

Nru. 168

9. 10. 2020

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru 2020.

ATT sabiex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12, biex jipprovi għall-preżenza fil-qorti permezz ta' links ta' konferenzi bil-vidjo.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 5th October 2020.

AN ACT to further amend the Code of Organization and Civil Procedure, Cap. 12, for the purpose of providing for presence in court through live video conferencing links.

RAYMOND SCICLUNA
Clerk of the House of Representatives

**ABBOZZ TA' LIĠI
msejjah**

ATT sabiex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12, biex jipprovdi għall-preżenza fil-qorti permezz ta' links ta' konferenzi bil-vidjo.

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

1. It-titolu ta' dan l-Att hu l-Att tal-2020 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Emenda Nru 4) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".

Titolu fil-qosor.

Kap. 12.

2. Minnufih wara l-artikolu 199 tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-Kodiċi.

"Preżenza permezz ta' link għall-konferenzi bil-vidjo live.

199A.(1) Fi kwalunkwe kawża, qorti tista' fuq rikors ta' waħda mill-partijiet jew *ex officio*, wara li tisma' rappreżentazzjonijiet mill-partijiet, tiddikjara li kwalunkwe parti jew xhud f'post barra mill-qorti stess (minn hawn 'il quddiem imsejjaħ "post remot") għandhom jiġu ttrattati bħala preżenti fil-qorti għal kwalunkwe parti tal-proċedimenti, inkluż kwalunkwe proċedimenti li tkun inċidentali għall-kawża prinċipali, jew għall-kawża kollha.

(2) Qorti ma għandhiex tagħti ordni skont is-subartikolu (1) jekk:

(a) ma tkunx sodisfatta li huma disponibbli faċilitajiet li jippermettu li persuni fil-post remot jaraw u jisimgħu il-qorti u li jkunu jistgħu jidhru u jinstemgħu minnha;

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(b) ikun ingust għal xi wahda mill-partijiet li jsiru seduti permezz ta' links ta' konferenzi bil-vidjo live; jew

(ċ) ikun kuntrarju għall-interessi tal-gustizzja li jsir hekk.

(3) Jekk qorti tiddeċiedi li ma tagħtix ordni taht is-subartikolu (1) biex torganizza seduti permezz ta' links ta' konferenza bil-vidjo, hija għandha tagħti r-raġunijiet għar-rifjut tagħha.

(4) Il-Bord tar-Regoli stabbilit taht l-artikolu 29 jista', b'regolamenti, jippreskrivi regoli u kodiċi ta' prattika għall-amministrazzjoni aħjar ta' proċeduri ta' konferenzi bil-vidjo live."

Ghanijiet u Raġunijiet

L-għanijiet u raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jintroduċu l-possibilità għal seduti fi proċeduri ċivili biex isiru permezz ta' konferenzi bil-vidjo live, u f'dawn iċ-ċirkostanzi l-partijiet għandhom jiġu kkunsidrati li huma preżenti għas-seduti tal-qorti li għalihom japplika dan l-Abbozz ta' Liġi.

A BILL
entitled

AN ACT to further amend the Code of Organization and Civil Procedure, Cap. 12, for the purpose of providing for presence in court through live video conferencing links.

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 title of this Act is the Code of Organization and Civil Procedure (Amendment No. 4) Act, 2020 and this Act shall be read and construed as one with the Code of Organization and Civil Procedure hereinafter referred to as "the Code".

Short title.

Cap. 12.

2. Immediately after article 199 of the Code there shall be added the following new article:

Addition of new article to the Code.

"Presence through video conferencing link.

199A.(1) In any cause, a court may on application of one of the parties or of its own motion, after hearing representations from the parties, direct that any party or witness in a location other than the court itself (hereinafter referred to as the "remote location") shall be treated as being present in the court for any part of the proceedings, including any proceedings which are incidental to the main proceedings, or for the entirety of the proceedings.

(2) A court shall not give an order under sub-article (1) unless:

(a) it is satisfied that facilities are available which enable persons in the remote location to see and hear the court and to be seen and heard by it;

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(b) if it would be unfair to any of the parties to hold sittings by a live video conferencing link; or

(c) if it would be contrary to the interests of justice to do so.

(3) If a court decides not to give an order under sub-article (1) to hold sittings by video conferencing link, it shall give its reasons for the refusal.

(4) The Rule Making Board established under article 29 may, by regulations, prescribe rules and codes of practice for the better administration of video conferencing procedures."

Objects and Reasons

The objects and reasons of this Bill are to introduce the possibility for sittings of civil proceedings be held through a live video conferencing link and in such circumstances parties shall be considered to be present at court hearings to which this Bill applies.

