

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

23 ta' Frar, 2001

ATT Nru. VI ta' l-2001

ATT biex jemenda diversi liġijiet dwar il-kompożizzjoni ta' diversi bordijiet u dwar il-kompetenza ta' diversi qrati u tribunali u appelli minn deċiżjonijiet taġħhom, u l-għemil ta' provvedimenti incidentalijiet jew konsegwenzjali għalihom.

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

1. It-titolu ta' dan l-Att huwa Att ta' l-2001 dwar il-Proċeduri Legali, u għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-gustizzja jista' jstabilixxi b'Ordni fil-Gazzetta, u jistgħu jiġu hekk stabbiliti diversi dati għal provvedimenti differenti u għal għanijiet differenti tiegħu.

Titolu fil-qosor u bidu fis-sehh.

2. Fis-subartikolu (1) ta' l-artikolu 417 tal-Kodiċi Kriminali, minflok il-kliem "li jirċievi l-atti." għandhom jidhlu l-kliem "li jirċievi l-atti:" u minnufih wara għandu jidhol dan il-proviso li ġej:

Emenda tal-Kodiċi Kriminali, Kap. 9.

"Izda fil-każ ta' appell minn kawżi maqtugħa mill-Qorti tal-Maġistrati (Għawdex) ir-rikors ta' l-appell jista' jiġi ppreżentat fir-reġistru ta' dik il-qorti u jintbagħat permezz tar-reġistratur lir-reġistratur tal-Qorti ta' l-Appell Kriminali flimkien ma kopja tas-sentenza, l-inkartament tal-proċedimenti u n-noti tax-xieħda mogħtija, jekk ikun hemm, kemm-il darba dawn ma jkunux diġà ġew hekk mibgħutin skond id-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 414; iżda wkoll f'kull każ ta' appell minn tali sentenza kif hawn aktar qabel imsemmi, l-atti kollha li jiġu wara r-rikors ta'

l-appell, sew jekk dak ir-rikors ikun gie pprezentat kif hawn aktar qabel imsemmi sew jekk fir-registru tal-Qorti ta' l-Appell Kriminali, jistghu wkoll jigu pprezentati fil-Qorti tal-Maġistrati (Ghawdex) u jintbaghtu fir-registru tal-Qorti ta' l-Appell Kriminali kif hawn aktar qabel imsemmi.”.

Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

3. Il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, ghandu jigi emendat kif ġej:

(a) fl-artikolu 41 tieghu:

(i) fis-subartikolu (6) tieghu, minnufih wara l-kliem “bhala membru ta' dik il-qorti.” ghandhom jidhlu l-kliem “Il-Qorti ta' l-Appell kif maghmula taht dan is-subartikolu tista' wkoll tissegjjah bhala l-Qorti ta' l-Appell (Kompetenza Inferjuri).”; u

(ii) fis-subartikolu (7) tieghu, minnufih wara l-kliem “fil-kompetenza inferjuri taghha” ghandhom jidhlu l-kliem “jew minn sentenzi jew deċiżjonijiet ta' xi bord jew tribunal moghtija minn dak il-bord jew tribunal meta joqogħdu f'Ghawdex”; u

(b) fl-artikoli 47 u 48 tieghu minflok il-kliem “elf lira” kulfejn jinsabu, ghandhom jidhlu l-kliem “hamest elef lira”.

Emenda ta' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li ghandhom x'jaqsmu maghha, Kap. 31.

4. L-artikolu 113 ta' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li ghandhom x'jaqsmu maghha, ghandu jigi emendat kif ġej:

(a) fis-subartikolu (5) tieghu, l-kliem “u dwar id-drittijiet li ghandhom jithallsu fuq dawn l-appelli” ghandhom jithassru;

(b) is-subartikoli (6) sa (10) tieghu ghandhom jigu enumerati mill-ġdid bhala l-artikoli (7) sa (11) rispettivament; u

(c) minnufih wara s-subartikolu (5) tieghu, ghandu jidhol dan is-subartikolu (6) ġdid li ġej:

“(6) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li jithallsu fir-registru tal-qorti għall-prezentata ta' atti bil-miktub lill-Qorti ta' l-Appell taht dan l-Att:

Izda sakemm daww id-drittijiet jigu hekk stabbiliti mill-Ministru, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda

Kap. 12. A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

5. L-Att dwar il-Protezzjoni ta' l-Antikitajiet, ghandu jiġi emendat kif ġej:-

Emenda ta' l-Att
dwar il-Protezzjoni
ta' l-Antikitajiet,
Kap. 54.

(a) fl-artikolu 5 tiegħu:

(i) minnufih wara l-kliem “mill-Qorti ta' l-Appell” fis-subartikolu (2) tiegħu ghandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(ii) minnufih wara s-subartikolu (7) tiegħu ghandhom jiżdiedu dawn is-subartikoli li ġejjin:

“(8) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li jithallsu fir-registru tal-qorti għall-prezentata ta' atti bil-miktub lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-artikolu:

Izda sakemm dawk id-drittijiet jiġu hekk stabbiliti mill-Ministru, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(9) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw rikorsi taht dan l-artikolu.”;

(b) fl-artikolu 16 tiegħu -

(i) minnufih wara l-kliem “mill-Qorti ta' l-Appell” fis-subartikolu (1) tiegħu, ghandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(ii) minflok is-subartikolu (3) tiegħu ghandu jidhol dan li ġej:

“(3) Is-subartikoli (8) u (9) ta' l-artikolu 5 ghandhom japplikaw dwar rikorsi li jsiru taht dan l-artikolu.”.

6. (1) L-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, ghandu jiġi emendat kif ġej:

Emenda ta' l-Att
dwar il-Professjoni
Nutarili u l-Arkivji
Nutarili, Kap. 55.

(a) fl-artikolu 110 tieghu:

(i) fis-subartikolu (2) tieghu, minflok il-kliem "l-imhallfin tal-qrati superjuri, il-maġistrati" ghandhom jidhlu l-kliem "l-imhallfin irtirati tal-qrati superjuri, maġistrati irtirati";

(ii) minflok il-kliem "imhalled jew maġistrat" fis-subartikolu (3) tieghu, ghandhom jidhlu l-kliem "imhalled irtirat jew maġistrat irtirat";

(b) fl-artikolu 112 tieghu minnufih wara l-kliem "il-Qorti ta' l-Appell" ghandhom jidhlu l-kliem "(Kompetenza Inferjuri)"; u

(c) minnufih wara l-artikolu 112 ghandu jizdied dan l-artikolu ġdid li ġej:

"Proċeduri u drittijiet.

112A. (1) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li jithallsu fir-registru tal-Qorti ta' l-Appell (Kompetenza Inferjuri) għall-prezentata ta' atti bil-miktub taht l-artikolu 112 ta' dan l-Att:

Kap. 12.

Izda sakemm daww id-drittijiet jiġu hekk stabbiliti mill-Ministru, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(2) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw rikorsi taht l-artikolu 112 ta' dan l-Att."

(2) Mad-dhul fis-sehh tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu kull min ikollu l-kariga ta' mhalled jew ta' maġistrat ghandu jtemm milli jibqa' viżitatur ta' l-atti nutarili.

Emenda ta' l-Ordinanza dwar ir-Regolament tat-Traffiku, Kap. 65.

7. L-artikolu 14 ta' l-Ordinanza dwar ir-Regolament tat-Traffiku, ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tieghu minnufih wara l-kliem "lill-Qorti ta' l-Appell" ghandhom jidhlu l-kliem "(Kompetenza Inferjuri)"; u

(b) minnufih wara s-subartikolu (3) tieghu ghandhom jidhlu dawn is-subartikoli ġodda li ġejjin:

“(3A) Il-Ministru responsabbli għall-gustizzja jista’ b’regolamenti jistabbilixxi d-drittijiet li jithallsu fir-registru tal-qrati għall-preżentata ta’ atti bil-miktub taht din l-Ordinanza:

Izda sakemm dawk id-drittijiet jiġu hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li tinsab mal-Kap. 12. Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili.

(3B) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili jista’ jagħmel regoli, li ma jkunux inkonsistenti ma’ din l-Ordinanza, li jirregolaw appelli taht dan l-artikolu.”.

8. L-Ordinanza li tirregola t-Tiġdid tal-Kiri ta’ Bini, għandha tiġi emendata kif ġej:

Emenda ta’ l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta’ Bini, Kap. 69.

(a) minflok l-artikolu 29 tagħha, għandu jidhol dan li ġej:

“Ma’ kull rikors jithallsu d-drittijiet tar-registru.

29. Ma’ kull rikors li jiġi ppreżentat għandu jithallas dritt tar-registru kif stabbilit fl-artikolu 39 ta’ dan l-Att.”; u

(b) fl-artikolu 39 tagħha:

(i) fil-paragrafu (a) minflok il-kliem minn “il-Lista izda ebda” sal-kliem “tal-Gvern; u” għandhom jidhlu l-kliem “il-Lista;”;

(ii) fil-paragrafu (b) tiegħu minflok il-kliem “quddiem il-bord.” għandhom jidhlu l-kliem “quddiem il-bord; u”; u

(iii) minnufih wara l-paragrafu (b) tiegħu għandu jiżdied dan il-paragrafu ġdid li ġej:

“(ċ) id-drittijiet tar-registru li jithallsu mal-preżentata ta’ atti bil-miktub:

Izda sakemm dawk id-drittijiet jiġu hekk preskritti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili.”.

Kap. 12.

9. Minflok is-subartikoli (2) u (3) ta’ l-artikolu 35 ta’ l-Ordinanza dwar l-Akkwist ta’ Artijiet għal Skopijiet Pubbliċi, għandu jidhol dan li ġej:

Emenda ta’ l-Ordinanza dwar l-Akkwist ta’ Artijiet għal Skopijiet Pubbliċi, Kap. 88.

“(2) Minghajr preġudizzju għall-ġeneralità tas-subartikolu (1) ta’ dan l-artikolu, il-Ministru responsabbli għall-ġustizzja jista’ b’avviz jippreskrivi:

(a) d-drittijiet li jithallsu lill-membri fuq il-Lista;

(b) d-drittijiet dovuti lill-avukati u lill-prokuraturi legali għal proċedimenti quddiem il-bord jew f’konnessjoni miegħu; u

(ċ) d-drittijiet li jithallsu fir-registru tal-bord:

Izda sakemm daww id-drittijiet jiġu hekk preskritti mill-Ministru taht il-paragrafi (b) u (ċ) ta’ dan is-subartikolu, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili.”.

Emenda ta’ l-Ordinanza dwar il-Valutazzjoni ta’ Artijiet Mibnija, Kap. 110.

10. (1) Minflok is-subartikolu (1) ta’ l-artikolu 9 ta’ l-Ordinanza dwar il-Valutazzjoni ta’ Artijiet Mibnija, għandu jidhol dan li ġej:

“(1) Il-President ta’ Malta jista’ jahtar Bord ta’ Kummissarji Speċjali għall-Valutazzjoni ta’ Artijiet, wiehed jew aktar, u kull bord għandu jkun jkun magħmul minn tliet membri li minnhom wiehed, li jkun imhalled irtirat jew maġistrat irtirat jew persuna li tkun eserċitat bhala avukat f’Malta għal perjodu jew perjodi li jammontaw, b’kollox, għal seba’ snin, ikun *chairman*. Qabel ma jibdeu jaqdu dmirijiethom iċ-*chairman* u l-membri għandhom jiehdu u jiffirmaw ġurament, quddiem l-Avukat Ġenerali, li jwettqu l-funzjonijiet tagħhom taht dan l-Att b’imparzjalità u skond il-liġi.”.

(2) Mal-bidu fis-sehh tas-subartikolu (1) ta’ dan l-artikolu kull min f’dak il-waqt ikollu l-kariga ta’ mhalled jew maġistrat għandu jtemm milli jibqa’ membru jew *chairman* tal-Bord ta’ Kummissarji Speċjali għall-Valutazzjoni ta’ Artijiet.

Emenda ta’ l-Att dwar it-Tigdid ta’ Kiri ta’ Raba’, Kap. 199.

11. L-Att dwar it-Tigdid ta’ Kiri ta’ Raba’, għandu jiġi emendat kif ġej:

(a) il-proviso li hemm mas-subartikolu 17 tiegħu għandu jithassar;

(b) minnufih fi tmiem is-subartikolu (1) ta’ l-artikolu 19 tiegħu, għandu jiżdied dan il-proviso li ġej:

“Izda sakemm jiġu preskritti d-drittijiet skond il-paragrafi (ċ), (d) jew (e) ta’ dan is-subartikolu, għandhom japplikaw

id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Kap. 12. Organizzazzjoni u Proċedura Ċivili.”.

12. Il-paragrafu 4 tat-Tieni Skeda li tinsab ma' l-Att dwar l-Uffiċċju tal-Posta, għandu jiġi emendat kif ġej:

Emenda ta' l-Att
dwar l-Uffiċċju tal-
Posta, Kap. 254.

(a) fis-subparagrafi (6) u (7) tiegħu, minnufih wara l-kliem “Qorti ta' l-Appell” kulfejn dawn jinsabu, għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(b) minnufih wara s-subparagrafu (7) tiegħu għandhom jizdiedu dawn il-paragrafi li ġejjin:

“(8) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan il-paragrafu jistabbilixxi d-drittijiet li jithallsu fir-reġistru tal-qrati f'konnessjoni mal-prezentata ta' atti bil-miktub f'konnessjoni ma' appelli taht dan l-Att:

Izda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura

Kap. 12. Ċivili.

(9) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-Att.”.

13. (1) Fis-subartikolu (1) ta' l-artikolu 38 ta' l-Att dwar is-Saħħa Mentali, minflok il-kliem “kwalifikata li jkollha, għandha, jew kellha” għandhom jidhlu l-kliem “kwalifikata li jkollha jew kellha”.

Emenda ta' l-Att
dwar is-Saħħa
Mentali, Kap. 262.

(2) Mal-bidu fis-seħħ tas-subartikolu (1) ta' dan l-artikolu kull min f'dak il-waqt ikollu l-kariga ta' mħallef jew maġistrat għandu jtemm milli jkun membru jew *chairman* tat-Tribunal ta' Reviżjoni dwar Saħħa Mentali.

14. L-artikolu 9 ta' l-Att dwar Relazzjonijiet Industrijali, għandu jiġi emendat kif ġej:

Emenda ta' l-Att
dwar Relazzjonijiet
Industrijali, Kap.
266.

(a) fis-subartikolu (6) tiegħu, minflok il-kliem minn “Il-qorti tista' tagħmel”, “tipprovdi” u “tippreskrivi” għandhom jidhlu l-kliem “Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel”, “jipprovdi” u “jippreskrivi” rispettivament, u l-kliem “, id-drittijiet u l-ispejjeż l-oħra li jkollhom jithallsu,” għandhom jithassru;

(b) is-subartikoli (7) u (8) tiegħu għandhom jiġu enumerati mill-ġdid b'hal s-subartikoli (8) u (9) rispettivament; u

(c) minnufih wara s-subartikolu (6) tiegħu għandu jidhol dan is-subartikolu ġdid li ġej:

“(7) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għall-prezentata ta' atti bil-miktub f'konnessjoni ma' appelli taht dan l-artikolu:

Izda sakemm dawk id-drittijiet jiġu hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

Emenda ta' l-Att
dwar l-Għaqdiet
Koperativi, Kap.
278.

15. L-artikolu 110 ta' l-Att dwar l-Għaqdiet Koperativi, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minnufih wara l-kliem “lill-Qorti ta' l-Appell” għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandhom jiżdiedu dawn is-subartikoli godda li ġejjin:

“(3) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-prezentata ta' atti bil-miktub f'konnessjoni ma' appell lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-artikolu:

Izda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(4) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-artikolu.”.

Emenda ta' l-Att
dwar il-Kontroll tal-
Prezzijiet tal-Bini,
Kap. 288.

16. L-Att dwar il-Kontroll tal-Prezzijiet tal-Bini, għandu jiġi emendat kif ġej:

(a) fl-artikolu 10 tiegħu:

(i) minflok il-paragrafu (a) tas-subartikolu (1) tieghu, ghandu jidhol dan li ġej:

“(a) *chairman* li jkun imhalled irtirat jew maġistrat irtirat jew persuna li tkun eserċitat bhala avukat f’Malta ghal perjodu jew perjodi li jammontaw, b’kollox, ghal mhux inqas minn seba’ snin;”;

(ii) fil-proviso gha-subartikolu (2) tieghu minflok il-kelma “maġistrat” kulfejn tinsab ghandha tidhol il-kelma “*chairman*”; u

(iii) minflok is-subartikoli (3) u (4) tieghu ghandu jidhol dan li ġej:

“(3) *Ic-chairman* u l-membri ma ghandhomx jibdew iwettqu d-dmirijiet tal-kariga taghhom qabel ma jiehdu u jiffirmaw gurament quddiem l-Avukat Ġenerali li jaqdu l-funzjonijiet taghhom taht dan l-Att b’imparzjalità u skond il-liġi.

(4) *Ic-chairman* u l-membri tat-Tribunal ghandhom jibqghu fil-kariga ghal perjodu ta’ sentejn u ma jistghux jitnehhew mill-kariga taghhom hlief ghar-ragunijiet u bil-mod kif imhalled jew maġistrat jistghu jitnehhew mill-kariga, lanqas ma ghandha r-rimunerazzjoni taghhom tinbidel bi żvantagg ghalihom filwaqt li jkunu ghadhom fil-kariga.”;

(b) fl-artikolu 13 tieghu:

(i) fis-subartikolu (2) tieghu minnufih wara l-kliem “il-Qorti ta’ l-Appell” ghandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(ii) minnufih wara s-subartikolu (2) tieghu ghandu jżidded dan is-subartikolu li ġej:

“(3) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili jista’ jaghmel regoli, li ma jkunux inkonsistenti ma’ dan l-Att, li jirregolaw appelli lill-Qorti ta’ l-Appell (Kompetenza Inferjuri) taht dan l-Att.”; u Kap. 12.

(c) fl-artikolu 14 minnufih wara l-kliem “tat-Tribunal” ghandhom jidhlu l-kliem “jew tal-Qorti ta’ l-Appell (Kompetenza Inferjuri)”.

(2) Mal-bidu fis-sehh tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu kull min f'dak il-waqt ikollu l-kariga ta' magistrat ghandu jtemm milli jibqa' fil-kariga ta' *chairman* tat-Tribunal ghall-Kontroll ta' Prezzijiet tal-Bini.

Emenda ta' l-Att
dwar is-Sigurtà
Soċjali, Kap. 318.

17. L-artikolu 109 ta' l-Att dwar is-Sigurtà Soċjali, ghandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "lill-Qorti ta' l-Appell" fis-subartikolu (1) tiegħu ghandhom jidhlu l-kliem "(Kompetenza Inferjuri)"; u

(b) minnufih wara s-subartikolu (2) tiegħu ghandhom jiżdiedu dawn is-subartikoli li ġejjin:

"(3) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li ghandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell taht dan l-Att:

Iżda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti mill-Ministru, ghandhom japplikaw id-drittijiet li hemm fl-Kap. 12. Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(4) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-Att."

Emenda ta' l-Att
dwar l-Iżvilupp
Industrijali, Kap.
325.

18. L-artikolu 31 ta' l-Att dwar l-Iżvilupp Industrijali, ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "lill-Qorti ta' l-Appell" ghandhom jidhlu l-kliem "(Kompetenza Inferjuri)";

(b) fis-subartikolu (4) tiegħu l-kliem " u jippreskrivi d-drittijiet li ghandhom jithallsu għal dawk l-appelli" ghandhom jithassru;

(c) is-subartikolu (5) tiegħu ghandu jiġi enumerat mill-ġdid bhala s-subartikolu (6) tiegħu; u

(d) minnufih wara s-subartikolu (4) tiegħu, ghandu jidhol dan is-subartikolu (5) ġdid li ġej:

“(5) Il-Ministru responsabbli għall-gustizzja jista’ b’regolamenti taht dan l-artikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta’ atti bil-miktub f’konnessjoni ma’ appelli lill-Qorti ta’ l-Appell (Kompetenza Inferjuri) taht dan l-Att:

Izda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Kap. 12. Iskeda A li tinsab mal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili.”

19. (1) Fil-paragrafu (a) tas-subartikolu (2) ta’ l-artikolu 42 ta’ l-Att dwar l-Edukazzjoni, minflok il-kliem “li jkun imhalled jew maġistrat” għandhom jidhlu l-kliem “li jkun imhalled irtirat jew maġistrat irtirat jew persuna li tkun eserċitat bhala avukat f’Malta għal perjodu jew perjodi, li b’kollox jammontaw, għal mhux inqas minn seba’ snin”.

Emenda ta’ l-Att
dwar l-Edukazzjoni,
Kap. 327.

(2) Mal-bidu fis-sehh tas-subartikolu (1) ta’ dan l-artikolu persuna li f’dak il-waqt ikollha l-kariga ta’ mhalled jew maġistrat għandha ttejjem milli tkun president tat-Tribunal Skolastiku.

20. (1) L-artikolu 16 A ta’ l-Att dwar ix-Xandir għandu jiġi emendat kif ġej:

Emenda ta’ l-Att
dwar ix-Xandir,
Kap. 350.

Fil-paragrafu (a) tal-proviso li hemm mas-subartikolu (1) tiegħu l-kliem “tal-paragrafi (1) u (4)” għandu jiġi sostitwit bil-kliem “tal-paragrafi (2) u (5)”.

(2) Is-subartikolu (9) ta’ l-artikolu 16 l-Att dwar ix-Xandir, għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bhala l-paragrafu (a) tiegħu;

(b) fil-paragrafu (a) tiegħu kif enumerat mill-ġdid il-kliem “, u li jkunu jippreskrivu d-drittijiet li jithallsu għal dawk l-appelli” għandhom jithassru; u

(ċ) minnufih wara l-paragrafu (a) kif enumerat mill-ġdid għandu jidhol dan il-paragrafu (b) ġdid li ġej:

“(b) Il-Ministru responsabbli għall-gustizzja jista’ b’regolamenti taht dan il-paragrafu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta’ atti bil-miktub f’konnessjoni ma’ appelli taht dan l-artikolu:

Iżda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura

Kap. 12. Ċivili.”.

Emenda ta' l-Att
dwar l-Elezzjonijiet
Ġenerali, Kap. 354.

21. L-artikolu 3 ta' l-Att dwar l-Elezzjonijiet Ġenerali, għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu, u

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandhom jiżdiedu dawn is-subartikoli ġodda li ġejjin:

“(2) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registri tal-qorti tal-Maġistrati (Malta) u fil-Qorti tal-Maġistrati (Għawdex) f'dak li għandu x'jaqsam mal-prezentata ta' appelli u rikorsi lil Uffiċjali Revizuri taht dan l-Att:

Iżda sakemm dawk id-drittijiet jiġu hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda

Kap. 12. A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(3) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli, li ma jkunux inkonsistenti ma' dan l-Att, li jirregolaw appelli u rikorsi lil Uffiċjali Revizuri.”.

Emenda ta' l-Att
dwar l-Ippjanar ta'
l-Iżvilupp, Kap.
356.

22. L-Att dwar l-Ippjanar ta' l-Iżvilupp, għandu jiġi emendat kif ġej:

(a) fis-subartikoli (2) u (10) ta' l-artikolu 15 tiegħu, minnufih wara l-kliem “lill-Qorti ta' l-Appell” għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(b) fit-Tielet Skeda li tinsab miegħu:

(i) fir-regola 8 tagħha, minnufih wara l-kliem “lill-Qorti ta' l-Appell” għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(ii) minnufih wara r-regola 10 tagħha għandu jiżdied dan li ġej:

“11. Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht din ir-regola jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-prezentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-Att:

Izda sakemm dawk id-drittijiet ikunu ġew hekk stabbiliti mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta'

Kap. 12. Organizzazzjoni u Proċedura Ċivili.”.

23. (1) L-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti, għandu jiġi emendat kif ġej:

Emenda ta' l-Att
dwar it-Taxxa fuq
Dokumenti u
Trasferimenti, Kap.
364.

(a) fis-subartikolu (1) ta' l-artikolu 57 tiegħu minflok il-kliem “ikunu maġistrat jew maġistrat irtirat” għandhom jidhlu l-kliem “ikunu persuna li tkun imhalled irtirat jew maġistrat irtirat jew persuna li tkun eserċitat bhala avukat f'Malta għal perjodu jew perjodi li jammontaw, b'kollox, għal mhux inqas minn seba' snin”; u

(b) fl-artikolu 59 tiegħu:

(i) minflok il-kliem “lill-Qorti ta' l-Appell” kulfejn dawn jinsabu fin-nota marginali mal-artikolu u fis-subartikoli (1), (2) u (6) tiegħu, għandhom jidhlu l-kliem “lill-Qorti ta' l-Appell (Kompetenza Inferjuri)”;

(ii) fis-subartikolu (6) tiegħu l-kliem “, u jippreskrivi d-drittijiet li għandhom jithallsu għal dawk l-appelli” għandhom jithassru; u

(iii) minnufih wara s-subartikolu (7) tiegħu għandu jiddied dan is-subartikolu ġdid li ġej:

“(8) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-prezentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-Att:

Izda sakemm ikunu ġew hekk stabbiliti regoli mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

Kap. 12.

(2) Mal-bidu fis-sehh tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu persuni li jkollhom il-kariga ta' magistrat ghandhom itemmu milli jibgghu fil-kariga ta' *chairman* tal-Bord ta' Kummissarji Speċjali ghat-Taxxa fuq Dokumenti u Trasferimenti.

Emenda ta' l-Att
dwar il-Kummerċ
Bankarju, Kap. 371.

24. Minnufih wara s-subartikolu (16) ta' l-artikolu 10 ta' l-Att dwar il-Kummerċ Bankarju, ghandhom jizdedu dawn is-subartikoli li ġejjin:

“(17) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li ghandhom jithallsu fir-registru tal-qorti f'dak li ghandu x'jaqsam mal-prezentata ta' atti bil-miktub konnessi ma' appelli lill-Qorti ta' l-Appell taht dan l-artikolu:

Izda sakemm dawk id-drittijiet jiġu hekk stabbiliti mill-Ministru, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda A li Kap. 12 tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(18) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw appelli lill-Qorti ta' l-Appell taht dan l-artikolu.”

Emenda ta' l-Att
dwar
l-Amministrazzjoni
tat-Taxxa, Kap. 372.

25. L-artikolu 37 ta' l-Att dwar l-Amministrazzjoni tat-Taxxa, ghandu jiġi emendat kif ġej:

(a) fis-subartikoli (1), (2) u (7) tiegħu u fin-nota marginali ta' l-artikolu, minflok il-kliem “Qorti ta' l-Appell” kulfejn jinsabu ghandhom jidhlu l-kliem “Qorti ta' l-Appell (Kompetenza Inferjuri)”; u

(b) minflok is-subartikolu (8) tiegħu ghandu jidhol dan li ġej:

“(8) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li ghandhom jithallsu fir-registru tal-qorti f'dak li ghandu x'jaqsam mal-prezentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-artikolu:

Izda sakemm dawk id-drittijiet jiġu hekk stabbiliti mill-Ministru, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”

26. L-artikolu 22 ta' l-Att dwar l-Affarijiet tal-Konsumatur, ghandu jigi emendat kif ġej:

Emenda ta' l-Att
dwar l-Affarijiet tal-
Konsumatur, Kap.
378.

(a) minflok il-paragrafi (a) u (b) fis-subartikolu (1) tiegħu ghandu jidhol dan li ġej:

“(a) fil-kaz ta' appell mit-Tribunal tal-Konsumaturi (Malta) lill-Qorti ta' l-Appell (Kompetenza Inferjuri) li joqghod f'Malta; u

(b) fil-kaz ta' appell mit-Tribunal tal-Konsumaturi (Għawdex) lill-Qorti ta' l-Appell (Kompetenza Inferjuri) li joqghod f'Għawdex.”;

(b) fis-subartikolu (2) tiegħu minnufih wara l-kliem “l-Qorti ta' l-Appell” ghandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

u

(c) minnufih wara s-subartikolu (2) tiegħu ghandhom jizdiedu dawn is-subartikoli li ġejjin:

“(3) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li ghandhom jithallsu fir-registru tal-qorti għar-rigward tal-prezentata ta' atti bil-miktub f'konnessjoni ma' appell taht dan l-artikolu:

Izda meta ma jkunew għew hekk stabbiliti ebda drittijiet bħal dawk, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda

Kap. 12. A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(4) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw appelli taht dan l-artikolu.”.

27. (1) L-Att dwar Tribunal għal Talbiet Żgħar, ghandu jigi emendat kif ġej:

Emenda ta' l-Att
dwar Tribunal għal
Talbiet Żgħar, Kap.
380.

(a) fis-subartikoli (2), (3) u (5) ta' l-artikolu 3 tiegħu, minflok il-kliem “l-mitejn u hamsin lira Maltija” kull fejn dawn jinsabu ghandhom jidhlu l-kliem “l-elf u hames mitt lira Maltija”;

(b) l-artikolu 4 tiegħu ghandu jigi emendat kif ġej:

(i) is-subartikolu (2) tiegħu ghandu jigi sostitwit b'dan is-subartikolu gdid li ġej:

“(2) Il-Ġudikaturi jinhatru mill-President li jaġixxi skond il-parir tal-Prim Ministru. Hadd ma jkun kwalifikat jinhatar Ġudikatur kemm-il darba ma jkunx ipprattika bhala avukat f'Malta ghal perjodu jew perjodi li b'kollox jammontaw ghal mhux inqas minn seba' snin.”; u

(ii) minflok is-subartikoli (4), (5) u (6) tieghu ghandhom jidhlu dawn is-subartikoli godda li ġejjin:

(4) (a) Il-Ġudikaturi jirċievu dik ir-rimunerazzjoni li l-Prim Ministru jista' b'avviż fil-Gazzetta jistabilixxi u dik ir-rimunerazzjoni ghandha tkun spiza fuq il-Fond Konsolidat; dik ir-rimunerazzjoni m'għandhiex matul iż-żmien li Ġudikatur ikun fil-kariga tiġi mibdula bi żvantagġ tieghu.

(b) Matul iż-żmien tal-hatra tagħhom, il-Ġudikaturi għandhom ikunu prekluzi mill-eżerċizzju tal-professjoni tagħhom f'kazijiet quddiem it-Tribunal.

(5) Il-Ġudikaturi jinhatru għal żmien hames snin u, meta jiskadilhom iż-żmien, ma jkunux eliġibbli biex jergġhu jiġu mahtura:

Iżda jekk il-kariga ta' Ġudikatur tkun vakanti jew jekk il-Ġudikatur ma jkunx jista' jwettaq il-funzjonijiet tal-kariga tieghu, għaldaqshekk, sakemm ikun ġie mahtur xi hadd iehor li jiehu x-xogħol ta' dik il-kariga, dawk il-funzjonijiet għandhom isiru minn xi Ġudikatur iehor li jkun fil-kariga jew minn xi hadd iehor li jkun kwalifikat li jinhatar bhala Ġudikatur hekk kif jista' jiġi mahtur biex jaġixxi bhala Ġudikatur mill-President li jaġixxi skond il-parir tal-Prim Ministru. Dik il-persuna għandha tkompli hekk tagħmilha ta' Ġudikatur għall-perjodu kollu li jiġi mahtur għalih jew, jekk tali perjodu ma jiġix specificat, sakemm tiġi revokata l-hatra tieghu mill-President li jaġixxi skond il-parir tal-Prim Ministru.

(6) Fl-eżerċizzju tal-funzjonijiet tieghu taht dan l-Att, Ġudikatur ma jkunx sugġett għall-kontroll jew id-direzzjoni ta' xi persuna jew awtorità oħra. Ġudikatur ma jistax jitnehha mill-kariga tieghu hlief bil-mod u għar-raġunijiet li hemm provdut dwarhom fl-artikolu 97(2) tal-Kostituzzjoni, u kull liġi jew regolament li jsir b'mod konformi ma' l-artikolu 97(3) tal-Kostituzzjoni għall-finijiet ta' l-artikolu 97(2) tagħha għandhom ikunu

japplikaw *mutatis mutandis* għall-proċedura ta' ghemil ta' indirizz u ta' l-investigazzjoni u l-prova ta' l-inkapaċità jew mgieba hażina ta' Ġudikatur taht id-dispożizzjonijiet ta' dan l-artikolu.”;

(ċ) minflok l-artikolu 5 tiegħu għandu jidhol dan l-artikolu gdid li ġej:

“Astensjoni
jew rikuża
ta'
Ġudikaturi.

5. Id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili li għandhom x'jaqsmu ma' l-astensjonijiet minn, u r-rikużi ta', maġistrat, u għas-surroga u t-tqassim ta' dmirijiet fost il-maġistrati għandhom, *mutatis mutandis*, japplikaw għal Ġudikaturi. Kodiċi ta' Etika li jkun japplika għall-Maġistrati għandu jkun japplika wkoll għall-Ġudikaturi.”; u

(d) fil-proviso għas-subartikolu (2) ta' l-artikolu 10 tiegħu, minflok il-kliem “Izda f'ebda każ ma għandu jiġi” għandhom jidhlu l-kliem “Izda f'ebda każ fejn il-valur tat-talba ma jkunx jissupera l-mitejn u hamsin lira ma għandu jiġi”.

(2) Mal-bidu fis-sehħ tas-subartikolu (1) ta' dan l-artikolu kull persuna li qabel dik id-data kienet tokkupa l-kariga ta' Ġudikatur għandha ttemm milli tibqa' f' dik il-kariga jekk ma jkollhiex il-kwalifiki msemmija fis-subartikolu (2) ta' l-artikolu 4 ta' l-Att dwar Tribunal għal Talbiet Żgħar, kif emendat b'dan l-Att, u dawk il-persuni li jkollhom dawk il-kwalifiki jitqiesu, għall-finijiet tas-subartikolu (5) ta' l-istess artikolu, li ġew mahtura fid-data tal-bidu fis-sehħ tas-subartikolu (1) ta' dan l-artikolu.

28. Minnufih wara s-subartikolu (2) ta' l-artikolu 12 ta' l-Att dwar Kumpanniji Kontrollati (Proċedura ta' Stralċ), għandhom jiżdedu dawn is-subartikoli li ġejjin:

Emenda ta' l-Att
dwar Kumpanniji
Kontrollati
(Proċedura ta'
Stralċ), Kap. 383.

“(3) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu għar-rigward tal-preżentata ta' atti bil-miktub fir-registru tal-qorti f'konnessjoni ma' appelli lill-Qorti ta' l-Appell taht dan l-Att:

Izda sakemm isiru regolamenti bhal dawk mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kap. 12. Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(4) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel Regoli tal-Qrati li jirregolaw appelli lill-Qorti ta' l-Appell taht dan l-Att.”.

Emenda ta' l-Att
biex jirregola t-
Telekomunikazzjoni,
Kap. 399.

29. (1) Fis-subartikolu (9) ta' l-artikolu 19 ta' l-Att biex Jirregola t-Telekomunikazzjoni, l-kliem “subartikolu (7)” għandu jiġi sostitwit bil-kliem “subartikolu (8)”.

(2) L-artikolu 37 ta' l-Att biex jirregola t-Telekomunikazzjoni, għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1) tiegħu, u minnufih wara l-kliem “il-Qorti ta' l-Appell” f'dak is-subartikolu għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(b) minnufih wara s-subartikolu (1) tiegħu għandhom jiżdiedu dawn is-subartikoli li ġejjin:

“(2) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta' atti bil-miktub f'konnessjoni ma' appell taht dan l-artikolu:

Izda sakemm jiġu stabbiliti dawk id-drittijiet, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(3) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel Regoli tal-Qrati li jirregolaw l-appelli lill-Qorti ta' l-Appell taht dan l-artikolu.”.

Emenda ta' l-Att
dwar Taxxa fuq il-
Valur Miżjud, Kap.
406.

30. L-artikolu 47 ta' l-Att dwar Taxxa fuq il-Valur Miżjud, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minnufih wara l-kliem “il-Qorti ta' l-Appell” għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”;

(b) fis-subartikolu (2) tiegħu l-kliem “u jippreskrivi d-drittijiet li għandhom jithallsu dwar kull appell” għandhom jithassru; u

(c) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied dan is-subartikolu li ġej:

“(3) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-Att:

Izda sakemm jiġu stabbiliti dawk id-drittijiet mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda
 Kap. 12. A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

31. (1) Fis-subartikolu (4) ta' l-artikolu 3 ta' l-Att dwar Atti Nutarili (Provvedimenti Temporani), minflok il-kliem “mhallef jew maġistrat” kulfejn dawn jinsabu għandhom jidhlu l-kliem “mhallef irtirat jew maġistrat irtirat”.

Emenda ta' l-Att dwar Atti Nutarili (Provvedimenti Temporani), Kap. 408.

(2) Mal-bidu fis-sehh tas-subartikolu (1) ta' dan l-artikolu, kull min ikollu l-kariga ta' mhallef jew maġistrat għandu jtemm milli jibqa' Kummissarju Speċjali għall-Atti Nutarili.

32. L-artikolu 14 ta' l-Att dwar Servizzi ta' l-Ivvjaġġar u tat-Turiżmu għal Malta, għandu jiġi emendat kif ġej:

Emenda ta' l-Att dwar Servizzi ta' l-Ivvjaġġar u tat-Turiżmu għal Malta, Kap. 409.

(a) fis-subartikoli (2) u (9) tiegħu minnufih wara l-kliem “il-Qorti ta' l-Appell” kulfejn dawn jinsabu għandhom jidhlu l-kliem “(Kompetenza Inferjuri)”; u

(b) minnufih wara s-subartikolu (9) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:

“(10) Il-Ministru responsabbli għall-gustizzja jista' b'regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-registru tal-qorti għar-rigward tal-preżentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti ta' l-Appell (Kompetenza Inferjuri) taht dan l-artikolu:

Izda sakemm jiġu stabbiliti dawk id-drittijiet mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda
 Kap. 12. A li tinsab mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

33. Minnufih wara s-subartikolu (2) ta' l-artikolu 26 ta' l-Att dwar is-Sekwestru u l-Kustodja ta' Minuri, għandu jiżdied dan is-subartikolu ġdid li ġej:

Emenda ta' l-Att dwar is-Sekwestru u l-Kustodja ta' Minuri, Kap. 410.

“(3) Il-Ministru responsabbli għall-gustizzja jista’ b’regolamenti taht dan is-subartikolu jistabbilixxi d-drittijiet li għandhom jithallsu fir-reġistru tal-qorti għar-rigward tal-preżentata ta’ atti bil-miktub f’konnessjoni ma’ xi proċedura taht din it-Taqsima ta’ dan l-Att:

Izda sakemm jiġu hekk stabbiliti dawk id-drittijiet mill-Ministru, għandhom japplikaw id-drittijiet li hemm fl-Iskeda A li
Kap. 12. tinsab mal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili.”.

Emenda ta’ l-Att ta’
l-2000 dwar id-
Drittijiet ta’ l-
Awtur, Att Nru.
XIII ta’ l-2000.

34. Fis-subartikolu (3) ta’ l-artikolu 49 ta’ l-Att ta’ l-2000 dwar id-Drittijiet ta’ l-Awtur, minflok il-kelma “Ministru” għandhom jidhlu l-kliem “Ministru responsabbli għall-gustizzja”.

Dispożizzjoni
transitorja.

35. Kull Qorti jew Tribunal li kellha kompetenza li tisma’ u taqta’ xi kawża qabel id-dhul fis-sehh ta’ dan l-Att għandha ma’ dak id-dhul fis-sehh iżżomm dik il-kompetenza dwar kawżi li jkunu nbew quddiemha qabel id-dhul fis-sehh ta’ dan l-Att.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 492 tat-13 ta’ Frar, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

23rd February, 2001

ACT No. VI of 2001

AN ACT to amend various laws in relation to the composition of various boards and in relation to the jurisdiction of various courts and tribunals and appeals from decisions thereof, and making provisions incidental or consequent 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 title of this Act is the Legal Procedures Act, 2001, and shall come into force on such date as the Minister responsible for justice may by order in the Gazette establish, and various dates may be so established for different provisions and different purposes thereof.

Short title and commencement.

2. In subarticle (1) of article 417 of the Criminal Code for the words “he receives the record.” there shall be substituted the words “he receives the record:” and immediately thereafter there shall be added the following proviso:

Amendment of the Criminal Code, Cap. 9.

“Provided that in the case of an appeal from a judgment of the Court of Magistrates (Gozo) the application of appeal may be filed in the registry of that Court and transmitted through the registrar to the registry of the Court of Criminal Appeal together

with a copy of the judgment, the record of the proceedings and the notes of the depositions, if any, unless these have already been so transmitted in pursuance of the provisions of subarticle (2) of article 414; and provided also that in any case of an appeal from such a judgment as aforesaid, all acts subsequent to the application of appeal, whether such application was filed as aforesaid or in the registry of the Court of Criminal Appeal, may also be filed in the Court of Magistrates (Gozo) and transmitted to the registry of the Court of Criminal Appeal as aforesaid.”.

Amendment of the Code of Organization and Civil Procedure, Cap. 12.

3. The Code of Organization and Civil Procedure shall be amended as follows:

(a) in article 41 thereof:

(i) in subarticle (6) thereof, immediately after the words “shall be deemed to be a member of such court.” there shall be added the words “The Court of Appeal as constituted under this subarticle may also be referred to as the Court of Appeal (Inferior Jurisdiction).”; and

(ii) in subarticle (7) thereof, immediately after the words “in its inferior jurisdiction” there shall be inserted the words “or from judgments or decisions of any board or tribunal delivered by such board or tribunal when sitting in Gozo”; and

(b) in articles 47 and 48 thereof for the words “one thousand liri” wherever they appear, there shall be substituted the words “five thousand liri”.

Amendment of the Medical and Kindred Professions Ordinance, Cap. 31.

4. Article 113 of the Medical and Kindred Professions Ordinance shall be amended as follows:

(a) in subarticle (5) thereof, the words “and prescribing the fees to be paid on such appeals” shall be deleted;

(b) subarticles (6) to (10) thereof shall be renumbered as subarticles (7) to (11) respectively; and

(c) immediately after subarticle (5) thereof, there shall be inserted the following new subarticle (6):

“(6) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the court for the filing of judicial acts to the Court of Appeal under this Act:

Cap. 12. Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

5. The Antiquities (Protection) Act shall be amended as follows: Amendment of the Antiquities (Protection) Act, Cap. 54.

(a) in article 5 thereof:

(i) immediately after the words “Court of Appeal” in subarticle (2) thereof there shall be inserted the words “(Inferior Jurisdiction)”; and

(ii) immediately after subarticle (7) thereof there shall be added the following subarticles:

“(8) The Minister responsible for justice may by regulations under this subarticle establish fees payable in the registry of the court for the filing of judicial acts under this article in the Court of Appeal (Inferior Jurisdiction):

Cap. 12. Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

(9) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing applications under this article.”; and

(b) in article 16 thereof -

(i) immediately after the words “Court of Appeal” in subarticle (1) thereof, there shall be inserted the words “(Inferior Jurisdiction)”; and

(ii) for subarticle (3) thereof there shall be substituted the following:

“(3) Subarticles (8) and (9) of article 5 shall apply also with regard to applications made under this article.”.

6. (1) The Notarial Profession and Notarial Archives Act shall be amended as follows: Amendment of the Notarial Profession and Notarial Archives Act, Cap. 55.

(a) in article 110 thereof:

(i) in subarticle (2) thereof, for the words “the Judges of the Superior Courts, the magistrates” there shall be substituted the words “retired Judges of the Superior Courts, retired magistrates”; and

(ii) for the words “a judge or a magistrate” in subarticle (3) thereof, there shall be substituted the words “a retired judge or a retired magistrate”;

(b) in article 112 thereof immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”; and

(c) immediately after article 112 thereof there shall be added the following new article:

“Procedures
and fees.

112A. (1) The Minister responsible for justice may by regulations under this subarticle establish the fees payable to the registry of the Court of Appeal (Inferior Jurisdiction) for the filing of judicial acts under article 112 of this Act:

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

(2) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing applications under article 112 of this Act.”.

(2) Upon the coming into force of paragraph (a) of subarticle (1) of this article any person who holds the office of judge or magistrate shall cease to be a visitor of notarial acts.

Amendment of the
Traffic
Regulation
Ordinance,
Cap. 65.

7. Article 14 of the Traffic Regulation Ordinance shall be amended as follows:

(a) in subarticle (3) thereof immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”; and

(b) immediately after subarticle (3) thereof there shall be inserted the following new subarticles:

“(3A) The Minister responsible for justice may by regulations establish the fees payable in the registry of the courts for the filing of judicial acts under this Ordinance:

Cap. 12. Provided that until such fees are so established by the Minister, the fees contained in the Code of Organization and Civil Procedure shall apply.

(3B) The board established under article 29 of the Code of Organization and Civil Procedure may make rules, not inconsistent with this Ordinance, governing appeals under this article.”.

8. The Reletting of Urban Property (Regulation) Ordinance shall be amended as follows:

Amendment of the Reletting of Urban Property (Regulation) Ordinance, Cap. 69.

(a) for article 29 thereof, there shall be substituted the following:

“Application to be accompanied by registry fees. 29. On the filing of each application there shall be paid a registry fee as established in accordance with article 39 of this Act.”; and

(b) in article 39 thereof:

(i) in paragraph (a) thereof, for the words from “the Panel provided that” to the words “of the Government; and” there shall be substituted the words “the Panel;”;

(ii) in paragraph (b) thereof for the words “before the board.” there shall be substituted the words “before the board; and”;

(iii) immediately after paragraph (b) thereof there shall be added the following new paragraph:

“(c) the registry fees payable on the filing of any judicial act:

Cap. 12. Provided that until such fees are so prescribed by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

9. For subarticles (2) and (3) of article 35 of the Land Acquisition (Public Purposes) Ordinance there shall be substituted the following:

Amendment to the Land Acquisition (Public Purposes) Ordinance, Cap. 88.

“(2) Without prejudice to the generality of subarticle (1) of this article, the Minister responsible for justice may by notice prescribe:

(a) the fees payable to the members of the Panel;

(b) the fees due to advocates and legal procurators for any proceedings before or in connection with the board; and

(c) the fees payable to the registry of the board:

Cap. 12. Provided that until fees are prescribed by the Minister under paragraphs (b) and (c) hereof, the fees established in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

Amendment of the Developed Land (Valuation) Ordinance, Cap. 110.

10. (1) For subarticle (1) of article 9 of the Developed Land (Valuation) Ordinance there shall be substituted the following:

“(1) The President of Malta may appoint one or more Boards of Special Commissioners for Land Valuation, each board consisting of three members of whom one, who shall be a retired judge or a retired magistrate or a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to seven years, shall be chairman. Before entering upon their duties the chairman and members shall take and subscribe an oath, before the Attorney General, to exercise their functions under this Act with impartiality and in accordance with the law.”.

(2) Upon the coming into force of subarticle (1) of this article any person who then holds the office of judge or magistrate shall cease to be a member or chairman of the Board of Special Commissioners for Land Valuation.

Amendment of the Agricultural Leases (Reletting) Act, Cap. 199.

11. The Agricultural Leases (Reletting) Act shall be amended as follows:

(a) the proviso to article 17 thereof shall be deleted;

(b) immediately at the end of subarticle (1) of article 19 thereof, there shall be added the following proviso:

Cap. 12. “Provided that until fees are prescribed in terms of paragraphs (c), (d) or (e) of this subarticle, the fees established in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

Amendment of the Post Office Act, Cap. 254.

12. Paragraph 4 of the Second Schedule to the Post Office Act shall be amended as follows:

(a) in subparagraphs (6) and (7) thereof immediately after the words "Court of Appeal" wherever they appear, there shall be inserted the words "(Inferior Jurisdiction)"; and

(b) immediately after subparagraph (7) thereof there shall be added the following subparagraphs:

"(8) The Minister responsible for justice may by regulations under this paragraph establish the fees payable in the registry of the courts in connection with the filing of written pleadings in connection with appeals under this Act:

Provided that until such fees have been so established by the Minister, the fees established in Schedule A to the Code of Organization and Civil Procedure shall apply.

(9) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal (Inferior Jurisdiction) under this Act."

13. (1) In subarticle (1) of article 38 of the Mental Health Act, for the words "qualified to hold, holds, or has held" there shall be substituted the words "qualified to hold or has held".

Amendment of the Mental Health Act, Cap. 262.

(2) Upon the coming into force of subarticle (1) of this article any person who then holds the office of judge or magistrate shall cease to be a member or chairman of the Mental Health Review Tribunal.

14. Article 9 of the Industrial Relations Act shall be amended as follows:

Amendment of the Industrial Relations Act, Cap. 266.

(a) in subarticle (6) thereof, for the words "The court" there shall be substituted the words "The board established under article 29 of the Code of Organization and Civil Procedure" and the words ", the fees and other costs to be paid," shall be deleted;

(b) subarticles (7) and (8) thereof shall be renumbered as subarticles (8) and (9) respectively; and

(c) immediately after subarticle (6) thereof there shall be inserted the following subarticle:

"(7) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the court for the filing of judicial acts in connection with appeals under this article:

Provided that until such fees are so established by the
Cap. 12. Minister, the fees established in Schedule A to the Code of
Organization and Civil Procedure shall apply.”.

Amendment of the
Co-Operative
Societies Act, Cap.
278.

15. Article 110 of the Co-Operative Societies Act shall be
amended as follows:

(a) in subarticle (1) thereof immediately after the words
“Court of Appeal” there shall be inserted the words “(Inferior
Jurisdiction)”; and

(b) immediately after subarticle (2) thereof there shall be
added the following new subarticles:

“(3) The Minister responsible for justice may by
regulations under this subarticle establish the fees payable in
the registry of the court relative to the filing of any written
pleading in connection with a reference to the Court of Appeal
(Inferior Jurisdiction) under this article:

Provided that until such fees have been so established
by the Minister, the fees contained in Schedule A to the Code
Cap. 12. of Organization and Civil Procedure shall apply.

(4) The board established under article 29 of the Code
of Organization and Civil Procedure may make rules
governing references to the Court of Appeal (Inferior
Jurisdiction) under this article.”.

Amendment of the
Building
(Price Control) Act,
Cap. 288.

16. (1) The Building (Price Control) Act shall be amended as
follows:

(a) in article 10 thereof:

(i) for paragraph (a) of subarticle (1) thereof, there shall
be substituted the following:

“(a) a chairman who shall be a retired judge or a
retired magistrate or a person who has practiced as an
advocate in Malta for a period or periods amounting, in
the aggregate, to not less than seven years;”;

(ii) in the proviso to subarticle (2) thereof for the word
“magistrate” wherever it occurs there shall be substituted the
word “chairman”; and

(iii) for subarticles (3) and (4) thereof there shall be substituted the following:

“(3) The chairman and members shall not enter upon the duties of their office before they take and subscribe an oath before the Attorney General to exercise their functions under this Act with impartiality and in accordance with the law.

(4) The chairman and members of the Tribunal shall hold office for a period of two years and may not be removed from office except for the grounds and in the manner that a judge or magistrate may be removed from office, nor shall their remuneration be altered to their disadvantage during their tenure of office.”;

(b) in article 13 thereof:

(i) in subarticle (2) thereof immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”;

(ii) immediately after subarticle (2) thereof there shall be added the following subarticle:

Cap. 12. “(3) The board established under article 29 of the Code of Organization and Civil Procedure may make rules, not inconsistent with this Act, governing appeals to the Court of Appeal (Inferior Jurisdiction) under this Act.”; and

(c) in article 14 thereof immediately after the words “of the Tribunal” there shall be inserted the words “or of the Court of Appeal (Inferior Jurisdiction)”.

(2) Upon the coming into force of paragraph (a) of subarticle (1) of this article any person who then holds the office of magistrate shall cease to hold office of chairman of the Building Price Control Tribunal.

17. Article 109 of the Social Security Act shall be amended as follows:

(a) immediately after the words “Court of Appeal” in subarticle (1) thereof there shall be inserted the words “(Inferior Jurisdiction)”;

Amendment to the
Social
Security Act, Cap.
318.

(b) immediately after subarticle (2) thereof there shall be added the following subarticles:

“(3) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the courts relative to the filing of judicial acts in connection with appeals to the Court of Appeal under this Act:

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of
Cap. 12. Organization and Civil Procedure shall apply.

(4) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal (Inferior Jurisdiction) under this Act.”.

Amendment of the
Industrial
Development Act,
Cap. 325.

18. Article 31 of the Industrial Development Act shall be amended as follows:

(a) in subarticle (1) thereof immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”;

(b) in subarticle (4) thereof the words “, and prescribing the fees to be paid on such appeals” shall be deleted;

(c) subarticle (5) thereof, shall be renumbered as subarticle (6) thereof; and

(d) immediately after subarticle (4) thereof, there shall be inserted the following new subarticle (5):

“(5) The Minister responsible for justice may by regulations under this article establish the fees payable in the registry of the courts relative to the filing of judicial acts in connection with appeals to the Court of Appeal (Inferior Jurisdiction) under this Act:

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of
Cap. 12. Organization and Civil Procedure shall apply.”.

Amendment of the
Education Act, Cap.
327.

19. (1) In paragraph (a) of subarticle (2) of article 42 of the Education Act, for the words “shall be a judge or magistrate” there shall be substituted the words “shall be a retired judge or a retired

magistrate or a person who has practiced as an advocate in Malta for a period or periods, amounting in the aggregate, to not less than seven years”.

(2) Upon the coming into force of subarticle (1) of this article any person who then holds the office of judge or magistrate shall cease to be president of the Scholastic Tribunal.

20. (1) Article 16A of the Broadcasting Act shall be amended as follows: Amendment of the
Broadcasting Act,
Cap. 350.

In paragraph (a) of the proviso to subarticle (1) thereof the words “paragraphs (1) and (4)” shall be substituted by the words “paragraphs (2) and (5)”.

(2) Subarticle (9) of article 16 of the Broadcasting Act shall be amended as follows:

(a) the present provision shall be renumbered as paragraph (a) thereof;

(b) in paragraph (a) thereof as renumbered the words “, and prescribing the fees to be paid on such appeals” shall be deleted; and

(c) immediately after paragraph (a) thereof as renumbered, there shall be added the following new paragraph (b):

“(b) The Minister responsible for justice may by regulations under this paragraph establish the fees payable in the registry of the Court relative to the filing of judicial acts in connection with appeals under this article:

Cap. 12. Provided that until such fees are so established, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

21. Article 3 of the General Elections Act shall be amended as follows: Amendment of the
General
Elections Act, Cap.
354.

(a) the present provision shall be renumbered as subarticle (1) thereof, and

(b) immediately after subarticle (1) thereof as renumbered there shall be added the following new subarticles:

“(2) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registries of the Courts of Magistrates (Malta) and the Court of Magistrates (Gozo) in connection with the filing of appeals and applications to Revising Officers under this Act:

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of
Cap. 12. Organization and Civil Procedure shall apply.

(3) The board established under article 29 of the Code of Organization and Civil Procedure may make rules, not inconsistent with this Act, governing appeals and applications to Revising Officers.”.

Amendment of the
Development
Planning Act, Cap.
356.

22. The Development Planning Act shall be amended as follows:

(a) in subarticles (2) and (10) of article 15 thereof, immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”; and

(b) in the Third Schedule thereto:

(i) in rule 8 thereof, immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”; and

(ii) immediately after rule 10 therein there shall be added the following:

“11. The Minister responsible for justice may by regulations made under this rule establish fees payable in the registry of the courts in relation to the filing of judicial acts in connection with appeals before the Court of Appeal (Inferior Jurisdiction) under this Act:

Provided that until such fees have been so established by the Minister, the fees contained in
Cap. 12. Schedule A to the Code of Organization and Civil Procedure shall apply.”.

Amendment of the
Duty on Documents
and Transfers Act,
Cap. 364.

23. (1) The Duty on Documents and Transfers Act shall be amended as follows:

(a) in subarticle (1) of article 57 thereof for the words “a magistrate or a retired magistrate” there shall be substituted the words “a person who is a retired judge or a retired magistrate or a

person who has practiced as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than seven years”; and

(b) in article 59 thereof:

(i) for the words “Courts of Appeal” wherever they appear in the marginal note thereto and in subarticles (1), (2) and (6) thereof, there shall be substituted the words “Court of Appeal (Inferior Jurisdiction)”;

(ii) in subarticle (6) thereof the words “, and prescribing the fees to be paid on such appeals” shall be deleted; and

(iii) immediately after subarticle (7) thereof there shall be added the following new subarticle:

“(8) The Minister responsible for justice may by regulations under this subarticles establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with an appeal to the Court of Appeal (Inferior Jurisdiction) under this Act:

Provided that until rules are so established by the
 Cap. 12. Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

(2) Upon the coming into force of paragraph (a) of subarticle (1) of this article any persons who holds the office of magistrate shall cease to hold office of chairman of the Board of Special Commissioners for Duty on Documents and Transfers.

24. Immediately after subarticle (16) of article 10 of the Banking Act there shall be added the following subarticles: Amendment of the Banking Act, Cap. 371.

“(17) The Minister responsible for justice may by regulations made under this subarticle establish the fees payable in the registry of the court in relation to the filing of judicial acts in connection with appeals to the Court of Appeal under this article:

Provided that until such fees are so established by the
 Cap. 12. Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

(18) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal under this article.”.

Amendment of the
Income
Tax Management
Act,
Cap. 372.

25. Article 37 of the Income Tax Management Act shall be amended as follows:

(a) in subarticles (1), (2) and (7) thereof and in the marginal note thereto, for the words “Court of Appeal” wherever they appear there shall be substituted the words “Court of Appeal (Inferior Jurisdiction)”; and

(b) for subarticle (8) thereof there shall be substituted the following:

“(8) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with an appeal to the Court of Appeal (Inferior Jurisdiction) under this article:

Provided that until such fees have been so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”

Amendment of the
Consumer
Affairs Act, Cap.
378.

26. Article 22 of the Consumer Affairs Act shall be amended as follows:

(a) for paragraphs (a) and (b) in subarticle (1) thereof, there shall be substituted the following:

“(a) in the case of an appeal from the Consumer Claims Tribunal (Malta) to the Court of Appeal (Inferior Jurisdiction) sitting in Malta; and

(b) in the case of an appeal from the Consumer Claims Tribunal (Gozo) to the Court of Appeal (Inferior Jurisdiction) sitting in Gozo.”;

(b) in subarticle (2) thereof immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”; and

(c) immediately after subarticle (2) thereof there shall be added the following subarticles:

“(3) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with an appeal under this article:

Provided that where no such fees have been so established the fees contained in Schedule A to the Code of Cap. 12. Organization and Civil Procedure shall apply.

(4) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing appeals under this article.”.

27. (1) The Small Claims Tribunal Act shall be amended as follows:

Amendment of the
Small
Claims Tribunal
Act,
Cap. 380.

(a) in subarticles (2), (3) and (5) of article 3 thereof, for the words “two hundred and fifty Maltese Liri” wherever they appear there shall be substituted the words “one thousand five hundred Maltese liri”;

(b) article 4 thereof shall be amended as follows:–

(i) subarticle (2) thereof shall be substituted by the following new subarticle:

“(2) Adjudicators shall be appointed by the President acting in accordance with the advice of the Prime Minister. A person shall not be qualified to be appointed as Adjudicator unless he has practised as an advocate in Malta for a period or periods amounting in the aggregate to not less than seven years.”; and

(ii) subarticles (4), (5) and (6) thereof shall be substituted by the following new subarticles:

“(4) (a) Adjudicators shall receive such remuneration as the Prime Minister may by notice in the Gazette determine and such remunerations shall be a charge on the Consolidated Fund; such remuneration shall not during the tenure of office of an Adjudicator be altered to his disadvantage.

(b) During the term of their appointment, Adjudicators shall be precluded from the exercise of their profession in cases before the Tribunal.

(5) Adjudicators shall be appointed for a term of five years and, on the lapse of their term, they shall not be eligible for re-appointment:

Provided that if the office of Adjudicator is vacant or if the Adjudicator is unable to perform the functions

of his office, then, until a person has been appointed and has assumed the functions of that office, then, until a person has been appointed and has assumed the functions of that office, those functions shall be performed by any other Adjudicator in office or by such other person qualified for appointment as Adjudicator as may be appointed to act as Adjudicator by the President acting in accordance with the advice of the Prime Minister. Such person shall continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President acting in accordance with the advice of the Prime Minister.

(6) In the exercise of his functions under this Act, an Adjudicator shall not be subject to the control or direction of any other person or authority. An Adjudicator may not be removed from office except in the manner and for the reasons provided for in article 97(2) of the Constitution, and any law or regulation made pursuant to article 97(3) of the Constitution for the purposes of article 97(2) thereof shall apply *mutatis mutandis* to the procedure for the presentation of an address and for the investigation and proof of the inability or misbehaviour of an Adjudicator under the provisions of this article.”;

(c) article 5 thereof shall be substituted by the following new article:

“Abstention or challenge of Adjudicators.

5. The provisions of the Code of Organization and Civil Procedure relative to abstentions by and challenges to a magistrate, and to the subrogation of and the distribution of duties amongst magistrates shall, *mutatis mutandis*, apply to Adjudicators. Any Code of Ethics applicable to Magistrates shall also apply to Adjudicators.”; and

(d) in the proviso to subarticle (2) of article 10 thereof for the words “Provided that in no case shall costs be awarded” there shall be substituted the words “Provided that in no case where the value of the claim does not exceed two hundred and fifty liri shall costs be awarded”.

(2) Upon the coming into force of subarticle (1) of this article every person who before such date held the office of Adjudicator shall cease to hold such post if such person is not qualified as provided in subarticle (2) of article 4 of the Small Claims Tribunal Act, as amended by this Act, and those persons who are so qualified

shall be deemed, for the purposes of subarticle (5) of the said article, to have been appointed on the date of the coming into force of subarticle (1) of this article.

28. Immediately after subarticle (2) of article 12 of the Controlled Companies (Procedure for Liquidation) Act there shall be added the following subarticles:

Amendment of the Controlled Companies (Procedure for Liquidation) Act, Cap. 383.

“(3) The Minister responsible for justice may by regulations under this subarticle establish fees relative to the filing of judicial acts in the registry of the court in connection with appeals to the Court of Appeal under this Act:

Cap. 12. Provided that until such time as regulations are so made by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

(4) The board established under article 29 of the Code of Organization and Civil Procedure may make Rules of Court governing appeals to the Court of Appeal under this Act.”

29. (1) In subarticle (9) of article 19 of the Telecommunications (Regulation) Act the words “subarticle (7)” shall be substituted by the words “subarticle (8)”.

Amendment of the Telecommunications (Regulation) Act, Cap. 399.

(2) Article 37 of the Telecommunications (Regulation) Act shall be amended as follows:

(a) the present provision shall be renumbered as subarticle (1) thereof, and immediately after the words “Court of Appeal” therein, there shall be inserted the words “(Inferior Jurisdiction)”; and

(b) immediately after subarticle (1) thereof, there shall be added the following subarticles:

“(2) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the court in relation to the filing of judicial acts in connection with appeals under this article:

Cap. 12. Provided that until such fees are so established, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

(3) The board established under article 29 of the Code of Organization and Civil Procedure may make Rules of Court

governing appeals to the Court of Appeal under this article.”.

Amendment of the
Value
Added Tax Act,
Cap. 406.

30. Article 47 of the Value Added Tax Act shall be amended as follows:

(a) in subarticle (1) thereof immediately after the words “Court of Appeal” there shall be inserted the words “(Inferior Jurisdiction)”;

(b) in subarticle (2) thereof, the words “and prescribing the fees to be paid on such appeals” shall be deleted; and

(c) immediately after subarticle (2) thereof there shall be added the following subarticle:

“(3) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the court in relation to the filing of judicial acts in connection with appeals to the Court of Appeal (Inferior Jurisdiction) under this Act:

Provided that until fees are so established by the Minister,
Cap. 12. the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”.

Amendment of the
Notarial Acts
(Temporary
Provisions) Act,
Cap. 408.

31. (1) In subarticle (4) of article 3 of the Notarial Acts (Temporary Provisions) Act, for the words “ a judge or magistrate” wherever they appear, there shall be substituted the words “a retired judge or a retired magistrate”.

(2) Upon the coming into force of subarticle (1) of this article, any person who holds the office of judge or magistrate shall cease to be a Special Commissioner for Notarial Acts.

Amendment of the
Malta Travel
and Tourism
Services Act,
Cap. 409.

32. Article 14 of the Malta Travel and Tourism Services Act shall be amended as follows:

(a) in subarticle (2) and (9) thereof immediately after the words “Court of Appeal” wherever they appear there shall be inserted the words “(Inferior Jurisdiction)”;

(b) immediately after subarticle (9) thereof there shall be added the following new subarticle:

“(10) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the court in relation to the filing of judicial

acts in connection with appeals to the Court of Appeal (Inferior Jurisdiction) under this article:

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.”

33. Immediately after subarticle (2) of article 26 of the Child Abduction and Custody Act there shall be added the following new subarticle:

Amendment of the Child Abduction and Custody Act, Cap. 410.

“(3) The Minister responsible for justice may by regulations under this subarticle establish the fees payable in the registry of the courts in relation to the filing of judicial acts in connection with any procedure under this Part of this Act:

Provided that until such fees are so established by the Minister, the fees contained in the Code of Organization and Civil Procedure shall apply.”

34. In subarticle (3) of article 49 of the Copyright Act, 2000, for the word “Minister” there shall be substituted the words “Minister responsible for justice”.

Amendment of the Copyright Act, 2000, Act No. XIII of 2000.

35. Every Court or Tribunal which had jurisdiction to hear and determine a cause prior to the coming into force of this Act shall upon the said coming into force retain such jurisdiction in respect of causes commenced before it prior to the coming into force of this Act.

Transitory provision.

Passed by the House of Representatives at Sitting No. 492 of the 13th February, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives