

## **Nru. 120**

29. 1. 80

### **MALTA**

#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Brincat, M.P., Ministru tal-Ġustizzja, Artijiet, Djar u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Novembru, 1979.

A BILL introduced by the Honourable Joseph Brincat, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs and read the First time at the Sitting of the 5th November, 1979.

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

AN ACT further to amend the Code of Organisation and Civil Procedure, Cap. 15.

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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' l-istess, fiareg b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1980 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Emenda ta' l-artikolu 183 tal-liġi prinċipali.

2. Fl-artikolu 183 tal-liġi prinċipali, minnufih wara s-subartikolu (1) tiegħu, għandu jidhol is-subartikolu ġdid li ġej:

"(1A) Ir-Registratur għandu jirrifjuta li jirċievi kull skrittura li jkun fiha xi kliem ingurjuż jew offensiv jew xi kliem li jkun xort' oħra oġġezzjonabbli, kemm-il darba dak il-kliem ma jkunx meħtieġ għall-finijiet li għalihom l-iskrittura tkun maħsuba skond il-liġi jew għall-kawża li fiha jintuża; u r-Registratur għandu jirrifjuta wkoll li jaċċetta kull dokument li bl-artikolu 993 hu projbit jekk mhux bil-permess tal-Qorti kemm-il darba ma jkunx ingħata dak il-permess."

Emenda ta' l-artikolu 593 tal-liġi prinċipali.

3. Fl-artikolu 593 tal-liġi prinċipali, fit-tarf tas-subartikolu (1) tiegħu, għandu jidhol il-proviso li ġej għal dak is-subartikolu:

"Iżda fil-Qrati Inferjuri, ikun biżżejjed li n-notament tax-xiehda jitnizzel fil-qosor."

Zieda ta' artikolu ġdid 915A mal-liġi prinċipali.

4. Minnufih wara l-artikolu 915 tal-liġi prinċipali għandu jidded l-artikolu ġdid li ġej:

"915A. (1) Id-disposizzjonijiet ta' l-aħħar artikolu qabel dan ma għandhomx japplikaw għall-ogħti ta' għajjnuna legali lil xi persuna li tibda azzjoni għall-korrezzjoni jew għat-thassir ta' xi

reġistrazzjoni, jew għar-reġistrazzjoni, ta xi att tat-twelid, taż-żwieġ jew tal-mewt.

(2) Meta xi azzjoni bħal dik tiġi miċhuda l-Qorti għandha tneħhi dak il-benefiċċju lil dik il-persuna li tkun ingħatat li tippreċedi bil-benefiċċju ta' għajjnuna legali u kemm-il darba ma jkunx hemm raġuni xierqa biex isir kontra, tordnalha li tħallas l-ispejjeż kollha tal-kawża.”.

5. Minflok l-artikolu 993 tal-liġi prinċipali għandu jidhol dan li ġej:

“Użu ta' kliem, eċċ. ipprojbit.

993. (1) Hadd ma jista' juża f'xi skrittura jew waqt is-smiegħ tal-kawża xi kliem ingurjuż jew offensiv jew xi kliem li jkun xort'ohra oġġezzjonabbli, kemm-il darba dak il-kliem ma jkunx meħtieġ għall-finijiet li għalihom l-iskrittura tkun maħsuba skond il-liġi jew għall-kawża li fiha jintuża, u hadd ma jista' mingħajr il-permess minn qabel tal-Qorti, jipproduċi xi dokument li jkun fih xi kliem bħal dak.

(2) Kull persuna li tikser xi waħda mid-disposizzjonijiet ta' qabel ta' dan l-artikolu jew li tippreżenta jew tipproduċi jew li tipproma tippreżenta jew tipproduċi xi skrittura jew dokument li jkun fih kliem ipprojbit b'dan l-artikolu, u kull persuna li tkun iffirmit xi skrittura bħal dik, tkun haġta ta' disprezz tal-Qorti u l-Qorti għandha tikkundannaha għall-piena taċ-ċanfir jew ta' ammenda jew multa jew ta' detenzjoni skond il-Kodiċi Kriminali (Kapitlu 12).

(3) Meta minkejja d-disposizzjonijiet ta' l-artikolu 183 tkun giet ipprezentata skrittura jew ikun gie prodott dokument li jkun fihom kliem ipprojbit b'dan l-artikolu, il-Qorti għandha jew *ex officio* jew fuq talba tal-parti offiża, tordna li l-iskrittura kollha jew id-dokument kollu jiġu sfilzati mir-Reġistru tal-Qorti jew mill-proċess, u l-iskrittura jew id-dokument jitqiesu għall-finijiet kollha bħallikieku qatt ma ġew ipprezentati jew prodotti:

Iżda meta jkun jista' jiġi muri lill-Qorti li l-ksur tad-disposizzjonijiet ikun ta' natura haġifa u ma jkunx sar birrieda u jkun jista' jiġi irrimedjat b'mod xieraq billi l-kliem ipprojbit jiħassru, il-Qorti tista', minflok li tapplika d-disposizzjonijiet ta' qabel ta' dan l-artikolu, tordna li l-imsemmi kliem jinqata' barra.”.

Sostituzzjoni ta' l-artikolu 993 tal-liġi prinċipali.

### Għanijiet u Raġunijiet

L-Għanijiet ewlenin ta' dan l-Abbozz huma li —

- (a) jiħaffu l-proċeduri sommarji f'kawżi ċivili;
- (b) l-għajjnuna legali tkun tista' tingħata fil-każijiet kollha ta' reġistrazzjoni jew korrezzjoni ta' Atti ta' l-Istat Ċivili;
- (ċ) id-disposizzjoni li tipprobixxi l-użu ta' kliem ingurjuż u offensiv tkun tapplika għall-atti ġudizzjarji kollha.

**A BILL**  
**entitled**

*AN ACT further to amend the Code of Organisation 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 Organisation and Civil Procedure (Amendment) Act, 1980, and shall be read and construed as one with the Code of Organisation and Civil Procedure, hereinafter referred to as "the principal law".

Amendment of section 183 of the principal law.

2. In section 183 of the principal law, immediately after subsection (1) thereof, there shall be inserted the following new subsection:

"(1A) The Registrar shall refuse to receive any written pleading which contains any insulting or offensive expression or any expression which is otherwise objectionable, unless such expression is necessary for the purposes for which the written pleading is by law intended or for the cause in which it is used; and the Registrar shall also refuse to receive any document which it is forbidden by section 993 to produce without the permission of the Court unless such permission has been granted."

Amendment of section 593 of the principal law.

3. In section 593 of the principal law, at the end of subsection (1) thereof, there shall be inserted the following proviso to that subsection:

"Provided that in the Inferior Courts, it shall be sufficient that notes of the evidence of the witnesses be taken down in brief."

Addition of new section 915A to the principal law.

4. Immediately after section 915 of the principal law there shall be added the following new section:

"915A. (1) The provisions of the last preceding section shall not apply to the granting of legal aid to any person for bringing

an action for the correction or cancellation of any registration, or for the registration, of any act of birth, marriage or death.

(2) Where any such action is disallowed the Court shall deprive of such benefit the person admitted to proceed with the benefit of legal aid and unless it sees good cause to the contrary, order him to pay all costs of the suit.”.

5. For section 993 of the principal law there shall be substituted the following:

“Use of  
forbidden  
expressions  
etc.

993. (1) It is forbidden to use in any written pleading or during the hearing of a cause any insulting or offensive expression or any expression which is otherwise objectionable, unless such expression is necessary for the purposes for which the written pleading is by law intended or for the cause in which it is used, or to produce without the previous permission of the Court, any document which contains any such expression.

(2) Any person who acts in contravention of the foregoing provisions of this section or who presents or produces or attempts to present or to produce any written pleading or document which contains an expression forbidden by this section, and any person who has signed any such written pleading, shall be guilty of contempt of Court and shall be sentenced by the Court to reprimand or to a fine (ammenda or multa) or to detention in terms of the Criminal Code (Chapter 12).

(3) Where notwithstanding the provisions of section 183 a written pleading has been filed or a document has been produced which contains expressions forbidden by this section, the Court shall, on its own motion or on the demand of the aggrieved party, order the whole of the written pleading or of the document to be expunged from the Registry of the Court or from the records of the proceedings, and the written pleading or document shall for all purposes be deemed never to have been filed or produced:

Provided that where it can be shown to the Court that the contravention is slight and was not wilful and can be remedied adequately by the striking out of the forbidden expression, the Court may in lieu of applying the foregoing provisions of this section order that the said expressions be struck out.”.

Substitution  
of section 993  
of the  
principal law.

## Objects and Reasons

The main Objects of the Bill are —

- (a) to expedite summary proceedings in civil cases;
- (b) to make free legal aid available in all cases of registration or correction of Acts of Civil Status;
- (c) to extend the provision prohibiting the use of offensive and objectionable expressions to all judicial acts.