

MALTA

ATT Nru. IV ta' l-1996

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

ACT No. IV of 1996

AN ACT enacted by the Parliament of Malta.

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

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

16 ta' Frar, 1996

ATT Nru. IV ta' l-1996

*ATT biex ikompli 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 ta' l-istess, hareġ b'liġi dan
li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1996 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem haġa wahda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu fil-qosor.

Kap. 12.

2. Minflok in-nota marginali li hemm għall-artikolu 97B tal-Kodiċi għandu jidhol dan li ġej:

Emenda ta' l-artikolu 97B tal-Kodiċi.

(a) in-nota marginali "Ġurament tal-hatra" maġemb is-subartikolu (1); u

(b) in-nota marginali "Rikuża" maġemb is-subartikolu (2).

Emenda ta' l-artikolu 152 tal-Kodiċi.

3. Fis-subartikolu (1) ta' l-artikolu 152 tal-Kodiċi minflok il-kliem "ghas-smiegh tal-kawża:" ghandhom jidhlu l-kliem "ghas-smiegh tal-kawża, liema ġurnata ghandha tkun mill-aktar fis possibbli u mhux aktar tard minn sitt xhur wara l-preżentata tar-rikors ta' appell:".

Emenda ta' l-artikolu 229 tal-Kodiċi.

4. L-artikolu 229 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "minn kull digriet iehor" ghandhom jidhlu l-kliem "minn kull digriet interlokutorju iehor"; u

(b) minnufih wara s-subartikolu (9) tiegħu ghandu jidhol dan is-subartikolu li ġej:

"(10) Meta digriet interlokutorju jkun inghata *in camera*, dan ghandu għall-ghanijiet ta' dan l-artikolu u għall-ghanijiet tal-kalkolu ta' kull żmien li jkun hemm fih stabbilit, jitqies bhala li jkun inqara bil-miftuh fil-qorti fid-data ta' l-ewwel seduta ta' dik il-kawża li tiġi minnufih wara li jkun inghata d-digriet mill-qorti *in camera*."

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

5. Fis-subartikolu (3) ta' l-artikolu 283A tal-Kodiċi, minflok il-kliem "hija ghandha mhux aktar tard mill-jum" ghandhom jidhlu l-kliem "hija tista' mhux aktar tard mill-jum".

Emenda ta' l-artikolu 314 tal-Kodiċi.

6. Minflok is-subartikolu (2) ta' l-artikolu 314 tal-Kodiċi ghandu jidhol dan li ġej:

"(2) (a) Il-Qorti ghandha tordna li dan l-avviż jiġi pubblikat fil-Gazzetta.

(b) Il-Qorti ghandha wkoll tordna li dak l-avviż jiġi pubblikat f'gazzetta wahda jew iżjed fil-każ ta':

(i) proprjetà immobbli; jew

(ii) jeddijiet li ghandhom x'jaqsmu ma' proprjetà immobbli; jew

(iii) proprjetà mobbli li tkun tikkonsisti f'oggetti tad-deheb jew tal-fidda, perli, haġar prezzjuż jew hwejjeġ mobbli ohra, li l-valur tagħhom ikun ta' iżjed minn hames mitt lira; jew

(iv) aġjenda; jew

(v) bastimenti jew bçejeċ ohra tal-bahar; jew

(vi) inġenji ta' l-ajru; jew

(vii) titoli elenkati fil-Borża bis-sahha ta' l-Att dwar il-Borża ta' Malta; jew

(viii) poloz ta' l-assigurazzjoni; jew

(ix) kull oġġett iehor minbarra dawk imsemmija qabel kull meta l-qorti tqis li jkun hekk xieraq li taġixxi.”.

7. Fis-subartikolu (2) ta' l-artikolu 327 tal-Kodiċi, minflok il-kliem “li jippubblika avvizi godda fil-Gazzetta u gurnal ta' kuljum li fihom jintwera” għandhom jidhlu l-kliem “li jhares il-htigiet stabbiliti fis-subartikolu (2) ta' l-artikolu 314 u li jkunu juru”.

Emenda ta' l-artikolu 327 tal-Kodiċi.

8. Fis-subartikolu (3) ta' l-artikolu 469A tal-Kodiċi minflok il-kliem “taht is-subartikolu (1)” għandhom jidhlu l-kliem “taht il-paragrafu (b) tas-subartikolu (1)”.

Emenda ta' l-artikolu 469A tal-Kodiċi.

9. Fit-test Inġliż ta' l-artikolu 857 tal-Kodiċi, minflok il-kliem “ship of other vessel” għandhom jidhlu l-kliem “ship or other vessel”.

Emenda ta' l-artikolu 857 tal-Kodiċi.

10. Fit-test Malti tas-subartikolu (4) ta' l-artikolu 877 tal-Kodiċi minflok il-kliem “u/jew” għandha tidhol il-kelma “jew”.

Emenda ta' l-artikolu 877 tal-Kodiċi.

11. Fit-test Malti tas-subartikolu (1) ta' l-artikolu 894 tal-Kodiċi, minflok il-kliem “joqghod jew numru tal-karta ta' identità” għandhom jidhlu l-kliem “joqghod u numru tal-karta ta' identità”.

Emenda ta' l-artikolu 894 tal-Kodiċi.

12. Fil-paragrafu (b) ta' l-artikolu 912 tal-Kodiċi, minflok il-kliem “jammonta għal mhux aktar minn tlett elef lira” għandhom jidhlu l-kliem “jammonta għal, jew ikun aktar minn, tlett elef lira”.

Emenda ta' l-artikolu 912 tal-Kodiċi.

13. Minflok is-subartikolu (5) ta' l-artikolu 963 tal-Kodiċi, għandu jidhol dan li ġejj:

Emenda ta' l-artikolu 963 tal-Kodiċi.

“(5) Bla hsara tad-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 732, kawża, li l-proċeduri bil-miktub tagħha ma jiġux magħluqa fiż-żmien hawn fuq imsemmi:

(a) meta l-kawża tkun quddiem qorti ta' l-ewwel grad, din għandha titqies bħala kawża li tkun tqegħdet fuq il-lista ta' kawżi għas-smiegh u li sussegwentement b'ordni tal-Qorti, tkun thalliet għal data mhux speċifikata, u d-dispożizzjonijiet ta' l-artikoli 964 sa 967 ta' dan il-Kodiċi għandhom ikunu japplikaw għaliha; u

(b) meta l-kawża tkun quddiem qorti tat-tieni grad, din għandha titqies bħala kawża dezerta.”.

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

14. Fl-artikolu 1003A tal-Kodiċi minflok il-kliem "F'kull proċediment għal disprezz" għandhom jidhlu l-kliem "Bla hsara għad-dispożizzjonijiet ta' dan it-titolu, f'kull proċediment għal disprezz".

Emenda ta' l-artikolu 1008 tal-Kodiċi.

15. Fl-artikolu 1008 tal-Kodiċi, minflok il-kliem "Meta, taht dan il-Kodiċi" għandhom jidhlu l-kliem "Bla hsara għad-dispożizzjonijiet ta' l-artikolu 1009, meta taht dan il-Kodiċi", u l-kliem "u li ma jkunx aktar minn kemm tiswa" għandhom jithassru.

Emenda ta' l-Att ta' l-1995 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. (Att Nru. XXIV ta' l-1995).

16. Fit-test Inġliż tal-paragrafu (b) tas-subartikolu (1) fil-paragrafu (a) ta' l-artikolu 76 ta' l-Att ta' l-1995 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, minflok il-kliem "rural tenement" għandhom jidhlu l-kliem "urban or rural tenement".

Dispożizzjoni transitorja.

17. Id-dispożizzjonijiet ta' dan l-Att ma għandhomx ikunu japplikaw għal kull kwistjoni li bejn l-1 ta' Ottubru, 1995 u meta dan l-Att isir liġi, tkun għaddiet f'gudikat.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 507 tat-12 ta' Frar, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skriivan tal-Kamra tad-Deputati.

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

16th February, 1996

ACT No. IV of 1996

*AN ACT to further 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. This Act may be cited at the Code of Organization and Civil Procedure (Amendment) Act, 1996, and 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. For the marginal note to section 97B of the Code there shall be substituted the following: Amendment of
section 97B
of the Code.

(a) the marginal note “Oath of Office” next to subsection (1); and

(b) the marginal note “Challenge” next to subsection (2).

Amendment of section 152 of the Code.

3. In subsection (1) of section 152 of the Code, for the words “for the hearing of the cause:” there shall be substituted the words “for the hearing of the cause, which day shall be as soon as possible but not later than six months after the filing of the application for appeal:”.

Amendment of section 229 of the Code.

4. Section 229 of the Code shall be amended as follows:

(a) for the words “other decree” in subsection (3) thereof, there shall be substituted the words “other interlocutory decree”; and

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

“(10) Where an interlocutory decree has been given *in camera*, it shall for the purposes of this section and for the purposes of the calculation of any time therein established be deemed to have been read out in open court on the date of the first sitting in the case immediately after the decree was given *in camera* by the court.”.

Amendment of section 283A of the Code.

5. For the words “who shall not later than the day” in subsection (3) of section 283A of the Code, there shall be substituted the words “who may not later than the day”.

Amendment of section 314 of the Code.

6. For subsection (2) of section 314 of the Code there shall be substituted the following:

“(2) (a) The Court shall order such advertisement to be published in the Gazette.

(b) The Court shall also order such advertisement to be published in one or more daily newspapers in the case of:—

(i) immovable property; or

(ii) rights annexed to immovable property; or

(iii) movable property consisting of gold or silver articles, pearls, precious stones or other movables, the value of which exceeds five hundred liri; or

(iv) a going concern; or

(v) ships or other vessels; or

(vi) aircraft; or

(vii) securities listed in the Stock Exchange under the Stock Exchange Act; or

(viii) insurance policies; or

(ix) any other object other than the above where the court deems it expedient so to do.”.

7. In subsection (2) of section 327 of the Code, for the words “to publish a fresh advertisement in the Gazette and in a daily newspaper which shall specify that” there shall be substituted the words “to comply with the requirements set out in subsection (2) of section 314 and to specify that”.

Amendment of section 327 of the Code.

8. In subsection (3) of section 469A of the Code for the words “under subsection (1)” there shall be inserted the words “under paragraph (b) of subsection (1)”.

Amendment of section 469A of the Code.

9. In the English text of section 857 of the Code, for the words “ship of other vessel” there shall be substituted the words “ship or other vessel”.

Amendment of section 857 of the Code.

10. In the Maltese text of subsection (4) of section 877 of the Code for the words “u/jew” there shall be substituted the word “jew”.

Amendment of section 877 of the Code.

11. In the Maltese text of subsection (1) of section 894 of the Code, for the words “joqghod jew numru tal-karta ta’ identità” there shall be substituted the words “joqghod u numru tal-karta ta’ identità”.

Amendment of section 894 of the Code.

12. In paragraph (b) in section 912 of the Code, for the words “amounts to a sum of not more than three thousand liri” there shall be substituted the words “amounts to, or exceeds, three thousand liri”.

Amendment of section 912 of the Code.

13. For subsection (5) of section 963 of the Code, there shall be substituted the following:

Amendment of section 963 of the Code.

“(5) Saving the provisions of subsection (2) of section 732, the causes the written pleadings whereof are not closed within the said time shall:

(a) where the cause is before a court of first instance be deemed to be a cause which has been set down for hearing and subsequently by order of the Court, adjourned to an unspecified date, and the provisions of sections 964 to 967 of this Code shall apply thereto; and

(b) where the cause is before a court of second instance, be deemed to be deserted.”.

Amendment of section 1003A of the Code.

14. In section 1003A of the Code for the words “In any proceedings for contempt” there shall be substituted the words “Subject to the provisions of this title, in any proceedings for contempt”.

Amendment of section 1008 of the Code.

15. In section 1008 of the Code, for the words “Where under this Code” there shall be substituted the words “Without prejudice to the provisions of section 1009, where under this Code”, and the words “, not exceeding the cost of the form” shall be deleted.

Amendment of the Code of Organization and Civil Procedure (Amendment) Act, 1995. (Act No. XXIV of 1995).

16. In the English text of paragraph (b) of subsection (1) in paragraph (a) of section 76 of the Code of Organization and Civil Procedure (Amendment) Act, 1995, for the words “rural tenement” there shall be substituted the words “urban or rural tenement”.

Transitory provision.

17. The provisions of this Act shall not apply to any matter which between the 1st October, 1995 and the enactment thereof, has become *res judicata*.

Passed by the House of Representatives at Sitting No. 507 of the 12th February, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.