

**Nru. 65**

6. 3. 84

**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi 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 tal-5 ta' Marzu, 1984.

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 5th March, 1984.

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*

C. MIFSUD  
*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' l-istess, hareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem hekk waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed "il quddiem imsejjah "il-liġi prinċipali".

Emenda ta' l-artikolu 308 tal-liġi prinċipali.

2. Minnufih wara s-subartikolu (1) ta' l-artikolu 308 tal-liġi prinċipali għandu jiżdied il-proviso ġdid li ġej:

"Iżda meta l-beni immobbli jkunu wżati jew maħsuba li jiġu wżati bħala lukanda, kursal jew fabbrika, ma ssir ebda stima qabel il-bejgħ fl-irkant ta' dawk il-beni immobbli u ta' kull artijiet jew amenitajiet, konnessi magħhom jew komplimentari għalihom, għal kollox jew f'parti, jew tal-jeddijiet imgħaqqdin ma' dawk il-beni, jew ta' l-għamara u oġġetti mobbli, impjant, makkinarju u tagħmir ieħor, li jgħammru jew iservu għall-użu ta' xi beni bħal dawk. Għall-finijiet ta' dan il-proviso "kursal" għandha l-istess tifsir kif mogħti lilha bl-artikolu 2 ta' l-Ordinanza ta' l-1962 dwar il-Kursal."

Ord. XVI ta' l-1962

Emenda ta' l-artikolu 325 tal-liġi prinċipali.

3. Minnufih fit-tarf ta' l-artikolu 325 tal-liġi prinċipali għandu jiżdied il-proviso ġdid li ġej:

"Iżda d-dispożizzjonijiet ta' dan l-artikolu ma għandhomx japplikaw għal bejgħ ta' xi beni msemmija fil-proviso għas-sub-artikolu (1) ta' l-artikolu 308."

Emenda ta' l-artikolu 328 tal-liġi prinċipali.

4. Minnufih wara s-subartikolu (2) ta' l-artikolu 328 tal-liġi prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

“(3) Id-dispożizzjonijiet ta’ dan l-artikolu ma għandhomx japplikaw għal bejgħ ta’ xi beni msemmija fil-proviso għas-sub-artikolu (1) ta’ l-artikolu 308.”.

5. Minnufih wara l-proviso għall-artikolu 356 tal-liġi prinċipali għandu jżded il-proviso ġdid li ġej:

Emenda ta’  
l-artikolu 356  
tal-liġi  
prinċipali.

“Izda wkoll il-jedd ta’ fidwa ma jistax jiġi eżerċitat dwar bejgħ ta’ xi beni msemmija fil-proviso għas-subartikolu (1) ta’ l-artikolu 308.”.

6. Minnufih wara l-proviso għall-artikolu 357 tal-liġi prinċipali għandu jżded il-proviso ġdid li ġej:

Emenda ta’  
l-artikolu 357  
tal-liġi  
prinċipali.

“Izda wkoll dak il-jedd ma jistax jiġi eżerċitat dwar bejgħ ta’ xi beni msemmija fil-proviso għas-subartikolu (1) ta’ l-artikolu 308.”.

### Għanijiet u Raġunijiet

L-Għan ta’ dan l-Abbozz huwa li jqassar ċerti proċeduri twal fil-każ ta’ bejgħ bis-subbasta ta’ ċerta proprjetà.

**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) Act, 1984, 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 308  
of the principal  
law.

2. Immediately after subsection (1) of section 308 of the principal law there shall be added the following proviso:

"Provided that where the immovable property is used or intended to be used as an hotel, a kursaal or a factory, no appraisal before the sale by auction shall be made of such immovable property and of any grounds or amenities, connected therewith or complimentary thereto, wholly or in part, or rights annexed to such property, or of the furniture and movable effects, plant, machinery and other equipment, furnishing or serving for the use of any such property. For the purposes of this proviso "kursaal" has the same meaning as is assigned to it by section 2 of the Kursaal Ordinance, 1962."

Ord. XVI of  
1962

Amendment  
of section 325  
of the principal  
law.

3. Immediately at the end of section 325 of the principal law there shall be added the following proviso:

"Provided that the provisions of this section shall not apply to a sale of any property referred to in the proviso to subsection (1) of section 308."

Amendment  
of section 328  
of the principal  
law.

4. Immediately after subsection (2) of section 328 of the principal law there shall be added the following new subsection:

"(3) The provisions of this section shall not apply to a sale of any property referred to in the proviso to subsection (1) of section 308."

5. Immediately after the proviso to section 356 of the principal law there shall be added the following new proviso:

Amendment  
of section 356  
of the principal  
law.

"Provided further that the right of re-purchase shall not be exercisable in respect of a sale of any property referred to in the proviso to subsection (1) of section 308."

6. Immediately after the proviso to section 357 of the principal law there shall be added the following new proviso:

Amendment  
of section 357  
of the principal  
law.

"Provided further that such right shall not be exercisable in respect of a sale of any property referred to in the proviso to subsection (1) of section 308."

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### Objects and Reasons

The Object of this Bill is to dispense with certain lengthy procedures in the case of the sale by auction of certain property.