

**MALTA**

**ATT Nru. VI ta' l-1985**

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

ATT biex jemenda l-Att ta' l-1980 dwar il-Kontroll tal-Prezzijiet tal-Bini.

**ACT No. VI of 1985**

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Building (Price Control) Act, 1980.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA  
President

26 ta' April, 1985

### ATT Nru. VI ta' l-1985

*ATT biex jemenda l-Att ta' l-1980 dwar il-Kontroll tal-Prezzijiet tal-Bini.*

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1985 li jemenda l-Att dwar il-Kontroll tal-Prezzijiet tal-Bini, u għandu jinqara u jiftiehem hekk waħda ma' l-Att ta' l-1980 dwar il-Kontroll tal-Prezzijiet tal-Bini, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

2. Minflok l-artikolu 2 ta' l-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 2 ta' l-Att prinċipali.

"Tifsir:

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'oħra —

"bini" tinkludi kull struttura tal-ġebbla, *brick* jew struttura oħra tal-konkrit u kull struttura magħmula minn xi materjal ieħor, jew tahlita ta' wħud mill-imsemmi materjal, ikun x'ikun l-għan li għalih tkun maħsuba dik l-istruttura;

"Ministru" tfisser il-Ministru responsabbli għax-xogħlijiet, u, sal-limitu ta' kull funzjonijiet delegati, tinkludi kull uffiċjal pubbliku li jaġixxi taht l-awtorità tal-Ministru;

"prezz" tfisser il-prezz stabbilit taht id-dispożizzjonijiet ta' l-artikolu 3 ta' dan l-Att u tinkludi kull rimunerazzjoni jew kumpens ieħor u kull obligazzjoni hekk stabbilita għal jew dwar xi xogħol, servizz jew materjal imsemmi fil-prezz;

"regiŕtrat" tfisser regiŕtrat taht l-artikolu 6 ta' dan l-Att;

"Segretarju" tfisser is-Segretarju tat-Tribunal;

“Tribunal” tfisser it-Tribunal imwaqqaf bl-artikolu 9 ta’ dan l-Att.”.

Emenda ta’ l-artikolu 6 ta’ l-Att prinċipali.

3. Fis-subartikolu (1) ta’ l-artikolu 6 ta’ l-Att prinċipali, minflok il-kliem “jista’ jiġi stabbilit prezz mill-Ministru taht dan l-Att, sew jekk xi prezz bħal dak ikun ġie hekk stabbilit sew jekk le” għandhom jidhlu l-kliem “hemm stabbilit prezz b’dan l-Att jew tahtu”.

Emenda ta’ l-artikolu 7 ta’ l-Att prinċipali.

4. Fil-paragrafu (b) ta’ l-artikolu 7 ta’ l-Att prinċipali minflok il-kliem “li l-Qorti tista’ tispeċifika fis-sentenza” għandhom jidhlu l-kliem “li ma jkunx iżjed minn sentejn kif jista’ jkun speċifikat fis-sentenza”.

Sostituzzjoni ta’ l-artikoli 8 u 9 ta’ l-Att prinċipali.

5. Minflok l-artikoli 8 u 9 ta’ l-Att prinċipali għandhom jidhlu l-artikoli ġodda li ġejjin:

\*Azzjoni biex eċċess jittiehed lura tkun preskritta wara sentejn.

8. (1) Meta xi persuna tkun hallset xi prezz li jkun iżjed mill-prezz stabbilit taht id-dispożizzjonijiet ta’ dan l-Att, dik il-persuna jew kull persuna oħra li jkollha interess legittimu jkollha jedd li tiehu lura dak li jkun thallas żejjed.

(2) L-azzjoni biex jintalab lura dak iż-żejjed tkun preskritta meta jgħaddu sentejn mid-data ta’ l-aħħar hlas.

Tribunal għall-kontroll ta’ Prez- jiet tal-Bini.

9. (1) Għandu jkun hemm tribunal li jkun magħruf bħala t-Tribunal għall-Kontroll ta’ Prezzijiet tal-Bini, li jkollu ġurisdizzjoni li jiddeċiedi talbiet u kwistjonijiet oħra dwar kull haġa li tolqot il-prezz li għandu jithallas u kull hlas lura li jkollu jsir, skond id-dispożizzjonijiet ta’ dan l-Att.

(2) Sabiex jeżerċita l-funzjonijiet tiegħu taht dan l-artikolu, it-Tribunal ikollu, skond il-każ, is-setgħat kollha li bil-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili huma mogħtija lill-Qorti Ċivili, Prim’Awla.”.

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Emenda ta’ l-artikolu 10 ta’ l-Att prinċipali.

6. L-artikolu 10 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “It-Tribunal għall-Kontroll tal-Prezzijiet tal-Bini għandu” għandhom jidhlu l-kliem “It-Tribunal għandu”; u

(b) minflok is-subartikolu (5) tiegħu għandhom jidhlu s-subartikoli ġodda li ġejjin:

“(5) Id-dispożizzjonijiet ta’ l-artikolu 735 tal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili dwar kif imhallfin jastjenu jew jiġu rikuzati għandhom japplikaw għal astensjoni u rikuzi taċ-*Chairman* u tal-membri tat-Tribunal. Kull kwistjoni dwar xi raġuni għal astensjoni jew rikuzi għandha tiġi deċiża miċ-*Chairman* tat-Tribunal.

(6) Il-Ministru responsabbli għall-gustizzja għandu jahtar uffiċjal pubbliku biex ikun Segretarju tat-Tribunal, u jista’ jqabba ukoll uffiċjali pubbliċi oħra biex jghinu lis-Segretarju fil-qadi ta’ dmirijietu. Is-Segretarju tat-Tribunal ikollu *mutatis mutandis* dawk is-setgħat u d-dmirijiet li bil-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili huma vestiti fir-Registatur tal-Qrati Superjuri.”.

Sostituzzjoni ta’ l-artikoli 11, 12 u 13 ta’ l-Att prinċipali.

7. Minflok l-artikoli 11, 12 u 13 ta’ l-Att prinċipali għandu jidhlo dan li ġej:

"Procedimenti.

11. (1) Il-proċedimenti quddiem it-Tribunal għandhom jinbdew b'rikors.

Ir-rikors għandu jkun fih —

(a) tifsira ċara u sewwa ta' l-oġġett u r-raġuni tat-talba,

(b) it-talba jew it-talbiet, u dak kollu meħtieġ bil-liġi dwar atti bil-miktub.

(2) It-Tribunal jista' f'kull żmien jagħti permess li ssir xi emenda fir-rikors sabiex dan ikun iktar ċar.

(3) Ir-rikors għandu jkun notifikat lill-parti l-oħra skond id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u dik il-parti għandha tippreżenta r-risposta tagħha bil-miktub fi żmien sitt ijiem tax-xogħol mill-jum tan-notifika.

(4) Meta ż-żmien għall-preżentata tar-risposta jagħlaq it-Tribunal għandu jistabbilixxi data għas-smiġ tal-kawża u s-Segretarju għandu jiehu hsieb li lista tal-kawzi li s-smiġ tagħhom għandu jsir f'seduta partikolari tat-Tribunal tiġi mwahhla fid-dahla tal-kamra tat-Tribunal, u għandu wkoll jara li l-partijiet ikunu notifikati, skond id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, b'avviż tal-jum stabbilit għas-smiġ mill-anqas jumejn tax-xogħol qabel il-jum hekk stabbilit; is-subartikoli (2) u (3) ta' l-artikolu 192 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom japplikaw għal dik il-lista.

(5) Jekk il-parti tippreżenta risposta fejn tammetti t-talba li jkun hemm fir-rikors, it-Tribunal jista' jilqa' r-rikors *in camera*.

(6) Jekk matul is-smiġ, it-Tribunal isib li r-rikors huwa vessatorju, it-Tribunal jista' jordna lill-parti li tagħmel dan ir-rikors li thallas lill-parti l-oħra penali ta' mhux iżjed minn għoxrin lira Maltin.

(7) Bla hsara għad-dispożizzjonijiet tas-subartikolu (5) ta' dan l-artikolu, id-deċiżjonijiet tat-Tribunal jittiehdu b'maġġoranza tal-voti, u għandhom jingħataw miċ-*Chairman* fil-Qorti bil-miftuħ, sew jekk fil-preżenza jew fin-nuqqas tal-membri l-oħra tat-Tribunal:

Izda kull punt ta' liġi jkun deċiż miċ-*Chairman* waħdu.

(8) L-ispejjeż tal-proċedimenti jithallsu mill-partijiet jew minn uhud minnhom skond kif jordna t-Tribunal.

(9) It-Tribunal ikollu s-setgħat li jeżegwixxi d-deċiżjonijiet tiegħu bil-mod preskritt fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(10) Kull mandat jew ordni maħruġ mit-Tribunal ikun iffirmat miċ-*Chairman* u ċċertifikat mis-Segretarju tat-Tribunal.

(11) Ir-Registru tal-Orati Superjuri f'Malta jew ir-Registru tal-Orati tal-Maġistrati f'Għawdex, skond il-każ, ikunu r-Registru tat-Tribunal u l-proċessi tat-Tribunal għandhom jiġu depożitati hemmhekk.

"Procedimenti.

11. (1) Il-proċedimenti quddiem it-Tribunal għandhom jinbdew b'rikors.

Ir-rikors għandu jkun fih —

(a) tifsira ċara u sewwa ta' l-oġġett u r-raġuni tat-talba,

(b) it-talba jew it-talbiet, u dak kollu meħtieġ bil-liġi dwar atti bil-miktub.

(2) It-Tribunal jista' f'kull żmien jagħti permess li ssir xi emenda fir-rikors sabiex dan ikun iktar ċar.

(3) Ir-rikors għandu jkun notifikat lill-parti l-oħra skond id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u dik il-parti għandha tippreżenta r-risposta tagħha bil-miktub fi żmien sitt ijiem tax-xogħol mill-jum tan-notifika.

(4) Meta ż-żmien għall-preżentata tar-risposta jagħlaq it-Tribunal għandu jistabbilixxi data għas-smiġ tal-kawża u s-Segretarju għandu jiehu hsieb li lista tal-kawzi li s-smiġ tagħhom għandu jsir f'seduta partikolari tat-Tribunal tiġi mwahhla fid-dahla tal-kamra tat-Tribunal, u għandu wkoll jara li l-partijiet ikunu notifikati, skond id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, b'avviż tal-jum stabbilit għas-smiġ mill-anqas jumejn tax-xogħol qabel il-jum hekk stabbilit; is-subartikoli (2) u (3) ta' l-artikolu 192 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom japplikaw għal dik il-lista.

(5) Jekk il-parti tippreżenta risposta fejn tammetti t-talba li jkun hemm fir-rikors, it-Tribunal jista' jilqa' r-rikors *in camera*.

(6) Jekk matul is-smiġ, it-Tribunal isib li r-rikors huwa vessatorju, it-Tribunal jista' jordna lill-parti li tagħmel dan ir-rikors li thallas lill-parti l-oħra penali ta' mhux iżjed minn għoxrin lira Maltin.

(7) Bla hsara għad-dispożizzjonijiet tas-subartikolu (5) ta' dan l-artikolu, id-deċiżjonijiet tat-Tribunal jittiehdu b'maġġoranza tal-voti, u għandhom jinghataw miċ-*Chairman* fil-Qorti bil-miftuħ, sew jekk fil-preżenza jew fin-nuqqas tal-membri l-oħra tat-Tribunal:

Izda kull punt ta' liġi jkun deċiż miċ-*Chairman* waħdu.

(8) L-ispejjeż tal-proċedimenti jithallsu mill-partijiet jew minn uħud minnhom skond kif jordna t-Tribunal.

(9) It-Tribunal ikollu s-setgħat li jeżegwixxi d-deċiżjonijiet tiegħu bil-mod preskritt fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(10) Kull mandat jew ordni maħruġ mit-Tribunal ikun iffirmat miċ-*Chairman* u ċċertifikat mis-Segretarju tat-Tribunal.

(11) Ir-Registru tal-Qrati Superjuri f'Malta jew ir-Registru tal-Qrati tal-Maġistrati f'Għawdex, skond il-każ, ikunu r-Registru tat-Tribunal u l-proċessi tat-Tribunal għandhom jiġu depożitati hemmhekk.

I assent.

(L.S.)

AGATHA BARBARA  
President

26th April, 1985

### ACT No. VI of 1985

*AN ACT to amend the Building (Price Control) Act, 1980.*

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 as the Building (Price Control) (Amendment) Act, 1985, and shall be read and construed as one with the Building (Price Control) Act, 1980, hereinafter referred to as “the principal Act”.

Short title

2. For section 2 of the principal Act there shall be substituted the following:

Substitution of section 2 of the principal Act.

“Interpretation.

2. In this Act, unless the context otherwise requires —

“building” includes any stone, brick or concrete structure and any structure made of any other material, or of a combination of any of the aforesaid materials, whatever the purpose for which such structure is intended;

“Minister” means the Minister responsible for works, and, to the extent of any functions delegated, includes any public officer acting under the authority of the Minister;

“price” means the price established under the provisions of section 3 of this Act and includes any remuneration or other consideration and any obligation so established for or in respect of any work, service or material therein mentioned;

“registered” means registered under section 6 of this Act;

“Secretary” means the Secretary of the Tribunal;

“Tribunal” means the Tribunal established by section 9 of this Act.”.

Amendment of Section 6 of the principal Act.

3. In subsection (1) of section 6 of the principal Act, for the words "may be established by the Minister under this Act, whether any such price has been so established or not" there shall be substituted the words "is established by or under this Act".

Amendment of section 7 of the principal Act.

4. In paragraph (b) of section 7 of the principal Act for the words "as it may specify in the sentence" there shall be substituted the words "not exceeding two years, as may be specified in the sentence".

Substitution of sections 8 and 9 of the principal Act.

5. For sections 8 and 9 of the principal Act there shall be substituted the following new sections:

8. (1) Where any person has paid any price in excess of the price established under the provisions of this Act, such person or any other person having a lawful interest shall be entitled to have such excess refunded to him.

"Action for claiming back excess barred by lapse of two years.

(2) The action for claiming back such excess shall be barred by the lapse of two years from the day of the last payment.

Building Price Control Tribunal.

9. (1) There shall be a tribunal to be known as the Building Price Control Tribunal, which shall have jurisdiction to determine claims or other disputes with respect to any matter concerning the price payable or any refund due, in accordance with the provisions of this Act.

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(2) For the purposes of exercising its functions under this section, the Tribunal shall, as the case may require, have all such powers as are by the Code of Organization and Civil Procedure vested in the Civil Court, First Hall."

Amendment of section 10 of the principal Act.

6. Section 10 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words "The Building Price Control Tribunal shall" there shall be substituted the words "The Tribunal shall"; and

(b) for subsection (5) thereof there shall be substituted the following new subsections:

"(5) The provisions of section 735 of the Code of Organization and Civil Procedure regarding the abstention and challenge of judges shall apply to the abstention and challenge of the Chairman and members of the Tribunal. Any question regarding any cause of abstention or challenge shall be decided by the Chairman of the Tribunal.

(6) The Minister responsible for justice shall designate a public officer to be Secretary of the Tribunal, and may also detail other public officers to assist the Secretary in the performance of his duties. The Secretary of the Tribunal shall have *mutatis mutandis* such powers and duties as are by the Code of Organization and Civil Procedure vested in the Registrar of the Superior Courts."

Substitution of sections 11, 12 and 13 of the principal Act.

7. For sections 11, 12 and 13 of the principal Act there shall be substituted the following:

"Proceedings.

11. (1) Proceedings before the Tribunal shall be instituted by application.

The application shall contain —

(a) a clear and correct statement of the subject matter and the cause of the claim,

(b) the claim or claims, and all other contents required by law in respect of written pleadings.

(2) The Tribunal may, at any time, allow any amendment to be made in the application for the purpose of making it clearer.

(3) The application shall be served on the opposite party in accordance with the provisions of the Code of Organization and Civil Procedure, and such party shall file his reply in writing within six working days from the day on which the service is effected.

(4) When the time for filing the reply expires, the Tribunal shall set a date for the hearing of the case and the Secretary shall cause a list of the cases which are to be tried at a particular sitting of the Tribunal to be posted at the entrance of the Tribunal room, and shall also cause the parties to be served, in accordance with the provisions of the Code of Organization and Civil Procedure, with a notice of the day appointed for hearing at least two working days before the day so fixed; subsections (2) and (3) of section 192 of the Code of Organization and Civil Procedure shall apply to such list.

(5) If the party files an answer whereby he accedes to the request contained in the application, the Tribunal may allow the application *in camera*.

(6) If during the hearing the Tribunal finds that the application is vexatious, the Tribunal may order the offending party to pay to the other party a penalty not exceeding twenty Maltese liri.

(7) Saving the provisions of subsection (5) of this section, the decisions of the Tribunal shall be taken by a majority of votes, and shall be delivered by the Chairman in open Court, whether in the presence or in the absence of the other members of the Tribunal:

Provided that any point of law shall be decided by the Chairman alone.

(8) The costs of the proceedings shall be borne by the parties or any of the parties as the Tribunal may direct.

(9) The Tribunal shall be vested with the powers to enforce its own decisions in the manner prescribed in the Code of Organization and Civil Procedure.

(10) Any warrant or order issued by the Tribunal shall be signed by the Chairman and certified by the Secretary of the Tribunal.

(11) The Registry of the Superior Courts in Malta or the Registry of the Courts of Magistrates in Gozo, as the case may be, shall be the Registry of the Tribunal and the records of the Tribunal shall be deposited therein.

Sittings.

12. (1) The Tribunal shall hold its sittings, as the Chairman may determine, on such days and at such time as the Court of Magistrates holds its sittings.

(2) The sittings of the Tribunal shall be held in the buildings where the ordinary courts normally hold their sittings unless the Minister responsible for justice has, by notice in the Gazette, otherwise directed.

Appeals.

13. (1) No appeal shall lie from a decision of the Tribunal except on a point of law determined by the Tribunal.

(2) The appeal shall be brought before the Court of Appeal by means of an application within six working days from the day on which the decision of the Tribunal is delivered.”.

Amendment of section 14 of the principal Act.

8. In section 14 of the principal Act, the words “and in the Criminal Code, as the case may be” shall be deleted.

Substitution of section 16 of the principal Act.

9. For section 16 of the principal Act there shall be substituted the following new section:

“Jurisdiction and limitation of prosecution.

16. (1) Any offence against this Act shall be triable by the Court of Judicial Police in accordance with the provisions of the Criminal Code; any judgment of such Court may be appealed against as provided in section 425 of the Criminal Code.

(2) Whenever the Chairman of the Tribunal sees reason to believe that an offence against this Act has been committed by a party to proceedings before the Tribunal, he shall thereupon cause the suspected offence to be reported to the Commissioner of Police.

(3) Proceedings in respect of an offence against this Act may be commenced at any time within two years from the day on which the offence was committed.”.

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Passed by the House of Representatives at Sitting No. 245 of the 22nd April, 1985.

DANIEL MICALF  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*