



MALTA

ATT Nru. XXVII ta' l-1979

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

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

ACT No. XXVII of 1979

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

Anton Fenech
President

14 f' Awissu, 1979

ATT Nru. XXVII ta' l-1979

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, ħareġ b'liġi dan li ġej:—

Titolu u bidu fis-seħh.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1979 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċeduri Ċivili, u għandu jinqara u jftiehem ħaġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

(2) Dan l-Att għandu jibda jseħħ fl-1 ta' Ottubru, 1979. B'dan però illi għall-atti kollha prezentati qabel l-ewwel ta' Ottubru, 1979, innota tal-eċċezzjonijiet jew ir-risposta tal-petizzjoni ta' l-appell jew appell inċidentali għalihom u kull terminu relattiv jibqgħu jiġu regolati bil-liġi kif tkun qabel l-imsemmi jum.

Emenda ta' l-artikolu 142 tal-liġi prinċipali.

2. Fis-subartikolu (1) ta' l-artikolu 142 tal-liġi prinċipali minflok il-kliem "miġbura fil-qosor" għandhom jidhlu l-kliem "miġbura fil-qosor ħafna".

Emenda ta' l-artikolu 143 tal-liġi prinċipali.

3. Minflok is-subartikolu (1) ta' l-artikolu 143 tal-liġi prinċipali għandu jidhlo dan li ġej:

"(1) Il-petizzjoni għandha tkun innotifikata lill-appellat illi għandu jipprezenta t-twegiba li jkun fiha r-raġunijiet għaliex l-appell għandu jiġi miċhud fiż-żmien ta' t-nax-il jum tax-xogħol."

Sostituzzjoni ta' l-artikolu 153 tal-liġi prinċipali.

4. Minflok l-artikolu 153 tal-liġi prinċipali għandu jidhlo dan li ġej:

"Tmexxija b'citazzjoni.

153. Il-proċediment huwa b'citazzjoni meta l-Qorti toħroġ jew taġti ordni lill-parti biex tidher quddiemha, fil-jum u fil-ħin li jiġu stabbiliti mil-Qorti wara li jagħlqu l-proċedimenti bil-miktub preliminari tal-kawża, għas-smieġ tal-kawża:

Iżda, f'kazijiet urgenti, il-Qorti tista' tistabbilixxi jum għas-smiegħ qabel l-egħluq tal-proċedimenti preliminari bil-miktub.”.

5. Minflok l-artikolu 154 tal-liġi prinċipali għandu jidhrol dan li ġej: Sostituzzjoni ta' l-artikolu 154 tal-liġi prinċipali.
- “Forma ta’-
citazzjoni. 154. Iċ-ċitazzjoni ssir bil-miktub skond il-formola stabbilita.”.
6. L-artikolu 155 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 155 tal-liġi prinċipali.
- (a) minflok is-subartikolu (1) tiegħu għandu jidhrol dan li ġej:
“(1) Iċ-ċitazzjoni għandha titlesta mill-attur u għandu jkun fiha —
- (a) tifsir ċar u sewwa ta' l-oġġett u r-raġuni tat-talba;
- (b) it-talba jew it-talbiet, li għandhom ikunu numerati.”;
- (b) minflok is-subartikolu (3) tiegħu għandu jidhrol dan li ġej:
“(3) Fil-Qrati Superjuri l-attur jew wieħed mill-atturi għandu wkoll, flimkien maċ-ċitazzjoni, jipprezenta dikjarazzjoni f'paragrafi numerati li jkun fiha miġjuba biċ-ċar u haġa b'haġa l-fatti tal-kawża li jkun jaf bihom. Dik id-dikjarazzjoni għandha tkun konfermata bil-ġurament quddiem ir-Registratur. L-attur għandu wkoll jagħti l-ismijiet tax-xhieda li jkun bi hsiebu jġib, magħduda t-taħrika tal-parti l-oħra, u jiddikjara xi prova jkun bi hsiebu jagħmel bix-xhieda tagħhom.”; u
- (ċ) is-subartikolu (6) tiegħu għandu jithassar.
7. Minflok l-artikolu 156 tal-liġi prinċipali għandu jidhrol l-artikolu ġdid li ġej: Sostituzzjoni ta' l-artikolu 156 tal-liġi prinċipali.
- “Notifika ta’-
citazzjoni. 156. Tkun ir-responsabbiltà ta' l-attur li jieħu hsieb li, permezz tar-Registratur, kopja taċ-ċitazzjoni u tad-dikjarazzjoni tiġi notifikata lill-konvenut.”.
8. L-artikolu 157 tal-liġi prinċipali għandu jithassar. Thassir ta' l-artikolu 157 tal-liġi prinċipali.
9. Minflok l-artikolu 158 tal-liġi prinċipali għandu jidhrol l-artikolu ġdid li ġej: Sostituzzjoni ta' l-artikolu 158 tal-liġi prinċipali.
- “Nota ta’
eċċezzjo-
nijiet u
nota ta’
ammissjoni,
prezentata,
eċċ. 158. (1) Il-konvenut għandu jipprezenta n-nota ta' eċċezzjonijiet tiegħu fi żmien għoxrin jum mid-data tan-notifika, kemm-il darba ma jkunx se jammetti t-talba.
- (2) Meta l-konvenut ikun bi hsiebu jammetti t-talba għal kollox u bla ebda kondizzjoni dan għandu jipprezenta nota għaldaqshekk.
- (3) Jekk dan ma jkunx il-każ għandu jipprezenta nota ta' eċċezzjonijiet li jkun fiha —
- (a) dawk l-eċċezzjonijiet li jitqiesu rinunzjati jekk ma jingibux fil-bidu tad-difiza;
- (b) stqarrija ċara u korretta ta' l-eċċezzjonijiet fuq il-meriti tat-talba jew tat-talbiet mingħajr riferenza għal awtoritajiet.

(4) Il-konvenut jew wiehed mill-konvenuti jekk ikun hemm aktar minn wiehed, għandu wkoll, jipprezenta flimkien man-nota ta' eċċezzjonijiet dikjarazzjoni b'paragrafi numerati li jkun fiha miġjuba biċ-ċar u haġa b'haġa l-fatti tal-kawża li jkun jaf bihom, fejn jiċċhad, jammetti jew jispjega ċ-ċirkostanzi tal-fatti murija fil-paragrafi numerati korrispondenti tad-dikjarazzjoni ta' l-attur. Id-dikjarazzjoni għandha tkun konfermata bil-ġurament quddiem ir-Registratur. Il-konvenut għandu wkoll jagħti l-ismijiet tax-xhieda li jkun bi ħsiebu jgib, magħduda t-taħrika tal-parti l-oħra, u jiddikjara xi prova jkun bi ħsiebu jagħmel bix-xhieda tagħhom.

(5) Ir-Registratur m'għandu jirċievi ebda nota ta' eċċezzjonijiet li magħha ma jkunx hemm dik id-dikjarazzjoni, u ma jista' jingieb ebda xhud illi ismu ma jkunx ingħata f'dik id-dikjarazzjoni, hlief meta l-ħtieġa għall-produzzjoni tax-xhud tinqala' f'xi żmien wara li tkun giet ipprezentata d-dikjarazzjoni jew meta l-parti kuntrarja tagħti l-kunsens tagħha bil-mod li jingħad fil-paragrafu (ċ) ta' l-artikolu 149.

(6) Meta l-konvenut huwa assenti jew minuri jew persuna inkapaċi skond il-liġi, jew wirt battal, u jkun jidher għalih prokuratur jew kuratur, minflok id-dikjarazzjoni msemmija hawn fuq, tista' ssir dikjarazzjoni fis-sens li l-fatti tal-kawża mhumiex magħrufa u li ma kienx possibbli li tittiehed l-informazzjoni meħtieġa sabiex it-talba ta' l-attur tiġi kkontestata.

(7) Barra milli jipprezenta n-nota li biha jammetti t-talba jew in-nota ta' eċċezzjonijiet u d-dikjarazzjoni, skond il-każ, il-konvenut għandu jieħu ħsieb li kopja identika tagħhom, iċċertifikata minnu nnifsu jew mill-Avukat tiegħu, jiġu notifikati permezz tar-Registru lill-attur jew lill-Avukat tiegħu.

(8) Il-Qorti tista' tieħu b'qies in-nuqqas ta' tħaris tad-disposizzjonijiet tas-subartikolu (7) ta' dan l-artikolu fl-applikazzjoni tad-disposizzjonijiet tas-subartikolu (3) ta' l-artikolu 221.

(9) Jekk il-konvenut jonqos li jipprezenta n-nota ta' eċċezzjonijiet u d-dikjarazzjoni msemmija f'dan l-artikolu, il-Qorti tiddeċiedi l-kawża bħallikieku l-konvenut baqa' kontumaci kemm-il darba ma jippruvax għas-sodisfazzjon tal-Qorti raġuni tajba li għaliha naqas li jipprezenta n-nota ta' eċċezzjonijiet u d-dikjarazzjoni fiż-żmien li jmiss.

(10) In-nota ta' eċċezzjonijiet tista', wara li jingiebu l-provi ta' l-attur u qabel ma l-konvenut igib il-provi tiegħu, tiġi emendata b'nota separata, sew bir-rinunzja ta' waħda jew oħra mill-eċċezzjonijiet, kemm b'żieda ta' eċċezzjonijiet oħra, bla ħsara għal dawk l-eċċezzjonijiet li jinqalghu f'kull stadju tal-kawża.

(11) Mal-prezentazzjoni tan-nota ta' eċċezzjonijiet jew malli jagħlaq iż-żmien stabbilit fis-subartikolu (1) ta' dan l-artikolu l-proċeduri bil-miktub preliminari għandhom jitqiesu li huma magħluqa u għandhom japplikaw l-artikoli 150 u 151.

(12) Minkejja d-disposizzjonijiet ta' qabel ta' dan l-artikolu, meta l-Qorti tkun stabbiliet jum għas-smieġ tal-kawża qabel l-egħluq tal-proċedimenti bil-miktub preliminari, il-konvenut għandu jipprezenta n-nota ta' eċċezzjonijiet u d-dikjarazzjoni mhux iktar tard mill-hin li fih il-kawża tkun se tin-

stema' l-ewwel darba, u jista' wkoll jipprezentahom quddiem il-Qorti f'dik is-seduta u jinnotifika kopja tagħhom lill-attur billi jagħti kopja lilu jew lill-avukat tiegħu f'dik l-istess seduta."

10. L-artikolu 172 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "b'ċitazzjoni" għandhom jidhlu l-kliem "b'petizzjoni"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "Iċ-ċitazzjoni" għandhom jidhlu l-kliem "Il-petizzjoni".

Emenda ta' l-artikolu 172 tal-liġi prinċipali.

11. Minflok l-artikolu 173 tal-liġi prinċipali għandu jidhol l-artikolu ġdid li ġej:

"Ordnijiet *in camera*.

173. Il-qorti tista', sabiex tiżgura li jkun hemm f'haris għal kollox ma' dak kollu li għandu x'jaqsam ma' proċedura, jew sabiex tikseb taġrif iktar dettaljat, jew sabiex jiġi jithaffu l-proċeduri jew sabiex jiġi evitat li partijiet jew xhieda jidhru għal xejn, tagħti *in camera* dawk l-ordnijiet u d-direttivi kollha li jidhriha xierqa, u jkun biżżejjed li dawk l-ordnijiet jew direttivi jiġu komunikati mir-Registatur ukoll b'itra lill-Avukati jew lill-Prokuraturi Legali tal-partijiet jew lill-partijiet innifishom. Din id-disposizzjoni tapplika f'kull stadju tal-proċedimenti qabel ma tingħata s-sentenza. Appell minn dawk l-ordnijiet jew direttivi, meta dawn huma appellabbli, jista' jsir biss wara s-sentenza finali u flimkien ma' appell minn dik is-sentenza, u dawk l-ordnijiet jew direttivi ma jistgħux jiġu ikkontestati qabel ma tingħata s-sentenza finali."

Sostituzzjoni ta' l-artikolu 173 tal-liġi prinċipali.

12. Fis-subartikolu (3) ta' l-artikolu 174 tal-liġi prinċipali, minnufih wara l-kliem "għall-identifikazzjoni tal-partijiet hawn fuq imsemmija" għandhom jiżdiedu l-kliem "u għandu jkollhom magħhom dak in-numru ta' kopji mhejjija skond id-disposizzjonijiet ta' l-artikolu 176 u iffirmati mill-istess persuni bhall-original, kif kien ikun meħtieġ għan-notifika tagħhom."

Emenda ta' l-artikolu 174 tal-liġi prinċipali.

13. L-artikolu 186 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "fil-lok fejn toqgħod jew taħdem" għandhom jiżdiedu l-kliem "jew fil-post tax-xogħol jew fl-indirizz postali tagħha," u minnufih wara l-kliem "fis-servizz ta' dik il-persuna" għandhom jiżdiedu l-kliem "jew f'idejn il-prokuratur tagħha jew persuna awtorizzata minnha biex tirċievi l-posta tagħha";

(b) minnufih wara s-subartikolu (3) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(4) In-notifika tista' wkoll issir mill-uffiċjali ta' l-uffiċċju tal-posta, b'dak il-mod u skond dawk ir-regoli li jkunu jaqblu mar-regolamenti tal-posta li r-Registatur jista' jordna b'avviz fil-Gazzetta."

Emenda ta' l-artikolu 186 tal-liġi prinċipali.

14. L-artikolu 190 tal-liġi prinċipali hu b'dan imħassar.

Thassir ta' l-artikolu 190 tal-liġi prinċipali.

Emenda ta' l-artikolu 191 tal-ligi prinċipali.

15. Fl-artikolu 191 tal-ligi prinċipali, għandu jżied il-proviso ġdid li ġej fit-tarf tiegħu:

“Iżda, b’danakollu, mandati kawtelatorji u eżekuttivi jistgħu jiġu biss notifikati jew eżegwiti minn uffiċjali tal-Qorti.”.

Emenda ta' l-artikolu 192 tal-ligi prinċipali.

16. Fis-subartikolu (1) ta' l-artikolu 192 tal-ligi prinċipali minflok il-kliem “fl-artikolu 157” għandhom jidhru l-kliem “fil-proviso għall-artikolu 153”.

Emenda ta' l-artikolu 193 tal-ligi prinċipali.

17. Is-subartikolu (1) ta' l-artikolu 193 tal-ligi prinċipali għandu jithassar.

Emenda ta' l-artikolu 219 tal-ligi prinċipali.

18. Fis-subartikolu (1) ta' l-artikolu 219 tal-ligi prinċipali minflok il-kliem “Id-digriet interlokutorji” għandhom jidhru l-kliem “Bla ħsara għad-disposizzjonijiet ta' l-artikolu 173, id-digriet interlokutorji”.

Emenda ta' l-artikolu 610 tal-ligi prinċipali.

19. Fis-subartikolu (1) ta' l-artikolu 610 tal-ligi prinċipali minflok il-kliem “u l-Qorti jkun jidhrilha xieraq li tilqa' dik it-talba” għandhom jidhru l-kliem “u wkoll meta l-Qorti hekk tordna”.

Emenda ta' l-artikolu 909 tal-ligi prinċipali.

20. L-artikolu 909 tal-ligi prinċipali għandu jiġi emendat kif ġej:

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

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


“(2) L-attur, l-appellant, jew il-persuna li tagħmel libell għandha titqies li rtirat l-atti ippreżentati minnha mingħajr kundizzjoni jekk, wara li gurnata tkun giet stabbilita għas-smieġ kif jingħad fl-artikolu 151, l-avviż imsemmi fl-artikolu 151(2) ma jkunx giet innotifikat lilu u dan in-nuqqas ta' notifika jkun baqa' għal iktar minn tliet xhur mid-data l-ewwel stabbilita għas-smieġ.”.

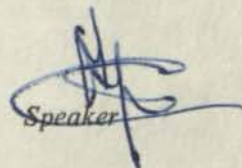
Emenda ta' l-artikolu 1006 tal-ligi prinċipali.

21. Minnufih wara s-subartikolu (2) ta' l-artikolu 1006 tal-ligi prinċipali għandu jżied is-subartikolu ġdid li ġej:

“(3) Il-Ministru responsabbli għall-Gustizzja jista' b'regolamenti jemenda, jissostitwixxi jew iżid mal-formuli li jinsabu fl-Iskeda B ta' dan il-Kodiċi.”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 311 tat-8 ta' Awissu, 1979.


Skrivan tal-Kamra tad-Deputati


Speaker



I assent.

John G. Galtzger
President

14 August, 1979

ACT No. XXVII of 1979

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:—

Citation and commencement.

1. (1) This Act may be cited as the Code of Organisation and Civil Procedure (Amendment) Act, 1979, and shall be read and construed as one with the Code of Organisation and Civil Procedure, hereinafter referred to as "the principal law".

(2) This Act shall come into force on the 1st day of October, 1979. Provided that for all acts filed before the first day of October, 1979, the statements of defence or replies to petitions of appeal or counter petitions thereto and all relative time limits shall be regulated by the laws obtaining before the said date.

Amendment of section 142 of the principal law.

2. In subsection (1) of section 142 of the principal law for the words "a summarised statement" there shall be substituted the words "a very brief summary".

Amendment of section 143 of the principal law.

3. For subsection (1) of section 143 of the principal law there shall be substituted the following:

"(1) The petition shall be served on the respondent who shall file his answer containing the reasons why the appeal should be dismissed, within the time of twelve working days."

Substitution of section 153 of the principal law.

4. For section 153 of the principal law there shall be substituted the following:

"Proceedings by writ of summons.

153. The procedure is said to be by writ of summons, when the court issues or gives an order to a party to appear before it on a day and at an hour to be indicated by the Court after the close of the preliminary written procedures of the case, for the trial of the case:

Provided that, in urgent cases, the Court may appoint a day for the trial of the case before the close of the preliminary written procedures.”.

5. For section 154 of the principal law there shall be substituted the following: Substitution of section 154 of the principal law.

“Form of writ of summons. 154. The writ of summons shall be in writing according to the prescribed form.”.

6. Section 155 of the principal law shall be amended as follows: Amendment of section 155 of the principal law.

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

“(1) The writ of summons shall be prepared by the plaintiff and shall contain —

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

(b) the claim or claims, which shall be numbered.”;

(b) for subsection (3) thereof there shall be substituted the following:

“(3) In the Superior Courts the plaintiff or one of the plaintiffs shall moreover, file together with the writ of summons a declaration with numbered paragraphs containing a clear and detailed statement of the facts of the case of which he may be aware. Such a declaration must be confirmed on oath before the Registrar. The plaintiff shall also give the names of the witnesses he intends to produce, including the subpoena of the other party, stating in respect of each of them the proof he intends to establish by their evidence.”; and

(c) subsection (6) thereof shall be deleted.

7. For section 156 of the principal law there shall be substituted the following new section: Substitution of section 156 of the principal law.

“Service of writ of summons. 156. It shall be the responsibility of the plaintiff to cause through the Registrar a copy of the writ of summons and of the declaration to be served on the defendant.”.

8. Section 157 of the principal law shall be deleted. Deletion of section 157 of the principal law.

9. For section 158 of the principal law there shall be substituted the following new section: Substitution of section 158 of the principal law.

“Statement of defence and note of admission, filing, etc. 158. (1) The defendant shall file his statement of defence within twenty days from the date of service, unless he intends to admit the claim.

(2) Where the defendant intends to admit the claim, wholly and unconditionally he shall file a note to that effect.

(3) Otherwise he shall file a statement of defence containing —

(a) any such pleas as would be taken to be waived if not raised before the contestation of the suit;

(b) a clear and correct statement of the pleas on the merits of the claim or claims without reference to authorities.

(4) The defendant or one of the defendants if they are more than one, shall moreover, file together with the statement of defence a declaration with numbered paragraphs, containing a clear and detailed statement of the facts of the case of which he may be aware, denying, admitting or explaining the circumstances of fact set out in the corresponding numbered paragraphs of the plaintiff's declaration. The declaration shall be confirmed on oath before the Registrar. The defendant shall also give the names of the witnesses he intends to produce, including the subpoena of the other party, stating in respect of each of them the proof he intends to establish by their evidence.

(5) The Registrar shall not receive any statements of defence which is not accompanied by such declaration, and no witness may be produced whose name shall not have been given in such declaration, unless the necessity of producing the witness arises at any time after the filing of the declaration or unless the opposite party shall give his consent in the manner prescribed in paragraph (c) of section 149.

(6) Where the defendant is absent or is a minor or a person incapacitated or a vacant inheritance, and is represented by an attorney or a curator, then instead of the declaration referred to above, a declaration may be made to the effect that the facts of the case are unknown and that it has not been possible to obtain the necessary information to contest the claim.

(7) Simultaneously with the filing of the note admitting the claim or of the statement of defence and declaration, as the case may be, the defendant shall cause an identical copy thereof, certified by himself or his Advocate, to be served through the registry on the plaintiff or his Advocate.

(8) Non-compliance with the provisions of subsection (7) of this section may be taken into account by the Court in the application of the provisions of subsection (3) of section 221.

(9) If the defendant makes default in filing the statement of defence and declaration mentioned in this section, the Court shall give judgment as if the defendant failed to appear to the summons, unless he shows to the satisfaction of the Court a reasonable excuse for his default in filing the statement and declaration within the prescribed time.

(10) The statement of defence, after the conclusion of the evidence of the plaintiff and before the defendant produces his evidence, may be amended by means of a

separate statement either withdrawing any of the pleas set up or adding new pleas, saving those pleas which may be set up at any stage of the proceedings.

(11) With the filing of the statement of defence or on the expiration of the terms laid down in subsection (1) of this section the preliminary written procedures shall be deemed to be closed, and sections 150 and 151 shall apply.

(12) Notwithstanding the foregoing provisions of this Section, where the Court has appointed a day for the trial of the case before the close of the preliminary written proceedings, the defendant shall file the statement of defence and declaration not later than the time at which the case is first heard, and may also file them before the Court at such hearing and serve a copy thereof on the defendant by delivering a copy to him or his advocate at that same hearing."

10. Section 172 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words "by writ of summons" there shall be substituted the words "by petition"; and

(b) in subsection (2) thereof for the words "The writ of summons" there shall be substituted the words "The petition".

Amendment
of section
172 of the
principal law.

11. For section 173 of the principal law there shall be substituted the following new section:

"Orders
in camera.

173. The court may, in order to ensure full compliance with all matters of procedure, or to seek more detailed information, or to expedite proceedings or to avoid the unnecessary appearance of parties or witnesses, give *in camera* all such orders and directives it may think fit, and it shall be sufficient that such orders or directives be communicated by the Registrar even by letter to the Advocates or Legal Procurators of the parties or to the parties themselves. This provision shall apply to any stage of the proceedings before judgment is delivered. An appeal from such orders or directives where admissible may be entered only after the definitive judgment and together with an appeal from such judgment, and such orders or directives may not be challenged before the definitive judgment is delivered."

Substitution
of section
173 of the
principal law.

12. In subsection (3) of section 174 of the principal law, immediately after the words "to identify the said parties" there shall be added the words "and shall be accompanied by such number of copies prepared in conformity with the provisions of section 176 and signed by the same persons as the original, as would be required for the service thereof."

Amendment
of section
174 of the
principal law.

13. Section 186 of the principal law shall be amended as follows:

(a) in subsection (1) thereof immediately after the words "place of residence or business" there shall be added the words "or place of work or postal address," and immediately after the words "in his service" there shall be added the words "or his attorney or person authorised to receive his mail";

Amendment
of section
186 of the
principal law.

(b) immediately after subsection (3) thereof there shall be added the following new subsection :

“(4) Service may also be effected by officers of the post office, in such manner and under such rules in conformity with postal regulations as the Registrar may order by notice in the Gazette.”.

Deletion
of section
190 of the
principal law.

14. Section 190 of the principal law shall be deleted.

Amendment
of section
191 of the
principal law.

15. In section 191 of the principal law, there shall be added the following new proviso at the end thereof :

“Provided, however, that precautionary and executive warrants may only be served or executed by officers of the Courts.”.

Amendment
of section
192 of the
principal law.

16. In subsection (1) of section 192 of the principal law for the words “section 157” there shall be substituted the words “the proviso to section 153”.

Amendment
of section
193 of the
principal law.

17. Subsection (1) of section 193 of the principal law shall be deleted.

Amendment
of section
219 of the
principal law.

18. In subsection (1) of section 219 of the principal law for the words “Interlocutory decrees” there shall be substituted the words “Saving the provisions of section 173, interlocutory decrees”.

Amendment
of section
610 of the
principal law.

19. In subsection (1) of section 610 of the principal law for the words “and the Court sees fit to accede to such a demand” there shall be substituted the words “and also in the case where the Court so orders”.

Amendment
of section
909 of the
principal law.

20. Section 909 of the principal law shall be amended as follows:

(a) the present provision shall be re-numbered as subsection (1) thereof; and

(b) immediately after subsection (1) there shall be added the following new subsection:

“(2) The plaintiff, appellant, or person issuing out a libel shall be deemed to have withdrawn the acts filed by him unconditionally if, after a day has been appointed for the trial as stated in section 151, the notice mentioned in section 151(2) was not served upon him and this failure of service has persisted for more than three months from the date first set for the trial.”.

21. Immediately after subsection (2) of section 1006 of the principal law there shall be added the following new subsection:

“(3) The Minister responsible for Justice may by regulations amend, substitute or make additions to the forms contained in Schedule B annexed to this Code.”

Amendment
of section
1006 of the
principal law.

Passed by the House of Representatives at Sitting No. 311 of the 8th August, 1979.



Clerk to the House of Representatives



Speaker