

Nru. 7

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MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onorevoli Dott. Anton Buttigieg, B.A., LL.D., M.P., Ministru tal-Ġustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Awissu, 1971.

A BILL introduced by the Honourable Dr Anton Buttigieg, B.A., LL.D., M.P., Minister of Justice and Parliamentary Affairs, and read the First time at the Sitting of the 23rd August, 1971.

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

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

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

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

Il-Maestà Tagħha r-Reġina, bil-parir u kunsens tal-Kamra tad-Deputati ta' Malta, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, harget b'liġi dan li ġejj:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1971 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u għandu jinqara u jiftiehem haġa wahda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn-hekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Emenda ta' l-artikolu 11 tal-liġi prinċipali.

2. Minnufih wara s-subartikolu (3) ta' l-artikolu 11 tal-liġi prinċipali għandhom jizdiedu s-subartikoli ġodda li ġejjin:—

"(4) Kull assenjazzjoni jew tiddil ta' dmirijiet, kull surroga u kull taqsim ta' dmirijiet in ġenerali, dwar l-Imħallfin tal-Maestà Tagħha r-Reġina, għandhom jitqiesu li jkunu ġew notifikati kif imiss u biżżejjed għall-finijiet kollha jekk jitwahħhal avviz dwarhom fir-Registru tal-Qrati Superjuri qabel jew malli jibda l-perjodu li fih dik l-assenjazzjoni, dak it-tiddil, dik is-surroga jew dak it-taqsim għandhom isehħu.

(5) Ir-Registatur għandu jzomm notament ta' l-avvizi kollha li jitwahħhlu skond is-subartikolu minnufih qabel dan u tad-data ta' meta jkunu twaħħlu."

Emenda ta' l-artikolu 46 tal-liġi prinċipali.

3. Fis-subartikoli (1) u (3) ta' l-artikolu 46 tal-liġi prinċipali minflok il-kliem "għaxar liri" għandhom jidhlu l-kliem "hamsin lira".

4. Fl-artikolu 47 tal-liġi prinċipali, minflok il-kliem "ghaxar liri" għandhom jidhlu l-kliem "hamsin lira". Emenda ta' l-artikolu 47 tal-liġi prinċipali.
5. Fl-artikolu 50 tal-liġi prinċipali, minflok il-kliem "mitt lira" għandhom jidhlu l-kliem "tliet mitt lira". Emenda ta' l-artikolu 50 tal-liġi prinċipali.
6. Fis-subartikolu (1) u fil-paragrafu (b) tas-subartikolu (2), ta' l-artikolu 51 tal-liġi prinċipali, minflok il-kliem "mitt lira" għandhom jidhlu l-kliem "tliet mitt lira". Emenda ta' l-artikolu 51 tal-liġi prinċipali
7. Minflok l-artikolu 65 tal-liġi prinċipali għandu jidhol dan li ġej:—
Sostituzzjoni ta' l-artikolu 65 tal-liġi prinċipali.
- "Dmirijiet tal-Marixxalli. 65. (1) Il-Marixxalli Prinċipali, il-Marixxalli Anzjani u l-Marixxalli huma l-uffiċjali inkarigati min-notifika ta' atti ġudizzjarji u mill-eżekuzzjoni ta' mandati, jew ordnijiet oħra tal-Qrati Superjuri, u tal-Qrati tal-Maġistrati tal-Pulizija Ġudizzjarja.
- (2) Kull riferenza f'dan il-Kodiċi għal Marixxall għandha tiftiehem li tinkludi riferenza għal Marixxall Prinċipali jew Marixxall Anzjan tal-Qrati."
8. Fil-paragrafu (d) ta' l-artikolu 85 tal-liġi prinċipali minflok il-kliem "f'kull żmien li jkun wara l-aħħar ta' Frar" għandhom jidhlu l-kliem "f'kull żmien li jkun wara l-31 ta' Diċembru". Emenda ta' l-artikolu 85 tal-liġi prinċipali.
9. Minflok it-Titolu "FUQ IL-KURATURI 'EX OFFICIO', FUQ L-AVUKATI U L-PROKURATURI LEGALI TAL-FOQRA, U FUQ IL-KOMPUTISTI", minnufih qabel l-artikolu 87 tal-liġi prinċipali, għandu jidhol it-Titolu li ġej:—
Emenda ta' Titolu.
- "FUQ IL-KURATURI, FUQ L-AVUKATI U L-PROKURATURI LEGALI 'EX OFFICIO', U FUQ IL-KOMPUTISTI".
10. L-artikolu 87 tal-liġi prinċipali għandu jiġi emendat kif ġej:—
Emenda ta' l-artikolu 87 tal-liġi prinċipali.
- (a) fis-subartikolu (1), minflok il-kliem "Avukati jew Prokuraturi Legali tal-Foqra" għandhom jidhlu l-kliem "Avukati jew Prokuraturi Legali *ex officio*";
- (b) fis-subartikolu (2), minflok il-kliem "għad li ma jkollux jedd li jinqeda bil-benefiċċju *in forma pauperis*", għandhom jidhlu l-kliem "għad li ma jkollux jedd għall-benefiċċju ta' għaj-nuna legali".
11. Fl-artikolu 93 tal-liġi prinċipali, minflok il-kliem "li jaġixxu *in forma pauperis*" għandhom jidhlu l-kliem "li jaġixxu bil-benefiċċju ta' għaj-nuna legali". Emenda ta' l-artikolu 93 tal-liġi prinċipali.
12. Għandu jiżdied il-proviso li ġej fit-tarf tal-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 174 tal-liġi prinċipali:—
Emenda ta' l-artikolu 174 tal-liġi prinċipali.
- "Iżda f'kull każ imsemmi fis-subartikolu (1) ta' l-artikolu 180A ikun biżżejjed li tissemma l-kariga tal-parti li tippreżenta jew li kontra tagħha tiġi ippreżentata l-iskrittura, skond il-każ".
13. Fis-subartikolu (1) ta' l-artikolu 180 tal-liġi prinċipali, minflok il-kliem "Il-preżentata ta' l-iskritturi tista' ssir" għandhom jid- Emenda ta' l-artikolu 180 tal-liġi prinċipali.

hlu l-kliem "Bla hsara tad-disposizzjonijiet ta' l-artikolu 180A, il-prezentata ta' l-iskritturi tista' ssir".

Zieda ta' artikolu ġdid 180A mal-liġi prinċipali.

14. Minnufih wara l-artikolu 180 tal-liġi prinċipali għandu jizdied l-artikolu ġdid li ġej: —

"Skritturi preżentati minn Ministru jew minn uffiċjal pubbliku.

180A. (1) Meta skrittura għandha tiġi ppreżentata mill-Prim Ministru jew minn Ministru ieħor, minn kap ta' dipartiment jew minn amministratur pubbliku ieħor, ikun biżżejjed jekk tkun imsemmija f'dik l-iskrittura l-kariga tal-persuna li tkun qegħda timliha u ma jkunx meħtieġ li tissemma l-persuna li f'dak iż-żmien ikollha dik il-kariga.

(2) Ebda formalità ma tkun meħtieġa fl-attijiet ta' kawża jew fi kwalunkwe proċediment ta' Qorti meta jkun hemm tibdil fil-persuna li timla xi kariga msemmija kif intqal fuq jew tinħatar xi persuna biex taġixxi f'xi kariga bħal dik.

(3) Id-disposizzjoni tas-subartikolu minnufih qabel dan għandha tapplika wkoll meta jkun hemm imsemmija f'xi skrittura l-persuna li f'dak iż-żmien tkun qegħda timla l-kariga msemmija f'dik l-iskrittura, jekk dik il-kariga tkun imsemmija b'mod ċar.

(4) Id-disposizzjonijiet tas-subartikoli (1), (2) u (3) ta' dan l-artikolu għandhom japplikaw ukoll dwar il-parti li kontra tagħha għandha ssir l-iskrittura, meta dik il-parti tkun timla kariga li għaliha hemm riferenza fl-imsemmi subartikolu (1)."

Emenda ta' l-artikolu 181 tal-liġi prinċipali.

15. Fis-subartikolu (1) ta' l-artikolu 181 tal-liġi prinċipali minflok il-kliem "ta' l-artikolu qabel dan" għandhom jidhlu l-kliem "ta' l-artikolu 180".

Emenda ta' l-artikolu 226 tal-liġi prinċipali.

16. Fis-subartikolu (2) ta' l-artikolu 226 tal-liġi prinċipali, minflok il-kliem "ħames liri" għandhom jidhlu l-kliem "għaxar liri".

Emenda ta' l-artikolu 360 tal-liġi prinċipali.

17. Fl-artikolu 360 tal-liġi prinċipali, minflok il-kliem "għoxrin lira" għandhom jidhlu l-kliem "mitt lira".

Emenda ta' l-artikolu 368 tal-liġi prinċipali.

18. Fl-artikolu 368 tal-liġi prinċipali, minflok il-kliem "fil-kazijiet biss li d-dejn ikun jiskorri għoxrin lira, jew fil-kazijiet ta' eġħmil doluż jew ta' frodi" għandhom jidhlu l-kliem "u l-kreditur ikollu d-dritt li jiġbor minn għandu kull somma depożitata skond l-aħħar subartikolu qabel dan u li ma tkunx ġiet irtirata".

Emenda ta' l-artikolu 405 tal-liġi prinċipali.

19. Fis-subartikolu (2) ta' l-artikolu 405 tal-liġi prinċipali, minflok il-kliem "rikors għat-tmexxija *in forma pauperis*" għandhom jidhlu l-kliem "rikors għat-tmexxija bil-benefiċċju ta' għajjnuna legali".

Emenda ta' l-artikolu 534 tal-liġi prinċipali.

20. Minnufih wara s-subartikolu (2) ta' l-artikolu 534 tal-liġi prinċipali għandu jizdied is-subartikolu ġdid li ġej: —

"(3) Kull testment ikkunsinnat skond is-subartikolu (1) ta' dan l-artikolu ma għandux jitqies li hu mħassar mill-ktieb imsemmi fl-artikolu 529 għall-fini ta' kull dokument li jiċċertifika hemmx jew le testmentijiet sigrieti, u għandu jkun hemm imsemmijin f'kull dokument tali, dwar kull testment bħal dak, isem inutar li jkun ippubblikah u d-data tal-pubblikazzjoni tiegħu."

21. L-artikolu 671 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

Emenda ta' l-artikolu 671 tal-liġi prinċipali.

(a) fis-subartikolu (1), minflok il-kliem "li tħarrek jew li tiddefendi ruħha *in forma pauperis*" għandhom jidhlu l-kliem "li tħarrek jew li tiddefendi ruħha bil-benefiċċju ta' għajjnuna legali";

(b) fit-test Inliż tas-subartikolu (1), minflok il-kliem "by the party not appearing as a 'poor person'" għandhom jidhlu l-kliem "by the party not appearing with such benefit";

(c) fis-subartikolu (1), minflok il-kliem "jekk il-parti li ma tkunx fil-kawża bil-benefiċċju tal-fqar tibqa' telliefa fl-ispejjeż" għandhom jidhlu l-kliem "jekk il-parti li ma tkunx fil-kawża bil-benefiċċju ta' għajjnuna legali tibqa' telliefa fl-ispejjeż";

(d) fis-subartikolu (2), minflok il-kliem "Jekk iż-żewġ partijiet ikunu ġew mogħtija l-benefiċċju tal-foqra" għandhom jidhlu l-kliem "Jekk iż-żewġ partijiet ikunu ġew mogħtija l-benefiċċju ta' għajjnuna legali".

22. Minflok is-subartikolu (4) ta' l-artikolu 702 tal-liġi prinċipali għandu jidhlo dan li ġej:—

Emenda ta' l-artikolu 702 tal-liġi prinċipali.

"(4) Jekk il-parti, li tagħha tintalab is-subizzjoni, tonqos li tidher fil-jum mogħti għas-smiġħ tal-kawża —

(a) il-kapitoli kif ikunu ġew imnizzlin mill-Qorti jitqiesu mistqarri, kemm-il darba ma tingibx raġuni tajba li minhabba fiha l-parti tkun naqset li tidher, f'kull kawża fejn il-pretensjoni miġjuba quddiem il-Qorti ma tkunx ta' iktar minn għaxar liri;

(b) il-Qorti tħalli l-kawża għal darb'ohra, jekk il-parti li titlob is-subizzjoni ma tiffinunzjax għall-istess, f'kull kawża fejn il-pretensjoni miġjuba quddiem il-Qorti hija ta' iktar minn għaxar liri, u l-kapitoli kif ikunu ġew imnizzlin mill-Qorti jitqiesu mistqarri kemm-il darba l-parti li tagħha tintalab is-subizzjoni, mingħajr ma tingieb raġuni tajba għal dak in-nuqqas, terġa' tonqos li tidher fil-jum li għalih il-Qorti tkun halliet il-kawża kif intqal."

23. Minnufih wara s-subartikolu (3) ta' l-artikolu 764 tal-liġi prinċipali għandu jiżdied is-subartikolu ġdid li ġej:—

Emenda ta' l-artikolu 764 tal-liġi prinċipali.

"(4) In-nuqqas ta' stima magħmula skond is-subartikolu (1) ta' dan l-artikolu fiż-żmien hemmhekk stabbilit ma għandux ikun kawża ta' nullità ta' l-appell jekk, wara li ssir stima skond ordni tal-Qorti li quddiemha jkun tressaq l-appell, jirriżulta illi l-oġġett tal-pretensjoni jaqa', minhabba l-valur tiegħu, taħt il-ġurisdiżjoni ta' dik il-Qorti bhala Qorti ta' appell."

24. Minflok l-artikolu 779 tal-liġi prinċipali għandu jidhlo dan li ġej:—

Sostituzzjoni ta' l-artikolu 779 tal-liġi prinċipali.

"Kwistjoni ta' ġurisdiżjoni *ratione materiae*."

779. (1) Meta f'xi waħda mill-Qrati Superjuri ta' l-ewwel grad, il-kwistjoni ta' l-inkompetenza tal-Qorti, minhabba x-xorta ta' l-oġġett fil-kawża, tingieb 'il quddiem mill-Qorti *ex officio*, jew bil-mezz ta' eċċezzjoni, il-Qorti, wara li tisma' sommarjament il-partijiet, tiddeċiedi l-kwistjoni, u, jekk tiddikjara li hija kompetenti, dik id-deċiżjoni tagħha tkun finali; iżda jekk il-Qorti tiddikjara ruħha inkompetenti, hija tordna illi l-attijiet tal-kawża jintbagħtu fi żmien sebat ijiem tax-xogħol mid-deċiżjoni tagħha, permezz tar-Registratur, lill-Qorti ta' l-Appell, li tiddeċiedi definittivament liema hija l-Qorti kompetenti.

(2) Kull wahda mill-partijiet f'kawża li tiġi mibghuta lill-Qorti ta' l-Appell għall-finijiet tas-subartikolu minnufih qabel dan tista', permezz ta' nota ipprezentata fir-Registru ta' l-istess Qorti fiż-żmien fuq imsemmi ta' sebat ijiem tax-xogħol, tqiegħed quddiem il-Qorti ta' l-Appell ir-raġunijiet tagħha għaliex id-deċiżjoni tal-Qorti ta' l-ewwel grad imissa tiġi konfermata jew xort'ohra.

(3) Jekk il-partijiet kollha fil-kawża jipprezentaw nota fir-Registru tal-Qorti ta' l-Appell fis-sens illi huma jaqblu illi mhux meħtieġ li l-kawża dwar il-kwistjoni mibghuta lill-Qorti ta' l-Appell skond is-subartikolu (1) ta' dan l-artikolu tinstema' fil-pubbliku u illi ma hux meħtieġ illi l-Qorti tisma' sottomissjonijiet ohra barra dawk li jistgħu jingiebu f'xi noti pprezentati skond is-subartikolu minnufih qabel dan, il-Qorti ta' l-Appell tista' tiddeċiedi dwar dik il-kwistjoni *in camera*.

(4) Ir-Registatur għandu jibgħat, fi żmien erbat ijiem tax-xogħol mid-deċiżjoni tal-Qorti ta' l-Appell dwar liema Qorti hija kompetenti, l-attijiet tal-kawża lill-Qorti dikjarata hekk kompetenti li tkompli tittratta dwar il-każ fuq l-istess attijiet.

(5) Id-deċiżjonijiet tal-Qorti ta' l-ewwel grad u tal-Qorti ta' l-Appell skond is-subartikolu (1) ta' dan l-artikolu, dwar liema hija l-Qorti kompetenti, jingħataw permezz ta' Digriet u ma għandhom jithallsu ebda drittijiet biex jintbagħtu l-attijiet tal-kawża skond is-subartikoli (1) u (4) ta' dan l-artikolu.

(6) Ebda dritt tar-registru u ebda dritt favur l-avukati u prokuraturi legali li jidhru għall-partijiet f'kawża ma għandu jiġi ntaxxat dwar Digriet mogħti taħt dan l-artikolu."

Emenda ta'
l-artikolu 859
tal-liġi prinċipali.

25. Fis-subartikolu (1) ta' l-artikolu 859 tal-liġi prinċipali, minflok il-kliem "u li jagħti lid-Direttur tal-Portijiet kopja tal-mandat" għandhom jidhru l-kliem "u li jagħti lill-Kontrollur tad-Dwana kopja tal-mandat".

Emenda ta'
l-artikolu 861
tal-liġi prinċipali.

26. Fl-artikolu 861 tal-liġi prinċipali, minflok il-kliem "il-mandat ikun fih partikolaritajiet biżżejjed biex tista' tkun magħrufa l-persuna miżmuma mis-safar" għandhom jidhru l-kliem "il-mandat ikun fih partikolaritajiet biżżejjed biex tista' tkun magħrufa l-persuna miżmuma mis-safar u li jkunu tali li jiġi evitat illi l-imsemmija persuna tiġi meħuda bi żball minflok persuna ohra li jkollha l-istess partikolaritajiet bħal dawk li jkun hemm imnizzlin fil-mandat".

Sostituzzjoni ta'
l-artikolu 862
tal-liġi prinċipali.

27. Minflok l-artikolu 862 tal-liġi prinċipali għandu jidhol dan li ġej:—

"Setgħat ta' l-uffiċjal eżekuttur fl-eżekuzzjoni ta' mandat ta' impediment ta' tluq ta' bastiment.

862. Bis-saħħa tal-mandat ta' impediment ta' tluq ta' bastiment jew biċċa ohra tal-baħar, il-Marixxall hu awtorizzat li jagħmel, suġġett għad-direttivi mogħtija mir-Registatur, dak kollu li jidhirlu meħtieġ sabiex il-mandat jiġi eżegwit sewwa."

28. Fis-subartikolu (1) ta' l-artikolu 864 tal-liġi prinċipali, min-flok il-kliem "għoxrin lira" għandhom jidhlu l-kliem "sittin lira". Emenda ta' l-artikolu 864 tal-liġi prinċipali.
29. Minflok is-subartikolu (3) ta' l-artikolu 869 tal-liġi prinċipali għandu jidhol dan li ġej:— Emenda ta' l-artikolu 869 tal-liġi prinċipali.
- “(3) Il-penali f'ebda każ ma għandha tkun inqas minn mitt lira.”
30. Fl-artikolu 871 tal-liġi prinċipali, minflok il-kliem “f'somma stabbilita ta' mhux iżjed minn mitt lira” għandhom jidhlu l-kliem “f'somma stabbilita ta' mhux anqas minn mitt lira”. Emenda ta' l-artikolu 871 tal-liġi prinċipali.
31. Fl-artikolu 879 tal-liġi prinċipali, minflok il-kliem “għoxrin lira” għandhom jidhlu l-kliem “mitt lira”. Emenda ta' l-artikolu 879 tal-liġi prinċipali.
32. Fis-subartikolu (3) ta' l-artikolu 883 tal-liġi prinċipali, min-flok il-kliem “mhux iżjed minn mija u hamsin lira” għandhom jidhlu l-kliem “mhux anqas minn mija u hamsin lira”. Emenda ta' l-artikolu 883 tal-liġi prinċipali.
33. Minflok it-*Titlu* “FUQ IL-BENEFIĊĊJU SABIEX WIEHED IĦARREK JEW JIDDEFENDI RUĦU *in forma pauperis*”, minnufih qabel l-artikolu 914 tal-liġi prinċipali, għandu jidhol it-*Titlu* li ġej:— Emenda ta' *Titlu*.
- “FUQ IL-BENEFIĊĊJU SABIEX WIEHED IĦARREK JEW JIDDEFENDI RUĦU B'GĦAJNUNA LEGALI”.
34. L-artikolu 914 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 914 tal-liġi prinċipali.
- (a) fis-subartikolu (1), minflok il-kliem “it-talba għall-benefiċċju sabiex wiehed iħarrek jew jiddefendi ruhu *in forma pauperis* issir b'rikors” għandhom jidhlu l-kliem “it-talba sabiex wiehed ikun jista' jħarrek jew jiddefendi ruhu bil-benefiċċju ta' għajnuna legali ssir b'rikors”;
- (b) fis-subartikolu (2) minflok il-kliem “Avukat tal-Fqar” għandhom jidhlu l-kliem “Avukat għal Għajnuna Legali”.
35. Minflok l-artikolu 915 tal-liġi prinċipali, għandu jidhol dan li ġej:— Sostituzzjoni ta' l-artikolu 915 tal-liġi prinċipali.
- “Kondizzjonijiet sabiex jinghata l-benefiċċju ta' għajnuna legali.
915. It-talba hawn fuq imsemmija ma tiġix milqugħa jekk ir-rikorrent ma jahlifx quddiem ir-Registratur jew quddiem l-Avukat għal Għajnuna Legali —
- (a) illi hu jidhirlu li għandu jedd tajjeb biex iħarrek jew jiddefendi ruhu; u
- (b) illi, minbarra l-oġġett fil-kawża, hu m'għandu ebda xorta ta' proprjetà, bla ma jitqiesu l-ilbiesi ta' kuljum, illi, mingħajr ma jitnaqqsu d-djun li jista' jkun hemm fuqha, tiswa hames mitt lira u illi l-*income* tiegħu ta' kull sena huwa inqas minn hames mitt lira.”

- Emenda ta' l-artikolu 916 tal-liġi prinċipali. **36.** L-artikolu 916 tal-liġi prinċipali għej:—
- (a) minflok il-kliem “Avukat tal-Fqar”, kull fejn jinsabu, għandhom jidhlu l-kliem “Avukat għal Għajjnuna Legali”;
- (b) minflok il-proviso għas-subartikolu (1) għandu jidhlo dan li għej:—
- “Izda dak l-eżami ma jkunx meħtieġ meta t-talba biex jingħata l-benefiċċju ta' għajjnuna legali ssir mill-konvenut fil-Qorti ta' l-ewwel grad, jew mill-appellat fil-Qorti fi grad ta' appell; u dan il-konvenut jew appellat għandu dejjem jingħata li jiddefendi ruħu b'dak il-benefiċċju wara li jieħu l-gurament stabbilit fl-artikolu ta' qabel dan”.
- Emenda ta' l-artikolu 917 tal-liġi prinċipali. **37.** L-artikolu 917 tal-liġi prinċipali għej:—
- (a) minflok il-kliem “Avukat tal-Fqar”, kull fejn jinsabu, għandhom jidhlu l-kliem “Avukat għal Għajjnuna Legali”;
- (b) minflok il-kliem “Fuq talba għall-benefiċċju *in forma pauperis*”, li hemm fis-subartikolu (1), għandhom jidhlu l-kliem “Fuq talba biex jingħata l-benefiċċju ta' għajjnuna legali”.
- Emenda ta' l-artikolu 918 tal-liġi prinċipali. **38.** Fl-artikolu 918 tal-liġi prinċipali, minflok il-kliem “Avukat tal-Fqar” għandhom jidhlu l-kliem “Avukat għal Għajjnuna Legali”.
- Emenda ta' l-artikolu 919 tal-liġi prinċipali. **39.** Fl-artikolu 919 tal-liġi prinċipali, minflok il-kliem “Avukat tal-Fqar” għandhom jidhlu l-kliem “Avukat għal Għajjnuna Legali”.
- Emenda ta' l-artikolu 920 tal-liġi prinċipali. **40.** Fl-artikolu 920 tal-liġi prinċipali, minflok il-kliem “li lilha jiġi mogħti l-benefiċċju li timxi *in forma pauperis*” għandhom jidhlu l-kliem “li tingħata li timxi bil-benefiċċju ta' għajjnuna legali”.
- Emenda ta' l-artikolu 921 tal-liġi prinċipali. **41.** L-artikolu 921 tal-liġi prinċipali għej:—
- (a) fis-subartikolu (1), minflok il-kliem “Il-benefiċċju *in forma pauperis* ma jingħatax lill-parti”, għandhom jidhlu l-kliem “Persuna ma tingħatax li timxi bil-benefiċċju ta' għajjnuna legali”;
- (b) fil-paragrafu (b) tas-subartikolu (1), minflok il-kliem “għall-benefiċċju *in forma pauperis*” għandhom jidhlu l-kliem “biex timxi bil-benefiċċju ta' għajjnuna legali”.
- Emenda ta' l-artikolu 922 tal-liġi prinċipali. **42.** L-artikolu 922 tal-liġi prinċipali għej:—
- (a) fis-subartikolu (1), minflok il-kliem “Il-persuna li lilha jiġi mogħti l-benefiċċju li timxi *in forma pauperis*” għandhom jidhlu l-kliem “Il-persuna li tingħata li timxi bil-benefiċċju ta' għajjnuna legali”;
- (b) fis-subartikolu (2), minflok il-kliem “Mita l-parti li timxi bil-benefiċċju *in forma pauperis*” għandhom jidhlu l-kliem “Meta l-parti li timxi bil-benefiċċju ta' għajjnuna legali”.
- Emenda ta' l-artikolu 923 tal-liġi prinċipali. **43.** Fl-artikolu 923 tal-liġi prinċipali, minflok il-kliem “Mita l-parti li timxi bil-benefiċċju *in forma pauperis*” għandhom jidhlu l-kliem “Meta l-parti li tingħata li timxi bil-benefiċċju ta' għajjnuna legali”.

44. L-artikolu 924 tal-liġi prinċipali għandu jiġi emendat kif ġej:—
- (a) fis-subartikolu (1), minflok il-kliem “l-attijiet kollha li jiġu ipprezentati mill-parti ammassa għall-benefiċċju *in forma pauperis*” għandhom jidhlu l-kliem “l-attijiet kollha li jiġu ipprezentati mill-parti li tkun qed timxi bil-benefiċċju ta’ għajnuna legali”;
- (b) fis-subartikolu (2), minflok il-kliem “għall-parti li tkun għet ammassa għall-benefiċċju *in forma pauperis*” għandhom jidhlu l-kliem “għall-parti li tkun inġhatat li timxi bil-benefiċċju ta’ għajnuna legali”, u minflok il-kliem “Avukat tal-Fqar” għandhom jidhlu l-kliem “Avukat għal Għajnuna Legali”.
45. Minflok is-subartikolu (1) ta’ l-artikolu 925 tal-liġi prinċipali għandu jidhol dan li ġej:—
- “(1) Il-Qorti tneħhi dak il-benefiċċju lill-persuna li tkun inġhatat li timxi bil-benefiċċju ta’ għajnuna legali u tikkundanna għall-ispejjeż kollha tal-kawża, meta jiġi ppruvat, f’kull waqt tal-kawża, illi hija għandha proprjetà li tiswa hames mitt lira jew iżjed jew għandha qliegħ u dħul ta’ kull sena ta’ hames mitt lira jew iżjed, jew inkella li qed tillitiga b’mod vessatorju.”
46. Fl-artikolu 926 tal-liġi prinċipali, minflok il-kliem “mahtur għal persuna fqira” għandhom jidhlu l-kliem “mahtur għal persuna li tkun inġhatat l-benefiċċju ta’ għajnuna legali”.
47. Fl-artikolu 927 tal-liġi prinċipali, minflok il-kliem “l-benefiċċju ta’ l-assistenza legali bla hlas” għandhom jidhlu l-kliem “l-benefiċċju ta’ għajnuna legali”.
48. L-artikolu 928 tal-liġi prinċipali għandu jiġi emendat kif ġej:—
- (a) fit-tarf tal-paragrafu (ċ) għandha tiżdied il-kelma “jew”;
- (b) minnufih wara l-paragrafu (ċ) għandu jiżdied il-paragrafu ġdid li ġej:—
- “(d) fl-interess ta’ kull soċjetà kummerċjali jew kull għaqda ta’ persuni li jkollha personalità ġuridika distinta jekk il-persuna jew il-persuni li jkunu mogħtija r-rappreżentanza ġuridika tas-soċjetà jew tal-għaqda jkunu assenti minn dawn il-Gzejjer”.
49. (1) L-emendi magħmula bl-artikoli 3, 4, 5, 6, 16 u 22 ta’ dan l-Att ma għandhomx japplikaw dwar kull kawża li tkun inġiebet quddiem il-Qorti ta’ l-ewwel grad qabel il-bidu fis-sehħ ta’ dawk l-artikoli.
- (2) L-emendi magħmula bl-artikoli 17, 18, 28, 29, 30, 31 u 32 ta’ dan l-Att ma għandhom japplikaw għal ebda mandat, jew proroga tiegħu, li jkunu diġà ġew prezentati fir-Reġistru tal-Qorti fid-data tal-bidu fis-sehħ ta’ dan l-Att, iżda għandhom japplikaw għal kull rikors prezentat fl-imsemmija data, jew wara, għall-proroga jew prorogi oħra ta’ kull mandat bħal dak.
- (3) L-emendi magħmula bl-artikoli 35 u 45 ta’ dan l-Att ma għandhom japplikaw għal ebda proċediment li dwaru persuna tkun għet mogħtija li taġixxi jew tiddefendi ruhha bil-benefiċċju ta’ għajnuna legali qabel il-bidu fis-sehħ ta’ dawk l-artikoli.

Emenda ta’
l-artikolu 924
tal-liġi prinċipali.

Emenda ta’
l-artikolu 925
tal-liġi prinċipali.

Emenda ta’
l-artikolu 926
tal-liġi prinċipali.

Emenda ta’
l-artikolu 927
tal-liġi prinċipali.

Emenda ta’
l-artikolu 928
tal-liġi prinċipali.

Disposizzjonijiet
transitorji.

(4) L-emendi magħmula b'dan l-Att dwar isem tal-benefiċċju ta' għajnuna legali, tal-karigi li għandhom x'jaqsmu magħha u tal-persuni li għandhom dritt għaliha, u kull emenda oħra fid-diċitura ta' espressjonijiet dwar dak il-benefiċċju, għandhom jaħdmu hekk illi kull riferenza, fi proċeduri legali, f'kull att ġudizzjarju, f'kull kuntratt, skrittura privata jew dokument iehor ikun x'ikun, għall-isem jew espressjoni li qed tiġi sostitwita għandha tiftiehem bhala riferenza għall-isem jew espressjoni korrispondenti li qed tissostitwiha bis-saħħa ta' dan l-Att.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa: (a) li jżid il-ġurisdizzjoni, minhabba l-valur tat-talba, tal-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja, bhala Qorti ta' l-ewwel grad, u tal-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja għall-Gżejjer ta' Għawdex u Kemmuna bhala Qorti ta' appell; (b) li jżid l-anqas ammont li hu meħtieġ għal mandat ta' arrest tal-persuna, ta' impediment tas-safar u ta' "meditatio fugae"; u li jipprovdni għal garanziji aktar iebsa kontra kredituri li jottjenu l-ħruġ ta' mandat bhala dak b'qerq jew mingħajr raġuni.

Il-ħtieġa li hemm il-lum li persuna ma għandhix ikollha proprjetà li tiswa £25 jew iżjed biex tkun tista' tikkwalifika għal għajnuna legali mingħajr ħlas se tiġi sostitwita bil-ħtiġiet li persuna ma għandhix ikollha proprjetà li tkun tiswa £500 jew iżjed u li ma taqlax u ddaħħal £500 fis-sena jew iżjed. Ukoll, kull espressjoni wżata fil-liġi b'riferenza għal għajnuna legali mingħajr ħlas qed tiġi mibdula biex ikun jidher li dik l-għajnuna hija servizz soċjali li hu d-dmir ta' l-Istat li jipprovdni.

L-ismijiet tal-Ministri u ta' Kapijiet tad-Dipartimenti li jipprezentaw skritturi ġudizzjari jew li kontribom jiġu prezentati skritturi ġudizzjari ma għandhomx għalfejn ikomplu jitniżżlu f'dawk l-iskritturi, iżda jkun biżżejjed li titniżżel il-kariga ta' dik il-parti fil-proċediment ġudizzjarju.

L-Abbozz fih ukoll disposizzjonijiet li huma maħsuba li jissimplifikaw jew jissupplementaw ċerti regoli stabbiliti fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili; fl-ewwel kategorija, hemm disposizzjoni li tissimplifika l-proċedura ta' l-appell meta tinqala l-kwistjoni tal-kompetenza ta' qorti ta' l-ewwel grad "ratione materiae".

A BILL**entitled**

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

BE IT ENACTED by Her Majesty the Queen, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the Code of Organization and Civil Procedure (Amendment) Act, 1971, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

Short title.

2. Immediately after subsection (3) of section 11 of the principal law there shall be added the following new subsections:—

Amendment of section 11 of the principal law.

"(4) Any assignment of duties, transfer or surrogation, and any distribution of duties in general, in respect of Her Majesty's Judges, shall be deemed to have been properly and sufficiently notified for all purposes if notice thereof is posted up in the Registry of the Superior Courts before or at the beginning of the period during which such assignment, transfer, surrogation or distribution is to take effect.

(5) The Registrar shall keep a record of all notices posted up in terms of the last preceding subsection and of the date of such posting."

Amendment of section 46 of the principal law.

3. In subsections (1) and (3) of section 46 of the principal law, for the words "ten pounds sterling" there shall be substituted the words "fifty pounds".

Amendment of section 47 of the principal law.

4. In section 47 of the principal law, for the words "ten pounds sterling" there shall be substituted the words "fifty pounds".

Amendment of section 50 of the principal law.

5. In section 50 of the principal law, for the words "one hundred pounds sterling" there shall be substituted the words "three hundred pounds".

Amendment of section 51 of the principal law.

6. In subsection (1) and in paragraph (b) of subsection (2), of section 51 of the principal law, for the words "one hundred pounds sterling" there shall be substituted the words "three hundred pounds".

Substitution of section 65 of the principal law.

7. For section 65 of the principal law there shall be substituted the following:—

"Duties of Marshals.

65. (1) Chief Marshals, Senior Marshals and Marshals are the officers charged with service of judicial acts and the execution of warrants or other orders of the Superior Courts and of the Courts of Magistrates of Judicial Police.

(2) Any reference in this Act to a Marshal shall be deemed to include a reference to a Chief Marshal or Senior Marshal of the Courts."

Amendment of section 85 of the principal law.

8. In paragraph (d) of section 85 of the principal law for the words "at any time after the end of February" there shall be substituted the words "at any time after the 31st day of December".

Amendment of Title.

9. For the Title "OF OFFICIAL CURATORS, ADVOCATES AND LEGAL PROCURATORS FOR THE POOR AND ACCOUNTANTS", immediately preceding section 87 of the principal law, there shall be substituted the following Title:—

"OF CURATORS, ADVOCATES and LEGAL PROCURATORS 'EX OFFICIO' AND ACCOUNTANTS".

Amendment of section 87 of the principal law.

10. Section 87 of the principal law shall be amended as follows:—

(a) in subsection (1), for the words "Advocates or Legal Procurators for the Poor" there shall be substituted the words "Advocates or Legal Procurators *ex officio*";

(b) in subsection (2), for the words "not being entitled to free legal aid as 'a poor person'", there shall be substituted the words "not being entitled to the benefit of legal aid".

Amendment of section 93 of the principal law.

11. In section 93 of the principal law, for the words "to sue or defend *in forma pauperis*" there shall be substituted the words "to sue or defend with the benefit of legal aid".

Amendment of section 174 of the principal law.

12. There shall be added the following proviso at the end of paragraph (b) of subsection (1) of section 174 of the principal law:—

"Provided that in any case as is referred to in subsection (1) of section 180A it shall be sufficient to designate the office

of the party pleading or of the party against whom the pleading is directed, as the case may be."

13. In subsection (1) of section 180 of the principal law, for the words "Written pleadings may be filed" there shall be substituted the words "Subject to the provisions of section 180A, written pleadings may be filed".

Amendment of section 180 of the principal law.

14. Immediately after section 180 of the principal law there shall be added the following new section:—

Addition of new section 180A in the principal law.

180A. (1) When a written pleading is to be filed by the Prime Minister or other Minister, by a head of department or other public administrator, it shall be sufficient if there is designated in such pleading the office of the person filling it and it shall not be necessary to name the person for the time being holding such office.

"Written pleadings filed by a Minister or a public officer."

(2) No formality shall be necessary in the records of a case or in any Court proceedings upon any change in the person of the holder of any office designated as aforesaid or on the appointment of any person in an acting capacity in any such office.

(3) The provision of the last preceding subsection shall apply also where there is named in any written pleading the person for the time being filling the office designated in such pleading, provided that such office is clearly designated.

(4) The provisions of subsections (1), (2) and (3) of this section shall apply also in respect of the party against whom the pleading is to be directed where such party is the holder of an office referred to in the said subsection (1)."

15. In subsection (1) of section 181 of the principal law, for the words "of the last preceding section" there shall be substituted the words "of section 180".

Amendment of section 181 of the principal law.

16. In subsection (2) of section 226 of the principal law, for the words "five pounds" there shall be substituted the words "ten pounds".

Amendment of section 226 of the principal law.

17. In section 360 of the principal law, for the words "twenty pounds sterling" there shall be substituted the words "one hundred pounds".

Amendment of section 360 of the principal law.

18. In section 368 of the principal law, for the words "only in cases where the debt exceeds twenty pounds sterling, or in cases of deceit or fraud" there shall be substituted the words "and the creditor shall be entitled to recover from him any sum deposited under the last preceding section and not withdrawn".

Amendment of section 368 of the principal law.

19. In subsection (2) of section 405 of the principal law, for the words "an application to sue *in forma pauperis*" there shall be substituted the words "an application to sue with the benefit of legal aid".

Amendment of section 405 of the principal law.

Amendment of
section 534 of
the principal law.

20. Immediately after subsection (2) of section 534 of the principal law there shall be added the following new subsection:—

“(3) Any will delivered in terms of subsection (1) of this section shall not be deemed to be cancelled from the book referred to in section 529 for the purpose of any document certifying the existence or non-existence of secret wills, and there shall be indicated in any such document, in respect of any such will, the name of the notary who published it and the date of its publication.”

Amendment of
section 671 of
the principal law.

21. Section 671 of the principal law shall be amended as follows:—

(a) in subsection (1), for the words “to sue or defend *in forma pauperis*” there shall be substituted the words “to sue or defend with the benefit of legal aid”;

(b) in the English text of subsection (1), for the words “by the party not appearing as a ‘poor person’” there shall be substituted the words “by the party not appearing with such benefit”;

(c) in subsection (1), for the words “if the party not appearing as ‘a poor person’ is condemned in costs” there shall be substituted the words “if the party not appearing with the benefit of legal aid is condemned in costs”;

(d) in subsection (2), for the words “Where both parties appear as ‘poor persons’” there shall be substituted the words “Where both parties appear with the benefit of legal aid”.

Amendment of
section 702 of
the principal law.

22. For subsection (4) of section 702 of the principal law there shall be substituted the following:—

“(4) If the party to whose oath reference is required fails to appear on the day appointed for the trial:—

(a) the questions as taken down by the Court shall be deemed to be admitted, unless good cause is shown for his non-appearance, in any case in which the claim before the Court does not exceed the amount of ten pounds;

(b) the Court shall adjourn the trial, unless the party making the reference renounces thereto, in any case in which the claim before the Court exceeds the amount of ten pounds, and the questions as taken down by the Court shall be deemed to be admitted if the party to whose oath reference is required, without good cause being shown for his non-appearance, fails again to appear on the day to which the Court has adjourned the trial as aforesaid.”

Amendment of
section 764 of
the principal law.

23. Immediately after subsection (3) of section 764 of the principal law there shall be added the following new subsection:—

“(4) The default of a valuation made under subsection (1) of this section within the period therein prescribed shall not be a cause of the nullity of the appeal if, upon a valuation made in pursuance of an order of the Court before whom the appeal has been brought, it results that the matter of the claim is, by reason of its value, within the appellate jurisdiction of that Court.”

24. For section 779 of the principal law there shall be substituted the following:—

Substitution of section 779 of the principal law.

“Question of jurisdiction ratione materiae.

779. (1) Where in any of the Superior Courts of first instance the question of the jurisdiction of the Court, by reason of the subject-matter of the claim, is raised either by the Court of its own motion, or by plea, the Court shall, after summarily hearing the parties, determine the question, and if it affirms its own jurisdiction such decision shall be final; but, if the Court declares that it has no jurisdiction, it shall order the records of the case to be transmitted through the Registrar, within seven working days of its decision, to the Court of Appeal, which shall determine finally which is the competent Court.

(2) Any party to a case which is transmitted to the Court of Appeal for the purpose of the last preceding subsection may, by a note filed in the Registry of the said Court within the said period of seven working days, submit to the Court of Appeal its reasons why the decision of the Court of first instance should be confirmed or otherwise.

(3) If all the parties to the case file a note in the Registry of the Court of Appeal to the effect that they agree that the proceedings in respect of the matter referred to the Court of Appeal under subsection (1) of this section need not be heard in public and that the Court need not take cognizance of any submissions other than those contained in any notes filed under the last preceding subsection, the Court of Appeal may decide upon such matter in chambers.

(4) The Registrar, shall, within seven working days from the decision of the Court of Appeal as to which Court is competent, transmit the records of the case to the Court declared so competent which shall proceed to deal with the case on such records.

(5) The decisions of the Court of first instance and of the Court of Appeal under subsection (1) of this section, concerning the competent Court, shall be given by Decree and no fees shall be charged for the transmission of the records under subsections (1) and (4) of this section.

(6) No registry fees and no fees in favour of the advocates and legal procurators appearing on behalf of the parties to a case shall be taxed in respect of any Decree given under this section.”

25. In subsection (1) of section 859 of the principal law, for the words “and to deliver to the Director of Ports a copy of the warrant” there shall be substituted the words “and to deliver to the Comptroller of Customs a copy of the warrant”.

Amendment of section 859 of the principal law.

26. In section 861 of the principal law, for the words “the warrant contains sufficient particulars for the identification of the person restrained” there shall be substituted the words “the warrant contains particulars which are sufficient for the identification of the

Amendment of section 861 of the principal law.

person restrained and are such as to avoid that the said person is mistaken for another person having the same particulars as those contained in the warrant”.

Substitution of section 862 of the principal law.

27. For section 862 of the principal law there shall be substituted the following:—

“Powers of execution officer in the execution of warrant of impediment of departure of ship. 862. By virtue of the warrant of impediment of departure of a ship or other vessel the Marshal is authorized to adopt, subject to the directives of the Registrar, all such measures as he may deem necessary for the due execution of the warrant.”

Amendment of section 864 of the principal law.

28. In subsection (1) of section 864 of the principal law, for the words “twenty pounds sterling” there shall be substituted the words “sixty pounds”.

Amendment of section 869 of the principal law.

29. For subsection (3) of section 869 of the principal law there shall be substituted the following:—

“(3) The penalty shall in no case be less than one hundred pounds”.

Amendment of section 871 of the principal law.

30. In section 871 of the principal law, for the words “in a fixed sum not exceeding one hundred pounds” there shall be substituted the words “in a fixed sum not less than one hundred pounds”.

Amendment of section 879 of the principal law.

31. In section 879 of the principal law, for the words “twenty pounds” there shall be substituted the words “one hundred pounds”.

Amendment of section 883 of the principal law.

32. In subsection (3) of section 883 of the principal law, for the words “not exceeding one hundred and fifty pounds” there shall be substituted the words “not less than one hundred and fifty pounds”.

Amendment of Title.

33. For the Title “OF THE ADMISSION TO SUE OR DEFEND *in forma pauperis*”, immediately preceding section 914 of the principal law, there shall be substituted the following Title:—

“OF THE ADMISSION TO SUE OR DEFEND WITH THE BENEFIT OF LEGAL AID”.

Amendment of section 914 of the principal law.

34. Section 914 of the principal law shall be amended as follows:—

(a) in subsection (1), for the words “the demand for admission to sue or defend *in forma pauperis* shall be made by an application” there shall be substituted the words “the demand for admission to sue or defend with the benefit of legal aid shall be made by an application”;

(b) in subsection (2) for the words “Advocate for the Poor” there shall be substituted the words “Advocate for Legal Aid”.

35. For section 915 of the principal law, there shall be substituted the following:—

Substitution of section 915 of the principal law.

“Conditions for admission to the benefit of legal aid.

915. No such demand shall be granted unless the applicant swears before the Registrar or before the Advocate for Legal Aid —

(a) that he believes that he has reasonable grounds for taking or defending proceedings; and

(b) that, excluding the subject-matter of the proceedings, he does not possess property of any sort, not including wearing apparel, whereof the value, without deducting the debts to which the said property may be liable, amounts to the sum of five hundred pounds, and that his yearly income is less than five hundred pounds.”

36. Section 916 of the principal law shall be amended as follows:—

Amendment of section 916 of the principal law

(a) for the words “Advocate for the Poor”, wherever they occur, there shall be substituted the words “Advocate for Legal Aid”.

(b) for the proviso to subsection (1) there shall be substituted the following:—

“Provided that no such examination shall be necessary where the demand for admission to the benefit of legal aid is made by the defendant in first instance or the respondent in second instance; and such defendant or respondent shall always be admitted to defend with such benefit upon taking the oath prescribed in the last preceding section.”

37. Section 917 of the principal law shall be amended as follows:—

Amendment of section 917 of the principal law.

(a) for the words “Advocate for the Poor”, wherever they occur, there shall be substituted the words “Advocate for Legal Aid”;

(b) for the words “Upon a demand for leave to proceed *in forma pauperis*”, in subsection (1), there shall be substituted the words “Upon a demand for leave to proceed with the benefit of legal aid”.

38. In section 918 of the principal law, for the words “Advocate for the Poor” there shall be substituted the words “Advocate for Legal Aid”.

Amendment of section 918 of the principal law.

39. In section 919 of the principal law, for the words “Advocate for the Poor” there shall be substituted the words “Advocate for Legal Aid”.

Amendment of section 919 of the principal law.

40. In section 920 of the principal law, for the words “admitted to proceed *in forma pauperis*” there shall be substituted the words “admitted to proceed with the benefit of legal aid”.

Amendment of section 920 of the principal law.

41. Section 921 of the principal law shall be amended as follows:—

Amendment of section 921 of the principal law.

(a) in subsection (1), for the words “A party shall not be admitted to proceed *in forma pauperis*” there shall be substituted

ted the words "A person shall not be admitted to proceed with the benefit of legal aid";

(b) in paragraph (b) of subsection (1), for the words "to proceed *in forma pauperis*" there shall be substituted the words "to proceed with the benefit of legal aid".

Amendment of section 922 of the principal law.

42. Section 922 of the principal law shall be amended as follows:—

(a) in subsection (1), for the words "The person admitted to proceed *in forma pauperis*" there shall be substituted the words "The person admitted to proceed with the benefit of legal aid";

(b) in subsection (2), for the words "Where the party proceeding *in forma pauperis*" there shall be substituted the words "Where the party proceeding with the benefit of legal aid".

Amendment of section 923 of the principal law.

43. In section 923 of the principal law, for the words "If the party admitted to proceed *in forma pauperis*" there shall be substituted the words "If the party admitted to proceed with the benefit of legal aid".

Amendment of section 924 of the principal law.

44. Section 924 of the principal law shall be amended as follows:—

(a) in subsection (1), for the words "All acts filed by the party proceeding *in forma pauperis*" there shall be substituted the words "All acts filed by the party proceeding with the benefit of legal aid";

(b) in subsection (2), for the words "to the party admitted to proceed *in forma pauperis*" there shall be substituted the words "to the party admitted to proceed with the benefit of legal aid", and for the words "Advocate for the Poor" there shall be substituted the words "Advocate for Legal Aid".

Amendment of section 925 of the principal law.

45. For subsection (1) of section 925 of the principal law there shall be substituted the following:—

"(1) The Court shall deprive of such benefit the person admitted to proceed with the benefit of legal aid and order him to pay all the costs of the suit, if it is shown, at any stage of the cause, that he possesses property of the value of five hundred pounds or more or has a yearly income of five hundred pounds or more, or that he is proceeding vexatiously."

Amendment of section 926 of the principal law.

46. In section 926 of the principal law, for the words "assigned to the poor person" there shall be substituted the words "assigned to the person admitted to the benefit of legal aid".

Amendment of section 927 of the principal law.

47. In section 927 of the principal law, for the words "to free legal aid" there shall be substituted the words "to the benefit of legal aid".

Amendment of section 928 of the principal law.

48. Section 928 of the principal law shall be amended as follows:—

(a) at the end of paragraph (c) there shall be added the word "or";

(b) immediately after paragraph (c) there shall be added the following new paragraph:—

“(d) in the interest of any commercial partnership or any body of persons which has a distinct legal personality if the person or persons vested with the legal representation thereof is or are absent from these Islands.”

49. (1) The amendments made by sections 3, 4, 5, 6, 16 and 22 of this Act shall not apply in respect of any case which was introduced in the Court of first instance before the coming into force of the said sections. Transitory provisions.

(2) The amendments made by sections 17, 18, 28, 29, 30, 31 and 32 of this Act shall not apply to any warrant, or extension thereof, which is already filed in the Registry of the Court on the date of the coming into force of this Act but shall apply to any application filed on or after the said date for the extension or further extension of any such warrant.

(3) The amendments made by sections 35 and 45 of this Act shall not apply to any proceedings in respect of which a person has been admitted to sue or defend with the benefit of legal aid before the coming into force of the said sections.

(4) The amendments made by this Act regarding the designation of the benefit of legal aid, of the offices connected therewith and of the persons entitled thereto, and any other amendment in the wording of expressions relating to such benefit, shall operate so that any reference, in the records of any judicial proceedings, in any judicial act, in any deed, private writing or other document whatsoever, to a substituted designation or expression shall be construed as a reference to the corresponding designation or expression substituting it by virtue of this Act.

Objects and Reasons

The object of this Bill is: (a) to increase the jurisdiction, by reason of the value of the claim, of the Court of Magistrates of Judicial Police, as a Court of first instance, and of the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino, as an appellate Court; (b) to increase the minimum amount which is necessary for the issue of warrant of imprisonment for debt, of impediment of departure and of “*meditatio fugae*”; and to provide for stricter guarantees against the obtaining by creditors of the issue of any warrant maliciously or without cause.

The present requirement that a person should not possess property which is worth £25 or more in order that he may qualify for free legal aid is replaced by the requirements that he should not possess property which is worth £500 or more and should not have a yearly income which amounts to £500 or more. Moreover, any expressions used in the law with reference to free legal aid are modified so as to lay stress on the fact that such aid is a social service which it is the duty of the State to provide.

The names of Ministers and of Head of Departments filing written pleadings or against whom written pleadings are filed need no longer be mentioned in such

pleadings, but it will be sufficient to designate the office of any such party to the judicial proceedings.

The Bill contains other provisions which are intended to simplify or to supplement certain rules laid down in the Code of Organization and Civil Procedure; in the former category, is a provision which simplifies the procedure of appeal when the question of the jurisdiction of a court of first instance "ratione materiae" arises.