

Nru 133

09. 05. 2025

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Byron Camilleri, M.P., Ministru għall-Intern, is-Sigurtà, u x-Xogħol, f'isem il-Ministru għall-Ġustizzja u r-Riforma tas-Settur tal-Kostruzzjoni, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Dicembru 2024.

ATT sabiex jemenda ligijiet varji sabiex jipprovdi għat-twaqqif tal-Qorti tal-Kummerċ u sabiex jipprovdi għal emendi konsegwenzjali.

A BILL introduced by the Honourable Byron Camilleri, M.P., Minister for Home Affairs, Security and Employment, on behalf of the Minister for Justice and Reform of the Construction Sector, and read the First time at the Sitting of the 9th December 2024.

AN ACT to amend various laws to provide for the establishment of the Commercial Court and to provide for consequential amendments.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jemenda liġijiet varji sabiex jipprovdi għat-twaqqif tal-Qorti tal-Kummerċ u sabiex jipprovdi għal emendi konsegwenzjali.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda Liġijiet Varji dwar it-Twaqqif u l-Ġurisdizzjoni tal-Qorti tal-Kummerċ.

Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ fit-tali data li l-Ministru responsabbli għall-ġustizzja jista', b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

TAQSIMA I

Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili

2. Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjah "il-Kodiċi".

Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.
Kap. 12.

3. L-artikolu 3 tal-Kodiċi għandu jiġu sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 3 tal-Kodiċi.

"3. Il-qrati superjuri huma:

- (a) il-Qorti Ċivili;
- (b) il-Qorti tal-Kummerċ;

(ċ) il-Qorti tal-Appell; u

(d) il-Qorti Kostituzzjonali."

Emenda tal-artikolu 32 tal-Kodiċi.

4. Fis-subartikolu (2) tal-artikolu 32 tal-Kodiċi l-kliem "ta' natura ċivili jew kummerċjali" għandhom jiġu sostitwiti bil-kliem "ta' natura ċivili u ta' tali kawżi ta' natura kummerċjali li ma humiex mod ieħor assenjati bil-liġi lill-Qorti tal-Kummerċ".

Żieda ta' artikolu ġdid fil-Kodiċi.

5. Minnufih wara l-artikolu 32 tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġejj:

"Qorti tal-Kummerċ.

32A. (1) Imħallef wieħed għandu jippresjedi fil-Qorti tal-Kummerċ.

Kap. 13.
Kap. 386.
Kap. 379.

(2)(a) Il-Qorti tal-Kummerċ għandha tiddeċiedi kawżi, kif jista' jiġi assenjat lilha bil-liġi jew b'regolamenti maħruġa mill-Ministru responsabbli għall-ġustizzja skont is-subartikolu (3) kemm-il darba ma hemmxstabbilita ġurisdizzjoni taħt liġi speċjali. Fost materji oħra, il-Qorti tal-Kummerċ għandha tiddeċiedi kawżi taħt, jew fir-rigward tal-applikazzjoni ta', jew li jikkonċernaw il-Kodiċi tal-Kummerċ, l-Att dwar il-Kumpaniji, l-Att dwar il-Kompetizzjoni, bastimenti merkantili, kolliżjoni ta' bċeġjeċ tal-baħar, salvataġġ, avarija, assigurazzjoni marittima, tniġġis tal-baħar, drittijiet ta' proprjetà intellettwali, kambjali, biljetti negozjabbli jew strumenti oħra ta' kreditu, falliment u kwalunkwe kwistjoni oħra relatata, anke jekk l-imsemmija kwistjoni mhijiex is-suġġett tal-kawża, inkluż il-qbid ta' azjenda kummerċjali u testimonjali.

(b) Bla ħsara għall-paragrafu (a), il-Qorti tal-Kummerċ għandha tkun kompetenti li tisma' u tiddeċiedi kawżi li jkollhom x'jaqsmu ma' kwistjonijiet regolati bil-liġijiet li ġejjin jew bi kwalunkwe regolamenti magħmula taħthom:

Kap. 12.

(i) is-Sub-titolu III tat-Titolu VIII tat-Taqsima I tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

Kap. 140.

(ii) l-Att dwar il-Ġarr tal- Merkanzija bil-Baħar;

Kap. 232.

(iii) l-Att dwar l-Avjazzjoni Ċivili, ħlief id-dispożizzjonijiet tiegħu li huma ta' natura kriminali;

Kap. 234.

(iv) l-Att dwar il-Bastimenti Merkantili;

Kap. 352.

(v) l-Att dwar Portijiet u Bastimenti;

- Kap. 371. (vi) l-Att dwar il-Kummerċ Bankarju;
- Kap. 376. (vii) l-Att dwar Istituzzjonijiet Finanzjarji;
- Kap. 378. (viii) l-Att dwar l-Affarijiet tal-Konsumatur;
- Kap. 379. (ix) l-Att dwar il-Kompetizzjoni;
- Kap. 386. (x) l-Att dwar il-Kumpaniji;
- Kap. 412. (xi) l-Att dwar Responsabbiltà Ċivili u Kumpens għal Tingis miż-Żejt;
- Kap. 414. (xii) l-Att dwar Drittijiet dwar Proprjetà Intellettuali (Miżuri Intrakonfini);
- Kap. 415. (xiii) l-Att dwar id-Drittijiet tal-Awtur;
- Kap. 417. (xiv) l-Att dwar il-Privattivi Industrijali u d-Disinni;
- Kap. 488. (xv) l-Att li jirregola l-Infurzar ta' Drittijiet ta' Proprjetà Intellettuali;
- Kap. 510. (xvi) l-Att dwar l-Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur;
- Kap. 597. (xvii) l-Att dwar it-*Trademarks*;
- Kap. 631. (xviii) l-Att ta' Qabel l-Insolvenza; u
- Kap. 635. (xix) l-Att dwar Azzjonijiet Rappreżentattivi tal-Konsumaturi.

(ċ) Il-Qorti tal-Kummerċ għandha wkoll tiegħu konjizzjoni tal-kawżi li ġejjin kemm jekk ta' natura ċivili kif ukoll kummerċjali:

- (i) azzjonijiet relatati ma' kollizzjonijiet fuq il-baħar;
- (ii) azzjonijiet li jirriżultaw mill-garr ta' merkanzija bil-baħar;
- (iii) azzjonijiet *in rem* kontra vapuri jew bastimenti skont l-artikolu 742B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;
- (iv) azzjonijiet *in personam* kemm jekk jirriżultaw minn delitt kif ukoll kuntratt li jinvolvu s-sugġett tal-kwistjonijiet elenkati fl-artikolu 742B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;
- (v) bejgħ bil-qorti ta' bastimenti, b'ċeċċ tal-baħar, inġenji tal-ajru u bejgħ approvat mill-Qorti għal vapuri, bastimenti u inġenji tal-ajru;
- (vi) kwalunkwe tilwima relatata ma' vapur jew ma' bastimenti miġjuba minn, jew kontra:

	- kwalunkwe organizzazzjoni Maltija ta' bastimenti; jew
L.S. 234.23.	- kwalunkwe sid internazzjonali kif imfisser fir-Regolamenti dwar Bastimenti li Jikkwalifikaw għal Reġistrazzjoni;
Kap. 12.	(vii) azzjonijiet relatati ma' kambjali u s-sospensjoni ta' kambjali skont l-artikolu 253(e) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;
	(viii) azzjonijiet relatati ma' mandati kawtelatorji u eżekuttivi maħruġa mill-Qorti tal-Kummerċ; u
Kap. 387.	(ix) li twettaq kwalunkwe funzjoni dwar l-għarfien u l-infurzar ta' deċiżjonijiet barranin ta' arbitraġġ kif jista' jkun provdut minn żmien għal żmien fl-Att dwar l-Arbitraġġ jew f'regolamenti magħmula tahtu jew f'xi liġi oħra.
	(3) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jistabbilixxi l-kawżi li għandhom jiġu assenjati lill-Qorti tal-Kummerċ b'referenza għas-sugġett generali tagħhom. Tali regolamenti jistgħu wkoll jipprovdu għal arranġamenti tranżitorji fir-rigward ta' kawżi li s-smiġħ tagħhom ikun pendenti.
	(4) Il-Ministru responsabbli għall-ġustizzja jista', b'ordni fil-Gazzetta, jipprovdi li l-kliem "Qorti Ċivili, Prim'Awla", u "Prim'Awla tal-Qorti Ċivili" u "Qorti Ċivili (Sezzjoni tal-Kummerċ)" u kliem li jinkludu kwalunkwe varjazzjoni żgħira oħra fuqhom iżda li jindikaw il-Prim'Awla tal-Qorti Ċivili jew il-Qorti Ċivili (Sezzjoni tal-Kummerċ), skont il-każ, għandhom jiġu sostitwiti fi kwalunkwe liġi jew regolamenti bil-kliem "Qorti tal-Kummerċ".
Emenda tal-artikolu 36 tal-Kodiċi.	6. Is-subartikolu (7) tal-artikolu 36 tal-Kodiċi għandu jiġi mħassar.
Żieda ta' artikoli godda fil-Kodiċi.	7. Minnufih wara l-artikolu 36A tal-Kodiċi għandhom jiġu miżjuda l-artikoli godda li ġejjin:
"Seduti mill-Qorti tal-Kummerċ f'Għawdex.	36B. Meta l-kawżi quddiem il-Qorti tal-Kummerċ ikunu jikkoncernaw talbiet kontra persuni residenti jew li jkollhom ir-residenza ordinarja jew l-uffiċċju registrat tagħhom f'Għawdex jew Kemuna, il-Qorti tal-Kummerċ għandha żzomm is-seduti tagħha fil-bini tal-Qorti ta' Għawdex.

Ġurisdizzjoni
ulterjuri tal-
Qorti tal-
Kummerċ.

36Ċ. Il-Qorti tal-Kummerċ għandu jkollha ġurisdizzjoni dwar kwalunkwe materja relatata ma' daww il-kawżi li tagħhom tiegħu konjizzjoni inkluż, iżda mhux limitament għall-eżekuzzjoni tas-sentenzi tagħha jew ta' titoli eżekuttivi oħra li l-mertu tagħhom jaqa' fil-ġurisdizzjoni tagħha u kwalunkwe kwistjoni relatata ma' miżuri ta' natura kawtelatorja.

Appell mis-
sentenzi tal-
Qorti tal-
Kummerċ.

36D. Sentenzi tal-Qorti tal-Kummerċ għandhom ikunu soġġetti għal appell lill-Qorti tal-Appell."

8. L-artikolu 39 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-
artikolu 39 tal-
Kodiċi.

(a) fin-nota marginali tiegħu l-kliem "tal-Qorti Ċivili, Prim'Awla" għandhom jiġu sostitwiti bil-kliem "tal-Qorti tal-Kummerċ jew tal-Qorti Ċivili"; u

(b) il-kliem "fil-Qorti Ċivili, jew xi sezzjoni tagħha" tiegħu għandhom jiġu sostitwiti bil-kliem "fil-Qorti tal-Kummerċ, fil-Qorti Ċivili jew xi sezzjoni tagħha".

9. Fis-subartikolu (8) tal-artikolu 41 tal-Kodiċi l-kliem "u mill-Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "u l-Qorti tal-Kummerċ".

Emenda tal-
artikolu 41 tal-
Kodiċi.

10. Fin-nota marginali tal-artikolu 161 tal-Kodiċi l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Prim'Awla tal-Qorti Ċivili, fil-Qorti tal-Kummerċ".

Emenda tal-
artikolu 161 tal-
Kodiċi.

TAQSIMA II

Emendi għall-Kodiċi tal-Kummerċ

11. Din it-Taqsima temenda l-Kodiċi tal-Kummerċ u għandha tinqara u tintfiehmed haġa waħda mal-Kodiċi tal-Kummerċ, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ il-"Kodiċi".

Emendi għall-
Kodiċi tal-
Kummerċ.
Kap. 13.

12. It-Taqsima IV tat-Taqsim tal-Kodiċi għandha tiġi emendata kif ġej:

Emenda tat-
Taqsim tal-
Kodiċi.

(a) fl-intestatura tagħha, il-kliem "QORTI ĊIVILI, PRIM'AWLA" għandhom jiġu sostitwiti bil-kliem "QORTI TAL-KUMMERĊ"; u

(b) fl-intestatura tat-Titolu II tagħha, il-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ".

13. Fil-paragrafu (a) tal-artikolu 9 tal-Kodiċi l-kliem "fil-Prim'Awla tal-Qorti Ċivili; jew, jekk iż-żewġ ġenituri jkunu mejtin,

Emenda tal-
artikolu 9 tal-
Kodiċi.

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interdetti jew assenti, ikun gie awtorizzat mill-imħallef tal-Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "fil-Qorti tal-Kummerċ; jew, jekk iż-żewġ (2) ġenituri jkunu mejtin, interdetti jew assenti, ikun gie awtorizzat mill-imħallef tal-Qorti tal-Kummerċ".

Emenda tal-artikolu 12 tal-Kodiċi.

14. Fis-subartikolu (2) tal-artikolu 12 tal-Kodiċi l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ".

Emenda tal-artikolu 29 tal-Kodiċi.

15. Fl-artikolu 29 tal-Kodiċi l-kliem "b'ċitazzjoni quddiem il-Prim'Awla tal-Qorti Ċivili, jew quddiem il-Qorti tal-Maġistrati (Għawdex) fil-ġurisdizzjoni superjuri kummerċjali tagħha, skont il-każ" għandhom jiġu sostitwiti bil-kliem "b'rikors ġuramentat quddiem il-Qorti tal-Kummerċ".

Emenda tal-artikolu 37 tal-Kodiċi.

16. Fis-subartikolu (3) tal-artikolu 37 tal-Kodiċi l-kliem "Izda il-penali tiġi stabbilita mill-Prim'Awla tal-Qorti Ċivili, jew mill-Qorti tal-Maġistrati (Għawdex) fil-ġurisdizzjoni superjuri tagħha bħala Qorti Ċivili, Prim'Awla," għandhom jiġu sostitwiti bil-kliem "Il-penali għandha tiġi stabbilita mill-Qorti tal-Kummerċ,".

Emenda tal-artikolu 38 tal-Kodiċi.

17. L-artikolu 38 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ"; u

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) Għandu jinżamm ukoll taħt l-awtorità tal-Qorti tal-Kummerċ registru ieħor għall-kummerċjanti residenti f'Għawdex u għal soċjetajiet kummerċjali li jkollhom il-post tan-negozju tagħhom f'Għawdex. Tali registru għandu jitqies li jifforma parti integrali mir-registru previst fis-subartikolu (1).".

Emenda tal-artikolu 55 tal-Kodiċi.

18. Fl-artikolu 55 tal-Kodiċi l-kliem "b'nota pprezentata fil-Prim'Awla tal-Qorti Ċivili, jew fil-Qorti tal-Maġistrati (Għawdex) fil-ġurisdizzjoni superjuri kummerċjali tagħha, skont ma jkun il-każ" għandhom jiġu sostitwiti bil-kliem "b'nota pprezentata fil-Qorti tal-Kummerċ".

Emenda tal-artikolu 86 tal-Kodiċi.

19. Fis-subartikolu (2) tal-artikolu 86 tal-Kodiċi l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ".

Emenda tal-artikolu 91 tal-Kodiċi.

20. Fis-subartikolu (1) tal-artikolu 91 tal-Kodiċi l-kliem "il-Prim'Awla tal-Qorti Ċivili, jew il-Qorti tal-Maġistrati (Għawdex) fil-

għurisdizzjoni superjuri kummerċjali tagħha, skont ma jkun il-każ" għandhom jiġu sostitwiti bil-kliem "il-Qorti tal-Kummerċ".

- 21.** Fl-artikolu 196 tal-Kodiċi l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 196 tal-Kodiċi.
- 22.** Fl-artikolu 204 tal-Kodiċi l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 204 tal-Kodiċi.
- 23.** Fis-subartikolu (1) tal-artikolu 382 tal-Kodiċi l-kliem "Qorti Ċivili, Prim'Awla" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 382 tal-Kodiċi.
- 24.** Fl-artikolu 478 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 478 tal-Kodiċi.
- 25.** Fl-artikolu 480 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 480 tal-Kodiċi.
- 26.** Fis-subartikolu (1) tal-artikolu 481 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 481 tal-Kodiċi.
- 27.** L-artikolu 482 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 482 tal-Kodiċi.
- (a) fis-subartikolu (1) tiegħu l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ"; u
- (b) fis-subartikolu (2) tiegħu l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ".
- 28.** Fis-subartikolu (1) tal-artikolu 493 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 493 tal-Kodiċi.
- 29.** Fl-artikolu 504 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 504 tal-Kodiċi.
- 30.** Fis-subartikolu (1) tal-artikolu 513 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 513 tal-Kodiċi.
- 31.** Fis-subartikolu (5) tal-artikolu 521 tal-Kodiċi l-kliem "Qorti Ċivili (Sezzjoni tal-Kummerċ)" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ". Emenda tal-artikolu 521 tal-Kodiċi.

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Emenda tat-Taqsima IV tal-Kodiċi.

32. It-Taqsima IV tal-Kodiċi għandha tiġi emendata kif ġej:

(a) fl-intestatura tagħha l-kliem "QORTI ĊIVILI, PRIM'AWLA," għandhom jiġu sostitwiti bil-kliem "QORTI TAL-KUMMERĊ"; u

(b) fl-intestatura tat-Titolu II tagħha l-kliem "PRIM'AWLA TAL-QORTI ĊIVILI" għandhom jiġu sostitwiti bil-kliem "QORTI TAL-KUMMERĊ".

Sostituzzjoni tal-artikolu 547 tal-Kodiċi.

33. L-artikolu 547 tal-Kodiċi għandu jiġi sostitwiti bl-artikolu ġdid li ġej:

"Ġurisdizzjoni kummerċjali.

Kap. 12.

547. Il-ġurisdizzjoni kummerċjali għandha tiġi eżerċitata mill-Qorti tal-Kummerċ skont id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u dan il-Kodiċi."

Emenda tal-artikolu 549 tal-Kodiċi.

34. L-artikolu 549 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu l-kliem "Prim'Awla tal-Qorti Ċivili" għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ"; u

(b) il-kliem "Prim'Awla tal-Qorti Ċivili" tiegħu għandhom jiġu sostitwiti bil-kliem "Qorti tal-Kummerċ".

TAQSIMA III Dispożizzjoni Tranżitorja

Dispożizzjoni tranżitorja.

35. Fejn, bis-saħħa ta' dan l-Att, referenza għall-Prim'Awla tal-Qorti Ċivili tiġi sostitwita b' referenza għall-Qorti tal-Kummerċ, tali referenza għall-Qorti tal-Kummerċ għandha titqies li tinkludi wkoll referenza għall-Prim'Awla tal-Qorti Ċivili jew għall-Qorti Ċivili (Sezzjoni tal-Kummerċ) għall-għanijiet ta' atti u azzjonijiet li jkunu saru jew inbdeu qabel dik is-sostituzzjoni.

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li titwaqqaf il-Qorti tal-Kummerċ bħala qorti separata mill-Prim'Awla tal-Qorti Ċivili u li tingħata ġurisdizzjoni lill-Qorti tal-Kummerċ sabiex tisma' kawżi ta' natura kummerċjali jew relatati mal-kummerċ, inklużi kawżi relatati ma' drittijiet ta' proprjetà intellettuali u ma' bçejeċ merkantili kif provdut f'dan l-Abbozz ta' Liġi u kif jista' jkun ukoll provdut b'regolamenti maħruġa skont dan l-Att.

A BILL
entitled

AN ACT to amend various laws to provide for the establishment of the Commercial Court and to provide for consequential amendments.

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. (1) The short title of this Act is the Various Laws relating to the Establishment and Jurisdiction of the Commercial Court (Amendment) Act, 2025. Short title and commencement.

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

PART I

Amendments to the Code of Organization and Civil Procedure

2. This Part amends the Code of Organization and Civil Procedure and it shall be read construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as the "Code". Amendments to the Code of Organization and Civil Procedure. Cap. 12.

3. Article 3 of the Code shall be substituted by the following new article: Substitution of article 3 of the Code.

"3. The superior courts are:

- (a) the Civil Court;
- (b) the Commercial Court;

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(c) the Court of Appeal; and

(d) the Constitutional Court."

Amendment of article 32 of the Code.

4. In sub-article (2) of article 32 of the Code the words "of a civil and commercial nature" shall be substituted by the words "of a civil nature and of such causes of a commercial nature which are not otherwise assigned by law to the Commercial Court".

Addition of new article to the Code.

5. Immediately after article 32 of the Code there shall be added the following new article:

"Commercial Court.

32A. (1) One Judge shall preside over the Commercial Court.

(2)(a) The Commercial Court shall decide causes, as may be assigned to it by law or by regulations issued by the Minister responsible for justice in accordance with sub-article (3) unless jurisdiction is established under a special law. Amongst other matters, the Commercial Court shall decide causes under or in relation to the application of or regarding the Commercial Code, the Companies Act, the Competition Act, merchant shipping, collision of sea vessels, salvage, average, marine insurance, marine pollution, intellectual property rights, bills of exchange, promissory notes or other credit instruments, bankruptcy and any other related matter even if said matter is not the subject of a cause, including the seizure of a going concern and sea protests.

(b) Without prejudice to paragraph (a), the Commercial Court shall be competent to hear and determine causes which are related to matters regulated by the following laws or by any regulations made thereunder:

Cap. 13.
Cap. 386.
Cap. 379.

Cap.12.
Cap. 140.
Cap. 232.

Cap. 234.
Cap. 352.
Cap. 371.
Cap. 376.
Cap. 378.
Cap. 379.
Cap. 386.

- (i) Sub-Title III of Title VIII of Part I of the Code of Organisation and Civil Procedure;
- (ii) Carriage of Goods by Sea Act;
- (iii) Civil Aviation Act except for provisions thereof which are of a criminal nature;
- (iv) Merchant Shipping Act;
- (v) Ports and Shipping Act;
- (vi) Banking Act;
- (vii) Financial Institutions Act;
- (viii) Consumer Affairs Act;
- (ix) Competition Act;
- (x) Companies Act;

- Cap. 412. (xi) Oil Pollution (Liability and Compensation) Act;
- Cap. 414. (xii) Intellectual Property Rights (Cross-Border Measures) Act;
- Cap. 415. (xiii) Copyright Act;
- Cap. 417. (xiv) Patents and Designs Act;
- Cap. 488. (xv) Enforcement of Intellectual Property Rights (Regulation) Act;
- Cap. 510. (xvi) Malta Competition and Consumer Affairs Authority Act;
- Cap. 597. (xvii) Trademarks Act;
- Cap. 631. (xviii) Pre-Insolvency Act; and
- Cap. 635. (xix) Representative Actions (Consumers) Act.

(c) The Commercial Court shall also take cognizance of the following causes whether of a civil or commercial nature:

- (i) actions relating to collisions at sea;
- (ii) actions arising out of the carriage of goods by sea;
- (iii) actions *in rem* against ships or vessels under article 742B of the Code of Organization and Civil Procedure;
- (iv) actions *in personam* whether arising out of tort or contract involving the subject matters listed in article 742B of the Code of Organization and Civil Procedure;
- (v) judicial sales of ships, seagoing vessels, aircraft and court approved private sales of ships, seagoing vessels and aircraft;
- (vi) any dispute relating to a ship or to shipping brought by or against:
- any Maltese shipping organisation; or
 - any international owner as defined in the Ships Eligible for Registration Regulations;
- (vii) actions relating to bills of exchange and the suspension of bills of exchange in accordance with article 253(e) of the Code of Organization and Civil Procedure;
- (viii) actions relating to precautionary and executive warrants issued by the Commercial Court;

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Cap. 387. (ix) to perform any function relating to the recognition and enforcement of foreign arbitration awards as may be provided from time to time in the Arbitration Act, in regulations made thereunder or in any other law.

(3) The Minister responsible for justice may by regulations establish the causes which are to be assigned to the Commercial Court by reference to their general subject matter. Such regulations may also provide for transitory arrangements in respect of causes the hearing of which is pending.

(4) The Minister responsible for justice may, by order in the Gazette, provide that the words "Civil Court, First Hall", and "First Hall Civil Court", and "Civil Court (Commercial Section)" and words including any other slight variation thereon but indicating the Civil Court, First Hall or the Civil Court (Commercial Section), as the case may be, shall be substituted in any law or regulations by the words "Commercial Court".

Amendment of article 36 of the Code.

6. Sub-article (7) of article 36 of the Code shall be deleted.

Addition of new articles to the Code.

7. Immediately after article 36A of the Code there shall be added the following new articles:

"Sittings by the Commercial Court in Gozo.

36B. When causes before the Commercial Court consist of claims against persons residing or having their ordinary abode or registered office in Gozo or Comino, the Commercial Court shall hold its sittings in the building of the Court of Gozo.

Further jurisdiction of the Commercial Court.

36C. The Commercial Court shall have jurisdiction over any matter relating to those cases which it takes to cognisance including but not limitedly to, the execution of its judgments or other executive titles the merits of which falls within its jurisdiction and any matter relating to measures of a precautionary nature.

Appeal from judgements of the Commercial Court.

36D. Judgements of the Commercial Court shall be subject to an appeal to the Court of Appeal."

Amendment of article 39 of the Code.

8. Article 39 of the Code shall be amended as follows:

(a) in the marginal note thereof the words "of Civil Court, First Hall" shall be substituted by the words "of the Commercial Court or the Civil Court"; and

(b) the words "in the Civil Court, or any section thereof" thereof shall be substituted by the words "in the Commercial Court, the Civil Court or any section thereof".

9. In sub-article (8) of article 41 of the Code the words "and the Civil Court (Commercial Section)" shall be substituted by the words "and the Commercial Court".

Amendment of article 41 of the Code.

10. In the marginal note of article 161 of the Code the words "Civil Court, First Hall" shall be substituted by the words "Civil Court, First Hall, in the Commercial Court".

Amendment of article 161 of the Code.

PART II

Amendments to the Commercial Code

11. This Part amends the Commercial Code and it shall be read and construed as one with the Commercial Code, hereinafter in this Part referred to as the "Code".

Amendments to the Commercial Code.
Cap. 13.

12. Part IV of the Arrangement of the Code shall be amended as follows:

Amendment of the Arrangement of the Code.

(a) in the heading thereof the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court"; and

(b) in the heading of Title II thereof the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court".

13. In paragraph (a) of article 9 of the Code the words "in the Civil Court, First Hall; or, where both parents are dead, interdicted or absent, he has been authorized by the judge of the Civil Court, First Hall" shall be substituted by the words "in the Commercial Court; or, where both parents are dead, interdicted or absent, he has been authorized by the judge of the Commercial Court".

Amendment of article 9 of the Code.

14. In sub-article (2) of article 12 of the Code the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court".

Amendment of article 12 of the Code.

15. In article 29 of the Code the words "by summons before the Civil Court, First Hall or before the Court of Magistrates (Gozo) in its superior commercial jurisdiction, as the case may be" shall be substituted by the words "by sworn application before the Commercial Court".

Amendment of article 29 of the Code.

16. In sub-article (3) of article 37 of the Code the words "The penalty, however, shall be fixed by the Civil Court, First Hall or by the Court of Magistrates (Gozo) in its superior commercial jurisdiction"

Amendment of article 37 of the Code.

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shall be substituted by the words "The penalty shall be determined by the Commercial Court,".

Amendment of article 38 of the Code.

17. Article 38 of the Code shall be amended as follows:

(a) in sub-article (1) thereof the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court"; and

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) There shall also be kept under the authority of the Commercial Court another register for traders residing in Gozo and commercial partnerships having their place of business in Gozo. Such register shall be deemed to form an integral part of the register provided for in sub-article (1)."

Amendment of article 55 of the Code.

18. In article 55 of the Code the words "by means of a note filed in the Civil Court, First Hall or in the Court of Magistrates (Gozo) in its superior commercial jurisdiction, as the case may be" shall be substituted by the words "by means of a note filed in the Commercial Court".

Amendment of article 86 of the Code.

19. In sub-article (2) of article 86 of the Code the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court".

Amendment of article 91 of the Code.

20. In sub-article (1) of article 91 of the Code the words "the Civil Court, First Hall or the Court of Magistrates (Gozo) in its superior commercial jurisdiction, as the case may be" shall be substituted by the words "the Commercial Court".

Amendment of article 196 of the Code.

21. In article 196 of the Code the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court".

Amendment of article 204 of the Code.

22. In article 204 of the Code the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court".

Amendment of article 382 of the Code.

23. In sub-article (1) of article 382 of the Code the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court".

Amendment of article 478 of the Code.

24. In article 478 of the Code the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

Amendment of article 480 of the Code.

25. In article 480 of the Code the words "Civil Court (Commercial Section)", wherever they occur, shall be substituted by the words "Commercial Court".

26. In sub-article (1) of article 481 of the Code the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

Amendment of article 481 of the Code.

27. Article 482 of the Code shall be amended as follows:

Amendment of article 482 of the Code.

(a) in sub-article (1) thereof the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court"; and

(b) in sub-article (2) thereof the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

28. In sub-article (1) of article 493 of the Code the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

Amendment of article 493 of the Code.

29. In article 504 of the Code the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

Amendment of article 504 of the Code.

30. In sub-article (1) of article 513 of the Code the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

Amendment of article 513 of the Code.

31. In sub-article (5) of article 521 of the Code the words "Civil Court (Commercial Section)" shall be substituted by the words "Commercial Court".

Amendment of article 521 of the Code.

32. Part IV of the Code shall be amended as follows:

Amendment of Part IV of the Code.

(a) in the heading thereof the words "CIVIL COURT, FIRST HALL" shall be substituted by the words "COMMERCIAL COURT"; and

(b) in the heading of Title II thereof the words "CIVIL COURT, FIRST HALL" shall be substituted by the words "COMMERCIAL COURT".

33. Article 547 of the Code shall be substituted by the following new article:

Substitution of article 547 of the Code.

"Commercial jurisdiction.

Cap. 12.

547. Commercial jurisdiction shall be exercised by the Commercial Court in accordance with the provisions of the Code of Organization and Civil Procedure and this Code."

34. Article 549 of the Code shall be amended as follows:

Amendment of article 549 of the Code.

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(a) in the marginal note thereof the words "Civil Court, First Hall" shall be substituted by the words "Commercial Court"; and

(b) the words "Civil Court, First Hall" thereof shall be substituted by the words "Commercial Court".

PART III
Transitory Provision

Transitory
provision.

35. Where, by virtue of this Act, a reference to the Civil Court, First Hall is substituted with a reference to the Commercial Court, the said reference to the Commercial Court shall be deemed to also include a reference to the Civil Court, First Hall or to the Civil Court (Commercial Section) for the purposes of acts and actions done or commenced before such substitution.

Objects and Reasons

The objects and reasons of this Bill are to establish the Commercial Court as a court separate from the Civil Court, First Hall and to grant the Commercial Court jurisdiction to hear cases of a commercial nature or related to commerce, including cases related to intellectual property rights and to merchant shipping as provided in this Bill and as may also be provided by regulations made in pursuance of this Act.

VERŻJONI ELETTRONIKA