

Nru. 158

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Settembru, 1986.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 29th September, 1986.

ATT biex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kap. 15).

AN ACT further to amend the Code of Organization and Civil Procedure (Cap. 15).

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kap. 15).

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1986 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Emenda Nru. 2) u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed "il-liġi prinċipali".

Titolu fil-qosor.

2. L-artikolu 833 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 833 tal-liġi prinċipali.

(a) fis-subartikolu (2) tiegħu, għandu jiżdied fl-aħħar parti tiegħu dan li ġej:

"jew jekk jintwera sew ji l-att inhareġ minkejja d-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu jew li ġie preżentat att ġudizzjarju fir-reġistru proprju li bih tiġi aċċettata r-responsabbiltà kif provdut f'dak is-subartikolu mhux aktar tard minn għaxart ijiem wara l-ħruġ ta' l-att".

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

"(3) Ma jista' jinħareġ ebda att kawtelatorju kontra min ikun qed iżur Malta jew b'mod li jkun jolqot xi proprjetà tiegħu, meta l-pretensjoni tkun waħda għal danni li johorġu mill-użu ta' vettura tal-mutur li tkun reġistrata jew liċenzata barra minn Malta, ħlief jekk ir-rikorrent jista' jindika jew li ma hemmx għar-rigward ta' din il-vettura tal-mutur polza ta' assigurazzjoni kif taqbel mal-ħtiġijiet ta' l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskju ta' Terzi Persuni, kemm waħda magħrufa bħala *green card* jew waħda oħra, jew, jekk hemm din il-polza, ħlief jekk jista' juri —

(a) fil-każ ta' polza magħrufa bħala *green card* illi, meta jiġi notifikat bir-rikors, il-*Green Card Bureau* ta' Malta ma jkunx aċċetta, permezz ta' att ġudizzjarju preżentat fir-Registru tal-Qorti fejn ikun ġie preżentat ir-rikors mhux iktar tard minn erbgħa u għoxrin siegħa wara n-notifika tar-rikors, ir-responsabbiltà li jhallas dawk l-ammonti kollha li jistgħu ikunu dovuti għal danni li jirriżultaw kif imsemmi;

(b) fil-każ ta' xi polza oħra, meta l-assiguratur li jiġi notifikat bir-rikors ma jkunx aċċetta, bil-mod u fiż-żmien hawn qabel imsemmijin, ir-responsabbiltà li jhallas l-ammonti kollha li jistgħu jkunu dovuti għad-danni.

(4) Meta l-*Green Card Bureau* ta' Malta, jew l-assiguratur, ikunu aċċettaw ir-responsabbiltà kif imsemmi fis-subartikolu (3) ta' dan l-artikolu, huma għandhom ir-responsabbiltà li jhallsu l-ammonti kollha li jistgħu jkunu dovuti għad-danni li jirriżultaw kif imsemmi, u t-talba għal dawn id-danni tista' titmexxa kontrihom b'mod dirett.”.

Għanijiet u Raġunijiet

L-Għan prinċipali ta' l-Abbozz huwa li jipprojbixxi l-hruġ ta' mandati kawtelatorji — partikolarment dawk tal-impediment ta' partenza, kull meta t-talba (kemm dwar feriment lill-persuna jew ħsara lill-proprietà) tkun kawżata minn barrani li jkun qed iżur Malta li jkollu vettura koperta minn polza tas-sigurtà, u jew il *Green Card Bureau* ta' Malta jew assiguraturi oħra jobbligaw ruħhom li jhallsu dawn id-danni. B'dan il-mod turista barrani ma jiġix skuraġġit milli jzur Malta u ċ-ċittadini Maltin huma żgurati li jiġu kumpensati għad-danni li jsufu.

A BILL
entitled

AN ACT further to amend the Code of Organization and Civil Procedure (Cap. 15).

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:—

Short title.

1. This Act may be cited as the Code of Organization and Civil Procedure (Amendment) (No. 2) Act, 1986 and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

Amendment of section 833 of the principal law.

2. Section 833 of the principal law shall be amended as follows:—

(a) in subsection (2) thereof, there shall be added at the end thereof the following:

"or if it is shown either that the act was issued notwithstanding the provisions of subsection (3) of this section or that a judicial act accepting liability as is provided in that subsection has been filed in the proper registry not later than ten days after the issue of the act".

(b) immediately after subsection (2) thereof, there shall be added the following new subsections:

"(3) No precautionary act shall be issued against a person visiting Malta or such as to affect any property of such person, where the claim is for damages arising out of the use of a motor vehicle registered or licensed abroad, unless the applicant can show either that there is not in respect of such motor vehicle a policy of insurance as complies with the requirements of the Motor Vehicles Insurance (Third Party Risks) Ordinance, whether one known as green card or otherwise, or, if there is such a policy, unless he can show:

(a) in the case of a policy known as green card that, on being served with the application, the Malta Green Card Bureau has not, by means of a judicial act filed in the Registry of the Court in which the application was filed not later than twenty-four hours after the service of the application, accepted liability to pay all sums that may be due for damages arising as aforesaid;

(b) in the case of any other policy, the insurer, on being served with the application, has not, in manner and time hereinbefore mentioned, accepted liability to pay all sums that may be due for damages.

(4) Where the Malta Green Card Bureau, or the insurer, has accepted liability as provided in subsection (3) of this section, they shall be liable to pay all sums that may be due for damages arising as aforesaid, and the claim for such damages may be pursued against them directly."

Objects and Reasons

The main Object of the Bill is to prohibit the issue of precautionary warrants — particularly that of impediment of departure, whenever the claim (whether personal injury or damage to property) is caused by a foreign visitor whose motor vehicle is covered by a policy of insurance and either the Green Card Bureau or other insurers undertakes to pay for such damage. In this way a foreign tourist is not discouraged from visiting Malta and Maltese citizens are ensured compensation for damage suffered.