



MALTA

ATT Nru. XII ta' l-1978

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

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

ACT No. XII of 1978

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

Anton Kulligeez
President

18 ta' April, 1978

ATT Nru. XII ta' l-1978

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' jissejjah l-Att ta' l-1978 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn-hekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Emenda ta'
l-artikolu 10
tal-liġi
prinċipali.

2. L-artikolu 10 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) id-disposizzjoni preżenti għandha tiġi numerata mill-ġdid bħala s-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Meta xi kumnikazzjoni kif imsemmija fil-forma tal-ġurament li hemm fis-subartikolu (1) ta' dan l-artikolu tkun tikkonsisti f'ittra anonima jew f'ittra li min kitibha ma jkunx jista' jiġi magħruf malajr, jew meta xi kumnikazzjoni bħal dik ikun fiha xi kliem ingurjuż jew offensiv, l-Imħallef li rċieva l-kumnikazzjoni ma jkollux għalfejn jaqra l-kumnikazzjoni fil-qorti bil-miftuħ iżda jista' minflok iġid fil-Qorti bil-miftuħ il-fatt li jkun irċeviha u għandu f'kull każ iġharraf il-kontenut tagħha lill-President tar-Repubblika."

Emenda ta'
l-artikolu 18
tal-liġi
prinċipali.

3. L-artikolu 18 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) id-disposizzjoni preżenti għandha tiġi numerata mill-ġdid bħala s-subartikolu (1) tiegħu, u

(b) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

“(2) Meta xi kumnikazzjoni kif imsemmija fil-forma tal-ġurament li hemm fis-subartikolu (1) ta’ dan l-artikolu tkun tikkonsisti f’ittra anonima jew f’ittra li min kitibha ma jkunx jista’ jiġi magħruf malajr, jew meta xi kumnikazzjoni bħal dik ikun fiha xi kliem ingurjuż jew offensiv, il-Maġistrat li rċieva l-kumnikazzjoni ma jkollux għalfejn jaqra l-kumnikazzjoni fil-qorti bil-miftuħ iżda jista’ min-flok iġħid fil-qorti bil-miftuħ il-fatt li jkun irċeviha u għandu f’kull każ iġħarraf il-kontenut tagħha lill-President tar-Repubblika.”.

4. Fit-test ingliz tas-subartikolu (2) ta’ l-artikolu 65 tal-liġi prinċipali, minflok il-kliem “in this Act” għandhom jidhlu l-kliem “in this Code”.

Emenda ta’ l-artikolu 65 tal-liġi prinċipali.

5. Fit-test Malti tas-sub-paragrafu (iv) tal-paragrafu (ċ) tas-subartikolu (3) ta’ l-artikolu 77 tal-liġi prinċipali, minflok il-kelma “emigrazzjoni” għandha tidhol il-kelma “immigrazzjoni”.

Emenda ta’ l-artikolu 77 tal-liġi prinċipali.

6. L-artikolu 594 tal-liġi prinċipali għandu jiġi emendat kif ġej:
(a) minflok is-subartikolu (1) tiegħu għandu jidholl dan li ġej:

Emenda ta’ l-artikolu 594 tal-liġi prinċipali.

“(1) B’dak kollu li hemm fid-disposizzjonijiet ta’ l-aħħar artikolu qabel dan, il-Qorti tista’, fuq it-talba tal-parti l-wahda u l-oħra, jew, wara li tqis iċ-ċirkostanzi tal-każ, *ex-officio*, tordna li t-tweġibiet mogħtija mix-xhieda, jew is-sustanza tagħhom, jittiehdu bl-istenografija minn stenografi, mahturin għal hekk jew jiġu registrati b’mezzi elettromanjetici. In-noti ta’ l-istenografat għandhom jittiehdu b’inka li ma tithassarx u jkunu iffirmati fuq kull paġna mill-istenografi u f’imkien mat-traskrizzjoni għandhom, fl-original, jidhlu fl-attijiet tal-kawża. Ir-registrazzjoni elettromanjetika għandha tiġi traskratta taħt id-direzzjoni tar-Registratur u t-traskrizzjoni għandha tidhol fl-attijiet tal-kawża. F’kull każ, it-traskrizzjoni tista’ tkun miktuba bl-idejn jew bit-typewriter u għandha tingara lix-xhud, matul is-seduta jew wara, mir-Registratur li għandu jnizzel nota ta’ dak il-qari fit-tarf tat-traskrizzjoni.”, u

(b) minflok il-kliem “biex tagħmel tajjeb għall-hlas ta’ l-istenografu” li hemm fis-subartikolu (4) tiegħu għandhom jidhlu l-kliem “biex tagħmel tajjeb għad-drittijiet ta’ l-istenografi jew għar-registrazzjoni”.

7. Fl-artikolu 989 tal-liġi prinċipali, minflok il-kliem “bl-ammenda” li hemm fil-paragrafu (d), għandhom jidhlu l-kliem “bl-ammenda jew bil-multa”.

Emenda ta’ l-artikolu 989 tal-liġi prinċipali.

8. Fl-artikolu 992 tal-liġi prinċipali minflok il-kliem “fl-artikolu 990” għandhom jidhlu l-kliem “fl-artikolu 990 jew 993”.

Emenda ta’ l-artikolu 992 tal-liġi prinċipali.

9. Minflok l-artikolu 993 tal-liġi prinċipali għandu jidholl dan li ġej:

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

“993. (1) Hadd ma jista’ juża, f’ebda skrittura jew waqt is-smiegħ tal-kawża kliem ingurjuż jew offensiv illi ma jkunx meħ-

tieg fil-kawża jew li jipproduci mingħajr il-permess bil-quddiem tal-Qorti xi dokument li jkun fih xi kliem bħal dak; u l-Qorti tista', fid-diskrezzjoni tagħha, tikkundanna lill-hati għall-piena taċ-ċanfir, jew ta' ammenda jew multa jew ta' detenzjoni skond il-Kodiċi Kriminali (Kapitlu 12); il-Qorti tista' wkoll, sew *ex officio* jew fuq talba tal-parti offiża, tordna li kull kliem bħal dak jiġi jithassar mill-iskritturi jew mid-dokument, skond il-każ.

(2) Il-Qorti tista' wkoll, minflok li tordna t-tħassir ta' l-imsemmi kliem, tordna li l-iskrittura kollha jew id-dokument kollu li jkun fih xi kliem bħal dak jiġi sfilzat mill-proċess u, f'każ bħal dan, l-iskrittura jew id-dokument jitqiesu, għall-finijiet kollha, bħallikieku qatt ma ġew ipprezentati."

Emenda ta' l-artikolu 1000 tal-liġi prinċipali.

10. Fl-artikolu 1000 tal-liġi prinċipali, minflok il-kliem "favur il-Kuruna" għandhom jidhru l-kliem "favur il-Gvern ta' Malta".

Emenda ta' liġi fl-Iskeda.

11. Il-liġi murija fl-ewwel kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollha effett skond l-emenda murija fit-tieni kolonna ta' dik l-Iskeda.

SKEDA

L-Ewwel Kolonna <i>Liġi</i>	It-Tieni Kolonna <i>Safejn tiġi emendata</i>
Att ta' l-1974 dwar l-Istampa (Att Nru. XL ta' l-1974)	Minflok il-proviso għall-paragrafu (e) ta' l-artikolu 33 għandu jidhul dan li ġej: "Izda ma jkunux jistgħu jiġu pubblikati — (a) xi haġa li, bl-artikolu 993 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kapitlu 15), hi projbita li tiġi wżata jew prodotta, jew (b) xi rapport tal-proċedimenti f'xi każ ta' malafama, li fiha l-prova tal-verità tal-fatti attri-bwiti ma tkunx tista' ssir bil-liġi."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 154 tas-17 ta' April, 1978.


Skrivan tal-Kamra tad-Deputati


Speaker



I assent.

Antonio Gualberto
President

18 April, 1978

ACT No. XII of 1978

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, 1978, 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 10
of the
principal
law.

2. Section 10 of the principal law shall be amended as follows:
(a) the present provision shall be renumbered as subsection (1) thereof; and
(b) immediately after subsection (1) thereof there shall be added the following new subsection:

"(2) Where any communication as is referred to in the form of oath contained in subsection (1) of this section consists in an anonymous letter or in a letter the writer whereof cannot be readily identified, or where any such communication contains insulting or offensive expressions, the Judge who received the communication need not read out the communication in open court but may instead disclose in open court the fact of such receipt and shall in any case make the contents thereof known to the President of the Republic."

Amendment
of section 18
of the
principal
law.

3. Section 18 of the principal law shall be amended as follows:
(a) the present provision shall be renumbered as subsection (1) thereof, and
(b) immediately after subsection (1) thereof there shall be added the following new subsection:

"(2) Where any communication as is referred to in the form of oath contained in subsection (1) of this section consists in an anonymous letter or in a letter the writer whereof cannot be readily identified, or where any such communication contains insulting or offensive expressions, the Magistrate who received the communication need not read out the communication in open court but may instead disclose in open court the fact of such receipt and shall in any case make the contents thereof known to the President of the Republic."

4. In the English text of subsection (2) of section 65 of the principal law, for the words "in this Act" there shall be substituted the words "in this Code".

Amendment of section 65 of the principal law.

5. In the Maltese text of sub-paragraph (iv) of paragraph (c) of subsection 3 of section 77 of the principal law, for the word "emigrazzjoni" there shall be substituted the word "immigrazzjoni".

Amendment of section 77 of the principal law.

6. Section 594 of the principal law shall be amended as follows:

Amendment of section 594 of the principal law.

(a) for subsection (1) thereof there shall be substituted the following:

"(1) Notwithstanding the provisions of the last preceding section, the Court may, at the request of both parties, or, having regard to the circumstances of the case, *ex officio*, order that the answers given by the witness, or the substance thereof, be taken down in shorthand by means of stenographers appointed for the purpose or be recorded by electromagnetic means. Shorthand notes shall be taken down in indelible ink and signed on each page by the stenographers and shall, together with the transcript be inserted in original in the record. The electromagnetic recording shall be transcribed under the direction of Registrar and the transcript shall be inserted in the record. In either case, the transcript may be hand written or typewritten and shall be read over to the witness, during or after the sitting, by the Registrar who shall make a note of such reading at the foot of the transcript.", and

(b) for the words "to secure the stenographers' fees" in subsection (4) thereof there shall be substituted the words "to secure the stenographers' or recording fees".

7. In section 989 of the principal law, for the words "with a fine (*ammenda*)" in paragraph (d) there shall be substituted the words with a fine (*ammenda* or *multa*)".

Amendment of section 989 of the principal law.

8. In section 992 of the principal law, for the words "in section 990" there shall be substituted the words "in section 990 or 993".

Amendment of section 992 of the principal law.

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

Substitution of section 993 of the principal law.

"993. (1) It is forbidden to use in any written pleading or during the hearing insulting or offensive expressions which

are not necessary for the cause or to produce without the previous permission of the Court any document containing any such expression; and it shall be lawful for the Court, in its discretion, to sentence the offender to reprimand or to a fine (*ammenda* or *multa*) or to detention in terms of the Criminal Code (Chapter 12); it shall also be lawful for the Court, either of its own motion or upon the demand of the aggrieved party, to cause any such expression to be struck out from the written pleading or document, as the case may be.

(2) The Court may also, instead of causing the striking out of the said expressions, order that the whole written pleading or document containing any such expression be expunged from the record of proceedings and, in such case, the pleading or document shall for all purposes be deemed never to have been filed."

Amendment
of section 1000
of the
principal
law.

10. In section 1000 of the principal law, for the words "to the Crown" there shall be substituted the words "to the Government of Malta".

Amendment
of enactment
in Schedule.

11. The enactment set out in the first column of the Schedule to this Act shall have effect subject to the amendment set out in the second column of that Schedule.

SCHEDULE

First Column <i>Enactment</i>	Second Column <i>Extent of amendment</i>
Press Act, 1974 (Act No. XL of 1974)	For the proviso to paragraph (e) of section 33 there shall be substituted the following: "Provided that it shall not be lawful to publish — (a) anything which, by section 993 of the Code of Organization and Civil Procedure (Chapter 15), is forbidden to be used or produced, or (b) any report of the proceedings in any case of defamation, in which evidence of the truth of the matters charged is not allowed by law."

Passed by the House of Representatives at Sitting No. 154 of the 17th April, 1978.

Clerk to the House of Representatives




Speaker