

MALTA

**ATT Nru XXVII tal-2021**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ACT No. XXVII of 2021**

AN ACT enacted by the Parliament of Malta.

**ATT sabiex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.**

**AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

1 ta' Ġunju, 2021

**ATT Nru XXVII tal-2021**

*ATT sabiex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.*

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

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u dan l-Att għandu jinqara u jinftiehem haġa 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 833B tal-Kodiċi għandhom jiżiedu l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda mal-Kodiċi.

"Preżentazzjoni ta' mandat kawtelatorju ma' ittra ġudizzjarja għall-eżekuzzjoni ta' kambjali u *promissory notes* mahruġa skont il-Kodiċi tal-Kummerċ.

833Ċ. Fejn ittra ġudizzjarja tkun ippreżentata biex tirrendi l-kambjali jew *promissory notes* eżegwibbli skont il-proviso tal-artikolu 253(e), jistgħu jiġu ppreżentati l-mandati kawtelatorji msemmija fl-artikolu 830(1)(a), (b) u (d):

Iżda meta din l-ittra tiġi ppreżentata biex tirrendi l-kambjali jew *promissory notes* eżegwibbli skont il-proviso tal-artikolu 253(e), l-applikant għandu jehmeż kopja ta' dik l-ittra fl-atti tal-mandat kawtelatorju, u tali mandat għandu jkun konformi mad-dispożizzjonijiet tat-Titolu VI tat-Tielet Ktieb ta' dan il-Kodiċi.

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Preżentazzjoni ta' mandat kawtelatorju ma' ittra ġudizzjarja ppreżentata skont l-artikolu 466.

833D. Fejn ittra ġudizzjarja tkun giet ippreżentata skont l-artikolu 466, jistgħu jiġu ppreżentati l-mandati kawtelatorji msemmija fl-artikolu 830(1)(a), (b) u (d):

Iżda meta din l-ittra tiġi ppreżentata skont l-artikolu 466, l-applikant għandu jehmeż kopja ta' dik l-ittra fl-atti tal-mandat kawtelatorju, u tali mandat għandu jkun konformi mad-dispożizzjonijiet tat-Titolu VI tat-Tielet Ktieb ta' dan il-Kodiċi."

Emenda tal-artikolu 838B tal-Kodiċi.

3. Is-subartikolu (2) tal-artikolu 838B tal-Kodiċi għandu jiġi emendat b'dan li ġej:

(a) il-kliem "skont l-artikolu 166B, dik l-ittra uffiċjali ssir titolu eżekuttiv" għandhom jiġu sostitwiti bil-kliem "skont l-artikolu 166B, l-artikolu 253(e) u l-artikolu 466, dik l-ittra uffiċjali, kambjala jew *promissory note* ssir titolu eżekuttiv,"; u

(b) il-paragrafu (a) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(a) fil-każ ta' mandat maħruġ skont l-artikolu 830(1)(b), (ċ), (d) u (f), il-kreditur għandu jippreżenta nota fi żmien ħmistax (15)-il ġurnata mill-ottjeniment tat-titolu eżekuttiv fl-atti tal-istess mandat u jitlob li jestendi jew inaqas l-effetti tal-mandat għas-somma ekwivalenti għall-ispejjeż legali, l-imgħaxijiet u s-sorti skont it-titolu eżekuttiv ottenut, liema nota għandha tiġi notifikata lid-debitur, u dawk kollha li għandhom interess;"

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 464 tal-24 ta' Mejju, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

1st June, 2021

**ACT No. XXVII of 2021**

*AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12.*

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 Code of Organization and Civil Procedure (Amendment) Act, 2021 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 833B of the Code there shall be added the following new articles:

Addition of new articles to the Code.

"Filing of precautionary warrant with judicial letter for execution of bills of exchange and promissory notes issued in terms of the Commercial Code.

833C. Where a judicial letter has been filed to render bills of exchange or promissory notes executable in accordance with the proviso to article 253(e) there may be filed the precautionary warrants referred to in article 830(1)(a), (b) and (d):

Provided that, when such letter is filed to render bills of exchange or promissory notes executable in accordance with the proviso to article 253(e), the applicant shall attach a copy of such letter in the acts of the precautionary warrant, and such warrant shall conform with the provisions of Title VI of Book Third of this Code.

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Filing of  
precautionary  
warrant with  
judicial letter  
filed in  
accordance  
with article  
466.

833D. Where a judicial letter has been filed in accordance with article 466, there may be filed the precautionary warrants referred to in article 830(1)(a), (b) and (d):

Provided that, when such letter is filed in accordance with article 466, the applicant shall attach a copy of such letter in the acts of the precautionary warrant, and such warrant shall conform with the provisions of Title VI of Book Third of this Code."

Amendment of  
article 838B of  
the Code.

**3.** Sub-article (2) of article 838B of the Code shall be amended by the following:

(a) the words "when in accordance with article 166B such judicial letter constitutes an executive title," shall be substituted by the words "when in accordance with article 166B, article 253(e) and article 466, such judicial letter, bill of exchange or promissory note constitutes an executive title,"; and

(b) paragraph (a) thereof shall be substituted by the following:

"(a) in the case of a warrant issued under article 830(1)(b), (c), (d) and (f), the creditor shall file a note within fifteen (15) days from when the executive title is obtained in the acts of the same warrant and demand an extension or reduction of the effects of the warrant to an amount equivalent to the legal costs, interest and the principal amount due in terms of the executive title obtained, and such note is to be served upon the debtor and such persons as may have any interest therein;"

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Passed by the House of Representatives at Sitting No. 464 of the 24th May, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



# VERŻJONI ELETTRONIKA