Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,086, 14 ta' Lulju, 2023
Taqsima A

MALTA

ATT Nru XXIV tal-2023

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

ATT sabiex jemenda l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378, u r-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi sabiex tiżdied il-kompetenza tat-Tribunal għal Talbiet tal-Konsumaturi u għal materji anċillari jew konsegwenzjali għalihom.

ACT No. XXIV of 2023

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Consumer Affairs Act, Cap. 378, and the Consumer Claims Tribunal Rules to increase the competence of the Consumer Claims Tribunal and to make ancillary and consequential provisions thereto.

Nagħti l-kunsens tiegħi.

(L.S.) **GEORGE VELLA**
President

14 ta' Lulju, 2023

ATT Nru XXIV tal-2023

ATT sabiex jemenda l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378, u r-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi sabiex tiżdied il-kompetenza tat-Tribunal għal Talbiet tal-Konsumaturi u għal materji anċillari jew konsegwenzjali għalihom.

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

Titolu fil-qosor u bidu fis-seħħ.

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2023 li jemenda l-Att dwar l-Affarijiet tal-Konsumatur u r-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi.

(2) Dan l-Att għandu jidħol fis-seħħ f'dik id-data jew dati li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta, u huwa jista' hekk jistabbilixxi dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

TAQSIMA I
Emendi għall-Att dwar l-Affarijiet tal-Konsumatur

Emendi għall-Att dwar l-Affarijiet tal-Konsumatur. Kap. 378.

2. Din it-Taqsima temenda l-Att dwar l-Affarijiet tal-Konsumatur u għandha tinqara u tinftiehem ħaġa waħda mal-Att dwar l-Affarijiet tal-Konsumatur, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 20 tal-Att prinċipali.

3. L-artikolu 20 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "ma jkunx aktar minn ħamest elef euro (€5,000)" għandhom jiġu sostitwiti bil-kliem "ma jkunx aktar minn għaxart elef euro (€10,000)"; u

(b) fil-proviso għall-paragrafu (b) tas-subartikolu (2) tiegħu, il-kliem "ikun iktar minn ħamest elef euro (€5,000)" għandhom jiġu sostitwiti bil-kliem "ikun iktar minn għaxart elef euro (€10,000)".

TAQSIMA II
Emendi għar-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi

Emendi għar-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi. L.S. 378.01.

4. Din it-Taqsima temenda r-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi u għandha tinqara u tinftiehem ħaġa waħda mar-Regoli dwar it-Tribunal għal Talbiet tal-Konsumaturi, hawn iżjed 'il quddiem imsejħa "r-regoli prinċipali".

Emenda tar-regola 2 tar-regolamenti prinċipali.

5. Fir-regola 2 tar-regolamenti prinċipali minnufih wara t-tifsira "ordni ta' inadempjenza" għandha tiżdied it-tifsira ġdida li ġejja:

" "post remot" tfisser post 'il barra mit-Tribunal għal Talbiet tal-Konsumaturi;".

Emenda tar-regola 3 tar-regoli prinċipali.

6. Ir-regola 3 tar-regoli prinċipali għandha tiġi emendata b'dan li ġej:

(a) is-subregola 3.1.A tagħha għandha tiġi sostitwita b'din is-subregola l-ġdida li ġejja:

"3.1.A. Talba tista' wkoll tiġi ppreżentata permezz ta' 'avviż ta' riċevuta' bil-posta reġistrata jew elettronikament permezz tal-portal online apposta:

Iżda fejn talba quddiem it-Tribunal hija ppreżentata elettronikament wara l-ħinijiet tal-ftuħ tar-Reġistru, tali talba għandha titqies li ġiet ippreżentata fl-ewwel jum ta' ftuħ li jmiss tal-imsemmi Reġistru."; u

(b) fis-subregola 3.4 tagħha, il-kliem "ħamest elef euro (€5,000)" għandhom jiġu sostitwiti bil-kliem "għaxart elef euro (€10,000)".

7. Is-subregola 4.2.A. tar-regola 4 tar-regoli prinċipali għandha tiġi sostitwita b'din is-subregola l-ġdida li ġejja: Emenda tar-regola 4 tar-regoli prinċipali.

"4.2.A. Risposta għal talba tista' wkoll tiġi ppreżentata b' 'avviż ta' riċevuta' bil-posta reġistrata jew elettronikament permezz tal-portal online apposta:

Iżda fejn risposta għal talba quddiem it-Tribunal hija ppreżentata elettronikament wara l-ħinijiet tal-ftuħ tar-Reġistru, tali risposta għandha titqies li ġiet ippreżentata fl-ewwel jum ta' ftuħ li jmiss tal-imsemmi Reġistru.".

8. Fis-subregola 5.3 tar-regola 5 tar-regoli prinċipali, il-kliem "ħamest elef euro (€5,000)" għandhom jiġu sostitwiti bil-kliem "għaxart elef euro (€10,000)". Emenda tar-regola 5 tar-regoli prinċipali.

9. Minnufih wara s-subregola 11.7 tar-regola 11 tar-regoli prinċipali għandha tiġi miżjuda s-subregola ġdida li ġejja: Emenda tar-regola 11 tar-regoli prinċipali.

"Preżenza permezz ta' link għall-konferenzi bil-vidjo live.

11.7.A (1) Fi kwalunkwe talba, it-Tribunal jista' fuq rikors ta' waħda mill-partijiet jew *ex officio,* jiddikjara li kwalunkwe parti jew xhud f'post remot għandhom jiġu ttrattati bħala preżenti fit-Tribunal għal kwalunkwe parti tal-proċeduri, jew għall-proċeduri kollha.

(2) It-Tribunal ma għandux jagħti ordni skont is-subregola (1) jekk:

(a) ma jkunx sodisfatt li huma disponibbli faċilitajiet li jippermettu li persuni fil-post remot jipparteċipaw b'mod attiv fis-seduta preseduta mit-Tribunal;

(b) ikun inġust għal xi waħda mill-partijiet li jsiru seduti permezz ta' links ta' konferenzi bil-vidjo live; jew

(ċ) ikun kuntrarju għall-interessi tal-ġustizzja li jsir hekk.

(3) Jekk it-Tribunal jiddeċiedi li ma jagħtix ordni skont is-subregola (1) sabiex jorganizza seduti permezz ta' links ta' konferenza bil-vidjo, hu għandu jagħti r-raġunijiet tiegħu għar-rifjut.

(4) Bla ħsara għad-dispożizzjonijiet tal-Att u għal kwalunkwe regolamenti u regoli magħmula taħtu, it-Tribunal għandu jirregola l-proċeduri tiegħu stess għall-amministrazzjoni tal-proċeduri tal-konferenzi bil-vidjo live.".

Sostituzzjoni tal-Ewwel Skeda li tinsab mar-regoli prinċipali.

10. L-Ewwel Skeda li tinsab mar-regoli prinċipali għandha tiġi sostwita b'din l-Iskeda ġdida li ġejja:

"L-EWWEL SKEDA

TARIFFA A
Drittijiet li jitħallsu fir-Reġistru ta' Tribunal

1. Għall-preżentata ta' avviż tat-talba jew risposta flimkien ma' avviż tal-kontro-talba:

1.1 meta l-ammont mitlub ma jkunx jeċċedi €580.00……....€7.00

1.2 meta l-ammont mitlub ma jkunx jeċċedi €1,165 ....….€11.50

1.3 meta l-ammont mitlub ma jkunx jeċċedi €2,330..........€18.50

1.4 meta l-ammont mitlub ma jkunx jeċċedi €3,500 ....€23.00

1.5 meta l-ammont mitlub ma jkunx jeċċedi €5,000 ...….€27.50

1.6 meta l-ammont mitlub ma jkunx jeċċedi €6,500..........€32.00

1.7 meta l-ammont mitlub ma jkunx jeċċedi €8,500..........€36.50

1.8 meta l-ammont mitlub jeċċedi €8,500......................... €41.00

2. Għall-preżentata ta' risposta għal talba mingħajr avviż tal-kontro-talba jew risposta għall-kontro-talba …………………….€7.00

3. Għall-preżentata ta' kwalunkwe rikors jew kwalunkwe att ieħor inkluż il-preżentata ta' rapport tekniku tal-arbitru …..…….…..….€2.00

4. Għal kull notifika ………………………………………€2.50

5. Għal kull deċiżjoni finali tat-Tribunal:

5.1 għar-rigward tal-ewwel €1,165 ……………...............…€9.50

5.2 għar-rigward ta' kwalunkwe valur li ma jeċċedix €5,000...€18.50

5.3 għar-rigward ta' kwalunkwe valur li jeċċedi €5,000...€27.50

TARIFFA B
Drittijiet li jitħallsu għal Pubblikazzjonijiet

1. Għall-pubblikazzjoni ta' reklami fil-Gazzetta, għal kull inserzjoni ……..€5.00

TARIFFA Ċ
Drittijiet li jitħallsu fir-Reġistru tal-Qorti tal-Appell

1. Għall-preżentata ta' rikors ta' appell …..……………...€35.00".

11. It-Tieni Skeda li tinsab mar-regoli prinċipali għandha tiġi sostitwita b'din l-Iskeda ġdida li ġejja: Sostituzzjoni tat-Tieni Skeda li tinsab mar-regoli prinċipali.

"IT-TIENI SKEDA

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 1

AVVIŻ TAT-TALBA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

MINN Indika l-isem, in-numru tal-karta tal-identità, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u, jew tal-mobile tal-persuna li qiegħda tagħmel it-talba	**RIKORRENT** (min qed jagħmel it-talba)
LIL Indika l-isem, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u, jew tal-mobile tal-persuna li kontriha qiegħda issir it-talba (kwalunkwe dettalji oħra ta' identifikazzjoni disponibbli, inkluż in-numru tal-karta tal-identità jew in-numru tar-reġistrazzjoni tal-kumpanija għandhom jiġu inklużi)	**INTIMAT** (min qed jirċievi t-talba)

AVVIŻ LILL-PARTI LI KONTRIHA QED ISSIR IT-TALBA

Kull min jiġi notifikat b'dan l-Avviż tat-Talba għandu fi żmien 18-il jum mid-data tan-notifika jippreżenta risposta. Jekk jonqos milli jagħmel dan, it-Tribunal jista' jgħaddi biex jiddeċiedi t-tilwima fl-assenza tiegħu.

GĦALL-UŻU UFFIĊJALI BISS	
AMMONT MITLUB	€
DRITTIJIET TAL-PREŻENTATA	€
DRITTIJIET TAN-NOTIFIKA	€
TOTAL	**€**

DETTALJI DWAR IT-TALBA

DIKJARAZZJONI TAR-RIKORRENT
Jiena/Aħna irreferejt/irreferejna t-talba tiegħi/tagħna lid-Direttur Ġenerali (Affarijiet tal-Konsumatur)/lill-għaqda tal-konsumaturi reġistrata li pprova/pruvat jikseb/tikseb arranġament fit-tilwima tiegħi/tagħna, liema arranġament ma nkisibx fi żmien 15-il jum tax-xogħol.

Indika n-numru ta' referenza tal-file tal-Uffiċċju għall-Affarijiet tal-Konsumatur jew tal-għaqda tal-konsumaturi u indika d-data meta int irreferejt it-talba tiegħek lid-Direttur Ġenerali jew lill-għaqda tal-konsumaturi reġistrata, skont il-każ.	Numru ta' referenza: Data:

AMMONT MITLUB Indika kemm hu l-ammont li qed titlob mingħand l-intimat	€
ĊESSJONI TA' PARTI MIT-TALBA Jekk qiegħed iċċedi parti mit-talba tiegħek 'il fuq minn €10,000.00, iffirma din id-dikjarazzjoni	Jien niddikjara li kull ammont mit-talba tiegħi 'l fuq minn €10,000.00 qiegħed jiġi ċedut .... Firma

A 494

STADJU 1 Imla l-Avviż tat-Talba billi tikteb b'mod ċar jew tittajpja l-informazzjoni mitluba. **STADJU 2** L-Avviż tat-Talba għandu jiġi preżentat fir-Reġistru tat-Tribunal għal Talbiet tal-Konsumaturi. Għandu jitħallas id-dritt tal-preżentata, li jiddependi mill-ammont li qiegħed titlob, u d-dritt tan-notifika. Is-Segretarju tat-Tribunal imbagħad jgħaddi biex jinnotifika f'ismek lill-intimat b'kopja tal-Avviż tat-Talba. **STADJU 3** Jekk l-intimat jippreżenta risposta, inti tiġi nnotifikat/a b'kopja ta' dik ir-risposta. Jekk fi żmien 18-il jum mill-jum tan-notifika tal-Avviż tat-Talba ma tiġi preżentata l-ebda risposta, inti tista' tapplika għall-ħruġ ta' ordni ta' inadempjenza kontra dak l-intimat li jkun naqas milli jippreżenta risposta.	**MINN** Għandek tassigura li l-indirizz inidikat minnek huwa korrett għaliex s-Segretarju tat-Tribunal se jibgħatlek l-avviżi jew informazzjoni oħra fl-indirizz indikat. Jekk int tibdel l-indirizz tiegħek, jekk jogħġbok avża lis-Segretarju tat-Tribunal b'dan minnufih billi ċċempel fuq 21227070 jew tibgħat email fuq tribunal.cases@mccaa.org.mt. **LIL** Għandek tassigura li l-isem u l-indirizz tal-intimat huma korretti. Jekk hemm iktar minn intimat wieħed, indika l-isem ta' kull intimat (ħdejn xulxin) fl-ispazju provdut. F'każ bħal dan però, għandek tkun ċert li t-talba hija riżultat tal-istess transazzjoni. Meta l-intimat huwa kumpanija b'responsabbiltà limitata, it-talba għandha ssir kontra l-imsemmija kumpanija u mhux kontra d-diretturi jew l-impjegati tal-istess kumpanija. Meta l-intimat jopera taħt xi isem kummerċjali, it-talba trid issir kontra l-proprjetarju tan-negozju. **AMMONT MITLUB** Jekk il-valur tat-talba tiegħek teċċedi l-€10,000.00 (mingħajr ma tqis id-drittijiet tal-preżentata u tan-notifika), int xorta għadek tista' tippreżenta t-talba tiegħek quddiem it-Tribunal jekk int lest li ċċedi dik il-parti tat-talba tiegħek li taqbeż l-€10,000.00. F'dan il-każ, għandek tiddikjara fit-taqsima 'Ċessjoni ta' Parti mit-Talba' li int tkun qed iċċedi dik il-parti mit-talba tiegħek 'il fuq minn €10,000.00. **SPJEGA X'ĠARA** Iddikjara x'qiegħed jintalab. Għandek iżżomm id-deskrizzjoni tiegħek fil-qosor u għandek tindika dettalji sufficjenti sabiex l-intimat jifhem x'inhu b'mod ċar il-każ tiegħek. Se jkollok l-opportunità li tippreżenta l-fatti kollha waqt is-seduta. Għandek tinkludi fotokopji tad-dokumenti kollha relevanti li tixtieq tippreżenta. **FEJN GĦANDEK TIPPREŻENTA L-AVVIŻ TAT-TALBA** Avviż tat-Talba għandu jiġi preżentat fir-Reġistru tat-Tribunal fejn tkun seħħet it-transazzjoni li għaliha tkun qed tirreferi t-talba.

F'każ li għandek bżonn aktar informazzjoni jew gwida, inti tista' tikkuntattja lis-Segretarju tat-Tribunal fuq 21227070 jew tibgħat *email* fuq <u>tribunal.cases@mccaa.org.mt</u>

DETTALJI DWAR IT-TALBA - tkompli

INDIKA X-XHIEDA TIEGĦEK F'DIN IL-PARTI	Isem u kunjom tal-persuni li bi ħsiebek tħarrek bħala xhieda	
SPJEGA X'ĠARA	**TISTA' TEHMEŻ IKTAR KARTI JEKK DAN L-ISPAZJU MHUWIEX BIŻŻEJJED**	
Għandek tindika x'qiegħed titlob billi tispjega fil-qosor il-fatti li wasslu għat-tilwima		
Tikkunsidra seduta virtwali (post remot) minflok li tattendi fiżikament ġewwa t-Tribunal?	IVA ☐	LE ☐
	Firma tar-rikorrent	Data

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 1A

AVVIŻ TAL-KONTRO-TALBA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

MINN Indika l-isem, in-numru tal-karta tal-identità u/jew in-numru tar-reġistrazzjoni tal-kumpanija, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u, jew tal-mobile tal-persuna li qiegħda tagħmel it-talba	**INTIMAT** (min qed jirċievi t-talba)
LIL Indika l-isem, in-numru tal-karta tal-identità, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u, jew tal-mobile tal-persuna li qiegħda tagħmel it-talba kontrik	**RIKORRENT** (min qed jagħmel it-talba)

AVVIŻ LILL-PARTI LI KONTRIHA QED ISSIR IL-KONTRO-TALBA

Kull min jiġi notifikat b'dan l-Avviż tal-Kontro-talba għandu fi żmien 18-il jum mid-data tan-notifika jippreżenta risposta għall-kontro-talba. Jekk jonqos milli jagħmel dan, it-Tribunal jista' jgħaddi biex jiddeċiedi t-tilwima fl-assenza tiegħu.

GĦALL-UŻU UFFIĊJALI BISS	
AMMONT MITLUB	€
DRITTIJIET TAL-PREŻENTATA	€
DRITTIJIET TAN-NOTIFIKA	€
TOTAL	**€**

AMMONT MITLUB Indika kemm hu l-ammont mitlub mir-rikorrent	€
ĊESSJONI TA' PARTI MIT-TALBA Jekk qiegħed iċċedi parti mit-talba tiegħek 'il fuq minn €10,000.00, għandek tiffirma din id-dikjarazzjoni	Jien niddikjara li kull ammont mit-talba tiegħi 'l fuq minn €10,000.00 qiegħed jiġi ċedut …………………………………………………………… Firma

Jekk jogħġbok indika n-numru tal-file tar-Reġistru tat-talba li qed issir kontrik: CCT …………………

STADJU 1 Imla l-Avviż tal-Kontro-talba billi tikteb b'mod ċar jew tittajpja l-informazzjoni mitluba. **STADJU 2** L-Avviż tal-Kontro-talba għandu jiġi preżentat fir-Reġistru tat-Tribunal għal Talbiet tal-Konsumaturi. Għandek tħallas id-dritt tal-preżentata, li jiddependi mill-ammont li qiegħed titlob u d-dritt tan-notifika. Is-Segretarju tat-Tribunal imbagħad jgħaddi biex jinnotifika f'ismek lill-intimat b'kopja tal-Avviż tal-Kontro-talba flimkien mar-Risposta għal Talba tiegħek. **STADJU 3** Jekk ir-rikorrent jippreżenta Risposta għal Kontro-talba, inti tiġi nnotifikat/a b'kopja ta' dik ir-risposta. Jekk fi żmien 18-il jum mill-jum tan-notifika tal-Avviż tal-Kontro-talba ma tiġi preżentata l-ebda Risposta għal Kontro-talba, inti tista' tapplika għall-ħruġ ta' ordni ta' inadempjenza kontra dak ir-rikorrent li jkun naqas milli jippreżenta risposta għall-kontro-talba.	**MINN** Għandek tassigura li l-indirizz inidikat minnek huwa korrett għaliex is-Segretarju tat-Tribunal se jibgħatlek l-avviżi jew informazzjoni oħra fl-indirizz indikat. Jekk int tibdel l-indirizz tiegħek, jekk jogħġbok avża lis-Segretarju tat-Tribunal b'dan minnufih billi ċċempel fuq 21227070 jew tibgħat email fuq tribunal.cases@mccaa.org.mt **LIL** Għandek tassigura li l-isem u l-indirizz tar-rikorrent huma korretti. Jekk hemm iktar minn rikorrent wieħed, indika l-isem ta' kull rikorrent (ħdejn xulxin) fl-ispazju provdut. F'każ bħal dan però kun żgur li t-talba hija riżultat tal-istess transazzjoni. **AMMONT MITLUB** Jekk il-valur tal-kontro-talba tiegħek huwa ta' iktar minn €10,000.00 (mingħajr ma tqis id-drittijiet tal-preżentata u tan-notifika), int xorta għadek tista' tippreżenta l-kontro-talba tiegħek quddiem it-Tribunal jekk int lest li ċċedi dik il-parti tat-talba tiegħek li teċċedi l-€10,000.00. F'dan il-każ, għandek tiddikjara fit-taqsima 'Ċessjoni ta' Parti mit-Talba' li inti tkun qed iċċedi dik il-parti mit-talba tiegħek 'il fuq minn €10,000.00. **SPJEGA X'ĠARA** Għandek iżżomm id-deskrizzjoni tiegħek fil-qosor u għandek tindika dettalji biżżejjed sabiex l-intimat jifhem x'inhu l-każ tiegħek b'mod ċar. Se jkollok l-opportunità li tippreżenta l-fatti kollha waqt is-seduta. Għandek tinkludi l-fotokopji tad-dokumenti relevanti kollha li tixtieq tippreżenta. **FEJN GĦANDEK TIPPREŻENTA L-AVVIŻ TAL-KONTRO-TALBA** Avviż tal-Kontro-talba għandu jiġi preżentat fir-Reġistru tat-Tribunal fejn tkun seħħet it-transazzjoni li għaliha tkun qed tirreferi t-talba.

F'każ li għandek bżonn aktar informazzjoni jew gwida, inti tista' tikkuntattja lis-Segretarju tat-Tribunal fuq 21227070 jew tibgħat *email* fuq tribunal.cases@mccaa.org.mt

DETTALJI DWAR IL-KONTRO-TALBA - tkompli

INDIKA X-XHIEDA TIEGĦEK F'DIN IL-PARTI	Isem u kunjom tal-persuni li bi ħsiebek tħarrek bħala xhieda	
SPJEGA XĠARA	**TISTA' TEHMEŻ IKTAR KARTI JEKK DAN L-ISPAZJU MHUWIEX BIŻŻEJJED**	
Għandek tindika x'qiegħed titlob billi tiddikjara fil-qosor il-fatti li wasslu għat-tilwima		
Tikkunsidra seduta virtwali (post remot) minflok li tattendi fiżikament ġewwa t-Tribunal?	IVA ☐	LE ☐
	Firma tar-rikorrent	Data

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 2

RISPOSTA GĦAL TALBA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

LIL Indika l-isem, in-numru tal-karta tal-identità, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u, jew tal-mobile tal-persuna li qiegħda tagħmel it-talba kontrik	**RIKORRENT** (min qed jagħmel it-talba)
MINN Indika l-isem, in-numru tal-karta tal-identità u/jew in-numru tar-reġistrazzjoni tal-kumpanija, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u, jew tal-mobile tal-intimat li qed jippreżenta din ir-risposta	**INTIMAT** (min qed jirċievi t-talba)

AVVIŻ LILL-INTIMAT

Jekk flimkien mar-Risposta għal Talba tkun trid tagħmel kontro-talba, int stess għandek timla wkoll Avviż tal-Kontro-talba fuq l-istruzzjonijiet li hemm f'dik il-formola (Formola 1A). Għandek tassigura li l-Avviż tal-Kontro-talba jkun ippreżentat flimkien mar-Risposta għal Talba tiegħek.

GĦALL-UŻU UFFIĊJALI BISS	
AMMONT MITLUB*	€
DRITTIJIET TAL-PREŻENTATA	€
DRITTIJIET TAN-NOTIFIKA	€
TOTAL	€

***L-ammont mitlub huwa biss applikabbli jekk inti bħala intimat tkun qiegħed tagħmel ukoll kontro-talba flimkien ma' din ir-risposta.**

STADJU 1 Imla r-Risposta għal Talba billi tikteb b'mod ċar jew tittajpja l-informazzjoni mitluba. **STADJU 2** Ir-Risposta għal Talba għandha tiġi preżentata fir-Reġistru tat-Tribunal għal Talbiet tal-Konsumaturi. Għandek tħallas id-dritt tal-preżentata u tan-notifika. Ir-Risposta għal Talba trid issir fi żmien 18-il jum minn meta tkun notifikat bl-Avviż tat-Talba. **STADJU 3** Is-Segretarju tat-Tribunal jinnotifika kopja tar-Risposta għal Talba tiegħek lir-rikorrent. Id-data tas-seduta, il-post fejn it-tilwima ser tinstema' u l-Arbitru li se jippresjedi huma dawk speċifikati fil-formola tal-Avviż tas-Seduta li int irċevejt flimkien ma' din il-formola.	**MINN** Għandek tassigura li l-indirizz tiegħek huwa korrett għaliex is-Segretarju tat-Tribunal se jibgħatlek l-avviżi jew informazzjoni oħra fl-indirizz indikat. Jekk l-indirizz jinbidel, jekk jogħġbok avża lis-Segretarju tat-Tribunal b'dan minnufih billi ċċempel fuq 21227070 jew tibgħat email fuq tribunal.cases@mccaa.org.mt. **TILWIMA** Għandek iżżomm id-deskrizzjoni tal-fatti tiegħek fil-qosor u għandek tinkludi dettalji suffiċjenti sabiex tindika lir-rikorrent u lit-Tribunal liema partijiet tat-talba inti qed tikkontesta u r-raġuni. Jekk hemm partijiet fl-Avviż tat-Talba li taqbel magħhom, għandek tassigura li tinkludihom fir-risposta tiegħek. **KONTRO-TALBA** Jekk għandek intenzjoni li tagħmel kontro-talba, li hija talba kontra r-rikorrent, għandek timla wkoll l-Avviż ta' Kontro-talba flimkien mar-Risposta għal Talba tiegħek. Sabiex tagħmel kontro-talba, din it-talba għandha tkun marbuta ma', jew relatata mat-talba li r-rikorrent ikun għamel kontrik.

F'każ li għandek bżonn aktar informazzjoni jew gwida inti tista' tikkuntattja lis-Segretarju tat-Tribunal fuq 21227070 jew tibgħat email fuq tribunal.cases@mccaa.org.mt

A 502

DETTALJI DWAR IR-RISPOSTA GĦAL TALBA - tkompli

INDIKA X-XHIEDA TIEGĦEK F'DIN IL-PARTI	Isem u kunjom tal-persuni li beħsiebek tħarrek bħala xhieda	
SPJEGA X'ĠARA	**TISTA' TEHMEŻ IKTAR KARTI JEKK DAN L-ISPAZJU MHUWIEX BIŻŻEJJED**	
Għandek tindika jekk għandekx xi oġġezzjoni għat-talba kif magħmula. Jekk għandek xi kontestazzjoni, għandek tispjega dak li ma taqbilx miegħu u r-raġuni.		
Tikkunsidra seduta virtwali (post remot) minflok li tattendi fiżikament ġewwa t-Tribunal?	IVA ☐	LE ☐
	Firma tal-intimat	Data

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 2A

RISPOSTA GĦAL KONTRO-TALBA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

LIL Indika l-isem, in-numru tal-karta tal-identità u/jew in-numru tar-reġistrazzjoni tal-kumpanija, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon u.jew tal-mobile tal-persuna li qiegħda tagħmel il-kontro-talba kontrik	**INTIMAT** (min qed jirċievi t-talba)
MINN Indika l-isem, in-numru tal-karta tal-identità, l-indirizz postali, l-indirizz elettroniku u n-numru tat-telefon/mobile tar-rikorrent li qiegħed jippreżenta din ir-risposta għal kontro-talba	**RIKORRENT** (min qed jagħmel it-talba)

GĦALL-UŻU UFFIĊJALI BISS	
DRITTIJIET TAL-PREŻENTATA	€
DRITTIJIET TAN-NOTIFIKA	€
TOTAL	**€**

STADJU 1	MINN
Imla r-Risposta għal Kontro-talba billi tikteb b'mod ċar jew tittajpja l-informazzjoni mitluba. **STADJU 2** Ir-Risposta għal Kontro-talba għandha tiġi preżentata fir-Reġistru tat-Tribunal għal Talbiet tal-Konsumaturi. Għandek tħallas id-dritt tal-preżentata u tan-notifika. Ir-Risposta għal Kontro-talba trid issir fi żmien 18-il jum minn meta tkun notifikat bl-Avviż tal-Kontro-talba. **STADJU 3** Is-Segretarju tat-Tribunal jibgħat kopja tar-Risposta għal Kontro-talba tiegħek lill-intimat. Id-data tas-seduta, il-post fejn it-tilwima ser tinstema' u l-Arbitru li se jippresjedi huma dawk speċifikati fil-formola tal-Avviż tas-Seduta li kont notifikat biha wara li ppreżentajt l-Avviż tat-Talba tiegħek.	Għandek tassigura li l-indirizz tiegħek huwa korrett għaliex is-Segretarju tat-Tribunal se jibgħatlek l-avviżi jew informazzjoni oħra fl-indirizz indikat. Jekk l-indirizz jinbidel, jekk jogħġbok avża lis-Segretarju tat-Tribunal minnufih billi ċċempel fuq 21227070 jew tibgħat email fuq tribunal.cases@mccaa.org.mt. **TILWIMA** Għandek iżżomm id-deskrizzjoni tiegħek fil-qosor u għandek tinkludi dettalji suffiċenti sabiex tindika lill-intimat u lit-Tribunal liema partijiet tat-talba hemm tilwima dwarhom u r-raġuni. Jekk hemm partijiet fl-Avviż tal-Kontro-talba li taqbel magħhom, għandek tassigura li tinkludihom fir-risposta tiegħek.

F'każ li għandek bżonn aktar informazzjoni jew gwida, inti tista' tikkuntattja lis-Segretarju tat-Tribunal fuq 21227070 jew tibgħat *email* fuq tribunal.cases@mccaa.org.mt

A 505

DETTALJI DWAR IR-RISPOSTA GĦAL KONTRO-TALBA
tkompli

INDIKA X-XHIEDA TIEGĦEK F'DIN IL-PARTI	Isem u kunjom tal-persuni li beħsiebek tħarrek bħala xhieda	
TILWIMA	**TISTA' TEHMEŻ IKTAR KARTI JEKK DAN L-ISPAZJU MHUWIEX BIŻŻEJJED**	
Għandek tindika jekk għandekx xi oġġezzjoni għat-talba kif magħmula. Jekk għandek xi kontestazzjoni, għandek tispjega dak li ma taqbilx miegħu u r-raġuni.		
Tikkunsidra seduta virtwali (post remot) minflok li tattendi fiżikament ġewwa t-Tribunal?	IVA ☐	LE ☐
	Firma tal-intimat	Data

A 506

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 3

APPLIKAZZJONI GĦAL ORDNI TA' INADEMPJENZA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

Fil-każ bejn

Indika l-ismijiet tal-partijiet fit-tilwima billi tikkopja d-dettalji mill-Avviż tat-Talba

RIKORRENT
(min qed jagħmel it-talba)

U

INTIMAT
(min qed jirċievi t-talba)

Isem il-parti li qed tagħmel l-applikazzjoni

APPLIKANT
(min qed jagħmel din l-applikazzjoni)

B'dan qiegħed nitlob bir-rispett li dan it-Tribunal joħroġ ordni ta' inadempjenza kontra

....

....

(niżżel isem u l-indirizz u n-numru tal-karta tal-identità, jekk disponibbli, tal-parti li kontriha jkun qed jintalab il-ħruġ tal-ordni ta' inadempjenza)

Nikkonferma li l-ammont li għadu dovut lili huwa ta'	€
.... Firma tal-Applikant	.... Data

A 507

GĦALL-UŻU TAL-UFFIĊĊJU BISS	
AMMMONT MITLUB	€
Spejjeż	€
Imgħax	€

DIGRIET TAL-ARBITRU	
.... Firma tal-Arbitru	.... Data

A 508

NRU TAL-FILE TAR-REĠISTRU	
LOKALITÀ	

FORMOLA 4

AVVIŻ TAS-SEDUTA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

LIL

RIKORRENT (min qed jagħmel it-talba)

U

INTIMAT (min qed jirċievi t-talba)

Ġentilment ninfurmak illi s-seduta dwar it-tilwima tiegħek ser issir quddiem Arbitru tat-Tribunal għal Talbiet tal-Konsumaturi

FI	.... Data	.... Ħin
INDIRIZZ	(Indirizz fejn se ssir is-seduta jew il-*link* virtwali (jekk applikabbli))	
QUDDIEM	(Isem tal-Arbitru)	
	.... Firma tas-Segretarju tat-Tribunal	.... Data

AVVIŻ LILL-PARTIJIET

Għandek tkun avżat li jekk tonqos milli tidher fis-seduta mingħajr ma tagħti raġuni valida, l-Arbitru jista' jiddeċiedi t-tilwima fin-nuqqas tiegħek u jaqta' li jkollok tbati l-ispejjeż. Jekk int ma tistax tattendi għas-seduta għandek għaldaqstant tapplika bil-miktub minnufih lit-Tribunal sabiex titlob differiment, filwaqt li tispjega r-raġuni għaliex ma tistax tattendi. Fi kwalunkwe każ, ikun fid-diskrezzjoni tat-Tribunal li jiddeċiedi jekk it-talba tiegħek tkunx waħda ġustifikabbli jew le.

AVVIŻ TAS-SEDUTA

1. Għandek tattendi għas-seduta mill-anqas għaxar (10) minuti qabel il-ħin stabbilit.

2. Għandek tassigura li tkun imħejji sew, billi din se tkun l-unika opportunità li se jkollok biex iġġib il-każ u l-provi tiegħek quddiem it-Tribunal.

3. Għandek issegwi l-punti importanti li ġejjin:

- Għandek iġġib id-dokumenti kollha li għandhom x'jaqsmu mal-każ bħal irċevuti, korrispondenza jew xi ftehim.

- Għandek tassigura li kwalunkwe xhieda li teħtieġ ix-xhieda tagħhom għandhom jaslu kmieni. Jekk xhud ma jkunx lest li jattendi minn jeddu, int għandek tirrikorri quddiem it-Tribunal sabiex joħroġ Taħrika ta' Xhud (Formola 5). It-taħrika hija ordni tat-Tribunal li tordnalu jattendi għas-seduta.

- Għandek tipprepara dak kollu li tkun ser tgħid minn qabel.

- Għandek tirrevedi l-fatti kollha f'ordni kronoloġika. Waqt is-seduta tista' tirreferi għal xi notamenti li tkun ippreparajt minn qabel.

- Meta tidher quddiem it-Tribunal huwa essenzjali li tilbes b'mod xieraq. L-irġiel huma meħtieġa li jilbsu ġlekk u ingravata.

A 510

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 5

TAĦRIKA TA' XHUD
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

Indika l-ismijiet tal-partijiet fit-tilwima billi tikkopja d-dettalji mill-Avviż tat-Talba

RIKORRENT
(min qed jagħmel it-talba)

U

INTIMAT
(min qed jirċievi t-talba)

LIL
Indika l-isem u l-indirizz tal-persuna li teħtieġ li tattendi quddiem it-Tribunal

XHUD

Indika l-parti li teħtieġ lix-xhud

APPLIKANT
(min qed jagħmel l-applikazzjoni)

DATA U INDIRIZZ TAS-SEDUTA

Ix-xhud huwa meħtieġ li jattendi quddiem it-Tribunal għal Talbiet tal-Konsumaturi

Indika l-post, il-jum u l-ħin tas-seduta

fi	.... Data	fi	.... Ħin
indirizz	(Indirizz fejn ix-xhud għandu jattendi jew il-link virtwali (jekk applikabbli))		

A 511

GĦAL LIEMA RAĠUNI QED JITĦARREK IX-XHUD

Indika fil-qosor lix-xhud tiegħek għaliex teħtieġ ix-xhieda tiegħu		
	Ix-xhud hu meħtieġ iġib dawn id-dokumenti u/jew affarijiet oħra	
Jekk teħtieġ lix-xhud iġib xi dokumenti u/jew affarijiet oħra fis-seduta, għandek telenkom hawn		
Iffirma u indika d-data tat-taħrika tiegħek	.... Firma ta' min jitlob it-taħrika	.... Data

GĦAL UŻU UFFIĊJALI BISS
DIGRIET TAL-ARBITRU

Wara li kkunsidrajt din it-talba għal taħrika ta' xhud, qiegħed b'dan nawtorizza l-ħruġ ta' din it-taħrika u nordna lix-xhud jidher fil-post, il-jum u l-ħin kif mistenni qabel u sabiex iġib kull dokument u/jew affarijiet oħra kif meħtieġa f'din it-taħrika.

....
Firma tal-Arbitru

....
Data

A 512

AVVIŻ LIX-XHUD

Ġaladarba ġejt notifikat b'taħrika ta' xhud hekk kif debitament awtorizzata mit-Tribunal, inti għandek għaldaqstant tattendi għas-seduta tat-Tribunal fid-data, l-ħin u l-post indikat f'din it-taħrika u għandek iġġib miegħek kull dokument u/jew affarijiet oħra meħtieġa fit-taħrika.

TAĦRIKA TA' XHUD

M'għandekx għalfejn titlob lit-Tribunal joħroġ Taħrika ta' Xhud kemm-il darba x-xhud tiegħek huwa lest li jattendi minn jeddu.

Għandek timla t-Taħrika ta' Xhud billi timxi mal-istruzzjonijiet fuq il-formola, u billi tikteb b'mod ċar jew tittajpja l-informazzjoni mitluba.

It-Taħrika ta' Xhud għandha tiġi ppreżentata fir-Reġistru tat-Tribunal għal Talbiet tal-Konsumaturi. Jekk tkun teħtieġ li x-xhud iġib xi dokumenti speċifiċi (eżempju irċevuti), għandek telenkahom fit-taħrika.

Ftakar li għandek tippreżenta t-taħrika fi żmien xieraq qabel il-jum tas-seduta meta tkun teħtieġ lix-xhud li jattendi. Jekk xhud li jkun ġie debitament notifikat bit-taħrika jonqos milli jattendi, l-Arbitru jista' mbagħad joħroġ Ordni ta' Skorta kontrih.

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 6

ORDNI TA' SKORTA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

Fil-każ bejn:

RIKORRENT
(min qed jagħmel it-talba)

U

INTIMAT
(min qed jirċievi t-talba)

LIL

(Uffiċjal eżekutur tal-ordni ta' skorta)

Billi x-xhud

(Isem u indirizz sħiħ tax-xhud)

kien ġie notifikat b'Taħrika ta' Xhud fis-seduta ta' din it-tilwima u dak ix-xhud naqas milli jobdi t-taħrika, u ninsab sodisfatt li x-xhieda ta' dak ix-xhud hija meħtieġa għall-għanijiet ta' din it-tilwima,

INT GĦALDAQSTANT ORDNAT LI TWASSAL BI SKORTA U ĠĠIB LIX-XHUD QUDDIEM IT-TRIBUNAL

fi	.... Data	fi	.... Ħin

A 514

indirizz

(Indirizz sħiħ fejn se ssir is-seduta tat-Tribunal)

....
Firma tal-Arbitru Data

NRU TAL-FILE TAR-REĠISTRU
LOKALITÀ

FORMOLA 7

APPLIKAZZJONI VOJTA
FIT-TRIBUNAL GĦAL TALBIET TAL-KONSUMATURI

Indika l-ismijiet tal-partijiet fit-tilwima billi tikkopja d-dettalji mill-Avviż tat-Talba	**RIKORRENT** (min qed jagħmel it-talba)
	U
	INTIMAT (min qed jirċievi t-talba)
Indika l-isem tal-parti li tkun qed tagħmel l-applikazzjoni	**APPLIKANT** (min qed jagħmel din l-applikazzjoni)
Indika fil-qosor dak li qed titlob	……………………………… ………………. Firma tal-Applikant Data

".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 145 tal-10 ta' Lulju, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.) **GEORGE VELLA**
President

14th July, 2023

ACT No. XXIV of 2023

An ACT to amend the Consumer Affairs Act, Cap. 378, and the Consumer Claims Tribunal Rules to increase the competence of the Consumer Claims Tribunal and to make ancillary and consequential provisions 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:-

Short title and commencement.

1. (1) The short title of this Act is the Consumer Affairs Act and the Consumer Claims Tribunal Rules (Amendment) Act, 2023.

(2) This Act shall come into force on such date or dates as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions and for different purposes of this Act.

PART I
Amendments to the Consumer Affairs Act

Amendments to the Consumer Affairs Act. Cap. 378.

2. This Part amends the Consumer Affairs Act and shall be read and construed as one with the Consumer Affairs Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 20 of the principal Act.

3. Article 20 of the principal Act shall be amended by the following:

(a) in sub-article (1) thereof, the words "does not exceed five thousand euro (€5,000)" shall be substituted by the words "does not exceed ten thousand euro (€10,000)"; and

(b) in the proviso to paragraph (b) of sub-article (2) thereof, the words "exceeds five thousand euro (€5,000)" shall be substituted by the words "exceeds ten thousand euro (€10,000)".

PART II
Amendments to the Consumer Claims Tribunal Rules

Amendments to the Consumer Claims Tribunal Rules. S.L.378.01.

4. This Part amends the Consumer Claims Tribunal Rules and shall be read and construed as one with the Consumer Claims Tribunal Rules, hereinafter referred to as "the principal rules".

Amendment to rule 2 of the principal rules.

5. In rule 2 of the principal rules immediately after the definition "prescribed fees" there shall be added the following new definition:

" "remote location" means a place away from the Consumer Claims Tribunal;".

Amendment of rule 3 of the principal rules.

6. Rule 3 of the principal rules shall be amended by the following:

(a) sub-rule 3.1.A thereof shall be substituted by the following new sub-rule:

"3.1.A. A claim may also be filed by registered ‘advice of receipt’ mail or electronically through the dedicated online portal:

Provided that where a claim before the Tribunal is filed electronically outside Registry opening hours, such claim shall be deemed to have been filed on the first following day of the opening of the said Registry"; and

(b) in sub-rule 3.4 thereof, the words "five thousand euro (€5,000)" shall be substituted by the words "ten thousand euro (€10,000)".

Amendment of rule 4 of the principal rules.

7. Sub-rule 4.2.A of rule 4 of the principal rules shall be substituted by the following new sub-rule:

"4.2.A. A reply to a claim may also be filed by registered ‘advice of receipt’ mail or electronically through the dedicated online portal:

Provided that where a reply to a claim before the Tribunal is filed electronically outside Registry opening hours, such reply shall be deemed to have been filed on the first following day of the opening of the said Registry.".

8. In sub-rule 5.3 of rule 5 of the principal rules, the words "five thousand euro (€5,000)" shall be substituted by the words "ten thousand euro (€10,000)". Amendment of rule 5 of the principal rules.

9. Immediately after sub-rule 11.7 of rule 11 of the principal rules there shall be added the following new sub-rule: Amendment of rule 11 of the principal rules.

"Presence through live video conferencing link.

11.7.A. (1) In any claim, the Tribunal may on application of one of the parties or *ex officio*, declare that any party or witness in a remote location shall be treated as being present in the Tribunal for any part of the proceedings, or for the entirety of the proceedings.

(2) The Tribunal shall not give an order under sub-rule (1) unless:

(a) it is satisfied that facilities are available which enable persons in the remote location to participate in an active manner in the sitting presided by the Tribunal;

(b) if it is unfair to any of the parties to hold sittings by live video conferencing links; or

(c) if it is contrary to the interests of justice to do so.

(3) If the Tribunal decides not to give an order under sub-rule (1) to hold sittings by video conference links, it shall give its reasons for the refusal.

(4) Without prejudice to the provisions of the Act and to any regulations and rules made thereunder, the Tribunal shall regulate its own procedure for the administration of live video conferencing procedures."

10. The First Schedule to the principal rules shall be substituted by the following new Schedule: Substitution of the First Schedule to the principal rules.

"FIRST SCHEDULE

TARIFF A
Fees payable in the Registry of a Tribunal

1. For filing a notice of claim or a reply together with a notice of counterclaim:

1.1 where the amount claimed does not exceed €580.00..........€7.00

1.2 where the amount claimed does not exceed €1,165..........€11.50

1.3 where the amount claimed does not exceed €2,330 ....€18.50

1.4 where the amount claimed does not exceed €3,500 ....€23.00

1.5 where the amount claimed does not exceed €5,000 ....€27.50

1.6 where the amount claimed does not exceed €6,500 ....€32.00

1.7 where the amount claimed does not exceed €8,500..........€36.50

1.8 where the amount claimed exceeds €8,500 ....€41.00

2. For filing a reply to a claim without a notice of a counterclaim or a reply to a counterclaim ………........………………………€7.00

3. For the filing of any application or any other act including the filing of a technical referee's report ……………………………......€2.00

4. For every service ..………………………………………€2.50

5. For each final decision of a Tribunal:

5.1 in respect of the first €1,165…...………..................……€9.50

5.2 in respect of any value not exceeding €5,000...….............€18.50

5.3 in respect of any value in excess of €5,000......................€27.50

TARIFF B
Fees payable in respect of Publications

1. For the publication of adverts in the Gazette, for every insertion……...€5.00

TARIFF C
Fees payable in the Registry of the Court of Appeal

1. For the filing of an application of appeal....……...….€35.00".

11. The Second Schedule to the principal rules shall be substituted by the following new Schedule:

Substitution of the Second Schedule to the principal rules.

"SECOND SCHEDULE

REGISTRY FILE NO.	
LOCATION	

FORM 1

NOTICE OF CLAIM IN THE CONSUMER CLAIMS TRIBUNAL	
FROM Indicate the name, identity card number, postal address, email address and telephone/mobile number of the person making the claim	**CLAIMANT** (who is making the claim)
TO Indicate the name, postal address, email address and telephone/mobile number of the person against whom the claim is being made (any other identification details available, including identity card number or company registration number are to be included)	**DEFENDANT** (who is receiving the claim)

NOTICE TO THE PARTY AGAINST WHOM THE CLAIM IS MADE
Whoever is served with this Notice of Claim must within 18 days from the date of service file a reply. If he/she fails to do so, the Tribunal may then proceed to determine the dispute in his/her absence.

FOR OFFICE USE ONLY	
AMOUNT CLAIMED	€
FILING FEES	€
SERVICE FEES	€
TOTAL	**€**

A 522

DETAILS OF THE CLAIM

DECLARATION BY CLAIMANT

I/we referred my/our claim to the Director General (Consumer Affairs)/registered consumers' association who tried to settle my/our dispute but no settlement was achieved within 15 working days.

Indicate the reference number of the Office for Consumer Affairs/registered consumers' association's file relating to your claim and state the date when you referred your claim to the Director General or the consumers' association, as the case may be.	Reference number: Date:

AMOUNT CLAIMED
Indicate how much is being claimed from the defendant

€

FORFEITING PART OF A CLAIM

If you are forfeiting part of your claim in excess of €10,000.00, you should sign this declaration

I declare that any amount of my claim in excess of €10,000.00 is being forfeited

……………………………………………………………….
Signature

STEP 1 Complete the Notice of Claim by writing clearly or by typing in the information required. **STEP 2** The Notice of Claim is to be filed at the Consumer Claims Tribunal Registry. You must pay a filing fee, which depends on the amount you are claiming, and a service fee. The Secretary to the Tribunal will then proceed to serve, on your behalf, the defendant with a copy of the Notice of Claim. **STEP 3** If the defendant files a reply, you will be served with a copy of the reply. If no reply is filed within 18 days of the date of the notification of the Notice of Claim, you may apply for a default order against the defendant who failed to file a reply.	**CLAIMANT** (who is making the claim) You must ensure that the address that you indicate is correct because the Secretary to the Tribunal shall send you other notices or information in the indicated address. If your address changes please notify the Secretary immediately on 21227070 or send an email on tribunal.cases@mccaa.org.mt. **DEFENDANT** (who is receiving the claim) You must ensure that the name and address of the defendant are correct. If there is more than one defendant, indicate the name of each defendant (side by side) in the space provided. In such a case, however, you must ensure that the claim is a result of the same transaction. When the defendant is a limited liability company, the claim must be made against the said company and not against its directors or employees of the said company. When the defendant operates under a trade name, the claim must be made against the owner of the business. **AMOUNT CLAIMED** If the value of your claim is more than €10,000.00 (excluding filing and services fees) you may still present your claim before the Tribunal if you are prepared to forfeit the amount of your claim in excess of €10,000.00. In such a case you must then declare under 'Forfeiting part of the claim' that you are forfeiting the amount of your claim in excess of €10,000.00. **EXPLAIN WHAT HAPPENED** Indicate what is being claimed. Keep your description brief and indicate sufficient facts in order that the defendant is clearly informed about what your case is all about. You shall have the opportunity to present all the facts during the hearing. You must include photocopies of all the relevant documentation that you intend to file. **WHERE TO FILE A NOTICE OF CLAIM** A Notice of Claim must be filed in the Registry of the Tribunal where the transaction to which the claim refers took place.

In case you require further information or guidance, you may contact the Secretary to the Tribunal on 21227070 or by sending an email to tribunal.cases@mccaa.org.mt

DETAILS OF THE CLAIM - continued

INDICATE YOUR WITNESSES IN THIS PART	Name and surname of persons you intend to call as witness	
EXPLAIN WHAT HAPPENED Indicate what is being claimed by briefly explaining the facts that led to the dispute	**YOU MAY ATTACH EXTRA SHEETS IF SPACE IS INSUFFICIENT**	
Would you consider a virtual sitting (remote location) instead of physically attending at the Tribunal?	YES ☐	NO ☐
	Signature of claimant	Date

REGISTRY FILE NO.
LOCATION

FORM 1A

NOTICE OF COUNTERCLAIM IN THE CONSUMER CLAIMS TRIBUNAL

FROM Indicate the name, identity card number and/or company registration number, postal address, email address and telephone/mobile number of the defendant filing this reply	**DEFENDANT** (who is receiving the claim)
TO Indicate the name, identity card number, postal address, email address and telephone number/mobile number of the person making the claim against you	**CLAIMANT** (who is making the claim)

NOTICE TO THE PARTY AGAINST WHOM THE COUNTERCLAIM IS MADE

Whoever is served with the Notice of Counterclaim must within 18 days from the date of service, file a reply to a counterclaim. If he/she fails to do so, the Tribunal may then proceed to determine the dispute in his/her absence.

FOR OFFICE USE ONLY	
AMOUNT CLAIMED	€
FILING FEES	€
SERVICE FEES	€
TOTAL	**€**

A 526

AMOUNT CLAIMED State how much is being claimed from the claimant	€
FORFEITING PART OF A CLAIM If you are forfeiting part of your claim in excess of €10,000.00 you should sign this declaration	I declare that any amount of my claim in excess of €10,000.00 is being forfeited ………………………………………………………………… Signature

Kindly indicate the Registry file number of the claim made against you: CCT ....

STEP 1	FROM
Complete the Notice of Counterclaim by writing clearly or by typing in the information required. **STEP 2** The Notice of Counterclaim is to be filed at the Registry of the Consumer Claims Tribunal. You must pay a filing fee which depends on the amount you are claiming and a service fee. The Secretary to the Tribunal shall then proceed to serve the claimant on your behalf with a copy of the Notice of Counterclaim together with your Reply to a Claim. **STEP 3** If the claimant files a Reply to a Counterclaim, you shall be served with a copy of that reply. If no reply to a counterclaim is filed within 18 days from the date of the notification of the Notice of Counterclaim, you may apply for a default order against the claimant who failed to file a reply to the counterclaim.	You must ensure that the address that you indicate is correct because the Secretary to the Tribunal shall send you other notices or information in the indicated address. If your address changes please notify the Secretary immediately on 21227070 or send an email on tribunal.cases@mccaa.org.mt. **TO** You must ensure that the name and address of the claimant are correct. If there is more than one claimant, indicate the name of each claimant (side by side) in the space provided. In such a case, however, you must ensure that the claim is a result of the same transaction. **AMOUNT CLAIMED** If the value of your counterclaim is more than €10,000.00 (excluding filing and services fees) you may still present your counterclaim before the Tribunal if you are prepared to forfeit the amount of your claim in excess of €10,000.00. In such a case you must then declare under 'Forfeiting part of the claim' that you are forfeiting the amount of your claim in excess of €10,000.00. **EXPLAIN WHAT HAPPENED** Keep your description brief and indicate sufficient facts in order that the claimant is clearly informed about what your case is all about. You shall have the opportunity to present all the facts during the hearing. You must include photocopies of all the relevant documentation that you intend to file. **WHERE TO FILE A NOTICE OF COUNTERCLAIM** A Notice of Counterclaim must be filed in the Registry of the Tribunal where the transaction to which the claim refers took place.

In case you require further information or guidance, you may contact the Secretary to the Tribunal on 21227070 or by sending an email to tribunal.cases@mccaa.org.mt

DETAILS OF THE COUNTERCLAIM - continued

INDICATE YOUR WITNESSES IN THIS PART	Name and surname of persons you intend to call as witness	
EXPLAIN WHAT HAPPENED	**YOU MAY ATTACH EXTRA SHEETS IF SPACE IS INSUFFICIENT**	
Indicate what is being claimed by briefly indicating the facts that led to the dispute		
Would you consider a virtual sitting (remote location) instead of physically attending at the Tribunal?	YES ☐	NO ☐
	Signature of claimant	Date

REGISTRY FILE NO.	
LOCATION	

FORM 2

REPLY TO A CLAIM IN THE CONSUMER CLAIMS TRIBUNAL

TO Indicate the name, identity card number, postal address, email address and telephone/mobile number of the person making the claim against you.	**CLAIMANT** (who is making the claim)
FROM Indicate the name, identity card number and/or company registration number, postal address, email address and telephone/mobile number of the defendant filing this reply.	**DEFENDANT** (who is receiving the claim)

NOTICE TO DEFENDANT

If with the Reply to a Claim you intend to make a counterclaim, you must complete a Notice of Counterclaim as well, following the instructions on that form (Form 1A). You must ensure that your Notice of Counterclaim is filed together with the Reply to a Claim.

FOR OFFICE USE ONLY	
AMOUNT CLAIMED*	€
FILING FEES	€
SERVICE FEES	€
TOTAL	**€**

A 530

***The amount claimed is only applicable if as a defendant you are also filing a counterclaim together with this reply.**

STEP 1 Complete the Reply to a Claim by writing clearly or by typing in the information required. **STEP 2** The Reply to a Claim is to be filed at the Registry of the Consumer Claims Tribunal. You must pay filing and service fees. The Reply to a Claim must be filed within 18 days from when you are served with the Notice of Claim. **STEP 3** The Secretary to the Tribunal shall send a copy of your Reply to a Claim to the claimant. The date of hearing, the place where the dispute will be heard and the presiding Arbiter are specified in the Notice of Hearing form you received together with this form.	**FROM** You must ensure that the address that you indicate is correct because the Secretary to the Tribunal shall send you any other notices or information at the indicated address. If your address changes, please notify the Secretary to the Tribunal immediately by calling on 21227070 or send an email on tribunal.cases@mccaa.org.mt. **DISPUTE** You must keep your description of facts brief and include sufficient details to indicate to the claimant and to the Tribunal which parts of the claim you are contesting and the reason. If there are parts in the Notice of Claim with which you agree, you must ensure to include them in your reply. **COUNTERCLAIM** If you intend to make a counterclaim, that is a claim against the claimant, you must also complete the Notice of Counterclaim together with your Reply to a Claim. To be entitled to make a counterclaim, such claim must be connected to, or related to the claim that the claimant has made against you.

In case you require further information or guidance, you may contact the Secretary to the Tribunal on 21227070 or by sending an email to tribunal.cases@mccaa.org.mt

DETAILS OF THE REPLY TO A CLAIM - continued

LIST YOUR WITNESSES IN THIS PART	Name and surname of persons you intend to call as witness	
DISPUTE	**YOU MAY ATTACH EXTRA SHEETS IF SPACE IS INSUFFICIENT**	
Indicate if you are contesting the claim that is being made against you. If you are contesting it, you must explain the parts that you disagree with and the reason.		
Would you consider a virtual sitting (remote location) instead of physically attending at the Tribunal?	YES ☐	NO ☐
	Signature of defendant	Date

A 532

REGISTRY FILE NO.
LOCATION

FORM 2A

REPLY TO A COUNTERCLAIM IN THE CONSUMER CLAIMS TRIBUNAL

TO Indicate the name, identity card number and/or company registration number, postal address, email address and telephone/mobile number of the person making the counterclaim against you	**DEFENDANT** (who is receiving the claim)
FROM Indicate the name, identity card number, postal address, email address and telephone/mobile number of the claimant filing this reply to a counterclaim	**CLAIMANT** (who is making the claim)

FOR OFFICE USE ONLY	
FILING FEES	€
SERVICE FEES	€
TOTAL	**€**

STEP 1	FROM
Complete the Reply to a Counterclaim by writing clearly or by typing in the information required. **STEP 2** The Reply to a Counterclaim has to be filed in the Registry of the Consumer Claims Tribunal. You must pay filing and service fees. The Reply to a Counterclaim must be filed within 18 days from when you are served with the Notice of Counterclaim. **STEP 3** The Secretary to the Tribunal shall serve a copy of your Reply to a Counterclaim upon the defendant. The date of hearing, the place where the dispute will be heard, and the presiding Arbiter are those specified in the Notice of Hearing form you were served with following the filing of your Notice of Claim.	You must ensure that the address that you indicate is correct because the Secretary to the Tribunal shall send you any other notices or information at the indicated address. If your address changes at any time, please notify the Secretary to the Tribunal immediately on 21227070 or send an email on tribunal.cases@mccaa.org.mt. **DISPUTE** You must keep your description brief and you must include sufficient details to indicate to the defendant and to the Tribunal which parts of the claim you are contesting and the reason. If there are parts in the Notice of Counterclaim with which you agree, you must ensure to include them in your reply.

In case you require further information or guidance, you may contact the Secretary to the Tribunal on 21227070 or by sending an email to tribunal.cases@mccaa.org.mt

DETAILS OF THE REPLY TO A COUNTERCLAIM - continued

INDICATE YOUR WITNESSES IN THIS PART	Name and surname of persons you intend to call as witness	
DISPUTE	**YOU MAY ATTACH EXTRA SHEETS IF SPACE IS INSUFFICIENT**	
Indicate if you are contesting the claim that is being made against you and explain why you disagree with the claim.		
Would you consider a virtual sitting (remote location) instead of physically attending at the Tribunal?	Yes ☐	No ☐
	Signature of defendant	Date

REGISTRY FILE NO.
LOCATION

FORM 3

APPLICATION FOR A DEFAULT ORDER IN THE CONSUMER CLAIMS TRIBUNAL

In the case between

Indicate the names of the parties to the dispute by copying the details from the Notice of Claim

CLAIMANT
(who is making the claim)

AND

DEFENDANT
(who is receiving the claim)

Name of party making the application

APPLICANT
(who is making this application)

I respectfully request that this Tribunal issues a default order against
....
....
....
....
(indicate the official name and surname, postal address and the identity card number, if available, of the party against whom the default order is being requested)

I confirm that the total amount still due to me is the following:	€
.... Signature of Applicant	.... Date

A 536

FOR OFFICE USE ONLY	
AMOUNT CLAIMED	€
Expenses	€
Interest	€

DECREE BY ARBITER	
.... Signature of Arbiter	.... Date

REGISTRY FILE NO.
LOCATION

FORM 4

NOTICE OF HEARING
IN THE CONSUMER CLAIMS TRIBUNAL

TO

CLAIMANT (who is making the claim)

AND

DEFENDANT (who is receiving the claim)

Please be informed that the hearing of your dispute shall take place before an Arbiter of the Consumer Claims Tribunal:

DATE	.... Date	.... Time
ADDRESS	(Address where the hearing shall be held or virtual link (if applicable))	
BEFORE	(Name of Arbiter)	
	.... Signature of Secretary to the Tribunal	.... Date

WARNING TO PARTIES
Please be advised that if you fail to attend for the hearing without giving a valid reason, the Arbiter may proceed to decide the dispute in your absence and he may decide to award the expenses against you. If you cannot attend for the hearing you must immediately inform the Tribunal in writing requesting a postponement, explaining why you cannot attend. In any case, it is at the discretion of the Tribunal to decide whether your request is justified or otherwise.

NOTICE OF HEARING

1. You must ensure that you attend for the hearing at least ten (10) minutes before the appointed time.

2. You must ensure that you are fully prepared, since this will be your only opportunity to state your case and submit your evidence to the Tribunal.

3. You must follow the following important points:

- You must ensure that you bring all the documents that are relevant to the case such as receipts, correspondence or agreements.

- You must ensure that any witnesses whose evidence you need arrive early. If a witness is not prepared to attend voluntarily, then you should apply to the Tribunal for the issue of a Summons of Witness (Form 5). The summons is an order of the Tribunal informing the witness to attend for the hearing.

- You must prepare what you intend to state beforehand.

- You must ensure that all the facts are in chronological order. During the hearing you may refer to any notes you may have prepared beforehand.

- When appearing before the Tribunal, it is essential that you dress appropriately. Men are required to wear a jacket and a tie.

REGISTRY FILE NO.
LOCATION

FORM 5

SUMMONS TO WITNESS IN THE CONSUMER CLAIMS TRIBUNAL

Indicate the names of the parties to the claim by copying the details from the Notice of Claim	**CLAIMANT** (who is making the claim)
	AND
	DEFENDANT (who is receiving the claim)
TO Indicate the name and address of the person you require to attend the Tribunal hearing	**WITNESS**
Indicate the name of the party who requires witness	**APPLICANT** (who is making this application)

DATE AND ADDRESS

The witness is required to attend before the Consumer Claims Tribunal

Indicate the place, date and time of the hearing				
	on	.... Date	at	.... Time
	at	(Official address of the Tribunal where the witness must attend or the virtual link (if applicable))		

A 540

THE REASON FOR WHICH THE WITNESS IS BEING SUMMONED

Indicate briefly to your witness why you require his/her evidence	

Witness is required to bring these documents and/or other things

If you require the witness to bring to the sitting any documents or other things, you must list them here		
Sign and indicate the date of your summons	.... Signature of party applying for summons	.... Date

FOR OFFICE USE ONLY

DECREE BY ARBITER

After having considered this application for a summons to witness, I hereby authorise the issue of this summons and order witness to appear at the place, time and date as aforesaid and to bring all of the documents and, or things as required in this summons.

....

Signature of Arbiter Date

NOTICE TO THE WITNESS

Once you have received a Notice of Summons duly authorised by the Tribunal, you must thus attend for the Tribunal hearing on the date, and at the time and place indicated in this summons and bring with you all documents or other things as indicated in the summons.

SUMMONS TO WITNESS

You do not need to request the Tribunal to issue a Summons to Witness if the witness is prepared to attend voluntarily.

You must complete the Summons of Witness following the instructions on the form and by writing clearly or typing in the information required.

The Summons to Witness must be filed in the Consumer Claims Tribunal Registry. If you require the witness to bring any specific documents (example: invoices), you must list them in your summons.

It is important to file the summons in good time before the date of the hearing when you require the witness to attend. If a witness who is duly served with the summons fails to attend, the Arbiter may issue an Order of Escort in his/her regard.

REGISTRY FILE NO.
LOCATION

FORM 6

ORDER OF ESCORT
IN THE CONSUMER CLAIMS TRIBUNAL

In the case between:

CLAIMANT
(who is making the claim)

AND

DEFENDANT
(who is receiving the claim)

TO

(Officer executing order of escort)

Whereas the witness (Full name and address of witness)

was served with a Summons of Witness at the hearing of this dispute and the said witness failed to obey the summons, and I am satisfied that the evidence of the witness is material to this dispute,

YOU ARE THEREFORE ORDERED TO ESCORT AND BRING THE WITNESS BEFORE THIS TRIBUNAL

on	.... Date	at	.... Time
at	(Address where the hearing of the Tribunal is to be held)		

....
Signature of Arbiter

....
Date

A 544

REGISTRY FILE NO.
LOCATION

FORM 7

BLANK APPLICATION
IN THE CONSUMER CLAIMS TRIBUNAL

Indicate the names of the parties to the claim by copying the details from the Notice of Claim

CLAIMANT
(who is making the claim)

AND

DEFENDANT
(who is receiving the claim)

Indicate the name of the party making the applicaiton

APPLICANT
(who is making this application)

Briefly indicate what you are claiming

………………
Signature of Applicant

………………
Date

".

Passed by the House of Representatives at Sitting No. 145 of the 10th July, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

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