raġunijiet fid-deċiżjoni skond l-artikolu 44(3).

(2) Meta jiġi pprezentat appell, ir-rikorrent għandu jinnotifka lill-arbitri u liċ-Ċentru kopja tar-rikors malajr kemm ikun prattikabbli iżda mhux iktar tard min hmistax-il ġurnata wara l-prezentata ta' l-appell.

(3) Il-Qorti ta' l-Appell għandha tikkunsidra l-appell biss jekk il-Qorti tkun sodisfatta -

(a) li d-deċiżjoni dwar il-punt ta' liġi taffettwa sostanzjalment id-drittijiet ta' wahda jew iktar mill-partijiet;

(b) li l-punt ta' liġi huwa wiehed li t-tribunal kien mitlub jiddeċiedi fuqu jew mod ieħor iddependa fuqu biex jasal għad-deċiżjoni;

(ċ) li fuq il-bażi ta' dak li jirriżulta mill-fatti fid-deċiżjoni, id-deċiżjoni tat-tribunal dwar il-punt ta' liġi hija *prima facie* miftuha għal dubju serju; u

(d) li abbażi ta' reviżjoni tar-rikors, kull risposta u d-deċiżjoni, l-appell ma jidherx li hu dilatorju u vessatorju,

u fil-każijiet l-oħra kollha il-Qorti għandha tiċhad l-appell.

Identifikazzjoni ta' punt ta' liġi.

70B. (1) Appell taht l-artikolu 70A għandu jidentifika l-punt ta' liġi li għandha tittiehed deċiżjoni fuqu u għandu jispeċifika t-tifsira li r-rikorrent jallegra li hi t-tifsira korretta tal-punt ta' liġi identifikat.

(2) Appell għandu jsir fi żmien hmistax-il gurnata minn meta tiġi riċevuta d-deċiżjoni finali jew jekk kien hemm xi proċess ta' arbitraġġ ta' appell jew reviżjoni, mid-data meta l-parti kienet notifikata bir-riżultat ta' dak il-proċess jew meta l-proċess kien mod ieħor kompletat jew minn meta jkun skada ż-żmien għalih.

(3) Id-disposizzjonijiet ta' l-artikolu 70(3), (4), (5) u (6) għandhom jghoddu għal appelli magħmula taht l-artikolu 70A."

249. L-artikolu 71 ta' l-Att għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 71 ta' l-Att.

(a) id-disposizzjoni preżenti għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu, għandhom jiżdidu s-subartikoli ġodda li ġejjin:

"(2) Il-Qorti ta' l-Appell tista', dwar appell

skond l-artikolu 70A -

- (a) tikkonferma d-deċiżjoni,
- (b) tibdel id-deċiżjoni,
- (ċ) tibghat id-deċiżjoni lura lit-tribunal, kollha jew parti minnha, biex tiġi ftrattata mill-ġdid fid-dawl tad-deċiżjoni tal-Qorti, jew
- (d) twarrab id-deċiżjoni kollha jew parti minnha u tiddeċiedi hi nfisha l-kwistjoni.

(3) Il-Qorti ta' l-Appell m'għandhiex hi nfisha tiddeċiedi l-kwistjoni li dwarha jkun sar rikors jekk ma tkunx sodisfatta li ma jkunx xieraq li l-hwejjeg in kwistjoni jintbagħtu lura lit-tribunal għal konsiderazzjoni mill-ġdid."

Zieda ta' artikoli godda ma' l-Att.

250. Minnufih wara l-artikolu 71 ta' l-Att, għandhom jiżdedu l-artikoli ġodda li ġejjin:

"Kondizzjoni għal rikors.

71A. (1) Id-disposizzjonijiet li ġejjin għandhom jghoddu għal rikors għal twarrab jew appell taht l-artikolu 70 jew 70A.

(2) Rikors ma jistax isir jekk ir-rikorrent jew l-appellant ma jkunx qabel eżawrixxa -

(a) kull proċess kuntrattwali disponibbli ta' appell jew reviżjoni; u

(b) kull mezz disponibbli taht l-artikoli 47 (Tifsir tad-deċiżjoni), 48 (Tiswija tad-deċiżjoni) jew 49 (Deċiżjoni addizzjonali).

(3) Kull talba magħmula skond l-artikoli 47, 48 jew 49 għandu jkollha l-effett li tinterrompi l-limiti ta' zmien għall-proċeduri kontra deċiżjoni speċifikata fl-artikolu 70(4) jew l-artikolu 70B(2). Il-perjodu għall-proċeduri stabbilit fl-artikoli msemmija għandu jibda jschh mid-data li fiha kull ordni magħmula skond l-artikoli 47, 48 u 49 imsemmija jiġi komunikat lill-parti.

(4) Id-drittijiet għall-proċeduri kif provdut fl-artikolu 70 jew 70A jeskludu lil xulxin u ma jistghux it-tnejn jiġu eżerċitati fl-istess hin u appell fuq punt ta' liġi għandu jeskludi d-dritt għal rikors biex id-deċiżjoni titwarrab: iżda meta parti tkun għamlet rikors lill-Qorti biex twarrab deċiżjoni dik il-parti tista', *in subsidium*, tappella fuq punti ta' liġi sakemm dan isir fl-istess rikors.

(5) Jekk wara rikors biex titwarrab deċiżjoni jew wara appell fuq deċiżjoni l-Qorti jidhrilha li d-deċiżjoni ma jkunx fiha r-raġunijiet tat-tribunal jew, ir-raġunijiet tat-tribunal ma jkunux dettaljati biżżejjed biex il-qorti tkun tista' tikkonsidra sew ir-rikors jew l-appell, il-qorti tista' titlob lit-tribunal biex jagħti tifsira tad-deċiżjoni li tkun konformi mat-termini ta' l-artikolu 47(2).

(6) Meta tagħti ordni taht is-subartikolu preċedenti il-qorti tista' tagħti ordni dwar spejjeż li jitnisslu minn dik l-ordni.

Kondizzjoni
għal rikors;
disposizzjoni-
jiet
supplimentari.

71B. (1) Rikors għat-twarrib jew appell jistgħu isiru biss' dwar deċiżjonijiet finali kif hu mfisser fl-artikolu 44(6).

(2) Meta jingħataw deċiżjonijiet separati dwar diversi kwistjonijiet f'arbitraġġ, jistgħu jinbdeu il-proċeduri kontra dawn id-deċiżjonijiet biss' wara d-deċiżjoni finali u fil-limiti ta' zmien imsemmija f'dan l-Att, li għandhom jinbdeu mid-data ta' din id-deċiżjoni finali u f'dawn il-proċeduri għandu jkun hemm referenza speċifika għad-deċiżjonijiet li kontribom il-proċeduri qiegħdin jittichdu:

Iżda l-proċeduri jistghu jinbdew kontra dawn id-deċiżjonijiet separati qabel id-deċiżjoni finali bil-permess tat-tribunal ta' l-arbitraġġ; din it-talba għal permess biex jinbdew il-proċeduri għandha ssir bil-miktub lit-tribunal ta' l-arbitraġġ u kopja tagħha tintbagħat liċ-Ċentru fi żmien sitt ijiem mid-data li fiha d-deċiżjoni tkun giet komunikata lill-parti.

(3) Ma jistgħux jinbdew proċeduri kontra deċiżjonijiet temporanji, interlokutorji jew parzjali hlief wara d-deċiżjoni finali u flimkien mal-proċeduri li jistghu jittichdu kontra dik id-deċiżjoni finali:

Iżda d-disposizzjonijiet ta' dan l-artikolu għandhom jghoddu fis-shih għad-deċiżjonijiet parzjali li jikkostitwixxu deċiżjonijiet finali dwar il-kwistjoni hekk deċiża, f'liema każ għandhom jghoddu d-disposizzjonijiet tas-subartikolu (2)."

Sostituzzjoni ta' l-artikolu 72 ta' l-Att.

251. Minflok l-artikolu 72 ta' l-Att, għandu jkun hemm sostitwit l-artikolu ġdid li ġej:

"72. (1) Meta skond dan l-Att tkun mehtieġa r-registrazzjoni ta' xi deċiżjoni finali jew dokument għand iċ-Ċentru, dik id-deċiżjoni jew dak id-dokument, jew kopja awtentika tagħhom, għandhom jiġu depożitati mar-registratur flimkien ma' kull hlas li jista' minn żmien għal żmien jiġi preskritt għal dik ir-registrazzjoni.

(2) Ir-registratur għandu jiċhad li jirreġistra deċiżjoni jew dokument jekk dawn ma jkunux konformi ma' xi disposizzjoni ta' dan l-Att jew mar-regoli magħmula miċ-Ċentru li jkollhom x'jaqsmu ma' l-Att.

(3) Fil-każ ta' arbitraġġ domestiku, li jsir skond it-Taqsima IV ta' dan l-Att, id-disposizzjonijiet ta' l-artikolu 38(2), (3), (4) u (5), l-artikolu 70, l-artikolu 70A, l-artikolu 70B, l-artikolu 71 u l-artikolu 71A għandhom jghoddu biss u l-proċedimenti għandhom ikunu validi biss meta f'kull żmien qabel in-notifika tad-deċiżjoni skond l-artikolu 44(4), avvżi dwar l-arbitraġġ jiġi registrat maċ-Ċentru skond l-artikolu 17.

(4) (a) Ir-Registratur m'ghandux jirreġistra deċiżjoni qabel ma jiskadu tletin ġurnata mid-data meta d-deċiżjoni tkun ġiet notifikata lill-partijiet f'arbitraġġ jew jekk iċ-Ċentru jiġi notifikat bi proċeduri kontra deċiżjoni meħuda minn xi parti fil-proċedimenti ta' l-arbitraġġ skond din it-Taqsima ta' dan l-Att.

(b) Meta, wara rikors skond l-artikolu 70 jew 70A, il-Qorti ma tilqax ir-rikors, is-sentenza tal-Qorti ta' l-Appell għandha tiġi reġistrata maċ-Ċentru flimkien mad-deċiżjoni li tkun qed tiġi reġistrata fuq talba tal-parti li titlob ir-reġistrazzjoni.

(5) Malli d-deċiżjoni tkun ġiet reġistrata miċ-Ċentru d-deċiżjoni ssir wahda konklużiva u vinkolanti u, barra minn hekk, ma tkunx tista' tiġi kontestata.

(6) Kull rikors skond l-artikoli 70 jew 70A li l-Qorti ta' l-Appell tiddeċiedi li hu frivolu jew vessatorju tirrendi lill-parti li tagħmel dik il-kontestazzjoni jew dak l-appell responsabbli għall-hlas lill-parti li tkun qed titlob ir-reġistrazzjoni, ta' penali ta' mhux inqas minn mitt lira u mhux iktar minn hamest elef lira, hekk kif jiġi stabbilit mill-Qorti ta' l-Appell."

252. Fis-subartikolu (3) ta' l-artikolu 80 ta' l-Att, minflok il-kliem minn "iżda dawk l-arbitraġġi" sal-kliem "l-artikolu 17 ta' dan l-Att." għandhom jidhlu l-kliem "Iżda dawk l-arbitraġġi jkunu amministrati miċ-Ċentru skond kull regola li tapplika magħmula miċ-Ċentru skond l-artikolu 10."

Emenda ta' l-artikolu 80 ta' l-Att.

253. Minnufih wara l-artikolu 81 ta' l-Att għandhom jiżdedu dawn l-artikoli 82 u 83 ġodda li ġejjin:

Zieda ta' l-artikoli ġodda 82 u 83 ma' l-Att.

"Avviż tad-deċiżjonijiet lid-Direttur tar-Registru Pubbliku u lir-Registratur ta' l-Artijiet.

Kap. 12.

82. Fil-każ ta' deċiżjoni finali li tiddetermina drittijiet dwar proprjetà immobbli, ir-Registratur għandu, meta ssir ir-reġistrazzjoni, jgħaddi kopja awtentikata tad-deċiżjoni lid-Direttur tar-Registru Pubbliku u lir-Registratur ta' l-Artijiet u d-disposizzjonijiet ta' l-artikoli 239 u 270 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom, *mutatis mutandis*, japplikaw għal dawk id-deċiżjonijiet.

Deċiżjonijiet
ta' interess.

83. Kemm-il darba l-partijiet fi ftehim ta' arbitraġġ ma jkunux hekk ftehimu xort'ohra bil-miktub, l-artikoli 63 u 64 għandhom japplikaw għal kull arbitraġġ domestiku li jsir taht it-Taqsima IV u għal kull arbitraġġ internazzjonali meta, skond l-artikolu 60, għandha tapplika dik it-Taqsima IV."

TAQSIMA VII

Emendi għal
diversi liġijiet
ohra.

254. (1) Din it-Taqsima temenda diversi liġijiet ohra.

(2) Id-disposizzjonijiet ta' din it-Taqsima għandhom jibdeu ischhu f'dik id-data li l-Ministru responsabbli għall-Gustizzja jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għanijiet differenti ta' din it-Taqsima.

Emenda għall-
Kodiċi tal-
Liġijiet tal-
Pulizija.
Kap. 10.

255. Is-subartikolu (3) ta' l-artikolu 44 tal-Kodiċi tal-Liġijiet tal-Pulizija għandu jiġi sostitwit bis-subartikolu li ġej:

"(3) Ikun hemm dritt ta' appell mid-deċiżjoni tar-Registratur li jnizzel isem persuna f'lista bħal dik, b'rikors magħmul fi żmien għoxrin ġurnata, wara li tkun waslet id-deċiżjoni finali tar-Registratur. L-appell isir quddiem il-Qorti tal-Maġistrati fil-ġurisdizzjoni superjuri tagħha."

Emenda għall-
Kodiċi tal-
Kummerċ.
Kap. 13.

256. Is-subartikolu (2) ta' l-artikolu 44 tal-Kodiċi tal-Kummerċ għandu jiġi sostitwit bis-subartikolu li ġej:

"(2) Kull registrazzjoni magħmula f'Għawdex għandha, mingħajr dewmien, tiġi mibghuta, b'kopja legali, lir-registratur f'Malta, u dan għandu jnizzel dik ir-registrazzjoni fir-registru tal-kummerċjanti, u jaġtiha n-numru li jmissha. Dak in-numru għandu jiġi, mingħajr dewmien, ikkomunikat lir-registratur f'Għawdex sabiex minnufih iniżzlu fir-registru miżmum taht l-awtorità ta' dik il-qorti."

Thassir ta' l-
Ordinanza dwar
il-Massa
Frumentarja.
Kap. 14.

257. L-Ordinanza dwar il-Massa Frumentarja għandha tithassar.

Emenda għall-
Ordinanza li
tirregola l-
Tiġdid tal-Kiri
ta' Bini.
Kap. 69.

258. Fis-subartikolu (2) ta' l-artikolu 24 ta' l-Ordinanza li Tirregola t-Tiġdid tal-Kiri ta' Bini minflok il-kliem "fi żmien sitt ijiem tax-xogħol" għandhom jidhlu l-kliem "fi żmien għoxrin ġurnata".

259. Fis-subartikolu (2) ta' l-artikolu 10 ta' l-Att dwar it-Tigdid ta' Kiri ta' Raba' minflok il-kliem "fi żmien hmistax-il ġurnata tax-xoghol" ghandhom jidhlu l-kliem "fi żmien ghoxrin ġurnata".

Emenda ta' l-Att
dwar it-Tigdid
ta' Kiri ta' Raba.
Kap. 199.

260. Fis-subartikolu (4) ta' l-artikolu 173 ta' l-Att dwar il-Forzi Armati ta' Malta minflok il-kliem "l-artikolu 57(2)(a)" ghandhom jidhlu l-kliem "artikolu 57(3)".

Emendi għall-
Att dwar il-
Forzi Armati ta'
Malta.
Kap. 220.

261. Fl-artikolu 2 ta' l-Att dwar l-Istampa, minnufih wara t-tifsira ta' "xandir" ghandha tiżdied it-tifsira ġdida li ġejja:

Emenda ta' l-Att
dwar l-Istampa.
Kap. 248.

" "qorti kompetenti" jew "qorti kompetenti ċivili" tfisser il-Qorti Ċivili;".

262. Is-subartikoli (1) u (2) ta' l-artikolu 29 ta' l-Att dwar iż-Żwieġ ghandhom jiġu sostitwiti bis-subartikoli li ġejjin:

Emendi għall-
Att dwar iż-
Żwieġ.
Kap. 255.

"(1) Meta tkun tinhtiegħ ix-xieħda ta' persuna quddiem tribunal, kull waħda mill-partijiet tista' titlob lis-sezzjoni xierqa tal-Qorti Ċivili biex tordna li x-xieħda ta' dik il-persuna ghandha tinstema' minn wiċċed mill-assistenti ġudizzjarji skond fejn ikun joqgħod ix-xhud, u malli tingħata dik l-ordni l-qorti ghandha tistabbilixxi data għas-smiegh tax-xhud quddiem l-assistent ġudizzjarju bil-mod provdut fl-artikoli 606 u 607 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(2) Il-partijiet fil-każ ta' quddiem it-tribunal ghandhom jiġu notifikati bid-data stabbilita għas-smiegh tax-xhud quddiem l-assistent ġudizzjarju u jistgħu jkunu preżenti u jiġu assistiti minn avukat jew prokuratur legali."

263. L-Att dwar il-Protezzjoni u l-Privatezza tad-Data għandu jiġi emendat kif ġej:

Emendi għall-
Att Dwar il-
Protezzjoni u l-
Privatezza tad-
Data.

(a) fl-artikolu 39:

(i) fis-subartikolu (3) tiegħu, minnufih wara l-kliem "il-funzjonijiet tal-kariga tiegħu," ghandhom jidhlu l-kliem "jew għal xi raġuni oħra temporanja meta l-Kummissarju jqis li jkun hekk meħtieġ li ma jwettaqx xi waħda mill-funzjonijiet tiegħu hu nnifsu minhabba f'dawk iċ-ċirkostanzi, li kicku huwa kien imħallef tal-qrati superjuri huwa kien jastjeni" u minflok il-kliem "jerga' jibda jwettaq dawk il-funzjonijiet." ghandhom jidhlu l-kliem "jerga' jibda jwettaq dawk il-funzjonijiet jew fil-każ ta' raġuni temporanja, meta l-Kummissarju temporanju jkun wettaq il-funzjoni lilu mogħtija."; u

(ii) minnufih wara s-subartikolu (3) tieghu ghandu jizzied is-subartikolu gdid li ġej:

"(4) Il-hatra ta' Kummissarju temporanju kif provdut fis-subartikolu (3) ghandha biss titwettaq wara li ssir kitba u tiġi ffirmata mill-Kummissarju fejn jinghad li, fil-fehma tiegħu, ikun jenhtieg sabiex ikun jista' jsir ix-xogħol tal-Kummissarju skond dan l-Att, li jinhatar Kummissarju temporanju."; u

(b) fl-artikolu 54, fil-paragrafu (j) tiegħu, il-kliem "elf lira (Lm1,000)" ghandhom jiġu sostitwiti bil-kliem "għaxart elef lira (Lm10,000) għal kull kontravvenzjoni u elf lira (Lm1,000) għal kull ġurnata li matulha jibqa' jkun hemm dik il-kontravvenzjoni".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 840 tas-17 ta' Diċembru, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

31st December, 2002

ACT No. XXXI of 2002

AN ACT to implement various measures relating to judicial proceedings and other administrative measures relating thereto.

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. The short title of this Act is the Courts and Tribunals Procedures Act, 2002. Short title.

PART I

2. (1) This Part amends the Code of Organization and Civil Procedure, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as "the Code". Amendment of the Code of Organization and Civil Procedure. Cap. 12.

(2) The provisions of this Part 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 or different purposes of this Part.

3. Article 2 of the Code shall be amended as follows: Amendment of article 2 of the Code.

(a) immediately at the end of subarticle (1) thereof there shall be added the words:

"Each court may be divided into different sections."; and

(b) subarticle (2) thereof shall be renumbered as subarticle (3) and the following new subarticle shall be inserted after subarticle (1):

"(2) Unless otherwise established by law, the President of Malta may by Order establish the sections of each Court, and designate the categories of cases assigned to each section; and may by subsequent Order amend, revoke or substitute such Order."

Amendment of article 8 of the Code.

4. Immediately after subarticle (2) of article 8 of the Code there shall be added the following new subarticle:

"(3) Nothing in the preceding subarticle shall be deemed to preclude a judge or magistrate from communicating with the advocate or legal procurator of a party in connection with any matter concerning the management of a cause pending before the judge or magistrate:

Provided that a magistrate shall not be debarred from holding any communication for the purposes of any inquiry into any criminal matter when such magistrate is holding an inquiry under Title II of Part I of Book Second of the Criminal Code."

Amendment of article 10 of the Code.

5. In subarticle (1) of article 10 of the Code, for the words "The Judges, including acting judges, shall," there shall be substituted the words "The Judges shall,".

Amendment of article 11 of the Code.

6. Article 11 of the Code shall be amended as follows:

(a) subarticle (1) thereof shall be substituted by the following new subarticle:

"(1) The President of Malta shall assign to each of the judges the court or section of the court in which he is to sit, and may transfer a judge from one court or section of a court to another:

Provided that a judge may be assigned to sit in more than one court or more than one section of one or more courts.";

(b) in subarticle (2) thereof, the words "or an acting judge" shall be deleted; and

- (c) subarticles (3) and (4) thereof shall be substituted by the following new subarticles:

"(3) A surrogation may also be made in the case of a vacancy in the number of judges.

(4) Any assignment of duties, transfer or surrogation, and any distribution of duties in general, in respect of the judges, shall be deemed to have been properly and sufficiently notified for all purposes if notice thereof is posted in such registry as the Minister may under article 27 prescribe for the purpose before or at the beginning of the period during which such assignment, transfer, surrogation or distribution is to take effect."

7. Subarticle (1) of article 12 of the Code shall be substituted by the following new subarticle: Amendment of article 12 of the Code.

"(1) The provisions of articles 8, 9, 10 and 11 shall, *mutatis mutandis*, also apply to the President of the Court of Appeal."

8. Articles 13 and 14 of the Code shall be deleted. Deletion of articles 13 and 14 of the Code.

9. For article 15 of the Code there shall be substituted the following: Substitution of article 15 of the Code.

"15. The provisions of articles 8, 9, 10 and 11 of the Code shall, *mutatis mutandis*, apply to magistrates."

10. Article 16 of the Code shall be amended as follows: Amendment of article 16 of the Code.

(a) immediately after the words "for any judge or magistrate" there shall be added the words "to carry out any other profession, business or trade, or";

(b) immediately after the words "on any international Court" there shall be added the words "or tribunal"; and

(c) the words "and in the case of magistrates the office of visitors of notarial acts" shall be deleted.

11. Articles 17 to 20 of the Code shall be deleted. Deletion of articles 17 to 20 of the Code.

12. Article 27 of the Code shall be substituted by the following new article: Substitution of article 27 of the Code.

(4) (a) Ir-Registratur m'għandux jirreġistra deċiżjoni qabel ma jiskadu tletin ġurnata mid-data meta d-deċiżjoni tkun għet notifikata lill-partijiet f'arbitraġġ jew jekk iċ-Ċentru jiġi notifikat bi proċeduri kontra deċiżjoni meħuda minn xi parti fil-proċedimenti ta' l-arbitraġġ skond din it-Taqsima ta' dan l-Att.

(b) Meta, wara rikors skond l-artikolu 70 jew 70A, il-Qorti ma tilqax ir-rikors, is-sentenza tal-Qorti ta' l-Appell għandha tiġi reġistrata maċ-Ċentru flimkien maċ-deċiżjoni li tkun qed tiġi reġistrata fuq talba tal-parti li titlob ir-reġistrazzjoni.

(5) Malli d-deċiżjoni tkun għet reġistrata miċ-Ċentru d-deċiżjoni ssir wahda konklużiva u vinkolanti u, barra minn hekk, ma tkunx tista' tiġi kontestata.

(6) Kull rikors skond l-artikoli 70 jew 70A li l-Qorti ta' l-Appell tiddeċiedi li hu frivolu jew vessatorju tirrendi lill-parti li tagħmel dik il-kontestazzjoni jew dak l-appell responsabbli għall-hlas lill-parti li tkun qed titlob ir-reġistrazzjoni, ta' penali ta' mhux inqas minn mitt lira u mhux iktar minn hamest clef lira, hekk kif jiġi stabbilit mill-Qorti ta' l-Appell."

252. Fis-subartikolu (3) ta' l-artikolu 80 ta' l-Att, minflok il-kliem minn "iżda dawk l-arbitraġġi" sal-kliem "l-artikolu 17 ta' dan l-Att." għandhom jidhlu l-kliem "Iżda dawk l-arbitraġġi jkunu amministrati miċ-Ċentru skond kull regola li tapplika magħmula miċ-Ċentru skond l-artikolu 10."

Emenda ta' l-artikolu 80 ta' l-Att.

253. Minnufih wara l-artikolu 81 ta' l-Att għandhom jiżdedu dawn l-artikoli 82 u 83 ġodda li ġejjin:

Żieda ta' l-artikoli ġodda 82 u 83 ma' l-Att.

"Avviz tad-deċiżjonijiet lid-Direttur tar-Registru Pubbliku u lir-Registratur ta' l-Artijiet.

Kap. 12.

82. Fil-każ ta' deċiżjoni finali li tiddetermina drittijiet dwar proprjetà immobbli, ir-Registratur għandu, meta ssir ir-reġistrazzjoni, jgħaddi kopja awtentikata tad-deċiżjoni lid-Direttur tar-Registru Pubbliku u lir-Registratur ta' l-Artijiet u d-disposizzjonijiet ta' l-artikoli 239 u 270 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom, *mutatis mutandis*, japplikaw għal dawk id-deċiżjonijiet.

(i) for the words "concerning the conduct of the courts" there shall be substituted the words "concerning the conduct of causes";

(ii) immediately after paragraph (f) there shall be added the following new paragraph:

"(g) for establishing case management procedures:"; and

(iii) immediately after the proviso thereto there shall be added the following new proviso:

"Provided further that the Minister responsible for justice may, in the absence of the Rules of Court made in accordance with the provisions of this subarticle, make regulations on any matter referred to in this subarticle.";

(c) in subarticle (3) thereof for the words "and another member are present" there shall be substituted the words "and another two members are present"; and

(d) subarticle (6) thereof shall be substituted by the following new subarticle:

"(6) The Chief Justice may from time to time convene meetings of judges and magistrates, either separately or collectively, and shall regularly consult with the same, individually or collectively, regarding matters concerning the conduct and trial of causes, the application and conduct of court procedures and proceedings, the implementation of administrative procedures connected with the trial of causes and the conduct of proceedings, the relationship between the judiciary and the Commission for the Administration of Justice, the making of rules of court and such other matters as the Chief Justice may deem appropriate to discuss."

15. Article 31 of the Code shall be deleted.

Deletion of
article 31 of the
Code.

16. Article 32 of the Code shall be substituted by the following new article:

Substitution of
article 32 of the
Code.

"Civil Court.

32. (1) One Judge shall sit in each section of the Civil Court.

(2) The Civil Court shall take cognizance of all causes of a civil and commercial nature, and of all causes which are expressly assigned by law to the said Civil Court."

Substitution of article 33 of the Code.

17. Article 33 of the Code shall be substituted by the following new article:

"Voluntary jurisdiction.

33. The exercise of voluntary jurisdiction in matters of a civil nature shall be assigned to the Civil Court."

Amendment of article 39 of the Code.

18. In article 39 of the Code, for the words "First Hall, or any chamber" there shall be substituted the words ", or any section".

Deletion of article 39A of the Code.

19. Article 39A of the Code shall be deleted.

Substitution of article 41 of the Code.

20. Article 41 of the Code shall be substituted by the following new article:

"Court of Appeal.

41. (1) Each section of the Court of Appeal shall consist of the Chief Justice and two other of the judges.

(2) (a) Where the Court of Appeal consists of more than one section and one of the judges, other than the Chief Justice, sitting in one of the sections abstains or is otherwise challenged, and the challenge is accepted, the case in which such abstention or challenge takes place shall be heard by such other of the other sections as may be prescribed in the Order establishing the sections of the said Court.

(b) Where the Chief Justice is challenged and the challenge is accepted or abstains, the senior judge (other than the Chief Justice) in such other section as may be prescribed in the said Order, shall be surrogated for the Chief Justice in the section where the case is being heard.

(c) Where, notwithstanding the provisions of any provision referred to in paragraphs (a) and (b), the case may not be heard by any of the sections as provided for in such Order because of a challenge or abstention of the Chief Justice or any other of the judges, the President of Malta shall surrogate another judge or other judges to sit in lieu of the judges challenged or lawfully impeded in the section in which the case was first assigned under the provisions of subarticle (2).

(3) The Court of Appeal shall hear and determine all appeals from judgments of the Civil Court and the Court of Magistrates (Gozo) in its superior jurisdiction.

(4) The Court of Appeal shall also hear and determine appeals from judgments of the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) in its inferior jurisdiction. But, for the purposes of such appeals, the Court of Appeal shall be constituted by one of its members only, and any one of the judges, appointed by the President of Malta to sit for the hearing of such appeals, shall be deemed to be a member of such court.

(5) Where the Court of Appeal is to hear appeals from the Court of Magistrates (Gozo) in its inferior jurisdiction, it shall hold its sitting in the building of the courts in Gozo."

21. Article 47 of the Code shall be amended as follows:

Amendment of
article 47 of the
Code.

(a) in the Maltese text in subarticle (1) thereof the words "Magistrat wiehed joqghod" shall be substituted by the words "Magistrat wiehed jippresjedi"; and

(b) subarticle (3) thereof shall be substituted by the following:

"(3) Nevertheless, causes involving questions of ownership of immovable property, or relating to easements, burdens or other rights annexed to such property, including any claim for the ejection or eviction

from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode within the limits of the jurisdiction of such court, shall not fall within the jurisdiction of the Court of Magistrates (Malta) independently of the value of the claim."

Deletion of article 48 of the Code.

22. Article 48 of the Code shall be deleted.

Substitution of article 49 of the Code.

23. Article 49 of the Code shall be substituted by the following new article:

"Appeal from judgment of Court of Magistrates.

49. From the judgments of the Court of Magistrates (Malta) or from the Court of Magistrates (Gozo), an appeal shall lie to the Court of Appeal, constituted as provided in article 41(6)."

Amendment of article 54 of the Code.

24. In article 54 of the Code, for the words ", Second Hall, " there shall be substituted the words " in its voluntary jurisdiction".

Deletion of article 55 of the Code.

25. Article 55 of the Code shall be deleted.

Substitution of heading of Title IV of Book First of the Code.

26. For the heading appearing before article 57 thereof, there shall be substituted the following:

"Title IV - OF THE EXECUTIVE OFFICERS OF THE COURT."

Substitution of article 57 of the Code.

27. Article 57 of the Code shall be substituted by the following new article:

"Duties of Director General (Courts).

57. (1) The Director General (Courts) shall be appointed by the Prime Minister and, unless the Minister responsible for justice otherwise directs, he shall be responsible for the administration of all registries, archives, court services and all other administrative offices of the courts.

(2) The Director General (Courts) shall have the functions, powers and duties as are vested in him by this Code or by any other applicable law, as well as by any regulations which may, from time to time, be made by the Minister responsible for justice under this article.

(3) The duties of the Director General (Courts) shall be carried out by the Director General (Courts) personally or by such other persons or by court executive officers as the Minister responsible for justice may by regulation designate or, failing such regulation, by any person so delegated by the Director General (Courts); such regulation may also specify the duties that shall be carried out by each such person or officer."

28. Article 58 of the Code shall be substituted by the following new article:

Substitution of
article 58 of the
Code.

"Registries.

58. (1) There shall be such registries of the Courts and other tribunals established by law, as the Minister responsible for justice may by regulations under this article establish.

(2) Such regulations shall assign to each court or tribunal the registry that is to serve it and more than one court or tribunal may in accordance with such registries be so served by the same registry.

(3) Any reference in any law to the registry of any particular court or tribunal shall be deemed to be a reference to the registry assigned to such court or tribunal by the Minister in regulations made under this article.

(4) Each registry shall be headed by a public officer designated by the Minister for the purpose and, failing such designation, by the Director General (Courts). The head of each registry is hereinafter referred to as "the registrar".

(5) Each registrar shall have the functions, powers and duties vested in him by this Code or by any other applicable law as well as by any regulation which may, from time to time, be made by the Minister responsible for justice.

(6) The duties of the registrar, including any duties during sittings of the courts, shall be carried out by the registrar personally or by such other persons or by court executive officers as the Minister responsible for justice may designate or, failing such designation, by any person so delegated by the registrar, and such designation may also specify the duties that shall be carried out by each such person or officer.

(7) Any provision in this Code or in any other law or regulation which makes reference to the registrar shall be construed as a reference to the registrar of such registry to which the provision refers or the registrar heading the registry assigned to serve that court and, failing any such reference, it shall be construed as a reference to the registrar responsible for the registry assigned to serve the Civil Court.

(8) Subject to the provisions of this Code and of any rules made under article 29, the registrar shall take orders from the judicial authorities in relation to any judicial proceedings and in relation to any judicial act, that is to say:

(a) in the superior courts in matters concerning a particular court, he shall take orders from the judge or from the judges, if there are two or more judges, of that court; in other cases, he shall take orders from the Chief Justice; and

(b) in the inferior courts, he shall take orders from the magistrates of the particular court.

(9) The provisions of subarticle (8) shall, subject to the provisions of article 69, apply, *mutatis mutandis*, to court executive officers.

(10) The Director General (Courts), the registrar and any of the court executive officers so designated by the Minister responsible for justice shall, for the purposes of the Commissioners for Oaths Ordinance, be *ex officio* Commissioners for Oaths."

29. Article 60 of the Code shall be substituted by the following new article:

Substitution of article 60 of the Code.

"60. The Director General (Courts) and each registrar, on entering upon the execution of their respective offices, shall take, before the Court of Appeal, the oath of allegiance referred to in article 10, and the oath of office in the following form:

I do swear that I will faithfully and with all honesty and exactness perform the duties of Director General / Registrar, to the best of my knowledge, skill and ability. So help me God."

30. Article 65 of the Code shall be substituted by the following new article:

Substitution of article 65 of the Code.

"Archives.

65. (1) There shall be such archives of the Courts and other tribunals established by law, as the Minister responsible for justice may by regulations under this article establish.

(2) Such regulations shall assign to each court or tribunal the archives in which the records and acts of such court or tribunal shall be deposited, and the records of more than one Court or tribunal may, in accordance with such regulations, be deposited in any one particular archive.

(3) The Director General (Courts) shall be responsible for the administration of the archives and shall, subject to the provisions of this Code and of any other law, issue such directives as he may deem necessary for the proper storage of documents therein, access thereto, the making and authentication of copies and for all other matters relating to the archives.

(4) The said Minister may also from time to time make regulations governing the archives and their management."

Substitution of article 66 of the Code.

31. Article 66 of the Code shall be substituted by the following new article:

"**66.** The Minister responsible for justice shall designate persons to act for the Director General (Courts), the Registrar and any court executive officer in the case of absence or other lawful impediment of the Director General (Courts), the registrars, or any court executive officer, as the case may be."

Deletion of heading in Book First of the Code.

32. The heading "Title V - Of Marshalls, Ushers and Other Executive Officers" which appear immediately before article 67 of the Code shall be deleted.

Substitution of article 67 of the Code.

33. Article 67 of the Code shall be substituted by the following new article:

"**67.** (1) There shall be court executive officers who shall be entrusted with the service and the execution of any judicial acts, warrants and other orders given by the Courts, Judges and Magistrates and to perform such other duties as may be assigned to them by the Director General (Courts) and the registrars.

(2) The Minister responsible for justice may, by regulations made under this article, designate the officers who shall be court executive officers prescribing their respective duties, powers and responsibilities and may regulate any other matter which he may deem necessary for the better performance of their functions."

Amendment of article 68 of the Code.

34. Article 68 of the Code shall be amended as follows:

(a) for the marginal note thereto, there shall be substituted the following:

"Maintenance of good order in Courts.";

(b) in subarticle (1) thereof, for the words "The Marshalls", there shall be substituted the words "Court executive officers designated for the purpose by the Minister responsible for justice";

(c) in subarticle (2) thereof, for the words "every marshal" there shall be substituted the words "every such officer", and for the words "Registrar of Courts" there shall be substituted the words "Director General (Courts)"; and

(d) in subarticle (3) thereof for the words "the marshal" there shall be substituted the words "such officer".

35. Article 69 of the Code shall be substituted by the following new article:

Substitution of article 69 of the Code.

"Court executive officers to execute duties personally.

69. (1) Court executive officers shall execute their duties personally unless otherwise prescribed by regulations made by the Minister responsible for justice, by Rules of Court, or, in the absence of such regulations or rules, in accordance with the orders even verbal, of the judges or magistrates as provided in article 58.

(2) The provisions of article 59 shall apply to court executive officers or other persons acting in their behalf."

36. Subarticle (1) of article 70 of the Code shall be deleted, and subarticle (2) thereof shall be re-numbered as the whole provision, and for the word "ushers" in the marginal note thereto there shall be substituted the words "court executive officers".

Amendment of article 70 of the Code.

37. Title VI of Book First of the Code shall be repealed.

Repeal of Title VI of Book First of the Code.

38. For the heading "Title VII - Of Advocates" appearing immediately before article 78A of the Code, there shall be substituted the words "Title V Of the Legal Profession".

Substitution of heading in Book First of the Code.

39. In subarticle (4) of article 84 of the Code, for the words "to the registrar of the courts of justice" there shall be substituted the words "to the registrars".

Amendment of article 84 of the Code.

Deletion of heading in Book First of the Code.

40. The heading "Title VIII - Of Legal Procurators" appearing immediately before article 85 of the Code shall be deleted.

Deletion of heading in Book First of the Code.

41. The heading "Title IX - Of Curators, Advocates and Legal Procurators *ex officio* and Accountants" appearing immediately before article 89 of the Code shall be deleted.

Substitution of article 91 of the Code.

42. Article 91 of the Code shall be substituted by the following article:

"Publication of lists.

91. A list of the members of the panels appointed as aforesaid shall be published in the Gazette."

Deletion of heading in Book First of the Code.

43. The heading "Title X - Illegal Practices by Advocates and Legal Procurators" appearing immediately before article 97 of the Code shall be deleted.

Amendment of article 97 of the Code.

44. Immediately after paragraph (b) of subarticle (1) of article 97 of the Code, there shall be added the following:

"(c) for any advocate or legal procurator to act in contravention of any law or Code of Ethics that may be in force and applicable to him,

and any judge or magistrate shall report to the Commission for the Administration of Justice any advocate or legal procurator whom he suspects to be guilty of such abuse."

Deletion of heading in Book First of the Code.

45. The heading "Title XI - Of Judicial Assistants" which appears immediately before article 97A of the Code shall be deleted.

Amendment of article 97A of the Code.

46. Subarticle (3) of article 97A of the Code shall be amended as follows:

(a) in paragraphs (a) and (d) thereof, for the words "before a superior court" there shall be substituted the words "before a court"; and

(b) immediately after paragraph (e), there shall be added the following new paragraph:

"(f) to hold such sittings as may be directed by the court, to meet with the advocates and legal procurators of the parties for the purpose of planning the management of the lawsuit, and to issue deadlines for the submission of

evidence, pleadings or other judicial acts by the parties."

47. The words "Nullity, Legal or Judicial Times, Public Holidays, Oaths, Judicial Acts, Sessions and Vacations" in the heading appearing immediately before article 98 of the Code shall be deleted.

Deletion of heading in Book Second of the Code.

48. Article 109 of the Code shall be substituted by the following new article:

Substitution of article 109 of the Code.

"109. (1) Court sittings may be held on such days and at such times as may be prescribed by the Minister responsible for justice by regulations made under this article and during such other time as the court may, in its discretion, fix.

(2) The registries of the courts shall be open for the filing of judicial acts during such days and at such times as may, by regulations, be prescribed by the Minister responsible for justice under this article:

Provided that any of the aforesaid registries may by special order of the court or by order given in writing by the registrar, be opened for the filing of judicial acts on any day or at any time.

(3) The Director General (Courts) and the registrar shall abide by and fully execute any order of the court to open the court on any day and at any time as the court may specify in the order.

(4) A judicial act may be served or carried into execution on such days, at such times and in such manner as may be prescribed by the Minister responsible for justice by regulations made under this article:

Provided that by special order of the court or by order given in writing by the registrar in cases of urgency, it shall be lawful to serve or carry into execution any judicial act on any other day or at any other time.

(5) The Registrar shall not refuse to give an order under subarticle (2) or (4) unless he has referred the matter to the competent court for its decision."

49. Article 117 of the Code shall be substituted by the following new article:

Substitution of article 117 of the Code.

"117. Every writ of summons or other warrant of the

superior courts shall be issued in the name of the Republic of Malta and shall be witnessed by a judge or by a judicial assistant so delegated for the purpose by a judge; any such delegation shall be published in the Gazette:

Provided that no such delegation shall be made in respect of a warrant of prohibitory injunction."

Amendment of article 118 of the Code.

50. In article 118 of the Code for the words "Any act" there shall be substituted the words "Without prejudice to the provisions of article 117, any act".

Addition of article 119A to the Code.

51. Immediately after article 119 of the Code, there shall be added the following new article:

"Number of copies to be filed.

119A. Any person shall, when filing in the registry of the court any act or document which requires service to another party, besides the original copy, file such number of copies as is equal to the number of persons who are to be served with the act or document."

Deletion of articles 120, 121 and 122 of the Code.

52. Articles 120, 121 and 122 of the Code shall be deleted.

Amendment of article 123 of the Code.

53. In article 123 of the Code for the words "The vacations" there shall be substituted by the words "Vacations as may be established by regulations under article 109".

Substitution of article 152 of the Code.

54. Article 152 of the Code shall be substituted by the following new article:

"**152.** (1) The Registrar after having consulted the Chief Justice or such other judge as may be presiding the court, following the order mentioned in the last preceding article, shall, on the first working day of every month publish such causes the proceedings of which have been closed for at least two weeks indicating the date of first hearing.

(2) It shall be the responsibility of the parties to verify the date of the first hearing of the appeal.

(3) It shall be lawful for the court, for just cause, to order the hearing of a cause the written pleadings whereof have been closed, irrespective of its turn or to order the publication of the date of first hearing before the due date as provided for in subarticle (1):

Provided that in such case it shall be incumbent on the Registrar to notify the parties of the said date unless the parties by a note filed in the Registry have exempted the Registrar from the duty of service of such notice.

(4) If the appellant is not served with the said notice, the Registrar, unless he has been exempted as provided in the proviso to subarticle (3), shall, within ten days, inform in writing the advocate or legal procurator of such party that the notice has not been served, and the advocate or legal procurator, as the case may be, shall sign a copy of the receipt of such communication:

Provided that no action shall lie against the advocate or legal procurator for failure to inform any such party."

55. Article 157 of the Code shall be substituted by the following new article:

Substitution of article 157 of the Code.

"Service of writ of summons.

157. It shall be the responsibility of the plaintiff to cause a copy of the writ of summons and of the declaration and of any affidavit of the plaintiff and of any documents attached to the writ of summons to be served on the defendant."

56. In subarticle (8) of article 158 of the Code the words "through the registry" shall be deleted.

Amendment of article 158 of the Code.

57. Subarticle (1) of article 171 of the Code shall be substituted by the following new subarticle:

Amendment of article 171 of the Code.

"(1) In the Court of Magistrates (Malta) and in the Court of Magistrates (Gozo) in its inferior jurisdiction, proceedings shall be by writ of summons which shall be according to the prescribed form and take the form of a mere notice signed by the Registrar, containing the name and the surname of the plaintiff and of the defendant, the demand of the plaintiff, and the day and hour when the defendant is to appear, besides other particulars as may from time to time be prescribed."

58. Article 173 of the Code shall be amended as follows:

Amendment of article 173 of the Code.

(a) in subarticle (2) thereof, for the words "a judicial assistant or a supplementary judge" wherever they occur, there shall be substituted the words "a judicial assistant"; and

(b) in subarticle (3) thereof, for the words "the judicial assistant or supplementary judge shall ask" wherever they occur, there shall be substituted the words "the judicial assistant shall ask".

Amendment of article 174 of the Code.

59. Article 174 of the Code shall be amended as follows:

(a) in paragraph (a) of subarticle (1) thereof, for the words "an indication of the court," there shall be substituted the words "an indication of the court or section thereof"; and

(b) for subarticle (2) thereof there shall be substituted the following new subarticle:

"(2) Every written pleading or other act requiring service, must be accompanied by:

(a) the identity card number, if any, if the person is pleading in his personal capacity;

(b) the company number if the person pleading is a partnership or company registered in accordance with the Companies Act;

(c) a proper and full indication of the place of residence or business of the party pleading and the professional address of his advocate and, or, legal procurator;

(d) a proper and full indication of the place of residence or business and of the party against whom the pleading or act is directed;

(e) any other particulars as may serve to identify the said parties as may be established by law or regulation."

Amendment of article 176 of the Code.

60. Immediately after subarticle (2) of article 176 of the Code, there shall be added the following new subarticle:

"(3) The copies of the pleadings, as would be required for the service thereof, shall be signed by the same persons as the original. "

Amendment of article 178 of the Code.

61. Subarticle (2) of article 178 of the Code shall be deleted, and subarticle (1) shall be re-numbered as the whole provision.

62. Subarticles (2) and (3) of article 179 of the Code shall be deleted, and subarticle (1) shall be re-numbered as the whole provision. Amendment of article 179 of the Code.

63. In subarticle (1) of article 182 of the Code for the words "(c), (d) and (e)" there shall be substituted the words "(c), (d), (e) and (f)". Amendment of article 182 of the Code.

64. Article 186 of the Code shall be amended as follows: Amendment of article 186 of the Code.

(a) in subarticle (1) thereof, for the words "they may on filing the pleading, designate," there shall be substituted the words "they shall, on filing the pleading, apart from giving their respective addresses, designate."; and

(b) for subarticle (3) thereof, there shall be substituted the following new subarticle:

"(3) Where a person is so designated, any service relating to the act in respect of which such designation was made, shall be effected on such person:

Provided that any of such persons may by means of another note declare that he henceforth requires separate service at an address, being the address of his residence or place of business, to be indicated by him."

65. Article 187 of the Code shall be substituted by the following new article: Substitution of article 187 of the Code.

"187. (1) Service shall be effected by the delivery of a copy of the pleading:

(a) at any place in Malta or Gozo, personally to the person on whom the pleading is to be served; or

(b) by leaving such copy at the place of residence of such person; or

(c) by leaving such copy at the place of business or place of work or at the postal address of such person:

Provided that service in terms of paragraphs (b) and (c) shall only be valid if the copy is left with some member of his family or household or with some person in his service or employment or his attorney or person authorised to receive his mail:

Provided further that it shall not be lawful to leave

such copy with any person under the age of fourteen years, or with any person who, on account of infirmity of mind, is unable to give evidence of such service. A person shall be presumed to be able to give such evidence unless the contrary is proved; and no objection may be raised on the ground of irregularity of the service for any of those reasons, if it is shown that the copy has actually reached the person to be served therewith.

(2) In the case of a body having a distinct legal personality, service on such body shall be effected by leaving a copy of the pleading -

(a) at its registered office, principal office, or place of business or postal address with any of the persons mentioned in article 181A(2) or with an employee of such body; or

(b) with any of the persons mentioned in article 181A(2) in the manner provided for in subarticle (1).

(3) In the case of persons on board ships, other vessels or aircraft, or members of the crew having no place of residence in Malta, service may be effected by delivering such copy to the master or captain of the ship, vessel or aircraft or any other person acting in that behalf or, in the absence of such persons, on the agent of the ship or other vessel, as the case may be, or in the absence of such persons and agent, on curators appointed by the court in terms of article 929.

(4) Where a person to whom a pleading is addressed, or a person who is obliged to accept service on his behalf, refuses to receive it personally from an officer charged with the service of the pleading, such officer shall leave the act as near as reasonably possible to such person and shall note the fact and the circumstances thereof on the certificate of service and service shall be deemed to have been effected on the day and time of the refusal of service.

(5) (a) Where service of a judicial act cannot be effected in terms of the previous subarticles or the place of residence, business or employment is unknown but it does not result to the officer charged with the service that the person upon whom the pleading is to be served is abroad, the officer charged with the service:

(i) shall state that he was unable to effect service in terms of subarticles (1) or (2), stating the places, days

and times he attempted service and the information he collected;

(ii) shall leave at the last registered address, if any, of the person a copy of the pleading with any person whatsoever qualified to receive a pleading or, failing such person, leave the pleading in any such place or post it to the door thereof;

(iii) cause a copy of the pleading to be published in the Gazette and in at least two daily newspapers; and

(iv) confirm on oath all the above on the certificate of service,

and in all such cases service shall be deemed to have been made three days following the last publication.

(b) The court may also adopt such other measures as it may deem fit to bring the pleading or act to the notice of the person upon whom the same is to be served.

(c) For the purposes of this subarticle, the "last registered address" shall mean:

(i) in relation to a person appearing in the last Electoral Register, the address shown for such person; and

(ii) in relation to a body corporate having a distinct legal personality, the address shown on the registration of that body corporate with any state body or authority in Malta with which it is, under any law, obliged to register in order to function or the voluntary registration by such body corporate with any state body or authority.

(6) The provisions of the previous subarticle shall also apply when service has not been effected and it appears to the officer charged with the service that one of the persons mentioned in article 181A(2) is present in Malta.

(7) Where it appears that all the persons mentioned in article 181A(2) are absent from Malta or there exist no such persons, the court shall, on the application of any party interested, appoint a curator in the interest of such body as provided for in article 929(d).

(8) Saving the provisions of the proviso to article 193, service may be effected by executive officers of the court, by

licensed process servers or by employees of any postal service duly authorised by any law in such manner and under such rules as may be prescribed.

(9) The Minister responsible for justice may make regulations to further regulate the service of judicial acts, the persons who may effect such service, as well as anything ancillary or supplemental thereto."

Substitution of
article 188 of
the Code.

66. Article 188 of the Code shall be substituted by the following new article:

"**188.** (1) (a) The officer charged with the service of an act shall, not later than the first working day following the date of service of the act, draw up a certificate stating the name and surname of the person on whom service was effected and, if the act was not served directly on the person on whom service was to be effected, the name and the surname of the person to whom the copy was delivered and the place where the act was served.

(b) When service is effected in accordance with article 187(5), the certificate of service shall contain the information required in that subarticle and copies of the advertisements shall be attached thereto.

(c) When the officer charged with the service of the act is absolutely unsuccessful in serving the act he shall in the certificate of service state the reason therefor.

(2) Any certificate referred to in subarticle (1) shall be drawn up in the manner prescribed by regulation or, failing such regulation, as directed by the Registrar."

Substitution of
article 189 of
the Code.

67. Article 189 of the Code shall be substituted by the following new article:

"**189.** (1) If an act filed in, or a warrant or garnishee order issued by any court in the Island of Malta is to be served or, as the case may be, executed in the Island of Gozo or Comino, a copy thereof shall be transmitted by the registry of the said court to the registry of the court in Gozo.

(2) The officer effecting service or execution shall deliver to the registry of the court in Gozo the certificate of service or execution, duly confirmed on oath, which shall transmit it to the registry of the court in which the act was filed or by which the warrant or order was issued."

68. Article 190 of the Code shall be substituted by the following new article: Substitution of article 190 of the Code.

"190. (1) If an act filed in or a warrant or garnishee order issued by a court in Gozo is to be served or, as the case may be, executed in the Island of Malta, a copy thereof shall be transmitted by the registry of that court in Gozo to the prescribed registry in Malta.

(2) The officer effecting service or execution shall deliver to the said registry of the courts in Malta the certificate of service or execution, duly confirmed on oath, which shall transmit it to the registry of the court in Gozo."

69. Subarticle (2) of article 191 of the Code shall be substituted by the following new subarticle: Amendment of article 191 of the Code.

"(2) Copies shall also be certified by the person presenting them or by an advocate or legal procurator to be true copies of the originals."

70. Immediately before article 194 of the Code, after the heading "OF THE TRIAL OF CAUSES" there shall be inserted the following new article: Addition of article 193A to the Code.

"Assignment of causes.

193A. (1) Causes shall be assigned in accordance with rules of court or regulations made in accordance with article 29.

(2) Such rules or regulations may also provide for the procedure to be followed in the pre-trial and trial stages of a cause which has been set down for hearing."

71. In article 194 of the Code for the words "posted up" wherever they occur there shall be substituted the word "published". Amendment of article 194 of the Code.

72. Article 195 of the Code shall be substituted by the following new article: Substitution of article 195 of the Code.

"195. (1) A cause the written pleadings of which have been concluded shall be set down either for pre-trial hearings or for trial hearings as may be provided in regulations and shall be brought to a conclusion as expeditiously as possible:

Provided that in causes before the courts of inferior jurisdiction, the conclusion of the written pleadings shall take place when the party to be notified of the relative cause has been

so notified in accordance with the provisions of this Code.

(2) (a) The court shall at the first hearing of both the pre-trial stage and the trial stage plan in advance and, after consulting with the advocates of the parties, all the sittings to be held as well as the projected date of judgement and shall also direct the parties on what evidence and submissions it expects to be made at each sitting:

Provided that the court shall, for grave reasons to be expressly stated in the records of the case or for reasons of urgency, call any other sittings and request any other evidence or submissions it deems fit:

(b) The Court may delegate its functions under paragraph (a) hereof to a judicial assistant.

(3) As far as possible, sittings shall be fixed both for a determinate date and for a determinate time, as may be specified in regulations made under this article.

(4) The date and time for the hearing shall be determined at least two months prior to the date fixed for the hearing, provided that the court may decide, after consultation with the advocates of the parties or in any other case where the cause is to be heard with urgency, to fix an earlier date, and where such date and time has been so fixed, no adjournment of the hearing shall be granted except for grave and exceptional reasons to be stated in the records of the case:

Provided that in causes which are to be heard with urgency the said period of two months shall not apply.

(5) Nothing in this article contained shall preclude the court from deciding a cause on the day fixed for first hearing where the claim is not contested or the court is satisfied that the plaintiff has no claim or the defendant has no valid defence."

Amendment of article 196 of the Code.

73. In subarticle (2) of article 196 of the Code for the words "supplementary judge" there shall be substituted the words "judicial assistants":

Deletion of articles 202 and 203 of the Code.

74. Articles 202 and 203 of the Code shall be deleted.

Amendment of article 204 of the Code.

75. Subarticle (1) of article 204 of the Code shall be substituted by the following new subarticle:

"(1) (a) The parties, either personally or through their advocates or, in the inferior courts, either personally or through their advocates or legal procurators, shall have the right to make their submissions in writing or orally as the court may decide, by the plaintiff submitting his case and the defendant making his answer:

Provided that the court may in appropriate circumstances allow a further reply by the plaintiff and a rejoinder by the defendant.

(b) When the trial of the cause is closed, no further evidence shall be allowed, except for just cause and by leave of the court."

76. Article 206 of the Code shall be deleted.

Deletion of article 206 of the Code.

77. In article 207 of the Code for the words "subarticle (3) of article 202" wherever they appear, there shall be substituted the words "article 204(1)".

Amendment of article 207 of the Code.

78. Subarticle (1) of article 209 of the Code shall be substituted by the following new subarticle:

Amendment of article 209 of the Code.

"(1) No appeal against a judgement or decree of a court of first instance may be filed unless, together with the appeal, the appellant deposits with the registrar such sum of money as security for the costs of appeal as may be provided in regulations, and any deposit so made shall not be subject to the claims of creditors of the party making such deposit so long as it remains to meet the costs of the suit.

Provided that the Minister responsible for justice may, by regulations, exempt such classes of appeals or such classes of appellants as may be prescribed from the provision of such security."

79. Subarticle (1) of article 212 of the Code shall be deleted and shall be substituted by the following:

Amendment of article 212 of the Code.

"Grounds of adjournment to be stated by court and noted down by Registrar.

(1) If the court does not deliver judgement on the day fixed for judgement, the court shall give detailed reasons according to law for adjourning the cause to another day."

80. Article 220 of the Code shall be substituted by the

Substitution of article 220 of the Code.

following new article:

"Recording of decisions and reasons.

220. When judgment is delivered, the judge or magistrate shall, immediately following its delivery in open court -

(a) give a signed paper copy thereof to the Registrar to be immediately placed in the records of the cause;

(b) give an electronic copy thereof to the Registrar;

(c) order the immediate transmission of a second electronic copy to such central repository as the Registrar may direct; and

(d) leave with the Registrar copies thereof for the parties or their advocates."

Amendment of article 228 of the Code.

81. Subarticle (2) of article 228 of the Code shall be deleted and subarticle (1) shall be re-numbered as the whole provision.

Substitution of article 244 of the Code.

82. Article 244 of the Code shall be substituted by the following new article:

"Lodging of records.

244. On appeal proceedings being taken, the record of the proceedings of the first court shall be lodged before the appellate court in accordance with regulations made by the Minister responsible for justice under this article."

Deletion of articles 245, 247, 249 and 250 of the Code.

83. Articles 245, 247, 249 and 250 of the Code shall be deleted.

Addition of new heading to the Code.

84. Immediately before article 252 of the Code there shall be added the following new heading:

"Sub-title I GENERAL PROVISIONS".

Amendment of article 253 of the Code.

85. Paragraph (d) of article 253 of the Code shall be substituted by the following new paragraph:

"(d) awards of arbitrators registered with the Malta

Arbitration Centre."

86. Immediately after paragraph (c) of article 255 of the Code there shall be added the following new paragraph: Amendment of article 255 of the Code.

"(d) any award of an arbitrator in accordance with the Arbitration Act."

87. Subarticle (1) of article 256 of the Code shall be deleted and subarticle (2) thereof shall be renumbered as the whole provision. Amendment of article 256 of the Code.

88. Article 265 of the Code shall be substituted by the following new article: Substitution of article 265 of the Code.

"Enforcement of judgement of appellant court.

265. In cases of appeals, the judgement shall be enforceable by the court of first instance independently of whether the Court of Appeal confirms, varies or reverses the judgement of the court of first instance."

89. Article 272 of the Code shall be substituted by the following new article: Substitution of article 272 of the Code.

"Power of the court in the execution of titles.

272. In the absence of an express provision of law to the contrary, the court may, in the course of the execution of an executive title, on the application of the court executive officer, or the parties, or any other interested person, without delaying such execution, adopt such measures as it may deem necessary in order to safeguard the rights of the parties."

90. Article 273 of the Code shall be substituted by the following new article: Substitution of article 273 of the Code.

"Executive acts.

273. The executive titles mentioned in article 253 may, according to circumstances, be enforced by any of the following executive acts:

- (a) warrant of seizure of movable property;
- (b) warrant of seizure of immovable property;

(c) judicial sale by auction of movable or of immovable property or of rights annexed to immovable property;

(d) executive garnishee order;

(e) warrant of ejection or eviction from immovable property;

(f) warrant *in factum*.

Executive acts shall be enforced by a court executive officer."

Amendment of article 274 of the Code.

91. Subarticle (2) of article 274 of the Code shall be substituted by the following new subarticles:

"(2) The demand for the issue of the warrant or order shall be made by application, and such application shall indicate the sum or the thing due in virtue of the title.

(3) Where the executive title be other than a judgment of the court to which the demand is made, a copy of such title and of the act containing the intimation, where such intimation is required under article 256, shall be filed together with the demand.

(4) If by the same warrant or order it is sought to recover also judicial costs, the amount thereof shall be stated in the demand and the taxed bill of such costs shall be attached thereto."

Deletion of articles 275, 276 and 277 of the Code.

92. Articles 275, 276 and 277 of the Code shall be deleted.

Amendment of article 278 of the Code.

93. In article 278 of the Code for the word "marshall" wherever it appears, there shall be substituted the words "court executive officer", and the words ", after calling in two witnesses," in subarticle (1) thereof shall be deleted.

Substitution of article 280 of the Code.

94. Article 280 of the Code shall be substituted by the following new article:

"Time for execution of warrants and orders.

280. (1) Saving the exceptions laid down in this Code, no warrant or garnishee order shall be executed during such hours as may be prescribed by the Minister responsible for justice by regulations made under this article.

(2) Regulations made under this article may also provide for the cases in which execution of any warrant or order may be allowed outside the prescribed hours, the method of execution and the statements to be contained in the certificate of service:

Provided that, for reasons of urgency to be declared on oath by the applicant, the court may allow the execution of any warrant or order outside the prescribed hours."

95. Article 281 of the Code shall be deleted.

Deletion of article 281 of the Code.

96. In article 282 of the Code for the word "marshal" wherever it appears, there shall be substituted the words "court executive officer".

Amendment of article 282 of the Code.

97. (1) Subarticles (2) to (4) of article 283A of the Code shall be substituted by the following new subarticles:

Amendment of article 283A of the Code.

"(2) The person filing the application in terms of subarticle (1) shall, together with the application, file in writing all submissions that he may wish to make together with all supporting documents he may wish to present.

(3) The application shall be served on the opposite party who shall, within seven days, file an answer containing all submissions that he may wish to make together with all supporting documents he may wish to present:

Provided that the court may, in cases of urgency, reduce the period stated in this subarticle.

(4) The court shall decide the application with urgency either *in camera* or after hearing the advocates of the parties, and any evidence it may deem fit, if it so deems fit, provided that not more than one hearing shall be fixed for this purpose."

(2) In subarticle (5) of article 283A of the Code, the words "read out in open court." shall be deleted and shall be substituted with the words "delivered, provided that if the application is rejected, in whole or in part, such appeal shall not stay the execution of the warrant relative to that part in which it has been confirmed."

Substitution of heading in Book Second of the Code.

98. For the heading "Sub-title I OF THE WARRANT OF SEIZURE OF MOVABLE PROPERTY" appearing immediately before article 284 of the Code, there shall be substituted the words "Sub-title II OF THE WARRANT OF SEIZURE OF MOVABLE PROPERTY".

Substitution of article 284 of the Code.

99. Article 284 of the Code shall be substituted by the following new article:

"Warrant of seizure of movable property.

284. (1) The warrant for the seizure of movable property shall, besides the particulars stated in article 274, contain the orders to the registrar -

(a) to seize, from the possession of the debtor, the sum claimed by the creditor or property equal in value to the sum claimed by the creditor, or to seize the thing mentioned in the title by virtue of which the execution takes place;

(b) to execute the warrant, if so necessary, after legal hours and on Sundays and public holidays;

(c) to transport the property seized to the official storage places established by regulations made by the Minister responsible for justice and transfer the possession thereof from the debtor to the official consignatory designated in accordance with the said regulations:

Provided that where the creditor has, together with the application for the issue of the warrant, appointed a consignatory himself, and such consignatory has been approved by the registrar, possession of the property seized shall be transferred to such consignatory and the place of storage shall be determined by such consignatory;

(d) to appoint experts to value the property seized if this is required by law;

(e) to appoint an auctioneer if this is required by law;

(f) in accordance with regulations that may be made by the Minister responsible for justice under this article, to effect the sale of the objects seized from the property of the debtor at the first available opportunity and without need of further notice to the debtor; and

(g) to dispose of the proceeds of the sale in accordance with the executive title being enforced and the provisions of this Code or of any other law.

(2) The provisions of this Sub-title shall not apply to ships or other vessels above ten metres in length and to aircraft."

100. Article 285 of the Code shall be substituted by the following new article:

Substitution of article 285 of the Code.

"Description of property seized.

285. The court executive officer shall attach to the warrant a detailed description of the property seized."

101. Article 286 of the Code shall be substituted by the following new article:

Substitution of article 286 of the Code.

"Payment of amount claimed.

286. (1) In the execution of a warrant of seizure, only the full amount claimed by the creditor may be paid by the debtor.

(2) The Registrar shall give a receipt to the debtor for all monies paid and shall pay to the creditor, his advocate or legal procurator the amount so delivered on the following working day of such delivery against a receipt to be attached to the warrant, unless a garnishee order or another warrant of seizure affects such monies, in which case the Registrar shall lodge such monies in court."

102. Articles 287, 288, 289, 290 and 291 of the Code shall be deleted.

Deletion of articles 287 to 291 of the Code.

Substitution of
article 292 of
the Code.

103. Article 292 of the Code shall be substituted by the following new article:

"Consignatory.

292. (1) Property seized from the possession of the debtor shall, subject to the provisions of article 293, be immediately transferred to the possession of an official consignatory who shall keep such property in an official storage place until such property is sold or until other directions are given to him by the court or by the Registrar:

Provided that the official consignatory may, with the written consent of the Registrar, keep property in places other than the official storage place where, because of the nature or the size of the property seized, it is impossible so to do.

(2) The Minister responsible for justice shall designate official consignatories to take charge of the property seized from the time the property is seized by the court executive officer to the day of the sale thereof:

Provided that if the official consignatory is a company or a partnership, such company or partnership shall appoint a person who shall at all times be personally responsible for the execution of the obligations of the official consignatory, and who shall assume such responsibility *in solidum* with the company or partnership:

Provided further that the Minister responsible for justice may by regulation provide for the imposition of such other conditions as he may deem necessary for a person to be appointed official consignatory or as the person responsible in terms of the first proviso to this subarticle.

(3) The Minister responsible for justice shall designate official storage places wherein the property seized shall be kept by the official consignatories from the time the property is seized by the court executive officer to the day of the sale thereof.

(4) The Minister responsible for justice may make regulations to provide for the manner of conservation of such property, the release thereof prior to its sale, the procedures connected with the sale thereof, the responsibility of the official consignatory and any other matters connected with the preservation, sale, delivery and release of the property seized."

104. Article 293 of the Code shall be amended as follows:

Amendment of article 293 of the Code.

(a) the present provision shall be renumbered as subarticle (3) thereof; and

(b) the following two new subarticles shall be added immediately before subarticle (3):

"(1) The creditor may, together with the application requesting the issue of the warrant, appoint a consignatory himself, subject to such consignatory being approved by the registrar, in which case the property seized shall, immediately following its seizure, be transferred to the possession of that consignatory who shall determine its place of storage.

(2) The provisions of this Code applicable to official consignatories shall, *mutatis mutandis*, apply to a consignatory appointed by the creditor."

105. Article 294 of the Code shall be deleted.

Deletion of article 294 of the Code.

106. In article 295 of the Code for the words "the marshal" there shall be substituted the words "the court executive officer", and for the words "not liable to seizure" there shall be substituted the words "not liable to seizure and he shall attach the certificate to the warrant."

Amendment of article 295 of the Code.

107. Article 296 of the Code shall be substituted by the

Substitution of article 296 of the Code.

following new article:

"Attendance of
consignatory.

296. The consignatory appointed by the creditor, if any, shall have the right to attend with the court executive officer at the execution of the warrant provided that it shall not be incumbent on the court executive officer to give the creditor notice of execution."

Deletion of
article 297 of
the Code.

108. Article 297 of the Code shall be deleted.

Substitution of
article 298 of
the Code.

109. Article 298 of the Code shall be substituted by the following new article:

"Consignatory
responsible for
preservation of
property.

298. (1) The consignatory shall be responsible for the proper preservation of the property entrusted to him and shall not allow any person to make use of the property unless otherwise ordered by the court:

Provided that the debtor may be allowed to use or maintain the possession of such items of the property seized as the court may authorise if it considers that such items are normally required by an average household for decent living to maintain the human dignity of the debtor and his family.

(2) Where the property seized is of a perishable nature, the registrar shall, without the need of any further authorisation, sell the property and shall, with respect to the monies received, act in accordance with the provisions of article 286."

Substitution of
article 300 of
the Code.

110. Article 300 of the Code shall be substituted by the

following new article:

"Consignatory to act
as *bonus pater
familias*."

300. The consignatory is bound to exercise, for the safe keeping of the property seized, such care as is exercised by a *bonus pater familias*; if the consignatory fails to present such property when called upon to do so, the court shall order him to appear before it to explain his failure to do so; the consignatory shall be liable for damages and interest and the court, after examining the circumstances of the case, may issue such orders as it considers necessary, including the consignatory's personal arrest for a period not exceeding three months, to compel him to present such property."

111. Article 301 of the Code shall be deleted.

Deletion of
article 301 of
the Code.

112. In article 302 of the Code for the words "execution of the warrant" there shall be substituted the words "execution of the warrant of seizure or on the sale of the property."

Amendment of
article 302 of
the Code.

113. Article 303 of the Code shall be deleted.

Deletion of
article 303 of
the Code.

114. Article 304 of the Code shall be amended as follows:

Amendment of
article 304 of
the Code.

(a) the present provision shall be renumbered as subarticle (1) thereof;

(b) for paragraph (b) of subarticle (1), there shall be substituted the following new paragraph:

"(b) personal papers and books relating to the profession of the debtor, his wife or of his children;"

(c) for paragraphs (d), (e) and (f) of subarticle (1) thereof, there shall be substituted the following new paragraph:

"(d) tools and implements necessary for the instruction in or the exercise of any science or art of the debtor, his wife or of his children;

(e) animals and tools required for agriculture and any fruits whether plucked or unplucked from the ground;

(f) aircraft and vessels wholly chartered in the service of the Government of Malta;"

(d) paragraph (g) of subarticle (1) shall be renumbered as paragraph (h) and immediately after paragraph (f) thereof, there shall be added the following new paragraph:

"(g) sacred vestments and vessels used in a consecrated church or being the property of a priest, a religious order or a member thereof;"

(e) for the proviso thereto there shall be substituted the following new proviso:

"Provided that any such property as is mentioned in paragraphs (a) to (g) may be seized -

(i) if the execution is demanded in respect of the price of such property;

(ii) if the execution is demanded in respect of rent or ground-rent of the tenement in which such property is kept;

(iii) if the executive title on which the warrant is issued specifically condemned the debtor to return such property."; and

(f) immediately after subarticle (1), as renumbered, there shall be added the following new subarticle:

"(2) It shall be lawful to seize movable property which is possessed in common by the debtor and a third party, but such property may not be sold until after the partition thereof."

Substitution of heading in Book Second of the Code.

115. For the heading "Sub-title II OF JUDICIAL SALES BY AUCTION" appearing immediately before article 305, there shall be substituted the heading "Sub-title III OF THE WARRANT OF SEIZURE OF IMMOVABLE PROPERTY".

Substitution of articles 305 to 308 of the Code.

116. Articles 305, 306, 307 and 308 of the Code shall be

substituted by the following new articles:

"Demand to be made
by application.

305. (1) The demand for the seizure of immovable property is made by an application.

(2) The application shall contain a description of the property of which the sale by auction is demanded.

Duties of Court.

306. (1) In allowing the application for the issue of a warrant of seizure of the immovable property and in the decree allowing such seizure the court shall -

(a) order the registrar to appoint any experts that may be required to carry out the valuation of the property, which valuation shall be carried out within such time limit as may be appointed by the registrar;

(b) order the expert to draw up a valuation of the property together with a description thereof and to submit the same under oath to the registrar;

(c) order the debtor to give such information under oath regarding the property as may be required by the Registrar or the experts and the provisions relating to witnesses shall apply to the debtor;

(d) order the judicial sale by auction of the property, in accordance with regulations that may be made by the Minister responsible for justice, on such day as may be fixed by the registrar and without need of further notice to the debtor;

(e) order the registrar to inform the Director of Public Registry and the Land Registrar of such decree within the next following working day;

(f) order the Director of Public Registry to immediately register such decree in a book which is to be kept for the purpose in the Public Registry and which shall be accessible to the public;

and

(g) order the registrar to dispose of the proceeds of the sale in accordance with the judgement or other executive title being enforced and the provisions of this Code or of any other law.

(2) The decree shall be served on the debtor.

307. (1) The provisions of this sub-title shall apply to ships or other vessels above ten meters in length and to aircraft.

(2) A valuation of the property to be sold shall always be made prior to the sale, provided that if a valuation, made not earlier than twelve months prior to the judgement being enforced, has been accepted by the court in its judgement, the registrar shall accept that valuation and shall not appoint new experts to carry out a new valuation.

(3) A valuation will moreover not be required if the creditor and debtor file, within seven days of the decree being notified to the debtor, a note in the records of the sale agreeing to the value of the property.

Expert to be appointed by Registrar.

308. (1) It shall be lawful for the Registrar, according to circumstances, to appoint more than one expert.

(2) The appraisalment may not be impugned, but it shall be lawful for the Registrar, on proceedings to be taken by application, to order any mistake in the appraisalment to be amended."

Deletion of article 309 of the Code.

117. Article 309 of the Code shall be deleted.

Substitution of articles 310 and 311 of the Code.

118. Articles 310 and 311 of the Code shall be substituted by

the following new articles:

"Valuation of immovable property to contain description of property, etc.

310. (1) In the valuation of immovable property, the experts shall include a description of the property stating the burdens, leases and other rights whether real or personal rights, if any, to which the property is subject, as well as the last transfer of such property according to the information obtained from the creditor or the debtor.

(2) It shall be lawful, at the written or verbal request of the expert or the creditor, to compel the debtor or any other person to confirm on oath, to be administered by the court or the registrar, the information given to or required by the expert.

(3) The debtor or any other person shall be called upon to give the above information by means of a letter from the registrar.

(4) The provisions relating to witnesses shall apply to any debtor or any other person called upon as aforesaid.

Valuation to be sworn.

311. The report containing the valuation shall be filed on oath by the expert within the time allowed by the Registrar. Should the experts fail to file the valuation within the said time the Registrar may either extend the time for one further determinate period of not more than three months or appoint a new expert."

119. Immediately before article 312 of the Code, there shall be added the following heading:

Addition of new Sub-title to Book Second of the Code.

"Sub-title IV - OF JUDICIAL SALES BY AUCTION".

120. Articles 312 and 313 of the Code shall be substituted by the following new articles:

Substitution of articles 312 and 313 of the Code.

"Appointment of day of sale by auction. Issue of advertisements.

312. (1) Property, whether movable or immovable, seized from the possession of a debtor, shall be sold by public auction in accordance with the provisions of this Title.

(2) Auctions shall be held as often as may be required when a sufficient number of things are required to be sold, so however that not more than sixty days shall elapse between the seizure of the property and the date of the public auction.

(3) The provisions of this Sub-title shall apply to both movable and immovable property and nothing shall prevent the registrar from selling movable and immovable property at the same auction.

(4) For the purposes of this Sub-title the definition of movables shall be the same as that given in Sub-title II of this Title and that of immovables shall be the same as that given in Sub-title III of this Title.

Form of advertisement of sale by auction.

313. The registrar shall, at least twenty-one days prior to the auction, publish a notice in the Gazette indicating the date, place and time of the auction, the property to be sold by auction, including the approximate number thereof, and the times, if any, when they may be viewed by the public:

Provided that in the case of the judicial sales of immovables, the registrar shall include in the notice the description of the property and the valuation made by the expert and shall moreover publish the advertisement in at least one daily newspaper:

Provided further that a copy of the notice shall be kept in the registry and shall be accessible to the public."

Deletion of articles 314, 315 and 316 of the Code.

121. Articles 314, 315 and 316 of the Code shall be deleted.

Amendment of article 317 of the Code.

122. In article 317 of the Code for the words "The marshal" there shall be substituted words "The consignatory":

Deletion of articles 318, 319, 320 and 322 of the Code.

123. Articles 318, 319, 320 and 322 of the Code shall be deleted.

Substitution of article 323 of the Code.

124. Article 323 of the Code shall be substituted by the

following new article:

"Duration of auction.

323. An auction of immovable property or of rights annexed to such property, or of going concerns, shall last at least two hours:

Provided that an auction of any other property shall last at least one hour:

Provided further that the sale of divers things severally may be held during the same time."

125. Articles 324 and 325 of the Code shall be deleted.

Deletion of articles 324 and 325 of the Code.

126. Article 326 of the Code shall be substituted by the following new article:

Substitution of article 326 of the Code.

"Suspension of auction or adjudication.

326. (1) The demand for the judicial sale by auction may be withdrawn by the creditor at any time but any creditor so acting may not proceed by executive title against the same debtor for the same debt before a period of one year has elapsed from the date of the withdrawal of the demand.

(2) The court may, on the demand of any interested party, if it is satisfied that the continuation thereof will cause grave and irreparable loss to the party concerned, order the suspension of any judicial sale by auction.

(3) If the suspension of the auction is demanded by the debtor or a third party, the demand shall not be entertained unless, contemporaneously with the demand, a deposit is made with the Registrar of a sum equal to that as paid by the creditor to effect the seizure and sale, including any deposits made by him.

(4) Nor shall any demand for the suspension of an auction be entertained if such demand is made less than six days before the day appointed for the auction, unless the person making the demand shall declare on oath before the Registrar, that the reason for the suspension has arisen within that time, or that he was not aware of such reason before that time.

(5) Any interested person may by application request the court to revoke *contrario imperio* its decree authorising the suspension of the auction, and the court shall summarily hear the parties before delivering its decree. Any such decree may not be challenged in any court."

Deletion of article 327 of the Code.

127. Article 327 of the Code shall be deleted.

Substitution of articles 328 to 330 of the Code.

128. Articles 328 to 330 of the Code shall be substituted by the following new articles:

"Payment into court of purchase money.

328. (1) Property on auction shall be sold to the bidder offering the highest price provided that the said bidder:

(a) in the case of movables, pays the price immediately, takes possession of the property sold and removes the property from the premises and the consignatory, on payment of the price, shall no longer be responsible for such property; and

(b) in the case of immovables, within seven days of adjudication, deposits with the registrar a sum of money or a bank draft issued by a local bank equivalent to the price for which the property was adjudicated.

For the purposes of this subarticle the term "price" includes all fees payable in connection with the auction.

(2) In default of such payment into court, the purchaser shall, upon the demand by application of the party at whose suit or against whom the execution was granted, be liable to personal arrest for a period not exceeding three months and for damages and interest.

(3) A bidder who has been given leave to bid *animo compensandi* may deposit the relative decree in lieu of the price or part thereof and the registrar shall, notwithstanding any other provisions of this Code, make the relative set-off without the need of any further procedures.

(4) A bid made on behalf of any company or partnership shall only be made by a person duly authorised and prior to making the first bid such person shall give to the auctioneer a declaration in writing signed by him and the authorised representative of the company or partnership stating -

(a) the name of the company or partnership;

(b) the name, address and identity card number of the person authorised to bid on its behalf;

(c) the office held by that person in the company or partnership;

(d) the authorisation of the company or partnership, certified by its authorised representative, to the person to bid on its behalf; and

(e) the acceptance by that person of such authorisation:

(5) The Minister responsible for justice may by regulation provide for the establishment of such conditions, other than those listed in subarticle (4), as he may deem necessary in order that a person be authorized to bid on behalf of a company or partnership.

(6) A person bidding on behalf of a company or partnership in terms of this article shall be personally responsible for the execution of the obligations of the company or partnership and shall assume such responsibility *in solidum* with the company or partnership.

Unsold property.

329. (1) If the successful bidder fails to observe the provisions of article 328, or if any of the property remains unsold, the property shall, for one further time only, be again put up for public auction at the next following auction, provided that the creditor shall, within three days from the day when the price had to be paid, pay any additional fees that may be due.

(2) Any property remaining unsold at the end of the second auction shall be returned to the debtor, and, in the case of immovable property, the registration made in terms of article 306(1)(f) shall be cancelled on the application of the debtor.

Lodging of purchase money of movable property.

330. (1) The proceeds of the sale by auction shall be paid by the registrar to the creditors after deducting therefrom any legal expenses.

(2) The registrar shall pay to the debtor any amount left over after effecting the payment made to the creditors in accordance with the provisions of subarticle (1).

(3) If it appears to the registrar that a sufficient sum to meet the debts and the costs of the auction has been obtained, the registrar shall order the auction to be discontinued and the unsold property to be restored to the debtor.

(4) Should there be any outstanding garnishee order over the price of the property or over property itself, the registrar shall, in lieu of the provisions of subarticles (1) to (3), deposit the monies or property in court."

Amendment of article 340 of the Code.

129. In subarticle (1) of article 340 of the Code, for the words "article 329(2) and (3)" there shall be substituted the words "article 329(2)".

130. Articles 342, 343, 344 and 345 of the Code shall be deleted. Deletion of articles 342 to 345 of the Code.

131. In subarticle (1) of article 346 of the Code, for the words "as an addition execution creditor and such addition execution creditor shall" there shall be substituted the words "as an additional execution creditor and such additional execution creditor shall". Amendment of article 346 of the Code.

132. Article 347 of the Code shall be substituted by the following new article: Substitution of article 347 of the Code.

"*Procès-verbal* of sale by auction.

347. The Registrar or other person carrying out the auction shall draw up a *procès verbal*, stating therein such particulars as may be required by regulations made by the Minister responsible for justice under this article."

133. Articles 348, 349, 350, 351 and 352 of the Code shall be substituted by the following new articles: Substitution of articles 348 to 352 of the Code.

"Procedure in auctions of merchandise or other property.

348. The auction shall be held in public and may, notwithstanding any other law, be conducted by the registrar or other court executive officer and, subject to any regulations that may be made by the Minister responsible for justice under this article, the person conducting the auction shall regulate the procedure thereof:

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Provided that in the case of securities in the stock exchange recognized under the Financial Markets Act, the auction shall be held by a licensed stockbroker according to the provisions of article 9 of the Financial Markets Act.

Persons who may not bid in auctions.

349. It shall not be lawful for any judge, magistrate, employee of the courts or person conducting the auction to bid, either directly or indirectly, in an auction.

Expulsion of debtor from place of sale if he hinders proceedings.

350. The registrar or person conducting the auction may expel the debtor and any other person from the place where the auction is held, if such debtor or other person attempts to hinder the proceedings or to dissuade bidders.

Consequences of suspension of sale for over one year.

351. If an auction is suspended on the demand of the creditor for more than two months all the acts of that creditor in relation to that warrant shall become void.

Disposal of immovable property, etc., by debtor within a year from registration of order of sale to be null.

352. (1) Any disposal of immovable property or of rights annexed to such property and any lease or other disposal of the enjoyment of such property or rights and any diminution or restrictions of the enjoyment of such property or rights made by the debtor during the registration of the decree by which the seizure of such property or rights was ordered, shall be null.

(2) If, pending the auction proceedings, the debtor remains in possession of such property, he may be compelled to lodge into court the fruits actually collected or which might have been collected."

Amendment of article 353 of the Code.

134. In article 353 of the Code, for the words "the debtor offers" wherever they occur in subarticles (1) and (2) thereof, there shall be substituted the words "the debtor offers, within such time as may be prescribed by regulations made by the Minister responsible for justice under this article,".

Substitution of article 354 of the Code.

135. Article 354 of the Code shall be substituted by the following new article:

"Judicial sales by auction.

354. Notwithstanding any other provisions of this Code, judicial sales by auction shall be carried out under the authority of the Civil Court, or the Court of Magistrates (Gozo) in its superior jurisdiction, as the case may be, independently of the court which had delivered the judgement the execution of which may be sought."

Amendment of article 355 of the Code.

136. Subarticle (2) of article 355 of the Code shall be substituted by the following new subarticle:

"(2) For the purposes of subarticle (1), immovable property shall also include a going concern, but shall not include ships or other vessels above ten metres in length or aircraft."

137. For the heading "Sub-title IV OF THE EXECUTIVE GARNISHEE ORDER", appearing immediately before article 375 of the Code, there shall be substituted the words "Sub-title VI OF THE EXECUTIVE GARNISHEE ORDER".

Substitution of heading in Book Second of the Code.

138. Article 376 of the Code shall be substituted by the following new article:

Substitution of article 376 of the Code.

"Contents of garnishee order.

376. (1) The creditor shall, in the application for the issue of a garnishee order, correctly state the name and surname of the debtor, and such other particulars concerning the debtor as may be prescribed, for the purpose of identification of the debtor by the garnishee.

(2) The order shall:

(a) state the name and surname of the debtor and any other particulars contained in the application that may serve to identify the debtor;

(b) state the amount or thing due;

(c) state the title under which the creditor sues out execution;

(d) order the garnishee not to pay or deliver up to the debtor, or any other person, such moneys or things as may be in his hands, under penalty of payment of damages and interest; and

(e) order the garnishee to deposit, at the expense of the debtor and within seven days of being notified with the order, with the registrar any moneys or things, being the property of the debtor, as may have been attached by the order."

139. Subarticle (1) of article 377 of the Code shall be substituted by the following new subarticle:

Amendment of article 377 of the Code.

"(1) A garnishee order is executed by the delivery by the court executive officer of a copy thereof to the garnishee."

140. Articles 378 and 379 of the Code shall be substituted by

Substitution of articles 378 and 379 of the Code.

the following new articles:

"Declaration by garnishee. Time for such declaration.

378. A garnishee who, although having in his possession money or other things, being the property of the debtor, as may have been attached by the order, does not effect the deposit mentioned in article 376 within the period therein stipulated, shall be liable for damages and interest in favour of the creditor and the court may, on an application made for the purpose by the creditor, issue such orders as may be necessary, including the personal arrest of the person for a period not exceeding three months, to compel him to deposit such property.

Garnishee may be enjoined to deposit.

379. (1) In the case of attachment of moneys, the garnishee may, before lodging such moneys in court, retain the costs in respect of such lodgment and, in the case of attachment of other movable property, the garnishee shall have a privileged claim over the property so lodged in respect of such costs.

(2) In all cases, the execution creditor and the debtor shall be notified of any such lodgment into court."

Deletion of article 380 of the Code.

141. Article 380 of the Code shall be deleted.

Amendment of article 381 of the Code.

142. Article 381 of the Code shall be amended as follows:

(a) in paragraph (c) of subarticle (1) thereof, for the words "any charitable grant" there shall be substituted the words "any donation or charitable grant";

(b) paragraph (f) of subarticle (1) thereof shall be deleted; and

(c) subarticle (2) thereof shall be deleted.

Substitution of heading in Book Second of the Code.

143. For the Title "Sub-title V OF THE WARRANT OF EJECTMENT OR EXPULSION FROM IMMOVABLE PROPERTY", immediately appearing before article 384 of the Code, there shall be substituted the words "Sub-title VII OF THE WARRANT OF EJECTMENT OR EXPULSION FROM

IMMOVABLE PROPERTY".

144. In article 384 of the Code for the words "the marshal" wherever they occur, there shall be substituted the words "the court executive officer".

Amendment of article 384 of the Code.

145. For the heading "Sub-title VI OF THE WARRANT *IN FACTUM*", immediately appearing before article 385, there shall be substituted the heading "Sub-title VIII OF THE WARRANT *IN FACTUM*".

Substitution of heading in Book Second of the Code.

146. Article 385 of the Code shall be substituted by the following new article:

Substitution of article 385 of the Code.

"Warrant in factum.

385. (1) The warrant *in factum* shall contain an order to the court executive officer to convey to prison the party against whom the warrant is issued to be therein kept at his own expense, until the performance of the act ordered by the judgment or until such time as the court may deem necessary to ensure such performance.

(2) The warrant shall be issued on an application by the creditor and the court shall issue the warrant only if it is satisfied that the creditor has no other means of execution."

147. In subarticles (1) and (3) of article 387 of the Code for the word "marshal" wherever it occurs there shall be substituted the words "court executive officer".

Amendment of article 387 of the Code.

148. For the heading "Sub-title VII OF THE RENDERING OF ACCOUNTS AND LIQUIDATION OF FRUITS", immediately appearing before article 389 of the Code, there shall be substituted the heading "Sub-title IX OF THE RENDERING OF ACCOUNTS AND LIQUIDATION OF FRUITS".

Substitution of heading in Book Second of the Code.

149. Immediately after paragraph (d) in subarticle (2) of article 460 of the Code, there shall be inserted the following new paragraph:

Amendment of article 460 of the Code.

"(e) to referrals of disputes to arbitration,".

150. In article 470 of the Code there shall be substituted the

Substitution of article 470 of the Code.

following new article:

"Procedure in matters
of voluntary
jurisdiction.

470. (1) Saving the provisions of article 489 of this Code and of article 37 of the Civil Code, any demand for any authorization or leave to enter into or make any contract or disposition in respect of which the law requires a previous authorization or leave, or for any other order or direction in civil matters of voluntary jurisdiction, shall be made to a section of the Civil Court as may be prescribed by regulations.

(2) Such application shall be signed by the applicant himself or by an advocate, notary, or legal procurator."

Amendment of
article 478 of
the Code.

151. Subarticle (3) of article 478 of the Code shall be substituted by the following new subarticle:

"Judge may depute
judicial assistant.

(3) It shall be lawful for the judge to depute a judicial assistant to be present at the execution of the act. It shall also be lawful for the judge to depute a judicial assistant to receive the information referred to in article 471, or any sworn declaration mentioned in this Part, if the person to be examined or heard, or the deponent, is prevented by illness from attending in court or in such other place as may have been appointed by the judge."

Deletion of
articles 480 and
481A of the
Code.

152. Articles 480 and 481A of the Code shall be deleted.

Amendment of
article 486 of
the Code.

153. In subarticle (1) of article 486 of the Code, for the word "registry" there shall be substituted the word "Registry".

Substitution of
article 489 of
the Code.

154. Article 489 of the Code shall be substituted by the

following new article:

"Applicability of provisions of this Part to court of Gozo as court of voluntary jurisdiction.

489. The provisions of this Part of this Code relating to the Voluntary Jurisdiction section of the Civil Court, and to the judge thereof shall also apply to the Court of Magistrates (Gozo) as a court of voluntary jurisdiction, constituted under the provisions of article 54, and to the magistrate sitting in such court."

155. Article 606 of the Code shall be amended as follows:

Amendment of article 606 of the Code.

(a) in subarticle (1) thereof, for the words "one of the supplementary judges or magistrates, according to the residence of the witness", there shall be substituted the words "a judicial assistant";

(b) in subarticle (3) thereof, for the words "to one of the supplementary magistrates appointed under article 20" and "to one of the supplementary judges appointed under article 13", there shall, in both cases, be substituted the words "to a judicial assistant";

(c) in subarticle (4) thereof, for the words "by the supplementary judge or magistrate", there shall be substituted the words "by the judicial assistant"; and

(d) in subarticle (5) thereof, the words "the fee due to the supplementary judge or magistrate and" shall be deleted.

156. Article 607 of the Code shall be substituted by the following new article:

Substitution of article 607 of the Code.

"Judicial assistant to take down objections to competency or credit of witnesses.

607. The judicial assistant shall record any objection raised by the contending parties against the competency or credibility of any witness."

157. Article 609 of the Code shall be substituted by the

Substitution of article 609 of the Code.

following new article:

"Signing and sealing
of deposition.

609. Any deposition taken in the manner provided in articles 606 and 607 shall also be signed by the judicial assistant, and shall then be sealed by the Registrar, and filed in the record of the proceedings."

Amendment of
article 610 of
the Code.

158. Article 610 of the Code shall be amended as follows:

(a) in subarticle (2) thereof for the words "by the supplementary judge", there shall be substituted the words "by the judicial assistant";

(b) subarticle (3) thereof shall be deleted;

(c) subarticles (4), (5) and (6) thereof shall be re-numbered as subarticles (3), (4) and (5); and

(d) in subarticle (3), as re-numbered, thereof for the words "supplementary judge" wherever they occur, there shall be substituted the words "judicial assistant".

Addition of
article 622B of
the Code.

159. Immediately after article 622A of the Code there shall be added the following new article:

"Audio-recording or
video-recording of
evidence.

622B. Without prejudice to the provisions of article 622A, the court may, if it deems it proper so to act, allow for the audio-recording or for the video-recording of any evidence required from a witness as aforesaid, in accordance with such codes of practice as the Minister responsible for justice may, by regulations, prescribe."

Substitution of
article 686 of
the Code.

160. In article 686 of the Code for the words "a supplementary judge or magistrate", there shall be substituted the words "a judicial assistant".

Amendment of
article 706 of
the Code.

161. Article 706 of the Code shall be amended as follows:

(a) in subarticle (1) thereof, for the words "by one of the supplementary judges or magistrates, as the case may be", there shall be substituted the words "by a judicial assistant"; and

(b) in subarticle (3) thereof, for the words "by the

supplementary judge or magistrate" there shall be substituted the words "by the judicial assistant".

162. In article 707 of the Code for the words "by the supplementary judge or magistrate" wherever they occur in subarticles (1) and (2) thereof, there shall be substituted the words "by a judicial assistant".

Amendment of article 707 of the Code.

163. In subarticle (1) of article 712 of the Code for the words "a supplementary judge or magistrate, as the case may be", there shall be substituted the words "a judicial assistant".

Amendment of article 712 of the Code.

164. Article 733 of the Code shall be amended by the addition of the following proviso at the end thereof:

Amendment of article 733 of the Code.

"Provided that a judge who has been assigned the duties of Master may abstain from the assignment of a cause, and may transfer the assignment of such cause to another judge."

165. Article 830 of the Code shall be amended as follows:

Amendment of article 830 of the Code.

(a) subarticles (2) and (3) thereof shall be substituted by the following new subarticles:

"(2) (a) Saving the provisions of article 870 of this Code and of article 357 of the Merchant Shipping Act, any of the acts mentioned in subarticle (1) shall be rescinded, if the party against whom it is issued makes such deposit or gives such security as in the opinion of the court, according to the circumstances of the case, may be sufficient to safeguard the rights or claims stated in the act, or if it is shown that a judicial act accepting liability as provided in subarticle (3) has been filed in the proper registry.

(b) Notwithstanding that a deposit is made or security is given as aforesaid, the time limits established in this Title on the creditor to bring forward his action shall continue to apply.

(c) Such time limits shall run from the date of the issue of the precautionary act, and failure by the creditor to institute proceedings within the said time limits shall entitle the debtor to withdraw the deposit or cancel the security.

(3) Where a precautionary act has been issued against any person, or such as to affect any property of

such person, to secure a claim for damages and a locally registered insurance company or local bureau as defined in the Motor Vehicles (Third Party Risks) Ordinance, has by means of a judicial act, filed in the registry of the same court, accepted liability to pay all sums that may be due for such damages, in connection with the claim contained in that act if such person is found to be responsible for such damages -

(a) such insurer or local bureau, as the case may be, shall be liable to pay all sums that may be due for damages arising as aforesaid;

(b) the claim for such damages shall be pursued against the insurer or local bureau directly; and

(c) the precautionary act against the person shall be rescinded.";

(b) subarticles (4) and (5) thereof shall be deleted;

(c) subarticle (6) thereof shall be renumbered as subarticle (4) and substituted by the following new subarticle:

"(4) No precautionary act as provided in subarticle (3) shall be issued against the insured if the person intending to sue out the warrant is aware that the insurer or the local bureau has issued to the insured a valid insurance certificate accepting liability for the payment of damages; and in such case the claim for such damages may be pursued against the insurer or the local bureau or agent, as the case may be, directly."; and

(d) subarticle (7) thereof shall be deleted.

Substitution of article 831 of the Code.

166. Article 831 of the Code shall be substituted by the following new article:

"Application for issue of warrant.

831. (1) The demand for the issue of any of the said acts shall be made by an application prepared by the applicant and shall, besides other particulars that may be prescribed by regulation, contain, under pain of nullity -

(a) the origin and nature of the debt or claim sought to be secured; and

(b) where the right sought to be secured by the act is a debt, or a claim which may be satisfied by the payment of a sum of money, the sum to which the claim amounts.

If a cause has already been filed in court, such a claim may specify and include any judicial costs.

(2) The application shall be confirmed on oath by the applicant:

Provided that where in one application there is more than one applicant demanding the issue of any of the precautionary acts mentioned in article 830(1) against the same respondent, the oath shall be taken by at least one of the applicants.

(3) Any of the warrants or order mentioned in article 830 shall be issued by the court:

Provided that where, in the opinion of the registrar, the signature of a judge or magistrate empowered to issue a warrant of seizure or a garnishee order or a warrant of impediment of departure cannot be obtained within a reasonable time and that delay may be prejudicial, the said warrants or order may be issued over the signature of the registrar personally after having first obtained verbal authorisation from the judge or magistrate to do so. In this case, the judge or magistrate is to append his own signature under that of the registrar at the earliest opportunity to confirm that he had given the said verbal authority or, if it is not possible for the registrar to obtain such verbal authority, the registrar shall under his authority issue the said warrant or order over his signature, subject to the ratification of such action by a judge or magistrate at the earliest opportunity."

167. Articles 832, 833, 834 and 835 of the Code shall be deleted.

Deletion of articles 832 to 835 of the Code.

168. Article 836 of the Code shall be amended as follows:

Amendment of article 836 of the Code.

(a) for subarticles (2), (3) and (4) thereof there shall be substituted the following new subarticles:

"(2) The person filing the application in terms of subarticle (1) shall, together with the application, file in writing all submissions that he may wish to make together with all supporting documents he may wish to present.

(3) The application, except for any application in terms of subarticle (1)(a), shall be served on the opposite party who may, within seven days from service, file an answer containing all submissions that he may wish to make together with all supporting documents he may wish to present.

(4) The court shall decide the application with urgency either in camera or after hearing the advocates of the parties, if it so deems fit, provided that not more than one hearing shall be fixed for this purpose."; and

(b) in paragraph (a) of subarticle (8) thereof, for the words "if the applicant does not" there shall be substituted the words "if the applicant, without any reasonable justification, does not".

Amendment of
article 837 of
the Code.

169. Subarticles (3) and (4) of article 837 of the Code shall be substituted by the following new subarticles:

"(3) It shall not be lawful to issue any warrant of seizure, garnishee order, or warrant of impediment of departure, in security of any right or claim against any of the persons mentioned in subarticle (4)(a), or any warrant of impediment of departure in security of any right or claim against any of the persons mentioned in paragraph (b) of the said subarticle.

(4) The persons to whom subarticle (3) refers are:

(a) any person belonging to the armed forces of any country or any person belonging to any vessel or aircraft wholly chartered in the service of the Government of Malta if such person is in Malta with the force, vessel or aircraft to which he belongs;

(b) any master, engineer of any rank, seaman or other person regularly enrolled, if the vessel or aircraft to which he belongs has obtained her clearance; and

(c) any engineer of any rank, employed on any

steam vessel."

170. Article 838 of the Code shall be substituted by the following new article:

Substitution of article 838 of the Code.

"Precautionary acts.

838. It shall be lawful for the court, upon the application of any party notice whereof is given to the other party, to give any order calculated to prevent any loss, damage or deterioration of the things subject to any precautionary act."

171. In subarticle (1) of article 840 of the Code for the words "The marshal", there shall be substituted the words "The court executive officer".

Amendment of article 840 of the Code.

172. Immediately after article 838A of the Code, there shall be added the following new article:

Addition of article 838B to the Code.

"Precautionary warrants to remain in force until final determination.

838B. Unless rescinded by the court or withdrawn by the party suing out the warrant, all precautionary warrants shall remain in force until the final determination of the cause."

173. Article 843 of the Code shall be substituted by the following new article:

Substitution of article 843 of the Code.

"Time within which to bring action.

843. (1) The applicant is bound to bring the action in respect of the right stated in the warrant within fourteen days after the issue of the warrant:

Provided that where such warrant is demanded by a spouse against another spouse and the spouse suing out the warrant has already applied for leave to bring a cause before a court of contentious jurisdiction, the time period above-mentioned shall start to run from the day such leave is granted but the warrant shall cease to have effect immediately if the application for such leave is withdrawn or abandoned.

(2) If the applicant fails to bring such action without just cause, the effects of the warrant shall cease and he shall be liable for all damages and interest."

Substitution of article 845 of the Code.

174. Article 845 of the Code shall be substituted by the following new article:

"Applicability of articles 278, 279 and 282.

845. The provisions of articles 278, 279 and 282 shall apply to the execution of a warrant of description."

Amendment of article 846 of the Code.

175. Subarticle (2) of article 846 of the Code shall be deleted and subarticle (1) shall be renumbered as the whole provision.

Amendment of article 847 of the Code.

176. In article 847 of the Code for the words "judicial acknowledgement of the debt or claim:", there shall be substituted the words "judicial acknowledgment of the debt or claim and only following the issue of an executive warrant of seizure:".

Substitution of article 848 of the Code.

177. Article 848 of the Code shall be substituted by the following new article:

"In inferior courts demand for judicial acknowledgment of claim to accompany demand for issue of warrant.

848. Saving the provisions of articles 466 and 467 respecting the claims of the Government, no warrant of seizure shall be issued by the Court of Magistrates (Malta) or by the Court of Magistrates (Gozo) in its inferior jurisdiction, unless the warrant is accompanied by a demand for the judicial acknowledgement of such debt or claim, and the debt or claim exceeds one thousand five hundred liri or the warrant is in respect of a thing which it is claimed is the property of the person suing out the warrant."

Amendment of article 849 of the Code.

178. For the proviso to article 849 of the Code there shall be substituted the following new proviso:

"Provided that where the garnishee is a bank, a precautionary garnishee order shall not apply to any money payable by the bank in execution of any guarantee given by the bank that it will effect payment on the demand of the person in whose favour the banker's guarantee is made out; and in any such case, notwithstanding any garnishee order, the bank shall have power to pay out or otherwise dispose of any such money as free from any garnishee order and shall also be entitled to withdraw any such money from any court or other place, or from any person, into which, or with whom, it may have been lodged or deposited, and it shall be the duty of the registrar of

- such court or other person in possession or having control over such money to return it forthwith, to the bank."

179. Article 850 of the Code shall be deleted.

Deletion of article 850 of the Code.

180. Articles 855 to 870, both inclusive, of the Code shall be substituted by the following new articles:

Substitution of articles 855 to 870 of the Code.

"Object of warrant. **855.** A warrant of impediment of departure of any ship or vessel or aircraft may only be issued to secure a debt or a claim which could be frustrated by the departure of the ship or vessel or aircraft.

Effects of warrant of impediment of departure. **856.** By the warrant of impediment of departure, the court executive officer is ordered to detain a ship, vessel or aircraft and to deliver to the Comptroller of Customs and the officer responsible for ports or the officer responsible for the airport, as the case may be, in terms of law a copy of the warrant enjoining him not to grant a clearance to such ship, vessel or aircraft, as the case may be, or, if already granted, to withdraw it.

Copy of warrant to be served on master or captain. **857.** A copy of the warrant shall also be served on the person whose ship, vessel or aircraft is detained or the master or captain, as the case may be, or other person in charge of such ship or vessel or the agent of such ship or other vessel.

Contempt of court. **858.** The warrant shall contain a warning to all persons served with it that, in case of disobedience, such persons shall be guilty of contempt of court.

Measures to be adopted for execution of warrant. **859.** The court executive officer is authorised to adopt, subject to the directives of the court or of the registrar, all such measures as may be deemed necessary for the due execution of the warrant.

Debt or claim to be not less than five thousand liri. **860.** A warrant may be demanded and obtained in security of a debt or any other claim whatsoever amounting to not less than five thousand liri.

Penalty in case of malicious demand for warrant. **861.** Where it is found that the warrant was obtained upon a demand maliciously made, the penalty in terms of subarticle (8) of article 836 shall not be less than five thousand liri.

Security for payment of penalty, etc.

862. It shall be lawful for the court, on good cause being shown, upon the demand by application by a person whose ship, vessel or aircraft is detained, the master, the captain, the person in charge, or the agent of the ship or vessel against which a warrant has been issued, to order the party suing out the warrant to give, within a time fixed by the court, sufficient security, in an amount not less than five thousand liri, for the payment of the penalty, damages and interest, and, in default, to rescind the warrant.

Ships or vessels against which warrant may not be served.

863. (1) No warrant shall be issued against any ship or vessel wholly chartered in the service of the Government of Malta or employed in any postal service either by the Government of Malta or by any other government.

(2) No warrant shall be issued against any ship of war.

(3) A warrant of impediment of departure of a ship or vessel shall, on an application by the Malta Maritime Authority, be rescinded if the court is satisfied that because of the nature of its cargo or of its length, draught or other circumstances concerning safety, navigation or port operation, it is advisable that the ship or vessel should leave port without delay."

Amendment of article 873 of the Code.

181. Article 873 of the Code shall be amended as follows:

(a) for subarticle (1) thereof there shall be substituted the following new subarticle:

"(1) The object of a warrant of prohibitory injunction is to restrain a person from doing any thing whatsoever which might be prejudicial to the person suing out the warrant.";

(b) subarticles (4) and (5) thereof shall be deleted;

(c) the proviso to subarticle (6) thereof shall be deleted; and

(d) subarticles (8) to (11), both inclusive, thereof shall be deleted.

182. Immediately after article 873 of the Code, there shall be added the following new articles:

Addition of article 873A and 873B to the Code.

"Warrant in order to secure a debt or claim.

873A. (1) A warrant of prohibitory injunction may also be demanded by a creditor to secure a debt, or any other claim whatsoever, amounting to not less than five thousand liri. The object of such a warrant is to restrain the debtor from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any property: provided that such a warrant shall not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to a court order.

(2) Where a warrant prohibits the sale, alienation, transfer or other disposal of immovable property, the application shall contain all the particulars relating to the person against whom it is directed that are required by law in respect of the registration of a transfer of immovable property by such person in the Public Registry. Where the warrant refers to specific immovables, the application shall describe them in the manner provided for in the Public Registry Act, in respect of notes of enrolment.

(3) The warrant referred to in subarticle (2) shall upon its issue and at the expense of the applicant, be served by the Registrar within twenty-four hours on the Director of the Public Registry and the Land Registrar who shall forthwith register the same in books kept for the purpose. Such books shall be indexed and accessible to the public. It shall also be served upon any person indicated by the applicant.

(4) Upon registration of the warrant referred to in subarticle (2) by the Director of the Public Registry, any future sale, alienation, transfer or disposal of immovable property to which the warrant refers shall be void and to no effect.

(5) Without prejudice to the provisions of article 836, the warrant referred to in subarticle (2) shall, unless previously revoked or otherwise ceases to be in force, continue to have effect for a period of one year from the date of final judgment in favour of the creditor in his action for the recovery of the debt or claim referred to in subarticle (1).

Where warrant prohibits sale, etc., of immovable property.

873B. (1) Where a warrant prohibits the sale, alienation, transfer or other disposal of immovable property, the application shall contain all the particulars relating to the person or partnerships against whom it is directed that are required by law in respect of the registration of a transfer of immovable property by such person or partnership in the Public Registry. Where the warrant refers to specific immovables, the application shall describe them in the manner provided for in the Public Registry Act, in respect of notes of enrolment.

(2) Such warrant shall, upon its issue and at the expense of the applicant, be served by the Registrar within twenty-four hours on the Director of the Public Registry, the Land Registrar and the Registrar of Companies who shall forthwith register the same in books kept for the purpose. Such books shall be indexed and accessible to the public. It shall also be served upon any person indicated by the applicant.

(3) Upon registration of the warrant by the Director of the Public Registry, any sale, alienation, transfer or disposal of immovable property to which the warrant refers and not previously registered in the Public Registry or the Land Registry, shall be void and of no effect. The transfer of any shareholding made after the registration of the warrant by the Registrar of Companies shall likewise be void."

Amendment of article 874 of the Code.

183. In article 874 of the Code for the words "The marshal" there shall be substituted the words "The court executive officer".

Substitution of article 875 of the Code.

184. Article 875 of the Code shall be substituted by the

following new article:

"Applicability of certain articles.

875. The provisions of articles 279, 282, 843 and 844 shall apply to the warrant of prohibitory injunction."

185. Article 876 of the Code shall be substituted by the following new article:

Substitution of article 876 of the Code.

"Warrant in cases of personal separation.

876. (1) Where a spouse has brought or intends to bring before the Civil Court, a suit for personal separation, the spouse may request such court to issue a warrant of prohibitory injunction:

(a) against the other spouse restraining such other spouse from selling, alienating, transferring or disposing *inter vivos* whether by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquests; or

(b) against any commercial partnership in which the other spouse has a majority shareholding which pertains to the community of acquests from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by that commercial partnership; or

(c) against the other spouse from contracting any debt or suretyship which is a charge on the community of acquests.

(2) The demand referred to in subarticle (1) may be made at any time after filing the application before the Civil Court, and until final judgement has been given in any such action for separation. The demand may also be made where it is the other spouse who has made the said application.

(3) A warrant issued under this article shall not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to any court order.

(4) When the warrant is duly served, any obligation referred to in subarticle (1)(c) contracted after such service by the spouse against whom the warrant is issued in favour of the person served with the warrant shall be void and of no effect, and this without prejudice to any liability for contempt of court under this Code.

(5) The spouse against whom the warrant is issued as well as any partnership referred to in the warrant and any person showing an interest may at any time by application request the court to revoke or vary the warrant under this article."

Amendment of article 877 of the Code.

186. Article 877 of the Code shall be amended follows:

(a) for subarticle (5) thereof, there shall be substituted the following new subarticle:

"(5) The warrant shall contain the name and surname of the minor and any other particulars that may be established by regulations, so as to enable the persons served with the warrant to establish the identity of the minor."; and

(b) subarticle (8) thereof shall be deleted.

Amendment of article 963 of the Code.

187. In paragraph (a) of article 963(5) of the Code for the words "and the provisions of articles 964 to 967 shall apply thereto; and" there shall be substituted the words "and the provisions of article 964 shall apply thereto; and".

Substitution of article 964 of the Code.

188. Article 964 of the Code shall be substituted by the

following new article:

"Causes adjourned
sine die or otherwise
suspended.

964. (1) Any cause in any court of civil jurisdiction which, after having been set down for hearing, is subsequently by order of the court adjourned to an unspecified date or otherwise suspended, shall be deemed to be deserted unless it is re-appointed for hearing by the court within the peremptory time of six months of it having been so adjourned or suspended or an application for its re-appointment has, within such period, been filed in court:

Provided that where the cause has been suspended until judgment is pronounced in another cause, the said time shall commence to run from the date when such judgment is delivered.

(2) Re-appointment shall be made either by the court on its own motion or following the application of any of the parties."

189. Articles 965 and 966 of the Code shall be deleted.

Deletion of
articles 965 and
966 of the Code.

190. In article 967 of the Code for the words "of the last two preceding articles", there shall be substituted the words "of articles 963 and 964".

Amendment of
article 967 of
the Code.

191. Article 997 of the Code shall be substituted by the following new article:

Substitution of
article 997 of
the Code.

"Contempt of court
proceedings.

997. (1) In proceedings for any act or omission amounting to contempt of court, the offender shall, on conviction, be liable to imprisonment for a term up to one month or to a fine (*multa*) of not less than one hundred liri but not more than one thousand liri or to both such fine and imprisonment.

(2) The court may, notwithstanding any punishment to which it may sentence the offender, order him to remove any nuisance or inconvenience to which the offence relates within a time, sufficient for the purpose but in any case not exceeding three months from the date of the judgment, to be fixed by the court; and, if the offender fails to comply with any such orders within the time so fixed, he shall be liable to the penalty of a fine (*ammenda*) of not less than ten liri and not more than fifty liri as the court may fix, for every day during which the default continues after the expiration of the said time."

Amendment of article 1003A of the Code.

192. In article 1003A of the Code for the words "the Registrar" there shall be substituted the words "the Attorney General".

Addition of article 1009B to the Code.

193. Immediately after article 1009A of the Code there shall be added the following new article:

"Regulations.

1009B. The Minister responsible for justice may make regulations for the implementation of the provisions of this Code and, in general, to bring the provisions of this Code into effect."

Amendment of Tariff E of Schedule A of the Code.

194. Tariff E of Schedule A of the Code shall be amended as follows:

(a) in paragraph 8 thereof, the words "a supplementary judge or" shall be deleted;

(b) in sub-paragraph (ii) of paragraph 8 and in paragraph 10 thereof, for the words "the supplementary judge" there shall be substituted the words "the judicial assistant"; and

(c) in sub-paragraph (h) of paragraph 43 thereof, for the words "before a referee, a judicial assistant or supplementary magistrate and for each attendance" there shall be substituted the words "before a referee or a judicial assistant and for each attendance".

Deletion of Tariff F of Schedule A of the Code.

195. Tariff F of Schedule A of the Code shall be deleted.

196. In paragraph 17 of Tariff K of Schedule A of the Code, for the words "before any Judicial Assistant, Supplementary Judge or a Court referee" there shall be substituted the words "before any judicial assistant or a court referee".

Amendment of
Tariff K of
Schedule A of
the Code.

197. Any appointment of a supplementary magistrate under the Code of Organization and Civil Procedure, being amended by this Act, and still in force immediately before such amendment, shall continue in force thereafter, notwithstanding the provisions of article 9 of this Act, until the expiration of the relative appointment, in terms of the conditions of such appointment.

Transitory
provision.

PART II

198. (1) This Part amends the Criminal Code and shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as "the Code".

Amendment of
the Criminal
Code.
Cap. 9.

(2) The provisions of this Part 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 or different purposes of this Part.

199. Article 369 of the Code shall be substituted by the following new article:

Amendment of
article 369 of
the Code.

"Duties of registrar. **369.** In the Court of Magistrates, the functions of registrar may be performed by any of the court executive officers referred to in article 57(3) of the Code of Organization and Civil Procedure."

200. Article 496 of the Code shall be substituted by the following new article:

Substitution of
article 496 of
the Code.

"Functions of registrar in the Criminal Court. **496.** The functions of the registrar in the Criminal Court may be performed by any of the court executive officers referred to in article 57(3) of the Code of Organization and Civil Procedure."

201. Article 514 of the Code shall be substituted by the

Substitution of
article 514 of
the Code.

following new article:

"Functions of registrar in the Court of Criminal Appeal.

514. The functions of the registrar in the Court of Criminal Appeal may be performed by any of the court executive officers referred to in article 57(3) of the Code of Organization and Civil Procedure."

Addition of article 515A to the Code.

202. Immediately before article 516 there shall be added the following new article:

"Divisions of the courts of criminal judicature.

515A. The courts of criminal justice may be divided into sections similarly to the courts of civil jurisdiction, and the provisions of the Code of Organization and Civil Procedure relating to the manner in which such halls or sections are established and relating to their jurisdiction shall, *mutatis mutandis*, apply unless otherwise established in this Code."

Amendment of article 520 of the Code.

203. Subarticle (1) of article 520 of the Code shall be substituted by the following new subarticle:

"(1) Saving any other provisions of this Code, the following provisions of the Code of Organization and Civil Procedure shall, except in so far as it is otherwise provided in this Code, apply to the courts of criminal justice:

(a) articles 8, 10 to 12, 16 and 17, 23 to 30, 57 to 61, and 65 to 76 regarding the organisation of the courts;

(b) articles 98 to 106, 108 to 110, 113 and 114, 119A and 123 regarding judicial times;

(c) article 205;

(d) articles 558 to 662 relating to evidence in general; and

(e) articles 627 to 633, and articles 635 to 637 relating to documentary evidence and the production of documents which are in the possession of other persons."

Substitution of article 521 of the Code.

204. Article 521 of the Code shall be substituted by the

following new article:

"Registry and registrar.

521. (1) The registry and the registrar mentioned in this Code shall be designated by regulations made by the Minister responsible for justice under this article.

(2) Saving the provisions of subarticle (1), and until regulations are made under the said subarticle (1), the registry and the registrar mentioned in this Code shall be the same as those established or appointed by or under the Code of Organization and Civil Procedure in respect of the courts of civil jurisdiction."

205. In the proviso to subarticle (1) of article 647 of the Code for the words from "or to one of the supplementary judges" to the words "in either Gozo or Comino", there shall be substituted the words "or to a judicial assistant".

Amendment of article 647 of the Code.

206. Immediately after article 647 of the Code there shall be added the following new article:

Addition of article 647A to the Code.

"Audio-recording or video-recording of evidence.

647A. Without prejudice to the provisions of articles 646 and 647, the court may, if it deems it proper so to act, allow for the audio-recording or for the video-recording of any evidence required from a witness as aforesaid, in accordance with such codes of practice as the Minister responsible for justice may, by regulations, prescribe."

207. For the heading of Title VIII of Part III of Book Second of the Code, there shall be substituted the heading "GENERAL PROVISIONS".

Substitution of heading of Title VIII of Part III of Book Second of the Code.

208. Immediately after article 696 of the Code there shall be added the following new article:

Addition of article 697 to the Code.

"Regulations

697. The Minister responsible for justice may make regulations for the implementation of the provisions of this Code and, in general, to bring the provisions of this Code into effect."

PART III

Amendment of
the Civil Code.
Cap. 16.

209. (1) This Part amends the Civil Code and it shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as "the Code".

(2) The provisions of this Part 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 or different purposes of this Part.

Substitution of
article 37 of the
Code.

210. Article 37 of the Code shall be substituted by the following article:

"Personal separation.

37. (1) All suits for personal separation shall be brought before the appropriate section of the Civil Court as may be established by regulations made by the Minister responsible for justice:

Provided that prior to the commencement of proceedings, a demand may be made for determining the amount of an allowance for maintenance during the pendency of the proceedings and for the issue of a decree ordering the payment of such allowance or a demand for the court to determine by decree who of the spouses, if any, shall during the pendency of the proceedings continue to reside in the matrimonial home.

(2) The application containing the demand referred to in the proviso to subarticle (1) shall be appointed for hearing at an early date, in any case not later than six working days from the date of its filing, and shall be served on the respondent without delay together with the notice of such appointment.

(3) The court shall summarily hear the applicant and the respondent and shall then, by decree, decide on the demand:

Provided that the court may decide on the demand where the applicant or the respondent or both the applicant and the respondent fail to appear on the day of the hearing.

(4) The decree referred to in subarticle (3) shall be an executive title deemed to be included amongst the decrees mentioned in article 253(a) of the Code of Organization and Civil Procedure and shall be enforceable in the same manner and under the same conditions in which such acts are executed.

(5) The decree referred to in subarticle (3) shall cease to be enforceable if the action for separation is not instituted within two months of the date of the decree or within such longer period as the court may in the same or in a subsequent decree allow.

(6) The provisions of article 381(3) of the Code of Organization and Civil Procedure in pursuance of which a court of contentious jurisdiction may make the order therein specified shall apply, *mutatis mutandis*, as if the court in that subarticle were a reference to the appropriate section of the Civil Court before which the demand referred to in the proviso to subarticle (1) is made.

(7) The decree and the order mentioned in this article may be only reviewed, altered or revoked upon an application made by the party seeking such review, alteration or revocation.

(8) Subject to the provisions of article 39 of the Constitution, regulations made under this article may provide for the hearing of causes *in camera*."

211. Subarticle (1) of article 256 of the Code shall be substituted by the following subarticle: Amendment of article 256 of the Code.

"(1) Any correction, cancellation or registration ordered by the court shall be made by the Director within the time of ten days from the day on which the judgement shall have become *res judicata* and shall be made on the strength of a true copy of the judgement to be supplied to him by the Registrar."

212. In subarticle (2) of article 1808 of the Code the words "from bed and board" shall be deleted. Amendment of article 1808 of the Code.

PART IV

Amendment of
the
Commissioners
for Justice Act,
Cap. 291.

213. (1) This Part amends the Commissioners for Justice Act and shall be read and construed as one with the Commissioners for Justice Act, hereinafter in this Part referred to as "the Act".

(2) The provisions of this Part 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 or different purposes of this Part.

Amendment of
article 2 of the
Act.

214. Article 2 of the Act shall be amended as follows:

(a) immediately before the definition of "Commissioner" there shall be inserted the following new definition:

" "authority" shall mean a body corporate or incorporate, as well as any association of persons by whatever name called;";

(b) immediately after the definition of "Commissioner" there shall be inserted the following new definition:

" "Court of Criminal Appeal" means the court set up in terms of article 498 of the Criminal Code;";

(c) immediately after the definition of "Court of Magistrates" there shall be inserted the following new definition:

" "Electoral Register" shall have the same meaning as is assigned to it by the General Elections Act;"; and

(d) in the definition of "scheduled offence specified in the charge" for the words "by the Executive Police" there shall substituted the words "by the Executive Police, or the local council or authority".

Amendment of
article 3 of the
Act.

215. Article 3 of the Act shall be amended as follows:

(a) in subarticle (1) thereof, for the words "or under the Local Councils Act", there shall be substituted the words "or under the Local Councils Act, or under any other Act";

(b) in paragraph (a) of subarticle (1) thereof, for the words "under the Local Councils Act", there shall be substituted the words "under the Local Councils Act or by any other

authority under any other Act";

(c) in subarticle (2) thereof, for the words "constitute an infringement", there shall be substituted the words "constitute an offence"; and

(d) in subarticle (3) thereof, for the words "Saving the provisions of article 11, the Court of Magistrates", there shall be substituted the words "The Court of Magistrates".

216. Article 5 of the Act shall be amended as follows:

Amendment of
article 5 of the
Act.

(a) subarticles (1) and (2) thereof shall be substituted by the following new subarticles:

"(1) The Executive Police, local council or other authority, as the case may be, 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) Saving the provisions of article 14(4), the Executive Police, local council or other authority, as the case may be, 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."; and

(b) subarticle (4) thereof shall be substituted by the following new subarticle:

"(4) The summons shall contain a form indicating the penalty to which the person charged may be liable if found to have committed the offence as well as the maximum additional penalty to which he may be liable under this Act, and the person charged may, up to three days before the hearing, settle the charge by paying only the penalty. In such a case such person need not appear before the Commissioner.".

217. Article 6 of the Act shall be substituted by the following new article:

Substitution of
article 6 of the
Act.

"Service of judicial
acts.

6. (1) The Minister responsible for justice may make regulations to regulate the methods of service of judicial acts under this Act.

(2) Until such regulations are made, the provisions of the Code of Organization and Civil Procedure and of any regulations made thereunder shall apply to service of judicial acts under this Act."

Amendment of article 7 of the Act.

218. In article 7 of the Act for the words "fails to appear" there shall be substituted the words "fails to personally appear".

Amendment of article 8 of the Act.

219. In the proviso to article 8 of the Act, the words from "where such person has given" to the words "does not object" shall be deleted.

Substitution of article 9 of the Act.

220. Article 9 of the Act shall be substituted by the following new article:

"Functions.

9. The Minister responsible for justice may by regulation designate the registrar and registry of each Local Tribunal and the functions thereof and by the same regulations may also designate such other officers as may be necessary for the operation of the Local Tribunal."

Amendment of article 10 of the Act.

221. Article 10 of the Act shall be amended as follows:

(a) for the first proviso to subarticle (2) thereof, there shall be substituted the following:

"Provided that the Commissioner shall, if he considers that the person's defence is frivolous or vexatious, or if the person fails to appear before him and in terms of article 7 such person is deemed to have admitted the charge, or if such person appears before him only to admit the offence, order that person to pay in addition to the penalty another penalty not exceeding the maximum of the same penalty awarded or fifty liri whichever is less and not being less than the minimum penalty of ten liri established by the next following proviso of this article.";

(b) for subarticle (3) thereof, there shall be substituted the following:

"(3) Where a Commissioner has made an order for the payment of such penalty, the Registrar of the Tribunal

or other person designated by the Minister responsible for justice, shall, and in cases where the original penalty arising from the charge is due to a Local Council or to some other authority in terms of any act, that Local Council or authority shall as soon as such order is made, proceed to the collection of the penalty. The Registrar shall immediately inform the proper authorities in writing of any forfeiture of any object used in the commission of the offence, or of the revocation or suspension of any licence ordered by a Commissioner and shall send the authority a certified copy of the judgement of the Commissioner."; and

(c) for subarticle (5) there shall be substituted the following:

"(5) The amount of the penalty shall be due and owing to the Government, local council or authority, as the case may be, as a civil debt, liquidated and certain, and may be collected by the registrar of the Tribunal or other person designated by the Minister of responsible for justice or by the local council or authority, as the case may be. The order referred to in subarticle (2) shall constitute an executive title within the meaning and for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure."

222. Article 11 of the Act shall be substituted by the following new article:

Substitution of
article 11 of the
Act.

"Applications to
Court of Criminal
Appeal.

11. (1) Any person who feels himself aggrieved by the decision of a Commissioner may, within twenty days from the day on which such decision is given, apply to the Court of Criminal Appeal to have the judgment of a Commissioner revoked or varied, and the court aforesaid shall thereupon become vested with jurisdiction to decide upon the merits of the application. The Minister responsible for justice may by regulation establish the fees payable in the registry on the filing of such appeal.

(2) An appeal from the decision of the Commissioner may only be filed on a point of law and in exercising its functions under this article, the Court of Criminal Appeal shall proceed in accordance with the provisions of the Criminal Code.

(3) The Court of Criminal Appeal may, if it considers the application frivolous or vexatious, dismiss the appeal and order the appellant to pay a penalty which shall not be less than fifty liri and not exceeding one hundred liri.

(4) The provisions of article 10(3), (5) and (6) shall apply to the decision of the Court of Criminal Appeal confirming or varying a decision of the Commissioner, and shall also apply to an order made under subarticle (3)."

Amendment of
article 12 of the
Act.

223. Subarticle (1) of article 12 of the Act shall be amended by the addition, at the end thereof, of the following proviso:

"Provided that the period of prescription with respect to actions before a Commissioner shall be suspended from the date that a summons is served and shall remain so suspended for a period of six months."

Amendment of
article 13 of the
Act.

224. Paragraph (c) in subarticle (1) of article 13 of the Act shall be substituted by the following new paragraphs:

(c) for establishing any fees that may be payable in terms of this Act;

(d) for establishing any form to be used in terms of this Act;

(e) for establishing the procedures to be followed in the Registry of Local Tribunals;

(f) for establishing and determining the functions of the Registrar and other officials of the Local Tribunal;

(g) to provide for rules of service of judicial acts

in terms of this Act;

(h) to establish rules regarding the manner in which penalties may be collected, the forfeiture of objects and the withdrawal and suspension of licences in terms of this Act; and

generally with regard to any thing that may be by him determined, ordered, directed or prescribed in accordance with the provisions of this Act and any other matter that may be expedient for the better carrying into effect of this Act."

225. Article 14 of the Act shall be amended as follows:

Amendment of
article 14 of the
Act.

(a) subarticles (2), (3) and (4) thereof shall be substituted by the following new subarticles:

"(2) Any Police Officer and any other officer, authority or person who in accordance with any law as aforesaid is charged with the responsibility for enforcement of such law, in whose opinion any such offence has been committed may hand over to the offender a notice containing a general description of the offence, the penalty to be paid, the place where he may pay such penalty, the period within which he may effect such payment and the consequences of non-payment:

Provided that if a motor vehicle, boat or other object has been used in the commission of an offence, such notice may be affixed to the windscreen or other part of such motor vehicle, boat or other object:

Provided also that where it is not practicable to hand over a notice, or to fix it as aforesaid, the notice may be served to the offender in the same manner that a summons may be served in terms of article 6.

(3) Where any notice has been handed over or is affixed as is provided in subarticle (2), the person referred to in the said notice may pay at the place mentioned in such notice within such time indicated in the notice, which in no case shall be less than seven days, a penalty in respect of each offence referred to in each such notice, provided that such penalty shall not exceed the minimum established in the law for each such offence or ten liri, whichever is the higher.

(4) (a) Where any penalty imposed under

subarticle (3) is not paid within the aforementioned period, ordinary proceedings in respect of the offence may be taken in accordance with the provisions of this Act or any other law.

(b) In proceedings before the Commissioner no notice need be given the offender of any date to which a case which has been set down for hearing or has started to be heard is put off and it shall be the responsibility of the offender to verify such date."; and

(b) immediately after subarticle (5) thereof, there shall be added the following new subarticles:

"(6) Data or other information retrieved from electronic or other apparatus used by a Police Officer or any other officer, authority or person who in accordance with any law as aforesaid is charged with the responsibility for the enforcement of such law shall be deemed to be proof of the contents thereof unless the defendant proves otherwise.

(7) (a) Where the evidence to be given by any person refers to the registration of motor vehicles, boats or other objects which are required to be registered under any law, such evidence may be submitted by means of an affidavit.

(b) Where evidence is submitted by photographs, video-film or other visual means, such evidence shall be authenticated by the person who is the author of such photograph, video-film or other visual means.

(8) No proceedings before a Commissioner shall be deemed to be invalid because of the non-observance of any formalities or procedures if there has been substantial compliance with the provisions of this Act and any regulations made hereunder and the principles of natural justice have been observed.

(9) The Commissioner shall hear and determine all cases brought before him on the first day of hearing and shall only exceptionally accept a request for postponement of the hearing."

PART V

226. (1) This Part amends the Small Claims Tribunal Act and shall be read and construed as one with the Small Claims Tribunal Act, hereinafter in this Part referred to as "the Act".

Amendment of
the Small
Claims Tribunal
Act
Cap. 380.

(2) The provisions of this Part 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 or different purposes of this Part.

227. The following new proviso shall be added at the end of subarticle (2) of article 3 of the Act:

Amendment of
article 3 of the
Act.

"Provided that, in determining the sum referred to in this subarticle, no account shall be taken of fees and costs relative to the same claim."

228. Article 8 of the Act shall be amended as follows:

Amendment of
article 8 of the
Act.

(a) in subarticle (1) thereof, for the words "Such appeal shall be entered by an application to be filed within eighteen days", there shall be substituted the words "Such appeal shall be entered by an application to be filed within twenty days";

(b) in subarticle (2) thereof, for the words "An appeal shall only lie in the following cases:", there shall be substituted the words "Independently of the amount of the claim, an appeal shall always lie in the following cases:";

(c) subarticle (3) thereof shall be re-numbered as subarticle (4);

(d) immediately after subarticle (2) thereof, there shall be added the following new subarticle:

"(3) A right of appeal on all grounds shall also lie where the amount in dispute, calculated in accordance with the provisions of article 3(2), exceeds five hundred liri."; and

(e) immediately after subarticle (4) thereof, as re-numbered, there shall be added the following new subarticles:

"(5) The Court of Appeal may, if it considers the application frivolous or vexatious, dismiss the appeal and order the appellant to pay a penalty which shall not be less than one hundred liri and not exceeding five hundred liri.

(6) 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. The order referred to in subarticle (5) shall constitute an executive title within the meaning and for the purposes of Title VII of Book Second of the Code of Organization and Civil Procedure."

Amendment of article 10 of the Act.

229. The proviso to subarticle (2) of article 10 shall be deleted.

Amendment of article 11 of the Act.

230. Article 11 of the Act shall be amended as follows:

(a) subarticle (1) thereof shall be substituted by the following new subarticle:

"(1) The Minister may by regulations designate the registry of the Tribunal and the functions thereof and by the same regulations may also designate such officers as may be necessary for the operation of the Tribunal. All the records of the Tribunal shall be filed in the registry referred to in this subarticle."; and

(b) subarticle (3) thereof shall be substituted by the following new subarticle:

"(3) The acts of the Tribunal shall be deposited and kept in such archives as may be designated by the Minister by regulations made under this article."

Substitution of article 13 of the Act.

231. Article 13 of the Act shall be substituted by the following new article:

"When parties fail to appear.

13. If any of the parties fails to appear on the date appointed for the hearing of the cause, the following provisions shall apply:

(a) if the claimant fails to appear, the adjudicator shall adjourn the cause for another date and if on such other date the claimant fails to appear, the adjudicator shall dismiss the cause and order the costs to be borne by the claimant:

Provided that the adjudicator shall not make such adjournment but shall either determine the case or dismiss the same with costs to be borne by the plaintiff if the defendant so requests;

(b) if the defendant fails to appear, the adjudicator may determine the case in the absence of the defendant and an admission made upon a reference to the oath of the defendant may be received in evidence against the defendant, and the provisions of Subtitle VI of Title I of Book Third of the Code of Organization and Civil Procedure with respect to a reference to the oath of a defendant in the inferior courts shall, *mutatis mutandis*, apply."

232. Article 16 of the Act shall be amended as follows:

Amendment of
article 16 of the
Act.

(a) the present provision shall be re-numbered as subarticle (1) thereof; and

(b) immediately after subarticle (1) thereof, there shall be added the following new subarticle:

"(2) The service of judicial acts in terms of this Act shall be carried out in such manner as is provided for the service of judicial acts in the Code of Organization and Civil Procedure, unless the Minister shall, by regulations made under this article, otherwise provide."

PART VI

233. (1) This Part amends the Arbitration Act and shall be read and construed as one with the Arbitration Act, hereinafter in this Part referred to as "the Act".

Amendment of
the Arbitration
Act.
Cap. 387.

(2) The provisions of this Part 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 or different purposes of this Part:

Provided that the provisions of article 234 of this Act shall come into force on such a date, as the Minister responsible for justice may by notice in the Gazette appoint, which shall be subsequent to

the date of termination of the appointment of the members of the Board under the principal Act as in force prior to the amendment made by the said article 234 of this Act.

Amendment of article 4 of the Act.

234. In subarticle (2) of article 4 of the Act for the words "The Board shall consist of not less than five and not more than nine members", there shall be substituted the words "The Board shall consist of not less than three and not more than five members".

Amendment of article 15 of the Act.

235. Article 15 of the Act shall be amended as follows:

(a) the following words shall be added at the end of subarticle (3) thereof:

"An application may be made notwithstanding that the matter is to be referred to arbitration only after the exhaustion of other dispute resolution procedures.";

(b) subarticle (4) thereof shall be substituted by the following new subarticle:

"(4) Where proceedings as are referred to in subarticle (3) have been brought before a court, arbitral proceedings may be commenced or continued: provided that the arbitral tribunal shall not take any steps in the arbitration until the Court decides on the application except in cases where failure to provide a remedy will result in irreparable harm to any party to the arbitral proceedings. Upon the decision of the Court, which shall be notified to the arbitral tribunal by the applicant, the arbitral tribunal shall be bound by the decision of the Court on the issues dealt with in the application and shall act accordingly.";

(c) immediately at the end of subarticle (6) thereof, there shall be added the following proviso:

"Provided that questions relating to the division of property between spouses may be referred to arbitration subject to the approval by the competent court of the arbitration agreement and of the arbitrator to be appointed."; and

(d) immediately after subarticle (7) thereof, there shall be added the following new subarticles:

"(8) Upon the filing of an application to stay proceedings in terms of subarticle (3), any time limit for

the filing of any statement of defence or other response, whether arising at law or by order of any court or tribunal or otherwise, shall be interrupted and shall commence to run again from the date on which the applicant is served with the decision of the Court to dismiss the application, and this irrespective of whether an appeal on such decision is filed by any party.

(9) The Board established under article 29 of the Code of Organization and Civil Procedure may make rules concerning applications to the Court under subarticle (3) of this article and prescribe the fees to be paid on such applications.

(10) Any submission to arbitration of a dispute the subject matter of which falls within the jurisdiction or competence of a board, tribunal or other authority set up for the purpose by any law shall be valid and effective and the provisions of subarticle (3) shall apply thereto *mutatis mutandis*; provided that the provisions of this subarticle shall not apply where the board, tribunal or other authority is one as is specified in article 75(1)."

236. Article 17 of the Act shall be amended as follows:

Amendment of
article 17 of the
Act.

(a) for subarticle (1) thereof there shall be substituted the following new subarticle:

"(1) The party initiating recourse to arbitration (hereinafter called "the claimant") shall file with the registrar, a notice of arbitration for registration by the Centre and for onward transmission to the other party (hereinafter called "the respondent"), and any procedures and any award pursuant thereto in any arbitration to which this Part refers, shall be null and void and unenforceable if the relative notice of arbitration shall not have been filed with the Centre:

Provided that the nullity of the procedures shall not arise if, having failed to file the notice of arbitration as contemplated by this article at the commencement of proceedings, any party files the notice at any time prior to the communication of the award in accordance with article 44(6). In such event the Centre shall register the notice of arbitration but shall have no further duties in that regard."; and

the filing of any statement of defence or other response, whether arising at law or by order of any court or tribunal or otherwise, shall be interrupted and shall commence to run again from the date on which the applicant is served with the decision of the Court to dismiss the application, and this irrespective of whether an appeal on such decision is filed by any party.

(9) The Board established under article 29 of the Code of Organization and Civil Procedure may make rules concerning applications to the Court under subarticle (3) of this article and prescribe the fees to be paid on such applications.

(10) Any submission to arbitration of a dispute the subject matter of which falls within the jurisdiction or competence of a board, tribunal or other authority set up for the purpose by any law shall be valid and effective and the provisions of subarticle (3) shall apply thereto *mutatis mutandis*; provided that the provisions of this subarticle shall not apply where the board, tribunal or other authority is one as is specified in article 75(1)."

236. Article 17 of the Act shall be amended as follows:

Amendment of
article 17 of the
Act.

(a) for subarticle (1) thereof there shall be substituted the following new subarticle:

"(1) The party initiating recourse to arbitration (hereinafter called "the claimant") shall file with the registrar, a notice of arbitration for registration by the Centre and for onward transmission to the other party (hereinafter called "the respondent"), and any procedures and any award pursuant thereto in any arbitration to which this Part refers, shall be null and void and unenforceable if the relative notice of arbitration shall not have been filed with the Centre:

Provided that the nullity of the procedures shall not arise if, having failed to file the notice of arbitration as contemplated by this article at the commencement of proceedings, any party files the notice at any time prior to the communication of the award in accordance with article 44(6). In such event the Centre shall register the notice of arbitration but shall have no further duties in that regard."; and

(b) in subarticle (2) thereof immediately after the words "Code of Organization and Civil Procedure" there shall be added the words "and article 1357(2) of the Civil Code".

Amendment of article 32 of the Act.

237. Article 32 of the Act shall be amended by the addition of the following new subarticle immediately following subarticle (4) thereof:

"(5) In the event that proceedings are filed before any court for a declaration relating to the jurisdiction of an arbitral tribunal, such proceedings shall be dismissed and the parties shall be referred to the arbitral tribunal for its decision on such issue, unless the court considers that any party will suffer irreparable harm unless it determines the issue."

Amendment of article 36 of the Act.

238. Subarticle (5) of article 36 of the Act shall be repealed and substituted by the following subarticle:

"(5) Upon the filing of an application to which subarticles (3) and (4) apply, the court which, had there not been an arbitration agreement, would otherwise have had jurisdiction shall notify the writ or otherwise act on the application in the same manner as if such application or such writ had been issued or approved by the Civil Court, First Hall."

Amendment of article 38 of the Act.

239. Article 38 of the Act shall be amended by the addition of the following new subarticles immediately following subarticle (6) thereof:

"(7) The court may on the application of any party order the enforcement of any measure referred to in subarticle (6) and shall have all ancillary powers to amend or revoke such orders after hearing the parties and the arbitral tribunal as it deems necessary.

(8) The Board established under article 29 of the Code of Organization and Civil Procedure may make rules concerning all matters relating to the issue of precautionary acts and other such orders when they relate to arbitral proceedings."

Amendment of article 44 of the Act.

240. Article 44 of the Act shall be amended as follows :

(a) for subarticle (1) thereof there shall substituted the following new subarticle:

"(1) Unless otherwise agreed between the parties, the arbitral tribunal may make more than one award at different times on different aspects of the matters to be

determined. The arbitral tribunal may make an award relating -

(a) to an issue affecting the whole claim, or

(b) to a part only of the claims or counterclaims submitted to it for decision,

and shall also be entitled to make interim and/or interlocutory awards.";

(b) subarticle (2) thereof shall be amended by the deletion of the words "It shall be final and binding on the parties. The parties shall carry out the award without delay."; and

(c) subarticle (7) thereof shall be substituted by the following new subarticles:

"(7) An award is final when it settles all or part of the merits of an issue, is susceptible of immediate implementation and is not preparatory to another stage in the proceedings or otherwise has the effect of bringing the proceedings to an end.

(8) The arbitral tribunal shall immediately and in any case not later than twenty days from the date referred to in subarticle (4), present any final awards together with all partial, interim and interlocutory awards not already registered to the registrar for registration by the Centre and shall comply with the relevant provisions of this Act and the requirements of registration issued by the Centre.

(9) Subject to recourse being made against an award in terms of article 69A, final awards shall be binding on the parties, and the parties shall carry out such awards without delay."

241. Subarticle (3) of article 46 of the Act shall be substituted by the following new subarticles:

Amendment of
article 46 of the
Act.

"(3) Copies of the order for termination of the arbitral proceedings or of the award on agreed terms, signed by the arbitrators, shall be communicated by the arbitral tribunal to the parties and to the registrar. Where an arbitral award on agreed terms is made, the provisions of subarticles (2) and (4) to (8) of article 44 shall apply.

(4) The provisions of this article shall also apply in case the parties resolve a dispute which may have arisen between them by mediation, conciliation or any other means. In such a case the person assisting in the resolution of the dispute may, with the consent of both parties, act as the arbitrator for the purpose of registering the agreement reached between them in terms of this Act and, when registered, such agreement shall be treated for all intents and purposes as a registered award.

(5) Where the parties resolve a dispute as is mentioned in subarticle (4) and the person whose services may have been used in resolving the dispute is unable or unwilling to act in terms of this article, the Centre may on the joint application of the parties to the agreement appoint an arbitrator for such purpose:

Provided that, with the consent of the parties, the Registrar may provide support to the parties in such cases by carrying out the registration functions of an arbitrator in accordance with rules which may be made by the Centre from time to time."

Amendment of article 47 of the Act.

242. Subarticle (2) of article 47 of the Act shall be substituted by the following new subarticle:

"(2) The interpretation shall be given in writing within forty-five days after the receipt of the request. The interpretation shall form part of the award, and the provisions of subarticles (2) to (8) of article 44 shall apply."

Amendment of article 48 of the Act.

243. Subarticle (2) of article 48 of the Act shall be substituted by the following new subarticle:

"(2) Such corrections shall be in writing, and the provisions of subarticles (2) to (8) of article 44 shall apply."

Amendment of article 49 of the Act.

244. Subarticle (3) of article 49 of the Act shall be substituted by the following new subarticle:

"(3) When an additional award is made the provisions of subarticles (2) to (8) of article 44 shall apply."

Substitution of article 61 of the Act.

245. Article 61 of the Act shall be substituted by the following:

*Optional registration of international awards.

61. (1) Registration with the Centre of an international award shall not be required for the validity of the award.

(2) Where in accordance with article 60, the provisions of Part IV of the Act apply, the requirement in article 17(1) with regard to filing of a notice of arbitration for registration by the Centre shall not apply and the relevant provisions of the Model Law shall apply.

(3) Notwithstanding subarticle (1), an international award may be registered with the Centre as provided in article 72 on the application of any interested party and against payment of the applicable fee; provided that in such a case article 72(4)(a) and article 72(6) shall not apply and the following subarticles (4) and (5) shall apply in their stead.

(4) The Registrar shall not register an international award prior to the lapse of at least three months from the date of the award unless the parties confirm in writing that they do not intend to take any recourse against the award in terms of applicable law.

(5) On the lapse of the period stated in subarticle (4), the Registrar shall not register an international award if he is notified that recourse against an award has been taken by any party to the arbitration proceedings, until such time as he is notified of the outcome of such recourse. Any party to the proceedings who may take recourse against an award shall notify the Centre in writing of any recourse taken, in Malta or overseas, within fifteen days of such event.

(6) When the parties to an international arbitration agreement have expressly reserved recourse in terms of article 69A(3), any appeal shall be made within the period stated in article 34(3) of the Model Law.

(7) An international award given pursuant to Part V shall, upon its registration with the Centre as provided in this article, constitute an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

(8) Where no party has registered the award with the Centre in terms of this article, any party relying on an international award may at any time apply to the Court of Appeal for recognition and enforcement of the said award in accordance with Part VIII of the Model Law and the provisions in that part shall apply *mutatis mutandis* to any appeal which may have been reserved in terms of article 69A(3).

(9) On application by any party, the Court of Appeal may, notwithstanding the provisions of the Code of Organization and Civil Procedure or the Model Law, order the provisional enforcement of an international award in whole or in part, and may issue all such related and ancillary orders as it may deem fit."

Addition of new article to the Act.

246. Immediately after article 69 of the Act there shall be added the following new article:

"Executive title.

69A. (1) An award given pursuant to an arbitration agreement in accordance with Part IV of this Act, shall upon its registration by the Centre, as provided in article 72, constitute an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

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(2) Recourse against an arbitral award delivered under Part IV may be made to the Court of Appeal by application either -

(i) praying that the award be set aside in accordance with the provisions of article 70, or

(ii) appealing on a point of law in accordance with article 70A.

(3) Recourse against an arbitral award delivered under Part V may be made to the Court of Appeal by an appeal on a point of law only if the parties to the arbitration agreement have expressly agreed that such right of appeal is available to the parties in addition to the rights of recourse as contemplated in article 34 of the Model Law. In such cases the provisions of articles 61(5), 70A, 70B and related articles shall apply.

(4) Recourse against an award may also be made in accordance with any procedure of appeal or review which may be expressly agreed to by the parties in the arbitration agreement.

(5) The rights of recourse specified in the subarticles (2) and (3) shall arise, to the extent available in terms of the Act and the arbitration agreement, upon the exhaustion of any contractual process. All time limits specified in this Act for applications under articles 70 and 70A shall commence from such time as the result of the contractual process is notified, is otherwise completed or lapses.

(6) Where any law provides for an arbitration board, tribunal or other authority and contemplates a specific right of appeal, review or other recourse against its awards, the provisions of this Act with regard to recourse against awards shall not apply and the provisions of such other law shall alone regulate the right of recourse against awards of such board, tribunal or other authority.

(7) Notwithstanding that registration of an award may not yet have been effected in terms of article 61(4) or 72(4)(a), the Court of Appeal may, on the application of any party and notwithstanding any provisions of the Code of Organization and Civil Procedure, order the provisional enforcement of the award in whole or in part, and may issue all related and ancillary orders as it may deem fit."

247. For article 70 of the Act there shall be substituted the following new article:

Substitution of
article 70 of the
Act.

"Awards.

70. (1) Subject to the provisions of article 71, the Court of Appeal shall only determine that an award shall be set aside if -

(a) the applicant proves to the satisfaction of the Court of Appeal that -

(i) a party to the arbitration agreement was under some incapacity to enter the arbitration agreement; or that the said agreement was not valid under the law to which the parties have subjected it; or

(ii) the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise impeded from presenting his case; or

(iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration:

Provided that if decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the award which contains decisions on matters not submitted to arbitration may be set aside; or

(iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Act from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Act;

(b) the Court of Appeal finds that -

(i) the subject-matter of the dispute is not capable of settlement by arbitration under the Laws of Malta; or

(ii) the award is in conflict with the public policy of Malta.

(2) The application referred to in article 69A(2) shall be made within fifteen days from the notification to the applicant of the award in accordance with this Act, and the applicant shall notify the arbitrators and the Centre with a copy of the application as soon as practicable but not later than fifteen days after the application is filed.

(3) For the purposes of this article and articles 57 and 73, the Court of Appeal shall be composed in the manner provided in article 41(6) of the Code of Organization and Civil Procedure.

(4) All applications under this article shall be held *in camera* and only the parties thereto and their advocates and legal procurators shall be allowed in the court during the hearing.

(5) The judgment of the court shall preserve the confidentiality of the arbitration and shall only reveal such facts as may be necessary to make the same intelligible and enforceable by the parties.

(6) The cost of the appeal shall be in the discretion of the Court of Appeal and shall be a sum fixed by the Registrar, Civil Courts and Tribunals (Civil Section) or the Registrar, Gozo Courts and Tribunals (Civil Section), as the case may be.

(7) The Board established under article 29 of the Code of Organization and Civil Procedure may make rules concerning applications to the Court of Appeal under this article and under article 70A and article 73, and prescribe the fees to be paid on such applications."

248. Immediately after article 70 of the Act there shall be

Addition of new articles to the Act.

added the following new articles:

*Appeal on point of law.

70A. (1) A party to arbitral proceedings may appeal to the Court of Appeal on a point of law arising out of a final award made in the proceedings unless -

(a) the parties have expressly excluded such a right to appeal in the arbitration agreement or otherwise in writing; or

(b) notwithstanding anything stated in the arbitration agreement, the parties have expressly agreed that no reasons are to be given in the award in accordance with article 44(3).

(2) When an appeal is filed, the applicant shall notify the arbitrators and the Centre with a copy of the application as soon as practicable but not later than fifteen days after the appeal is filed.

(3) The Court of Appeal shall only consider the appeal if the Court is satisfied -

(a) that the determination of the point of law will substantially affect the rights of one or more of the parties;

(b) that the point of law is one which the tribunal was asked to determine or otherwise relied upon it in the award;

(c) that on the basis of the findings of fact in the award the decision of the tribunal on the point of law is *prima facie* open to serious doubt; and

(d) that based on a review of the application, any response and the award, the appeal does not appear dilatory and vexatious.

and in all other cases the Court shall dismiss the appeal.

Identification of point of law.

70B. (1) An appeal under article 70A shall identify the point of law to be determined and shall outline the interpretation which the applicant alleges is the correct interpretation on the point of law identified.

(2) An appeal must be brought within fifteen days of the receipt of the final award or if there has been any arbitral process of appeal or review, of the date when the party was notified of the result of that process or the process was otherwise completed or the time for it has lapsed.

(3) The provisions of article 70(3), (4), (5) and (6) shall apply to appeals made under article 70A."

249. Article 71 of the Act shall be amended as follows :

Amendment of article 71 of the Act.

(a) the present provision shall be renumbered as subarticle (1) thereof; and

(b) immediately after subarticle (1) thereof, there shall be added the following new subarticles:

"(2) The Court of Appeal may, on an appeal under article 70A -

(a) confirm the award,

(b) vary the award,

(c) remit the award to the tribunal, in whole or in part, for reconsideration in the light of the Court's determination, or

(d) set aside the award in whole or in part and itself determine the matter.

(3) The Court of Appeal shall not itself determine the matter on which it has sustained an application unless it is satisfied that it would be inappropriate to remit matters in question to the tribunal for reconsideration."

250. Immediately after article 71 of the Act there shall be added the following new articles:

Addition of new articles to the Act.

*Condition for application.

71A. (1) The following provisions shall apply to an application to set aside or an appeal under article 70 or 70A.

(2) An application may not be brought if the applicant or appellant has not first exhausted -

(a) any available contractual process of appeal or review; and

(b) any available recourse under articles 47 (interpretation of the award), 48 (correction of the award) or 49 (additional award).

(3) Any request made in terms of articles 47, 48 or 49 shall have the effect of interrupting the time-limits for recourse against an award specified in article 70(4) or article 70B(2). The period for recourse established in the said articles shall run from the date on which any order made in terms of the said articles 47, 48 and 49 is communicated to the party.

(4) The rights of recourse as provided in article 70 or 70A are mutually exclusive and cannot both be exercised simultaneously and an appeal on a point of law shall exclude the right to apply to set aside the award.; provided that when a party has applied to the Court to set aside an award, he may, *in subsidium*, appeal on points of law provided he does so in the same application.

(5) If on an application to set aside or on an appeal it appears to the Court that the award does not contain the tribunal's reasons or does not set out the tribunal's reasons in sufficient detail to enable the court properly to consider the application or appeal, the court may request the tribunal to give an interpretation of the award in accordance with the terms of article 47(2).

(6) In making an order under the preceding subarticle the court may make an order on costs arising from its order.

Condition for application: supplemental provisions.

71B. (1) An application for setting aside or an appeal may only be made in relation to final awards as defined in article 44(6).

(2) Where several issues in an arbitration have been determined by separate awards, recourse against such awards may only be taken after the final award and within the time limits stated in this Act, to be reckoned from the date of such final award and in such recourse express mention shall be made of the awards against which recourse is taken:

Provided that recourse may be taken against such separate awards before the final award by leave of the arbitral tribunal; such request for leave to take recourse shall be made in writing to the arbitral tribunal and copied to the Centre within six days from the date on which the award is communicated to the party.

(3) Recourse cannot be taken against interim, interlocutory or partial awards except after the final award and together with recourse which may be taken against such final award:

Provided that the provisions of this article shall apply in full to partial awards which constitute final awards on the issue thereby determined, in which case the provisions of subarticle (2) shall apply."

251. For article 72 of the Act there shall be substituted the following new article:

Substitution of
article 72 of the
Act.

"72. (1) Where the registration of any final award or document under this Act is required to be made with the Centre, the award or document, or an authentic copy thereof, shall be deposited with the registrar together with such fee as may from time to time be prescribed for such registration.

(2) The registrar shall refuse to register an award or a document if the same does not comply with any of the provisions of this Act or of the rules made by the Centre relative to such Act.

(3) In the case of a domestic arbitration, conducted under Part IV of this Act, the provisions of article 38(2), (3), (4) and (5), article 70, article 70A, article 70B, article 71 and article 71A shall only apply and the proceedings shall only be valid where at any time prior to the communication of the award in accordance with article 44(4), a notice of arbitration is registered with the Centre in accordance with article 17.

(4) (a) The Registrar shall not register an award prior to the lapse of thirty days from the date on which the award has been notified to the parties to an arbitration or if the Centre is notified of any recourse against an award taken by any party to the arbitration proceedings in terms of this part of this Act.

(b) Where, following any application in accordance with article 70 or 70A, the Court does not uphold the

application, the judgement of the Court of Appeal shall be registered with the Centre together with the award being registered on the request of the party seeking registration.

(5) Upon its registration with the Centre the award shall be final and binding and, furthermore, may not be challenged.

(6) Any application under articles 70 or 70A which the Court of Appeal determines to be frivolous or vexatious shall render the party making such challenge or appeal liable to pay the party requesting it a penalty of not less than one hundred liri and not more than five thousand liri, to be determined by the Court of Appeal."

Amendment of article 80 of the Act.

252. In subarticle (5) of article 80 of the Act, for the words from "provided that such arbitrations" to the words "17 of this Act" there shall be substituted the words "Provided that such arbitrations are administered by the Centre in accordance with any applicable rules made by the Centre in accordance with article 10."

Addition of new articles 82 and 83 to the Act.

253. Immediately after article 81 of the Act there shall be added the following new articles 82 and 83:

"Notification of awards to Director of Public Registry and Land Registrar.

82. In the event of a final award which determines rights to immovable property, the Registrar shall, upon registration, transmit a certified copy of the award to the Director of the Public Registry and to the Land Registrar and the provisions of articles 239 and 270 of the Code of Organisation and Civil Procedure shall, *mutatis mutandis*, apply to such awards.

Cap. 12.

Interest awards.

83. Unless the parties to an arbitration agreement have otherwise agreed in writing, articles 63 and 64 shall apply to any domestic arbitration carried out under Part IV and to any international arbitration where, in accordance with article 60, the said Part IV shall apply."

PART VII

Amendment of various other laws

254. (1) This Part amends various other laws.

(2) The provisions of this Part 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 or different purposes of this Part.

255. Subarticle (3) of article 44 of the Code of Police Laws shall be substituted by the following subarticle:

Amendment of
the Code of
Police Laws
Cap. 10.

"(3) An appeal shall lie against the Registrar's decision to include a person's name in any such list, by application made within twenty days after the receipt of the Registrar's final decision. The appeal shall lie to the Court of Magistrates in its superior jurisdiction."

256. Subarticle (2) of article 44 of the Commercial Code shall be substituted by the following:

Amendment of
the Commercial
Code.
Cap. 13.

"(2) Every registration in Gozo shall, without delay, be communicated, by means of a legal copy, to the registrar in Malta who shall enter such registration in the register of traders, allotting to it a progressive number. Such number shall, without delay, be communicated to the registrar in Gozo who shall forthwith enter the same in the register kept under the authority of that court."

257. The Massa Frumentaria Ordinance shall be repealed.

Repeal of the
Massa
Frumentaria
Ordinance.
Cap. 14.

258. In subarticle (2) of article 24 of the Reletting of Urban Property Ordinance, for the words "within six working days" there shall be substituted the words "within twenty days".

Amendment of
the Reletting of
Urban Property
Ordinance.
Cap. 69.

259. In subarticle (2) of article 10 of the Agricultural Leases (Reletting) Act, for the words "within fifteen working days" there shall be substituted the words "within twenty days".

Amendment of
the Agricultural
Leases
(Reletting) Act.
Cap. 199.

260. In subarticle (4) of article 173 of the Malta Armed Forces Act for the words "article 57(2)(a)" there shall be substituted the words "article 57(3)".

Amendment of
the Malta
Armed Forces
Act.
Cap. 220.

261. In article 2 of the Press Act, immediately after the definition of "broadcast" there shall be inserted the following new definition:

Amendment of
the Press Act.
Cap. 248.

" "competent court" or "competent civil court" means the Civil Court;".

262. Subarticles (1) and (2) of article 29 of the Marriage Act shall be substituted by the following subarticles:

Amendment of
the Marriage
Act.
Cap. 255.

"(1) Where the evidence of any person is required before a Tribunal, any of the parties may request the appropriate

section of the Civil Court to order that the evidence of such person be heard by one of the judicial assistants according to the residence of the witness, and upon such order being given the court shall fix a date for the hearing of the witness before the judicial assistant in the manner provided in articles 606 and 607 of the Code of Organization and Civil Procedure.

(2) The parties to the case before the tribunal shall be notified of the date fixed for the hearing of the witness before the judicial assistant and may be present and be assisted by an advocate or legal procurator."

Amendment to
the Data
Protection Act.
Cap. 440.

263. The Data Protection Act shall be amended as follows:

(a) in article 39:

(i) in subarticle (3) thereof, immediately after the words "the functions of his office," there shall be inserted the words "or for any other temporary purpose where the Commissioner considers it necessary not to carry out any of his functions because of such circumstances, that were he a judge of the superior courts, he would abstain" and for the words "to perform the functions of his office resumes those functions," there shall be substituted the words "to perform the functions of his office resumes those functions or, in the case of a temporary purpose, the temporary Commissioner has performed the function assigned to him."; and

(ii) immediately after subarticle (3) thereof there shall be added the following new subarticle:

"(4) The appointment of a temporary Commissioner for a temporary purpose as provided in subarticle (3) shall be exercised only on a certificate signed by the Commissioner to the effect that, in his opinion, it is necessary for the due conduct of the business of the Commissioner under this Act, that a temporary Commissioner be appointed."; and

(b) in article 54, in paragraph (j) thereof, for the words "one thousand liri (Lm1,000)" there shall be substituted the words "ten thousand liri (Lm10,000) for each violation and one thousand liri (Lm1,000) for each day during which such violation persists".

Passed by the House of Representatives at Sitting No. 840 of the
17th December, 2002.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives