

Naghti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI  
President

19 ta' Diċembru, 2008

**ATT Nru XV ta' l-2008**

*ATT biex jemenda diversi liġijiet li għandhom x'jaqsmu ma' materji ċivili.*

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2008 li jemenda Diversi Liġijiet li jirrigwardaw Materji Ċivili (Emenda Nru. 2). Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal skopijiet differenti ta' dan l-Att.

**TAQSIMA I**

2. Din it-Taqsima temenda l-Kodiċi Ċivili, u għandha tinqara u tintfichem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjah "il-Kodiċi". Emendi tal-Kodiċi Ċivili. Kap. 16.

Emenda ta' l-artikolu 1322 tal-Kodiċi.

**3.** Is-subartikolu (4) ta' l-artikolu 1322 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Kap. 370.

"(4) Il-flus kollha depożitati f'bank u kull strument ta' investiment, kif imfisser fit-Tieni Skeda ta' l-Att dwar Servizzi ta' Investiment, għall-kreditu ta' persuna miżżewġa jistgħu jkunu rtirati biss minn dik il-persuna mingħajr ma ssir ebda riċerka jekk dawk il-flus jew dawk l-istrumenti ta' investiment humiex tal-komunjoni ta' l-akkwisti jew le."

Emenda ta' l-artikolu 2010 tal-Kodiċi.

**4.** L-artikolu 2010 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok il-kliem "Il-kredituri privileġġati fuq l-immobbli huma" għandhom jidhlu l-kliem "Il-kredituri privileġġati fuq l-immobbli u fuq il-ħwejjeg mobbli huma"

(b) fit-tielet paragrafu tal-paragrafu (b) tiegħu, minflok il-kliem "fuq l-immobbli li minnu ġie spussessat, għat-tiswijiet u l-benefikati magħmulin fih", għandhom jidhlu l-kliem "fuq l-immobbli jew il-ħwejjeg mobbli li minnhom ġie spussessat, għat-tiswijiet u l-benefikati magħmulin fihom"; u

(ċ) fir-raba' paragrafu tal-paragrafu (b) tiegħu, minflok il-kliem "mehtieġa sabiex l-immobbli jinżamm fi stat tajjeb, iġhodd għas-somma kollha tal-kreditu; f'kull każ ieħor, iġhodd sas-somma biss taż-żjieda fil-valur ta' l-immobbli", għandhom jidhlu l-kliem "mehtieġa sabiex l-immobbli jew il-ħwejjeg mobbli jinżammu fi stat tajjeb, iġhodd għas-somma kollha tal-kreditu; f'kull każ ieħor, iġhodd sas-somma biss taż-żjieda fil-valur ta' l-immobbli jew tal-ħwejjeg mobbli".

Emenda ta' l-artikolu 2069 tal-Kodiċi.

**5.** Fl-artikolu 2069 tal-Kodiċi, minflok il-kliem "iżommu fuq l-immobbli" għandhom jidhlu l-kliem "iżommu fuq l-immobbli jew fuq il-ħwejjeg mobbli", u minflok il-kliem "ikunu għand min ikunu għaddew dawn il-beni" għandhom jidhlu l-kliem "ikunu għand min ikunu għaddew dawn il-beni jew il-ħwejjeg mobbli".

Emenda ta' l-artikolu 2071 tal-Kodiċi.

**6.** Fl-artikolu 2071 tal-Kodiċi, minflok il-kliem "l-immobbli suġġett għall-ipoteka" għandhom jidhlu l-kliem "l-immobbli jew il-ħwejjeg mobbli suġġetti għall-ipoteka".

Emenda ta' l-artikolu 2072 tal-Kodiċi.

**7.** Is-subartikolu (1) ta' l-artikolu 2072 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok il-kliem "ma jitlaqx l-immobbli" għandhom jidhlu l-kliem "ma jitlaqx l-immobbli jew il-

hwejjeġ mobbli";

(b) minflok il-kliem "jista' jitlob bil-qorti l-bejgħ ta' l-immobbli" għandhom jidhlu l-kliem "jista' jitlob bil-qorti l-bejgħ ta' l-immobbli jew tal-hwejjeġ mobbli"; u

(ċ) minflok il-kliem "jew jitlaq il-fond" għandhom jidhlu l-kliem "jew jitlaq il-fond jew il-hwejjeġ mobbli".

**8.** Fl-artikolu 2073 tal-Kodiċi, minflok il-kliem "jagħmel oppożizzjoni għall-bejgħ tal-fond li tiegħu jkollu l-pussess" għandhom jidhlu l-kliem "jagħmel oppożizzjoni għall-bejgħ tal-fond jew tal-hwejjeġ mobbli li tagħhom ikollu l-pussess".

Emenda ta' l-artikolu 2073 tal-Kodiċi.

**9.** Fl-artikolu 2074 tal-Kodiċi, minflok il-kliem "jew ipoteka speċjali fuq l-immobbli" għandhom jidhlu l-kliem "jew ipoteka speċjali fuq l-immobbli jew fuq il-hwejjeġ mobbli".

Emenda ta' l-artikolu 2074 tal-Kodiċi.

**10.** L-artikolu 2075 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2075 tal-Kodiċi.

(a) minflok il-kliem "magħmulin fil-fond" għandhom jidhlu l-kliem "magħmulin fil-fond jew fil-hwejjeġ mobbli";

(b) minflok il-kliem "ikun jaqbeż il-valur effettiv tal-fond" għandhom jidhlu l-kliem "ikun jaqbeż il-valur effettiv tal-fond jew tal-hwejjeġ mobbli";

(ċ) minflok il-kliem "li jhallas il-valur effettiv tal-fond" għandhom jidhlu l-kliem "li jhallas il-valur effettiv tal-fond jew tal-hwejjeġ mobbli"; u

(d) minflok il-kliem "jew li jitlaq il-fond" għandhom jidhlu l-kliem "jew li jitlaq il-fond jew il-hwejjeġ mobbli".

**11.** Fl-artikolu 2076 tal-Kodiċi, minflok il-kliem "It-tluq tal-fond" għandhom jidhlu l-kliem "It-tluq tal-fond jew tal-hwejjeġ mobbli".

Emenda ta' l-artikolu 2076 tal-Kodiċi.

**12.** Fl-artikolu 2077 tal-Kodiċi, minflok il-kliem "It-tluq tal-fond" għandhom jidhlu l-kliem "It-tluq tal-fond jew tal-hwejjeġ mobbli", u minflok il-kliem "li jieħu l-fond lura billi jhallas id-dejn kollu u l-ispejjeż lanqas jekk il-fond ikun ġie mitluq" għandhom jidhlu l-kliem "li jieħu l-fond jew il-hwejjeġ mobbli lura billi jhallas id-dejn kollu u l-ispejjeż lanqas jekk il-fond jew il-hwejjeġ mobbli jkun gew mitluqa".

Emenda ta' l-artikolu 2077 tal-Kodiċi.

**13.** Fl-artikolu 2078 tal-Kodiċi, minflok il-kliem "It-tluq tal-fond" għandhom jidhlu l-kliem "It-tluq tal-fond jew tal-hwejjeġ mobbli".

Emenda ta' l-artikolu 2078 tal-Kodiċi.

Emenda ta' l-artikolu 2082 tal-Kodiċi.

**14.** Fl-artikolu 2082 tal-Kodiċi, minflok il-kliem "fuq l-immobbli mitluq jew mibjugħ" għandhom jidhlu l-kliem "fuq l-immobbli jew il-ħwejjeġ mobbli mitluqa jew mibjugħa".

## TAQSIMA II

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

**15.** 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, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjaħ "il-Kodiċi".

Emenda ta' l-artikolu 166A tal-Kodiċi.

**16.** Minnufih wara s-subartikolu (2) ta' l-artikolu 166A tal-Kodiċi għandu jiżdied is-subartikolu ġdid li ġej:

"(2A) Mingħajr ħsara għad-disposizzjonijiet tas-subartikoli (1) u (2), meta ittra uffiċjali fis-sens ta' dan l-artikolu ma tiġix notifikata jew għal xi raġuni valida ma tiġix magħmula eżegwibbli u ma tiġix imħallsa, il-kreditur jista', fi żmien erba' xhur mill-ġurnata tal-prezentata ta' l-ittra uffiċjali, jitlob b'rikors lill-qorti kompetenti skond il-valur li din tinstema' u tiġi deċiża bħala kawża skond id-disposizzjonijiet ta' dan il-Kodiċi."

Emenda ta' l-artikolu 376 tal-Kodiċi.

**17.** Il-paragrafu (e) tas-subartikolu (2) ta' l-artikolu 376 tal-Kodiċi għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(e) jordna lis-sekwestratarju biex jiddepożita, bi spejjeż tad-debitur fi żmien dsatax-il jum min-notifika tal-mandat, mar-Reġistratur xi flus jew ħwejjeġ li jkunu proprjetà tad-debitur, issekwestrati bil-mandat."

Emenda ta' l-artikolu 833 tal-Kodiċi.

**18.** Fl-artikolu 833 tal-Kodiċi, minnufih wara l-kliem "jista' jingħata mir-reġistratur" għandhom jiżdiedu l-kliem "jew minn prokuratur legali mahtur bħala Kummissjunarju b'Setgħa li jagħti Ġurament".

Zieda ta' artikolu ġdid fil-Kodiċi.

**19.** Minnufih wara l-artikolu 833 tal-Kodiċi, għandu jiżdied l-artikolu ġdid li ġej:

"Prezentata ta' manadati kawtelatorji flimkien ma' l-ittra uffiċjali.

833A. Meta tiġi prezentata u konfermata bil-ġurament ittra uffiċjali skond l-artikolu 166A, jistgħu minnufih wara jiġu prezentati u konfermati bil-ġurament il-mandati kawtelatorji msemmijin fl-artikolu 830(1)(a), (b), (ċ) u (e):

Iżda meta tiġi preżentata dik l-ittra uffiċjali, ir-rikorrent għandu jippreżenta rikors ġuramentat jew rikors jew talba, skond il-każ, fi żmien għoxrin ġurnata mid-data tal-preżentata ta' nota ta' kontestazzjoni shiħa jew parzjali jew inkella fi żmien sittin ġurnata mid-data tal-ħruġ ta' mandat, jekk ma jkunx hemm nota ta' kontestazzjoni, skond liema data tiġi l-ewwel."

**20.** Fis-subartikolu (3) ta' l-artikolu 875 tal-Kodiċi, minnufih wara l-kliem "u mahluf il-mandat" għandhom jiżdedu l-kliem "u l-partijiet ġew debitament notifikati".

Emenda ta' l-artikolu 875 tal-Kodiċi.

### TAQSIMA III

**21.** Din it-Taqsima temenda l-Att ta' l-2006 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandha tinqara u tinftiehem haġa waħda ma' l-Att ta' l-2006 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att XIV ta' l-2006".

Emendi ta' l-Att ta' l-2006 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Att XIV ta' l-2006.

**22.** It-tieni paragrafu tas-subartikolu (2) ta' l-artikolu 304 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif dan l-artikolu huwa miżjud bl-artikolu 15 ta' l-Att XIV ta' l-2006 għandu jiġi sostitwit bil-proviso ġdid li ġej:

Emenda ta' l-artikolu 15 ta' l-Att XIV ta' l-2006.

"Iżda d-disposizzjonijiet ta' dan l-artikolu japplikaw għall-vapuri jew bastimenti oħra ta' iktar minn għaxar metri tul, liema hwejjeġ għandhom huma wkoll jiġu deskritti dettaljatament, inklużi wkoll il-privileġġi fuqhom; u għandha ssir stima jekk tkun meħtieġa biss mill-kreditur jew mid-debitur."

**23.** Fl-aħħar tas-subartikolu (5) ta' l-artikolu 319 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif dan is-subartikolu hu miżjud bl-artikolu 25 ta' l-Att XIV ta' l-2006, għandu jiżded il-proviso il-ġdid li ġej:

Emenda ta' l-artikolu 25 ta' l-Att XIV ta' l-2006.

"Iżda jekk ma ssir l-ebda offerta li tkun għallinqas ekwivalenti għal sittin fil-mija (60%) tal-valur li bih l-oġġett mobbli, l-immobbli jew l-azjenda kummerċjali jkun ġie stmat, il-kreditur jista' jitlob li l-oġġett mobbli, l-immobbli jew l-azjenda kummerċjali jerġġhu jitqiegħdu għall-irkant pubbliku:

Iżda dan is-subartikolu m'għandux jgħodd għal bastimenti u bċejjeċ tal-baħar oħra li jkun aktar minn għaxar metri fit-tul."

Thassir ta' l-artikolu 33 ta' l-Att XIV ta' l-2006.

**24.** L-artikolu 33 ta' l-Att XIV ta' l-2006 għandu jigi mhassar.

Emenda ta' l-artikolu 57 ta' l-Att XIV ta' l-2006.

**25.** L-artikolu 57 ta' l-Att XIV ta' l-2006 għandu jigi emendat kif ġej:

(a) minflok il-kliem "FUQ IL-BEJGH APPROVAT MILL-QORTI GHAL INĠENJI TA' L-AJRU, VAPURI U BASTIMENTI", fis-Subtitolu V ġdid tiegħu, għandhom jidhlu l-kliem "FUQ IL-BEJGH APPROVAT MILL-QORTI GHAL VAPURI U BASTIMENTI";

(b) fl-artikolu 358 minflok il-kliem "l-bejgħ privat ta' inġenju ta' l-ajru, vapur jew bastiment" għandhom jidhlu l-kliem "l-bejgħ privat ta' vapur jew bastiment";

(ċ) fl-artikolu 359 minflok il-kliem "li jikkonfermaw il-valur ta' l-inġenju ta' l-ajru, vapur jew bastiment" għandhom jidhlu l-kliem "li jikkonfermaw il-valur tal-vapur jew bastiment", u l-kliem "propost, liema prezz għandu jkun oghla minn sittin fil-mija ta' l-oghla valur stmat," għandhom jithassru;

(d) fl-artikolu 362 minflok il-kliem "intitolata tittrasferixxi l-inġenju ta' l-ajru, il-vapur jew il-bastiment" għandhom jidhlu l-kliem "intitolata tittrasferixxi l-vapur jew il-bastiment"; u

(e) fl-artikolu 364 minflok il-kliem "Il-bejgħ ta' l-inġenju ta' l-ajru, tal-vapur jew tal-bastiment" għandhom jidhlu l-kliem "Il-bejgħ tal-vapur jew tal-bastiment", u minflok il-kliem "kontra l-inġenju ta' l-ajru, il-vapur jew il-bastiment" għandhom jidhlu l-kliem "kontra l-vapur jew il-bastiment".

Emenda ta' l-artikolu 74 ta' l-Att XIV ta' l-2006.

**26.** L-artikolu 74 ta' l-Att XIV ta' l-2006 għandu jigi emendat kif ġej:

(a) minflok il-kliem "FUQ IL-MANDAT TA' ARREST EŻEKUTTIV TA' BĈEJJEĈ TAL-BAHAR" fis-Subtitlu X ġdid tiegħu, għandhom jidhlu l-kliem "FUQ IL-MANDAT EŻEKUTTIV TA' ARREST TA' BĈEJJEĈ TAL-BAHAR";

(b) fl-artikolu 388Ĉ minflok il-kliem "skond id-disposizzjonijiet ta' l-artikoli 858 u 860" għandhom jidhlu l-kliem "skond id-disposizzjonijiet ta' l-artikoli 868 u 870";

(ċ) fis-subartikolu (1) ta' l-artikolu 388D minflok il-kliem "mandat ta' arrest" għandhom jidhlu l-kliem "mandat

eżekuttiv ta' arrest"; u

(d) fis-subartikolu (3) ta' l-artikolu 388D minflok il-kliem "hija għandha tordna li l-mandat" għandhom jidhlu l-kliem "hija għandha tordna li l-mandat eżekuttiv".

27. Is-subartikolu (1) ta' l-artikolu 830 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif dan l-artikolu huwa sostitwit bl-artikolu 79 ta' l-Att XIV ta' l-2006, għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 79 ta' l-Att XIV ta' l-2006.

(a) il-paragrafu (f) tiegħu għandu jiġi mhassar; u

(b) il-paragrafi (g) u (h) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (f) u (g) rispettivament.

28. L-artikolu 82 ta' l-Att XIV ta' l-2006 għandu jiġi mhassar.

Thassir ta' l-artikolu 82 ta' l-Att XIV ta' l-2006.

29. L-artikolu 86 ta' l-Att XIV ta' l-2006 għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Emenda ta' l-artikolu 86 ta' l-Att XIV ta' l-2006.

"Emenda ta' l-artikolu 837 tal-Kodiċi.

86. L-artikolu 837 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-mandati ta' deskrizzjoni jew ta' impediment tas-safar sabiex tittiehed is-subizzjoni tal-parti kuntrarja ma jistgħux jiġu mahruġa mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha inferjuri."; u

(b) fis-subartikolu (3) tiegħu minflok il-kliem "Ma jista' jiġi mahruġ ebda mandat ta' qbid, ta' sekwestru jew ta' impediment tas-safar, biex jitqieghdu fiż-żgur jeddijiet jew pretensjonijiet" għandhom jidhlu l-kliem "Ma jista' jiġi mahruġ ebda mandat ta' qbid jew ta' sekwestru, biex jitqieghdu fiż-żgur jeddijiet jew pretensjonijiet".

Emenda ta' l-  
artikolu 88 ta'  
l-Att XIV ta' l-  
2006.

**30.** Is-subartikolu (2) ta' l-artikolu 838B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif dan l-artikolu huwa emendat bil-paragrafu (ċ) ta' l-artikolu 88 ta' l-Att XIV ta' l-2006, għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "skond l-artikolu 830(1)(b), (ċ) u (d)" għandhom jidhlu l-kliem "skond l-artikolu 830(1)(b), (ċ), (d) u (f)"; u

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "skond l-artikolu 830(1)(a), (e) u (f)" għandhom jidhlu l-kliem "skond l-artikolu 830(1)(a) u (e)", u minflok il-kliem "skond id-disposizzjonijiet ta' l-artikolu 389" għandhom jidhlu l-kliem "skond id-disposizzjonijiet ta' l-artikolu 388E".

Emenda ta' l-  
artikolu 100 ta'  
l-Att XIV ta' l-  
2006.

**31.** L-artikolu 100 ta' l-Att XIV ta' l-2006 għandu jiġi emendat kif ġej:

(a) l-artikolu 867 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif dan l-artikolu huwa miżjud bl-artikolu 100 imsemmi ta' l-Att XIV ta' l-2006, għandu jiġi emendat kif ġej:

(i) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) L-awtorità li tinsab f'idejha jew taħt il-kontroll tagħha tinsab il-biċċa tal-baħar li kontra tagħha hareġ dan il-mandat ta' arrest għandha tiegħu l-miżuri neċessarji sabiex l-ordni tal-qorti tingieb għall-attenzjoni ta' terzi.";

(ii) is-subartikolu (2) tiegħu għandu jiġi mhassar;

(iii) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2) u, minnufih wara l-kliem "l-Awtorità Marittima ta' Malta" għandhom jiżdiedu l-kliem "jew kull awtorità oħra li tista' minn żmien għal żmien tiġi hekk nominata mill-Ministru"; u

(iv) is-subartikoli (4) u (5) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3) u (4) rispettivament;

(b) l-artikolu 869 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, kif dan l-artikolu huwa miżjud bl-artikolu 100 imsemmi ta' l-Att XIV ta' l-2006, għandu jiġi emendat kif ġej:

(i) minflok il-kliem "jista' jintalab u jinghata" għandhom jidhlu l-kliem "jista' jintalab quddiem, u jinghata minn, il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex) fil-kompetenza inferjuri tagħha jew il-Prim' Awla tal-Qorti Ċivili";

(ii) fin-nota marginali tal-verżjoni bil-Malti ta' l-imsemmi artikolu, iċ-ċifri "€7000" għandhom jiġu sostitwiti biċ-ċifri "€11,600"; u

(iii) minflok il-kliem "ta' mhux anqas minn sebat elef euro" fil-verżjoni bil-Malti ta' l-imsemmi artikolu, għandhom jidhlu l-kliem "ta' mhux anqas minn hdax-il elf u sitt mitt euro".

**32.** Minnufih wara l-artikolu 107 ta' l-Att XIV ta' l-2006, għandu jiżdied l-artikolu ġdid li ġej:

*Zieda ta' artikolu ġdid fl-Att XIV ta' l-2006.*

"Setgħa tal-Ministru li jenumera mill-ġdid subtitoli u artikoli.

108. Il-Ministru jista', b'ordni, jenumera mill-ġdid artikoli u subtitoli, kif ukoll kull referenza għalihom f'xi artikolu ieħor, bħala riżultat ta' l-emendi introdotti lill-artikoli tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili b'dan l-Att."

#### TAQSIMA IV

**33.** Din it-Taqsima temenda l-Att ta' l-2007 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandha tinqara u tinftiehem haġa waħda ma' l-Att ta' l-2007 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att VII ta' l-2007".

*Emendi ta' l-Att ta' l-2007 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Att VII ta' l-2007.*

**34.** L-artikolu 29 ta' l-Att VII ta' l-2007 għandu jiġi emendat kif ġej:

*Emenda ta' l-artikolu 29 ta' l-Att VII ta' l-2007.*

(a) is-subartikolu (1) tiegħu għandu jiġi mħassar; u

(b) is-subartikolu (3)(b) tiegħu għandu jiġi mħassar.

#### TAQSIMA V

**35.** Din it-Taqsima temenda l-Att ta' l-2005 li jemenda l-Att dwar ir-Rifuġjati, u għandha tinqara u tinftiehem haġa waħda ma' l-Att ta' l-2005 li jemenda l-dwar ir-Rifuġjati, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjaħ "l-Att prinċipali".

*Emendi ta' l-Att ta' l-2005 li jemenda l-Att dwar ir-Rifuġjati. Att XVII ta' l-2005.*

Thassir ta' l-artikoli 2, 5 u 6 ta' l-Att prinċipali.

**36.** L-artikoli 2 sa 6 (it-tnejn inklużi) ta' l-Att prinċipali għandhom jiĥassru.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

**37.** L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali tiegħu, għandha tidhol in-nota marginali ġdida li ġejja:

"Emenda ta' l-Att dwar l-Immigrazzjoni. Kap. 217.";

(b) minflok il-kliem "Minnufih wara l-artikolu 19 ta' l-Att prinċipali għandu jidhol dan l-artikolu 19A ġdid li ġej", għandhom jidhlu l-kliem "Minnufih wara s-subartikolu (2) ta' l-artikolu 34 ta' l-Att dwar l-Immigrazzjoni għandhom jizdiedu ż-żewġ subartikoli ġodda li ġejjin";

(ċ) minflok iċ-ċifra "19A" fl-artikolu li kekku jizdied, kif maħsub oriġinarjament, għandha tidhol iċ-ċifra "(3)"; u dak l-artikolu issa għandu jizdied bħala s-subartikolu (3) ta' l-artikolu 34 ta' l-Att dwar l-Immigrazzjoni; u

(d) minnufih wara s-subartikolu (3) ġdid, kif miżjud bil-paragrafu (ċ) ta' dan l-artikolu, għandu jizdied is-subartikolu ġdid li ġej:

"(4) Il-Ministru jista' wkoll jagħmel regolamenti biex jistabbilixxi korp magħqud jew mhux magħqud li jkun responsabbli għall-akkomodazzjoni f'ċentri miftuħa ta' akkoljenza ta' persuni li jikkwalifikaw għal dik l-akkomodazzjoni taħt id-disposizzjonijiet ta' l-Att dwar ir-Rifuġjati, jew taħt regolamenti magħmulin tahtu, u mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, dawk ir-regolamenti jistgħu jkunu jipprovdur dwar kull haġa li tkun tirrigwarda l-funzjonijiet, il-finanzjament, il-persunal, l-organizzazzjoni u l-amministrazzjoni ta' korp bħal dak kif ukoll dwar kull haġa oħra li l-Ministru iqis li tkun meħtieġa jew spedjenti biex dak il-korp ikun jista' jwettaq il-funzjonijiet tiegħu taħt ir-regolamenti u għal kull għan ieħor konsegwenzjali jew anċillari għal dak hawn qabel imsemmi."

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 67 tal-15 ta' Diċembru, 2008.

LOUIS GALEA  
*Speaker*

PAULINE ABELA  
*Aġent Skrivani tal-Kamra tad-Deputati*

I assent.

(L.S.)

EDWARD FENECH ADAMI  
President

19th December, 2008

**ACT No. XV of 2008**

*AN ACT to amend various laws relating to civil matters.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and  
commencement.

**1.** (1) The short title of this Act is the Various Laws (Civil Matters) (Amendment No. 2) Act, 2008.

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

PART I

Amendments to  
the Civil Code.  
Cap. 16.

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

**3.** Subarticle (4) of article 1322 of the Code shall be substituted by the following new subarticle: Amendment of article 1322 of the Code.

Cap. 370. "(4) Any money deposited in a bank and any investment instrument, as defined in the Second Schedule of the Investment Services Act, to the credit of a married person may only be withdrawn by such married person and it shall not be enquired whether such money or investment instrument belongs to the community of acquests or not."

**4.** Article 2010 of the Code shall be amended as follows: Amendment of article 2010 of the Code.

(a) for the words "The privileged creditors over immovables are" there shall be substituted the words "The privileged creditors over immovables or movables are";

(b) in the third paragraph of paragraph (b) thereof, for the words "over the immovable of which he has been dispossessed, for the repairs and improvements made in or on such immovable" there shall be substituted the words "over the immovable or movable of which he has been dispossessed, for the repairs and improvements made in or on such immovable or movable"; and

(c) in the fourth paragraph of paragraph (b) thereof, for the words "for the preservation of the immovable extends to the whole amount of the debt; in any other case, it is limited to the sum corresponding to the increase in the value of the immovable" there shall be substituted the words "for the preservation of the immovable or movable extends to the whole amount of the debt; in any other case, it is limited to the sum corresponding to the increase in the value of the immovable or movable".

**5.** In article 2069 of the Code, for the words "retain over the immovables" there shall be substituted the words "retain over the immovables or movables", and for the words "into whosoever hands such immovables may pass" there shall be substituted the words "into whosoever hands such immovables or movables may pass". Amendment of article 2069 of the Code.

**6.** In article 2071 of the Code, for the words "the immovable charged with the hypothec" there shall be substituted the words "the immovable or movable charged with the hypothec". Amendment of article 2071 of the Code.

**7.** Subarticle (1) of article 2072 of the Code shall be amended as follows: Amendment of article 2072 of the Code.

(a) for the words "fails to surrender the immovable" there shall be substituted the words "fails to surrender the immovable or movable";

(b) for the words "to demand judicially the sale of the immovable" there shall be substituted the words "to demand judicially the sale of the immovable or movable"; and

(c) for the words "or to surrender the immovable" there shall be substituted the words "or to surrender the immovable or movable".

Amendment of article 2073 of the Code.

**8.** In article 2073 of the Code, for the words "oppose the sale of the immovable" there shall be substituted the words "oppose the sale of the immovable or movable".

Amendment of article 2074 of the Code.

**9.** In article 2074 of the Code, for the words "or special hypothec over the immovable" there shall be substituted the words "or special hypothec over the immovable or movable".

Amendment of article 2075 of the Code.

**10.** Article 2075 of the Code shall be amended as follows:

(a) for the words "made in or on the tenement" there shall be substituted the words "made in or on the tenement or movable";

(b) for the words "exceeds the actual value of the immovable" there shall be substituted the words "exceeds the actual value of the immovable or movable";

(c) for the words "to pay the actual value of the immovable" there shall be substituted the words "to pay the actual value of the immovable or movable"; and

(d) or the words "or to surrender the immovable" there shall be substituted the words "or to surrender the immovable or movable".

Amendment of article 2076 of the Code.

**11.** In article 2076 of the Code, for the words "The surrender of an immovable" there shall be substituted the words "The surrender of an immovable or of a movable".

Amendment of article 2077 of the Code.

**12.** In article 2077 of the Code, for the words "The surrender of the immovable" there shall be substituted the words "The surrender of the immovable or of the movable", and for the words "from taking back the immovable on paying the whole debt and the costs, even though the surrender" there shall be substituted the words "from taking back the immovable or the movable on paying the whole debt and the costs, even though the surrender".

**13.** In article 2078 of the Code, for the words "The surrender of the immovable" there shall be substituted the words "The surrender of the immovable or of the movable".

Amendment of article 2078 of the Code.

**14.** In article 2082 of the Code, for the words "over the immovable surrendered or sold" there shall be substituted the words "over the immovable or the movable surrendered or sold".

Amendment of article 2082 of the Code.

## PART II

**15.** This Part amends the Code of Organization and Civil Procedure and it shall be read and 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.

**16.** Immediately after subarticle (2) of article 166A of the Code there shall be added the following new subarticle:

Amendment of article 166A of the Code.

"(2A) Without prejudice to the provisions of subarticles (1) and (2), where an official letter in accordance with this article is not served or for a valid reason is not rendered enforceable and is not settled, the creditor may, within four months from the day of the filing of the official letter, by means of an application request the competent court according to the value that the matter be heard and decided upon as a cause in accordance with the provisions of this Code."

**17.** Paragraph (e) of subarticle (2) of article 376 of the Code shall be substituted by the following new paragraph:

Amendment of article 376 of the Code.

"(e) enjoin the garnishee to lodge, at the debtor's expense within nineteen days from the date of service of the warrant, through the Registrar any moneys or things belonging to the debtor, as attached by the order."

**18.** In article 833 of the Code, immediately after the words "may be administered by the registrar" there shall be added the words "or by a legal procurator appointed as Commissioner for Oaths under the Commissioner for Oaths Ordinance".

Amendment of article 833 of the Code.

**19.** Immediately after article 833 of the Code, there shall be added the following new article:

Addition of new article to the Code.

"Filing of precautionary warrants with judicial letter.

833A. Where a judicial letter is filed and sworn according to article 166A, there may also thereupon be sworn and filed the precautionary warrants referred to in article 830(1)(a), (b), (c) and (e):

Provided that when such judicial letter is filed, the applicant shall file a sworn application or application or petition, as the case may be, within twenty days from the date of filing of a full or partial note of contestation or else within sixty days from the date of the issuing of a warrant, unless a note of contestation will have been filed, according to which date first occurs."

Amendment of article 875 of the Code.

**20.** In subarticle (3) of article 875 of the Code, immediately after the words "and confirmed on oath" there shall be added the words "and the parties have been duly notified".

### PART III

Amendment of the Code of Organization and Civil Procedure (Amendment) Act, 2006. Act XIV of 2006.

**21.** This Part amends the Code of Organization and Civil Procedure (Amendment) Act, 2006, and it shall be read and construed as one with the Code of Organization and Civil Procedure (Amendment) Act, 2006, hereinafter in this Part referred to as "Act XIV of 2006".

Amendment of article 15 of Act XIV of 2006.

**22.** The second paragraph of subarticle (2) of article 304 of the Code of Organization and Civil Procedure, as this article is added by article 15 of Act XIV of 2006 shall be substituted by the following new proviso:

"Provided that the provisions of this article apply to ships or other vessels exceeding ten metres in length and such articles shall also be described in detail, including any rights and encumbrances thereon; and an appraisalment shall only be made if required by the creditor or by the debtor."

Amendment of article 25 of Act XIV of 2006.

**23.** At the end of subarticle (5) of article 319 of the Code of Organization and Civil Procedure, as the said subarticle is added by article 25 of Act XIV of 2006, there shall be added the following new proviso:

"Provided that if no offer is made which is at least equivalent to sixty per cent (60%) of the value at which the movable or immovable property or the going concern has been appraised, the creditor may request that the movable or immovable property or the going concern be placed again for public auction:

Provided that this subarticle shall not apply to ships and other vessels exceeding ten metres in length only."

**24.** Article 33 of Act XIV of 2006 shall be deleted.

Deletion of  
article 33 of  
Act XIV of  
2006.

**25.** Article 57 of Act XIV of 2006 shall be amended as follows:

Amendment of  
article 57 of Act  
XIV of 2006.

(a) for the words "OF COURT APPROVED SALES FOR AIRCRAFT, SHIPS AND VESSELS", in the new Subtitle V thereof, there shall be substituted the words "OF COURT APPROVED SALES FOR SHIPS AND VESSELS";

(b) in article 358 for the words "a private sale of an aircraft, ship or vessel" there shall be substituted the words "a private sale of a ship or vessel";

(c) in article 359 for the words "confirming the value of the aircraft, ship or vessel" there shall be substituted the words "confirming the value of the ship or vessel", and the words ", which price must be more than sixty per cent of the highest appraised value," shall be deleted;

(d) in article 362 for the words "to transfer the aircraft, ship or vessel" there shall be substituted the words "to transfer the ship or vessel"; and

(e) in article 364 for the words "The sale of the aircraft, ship or vessel" there shall be substituted the words "The sale of the ship or vessel", and for the words "against the aircraft, ship or vessel" there shall be substituted the words "against the ship or vessel".

**26.** Article 74 of Act XIV of 2006 shall be amended as follows:

Amendment of  
article 74 of Act  
XIV of 2006.

(a) for the words "OF THE WARRANT OF EXECUTIVE ARREST OF SEA VESSELS" in the new Subtitle X thereof, there shall be substituted the words "OF THE EXECUTIVE WARRANT OF ARREST OF SEA VESSELS";

(b) in article 388C for the words "in terms of articles 858 and 860" there shall be substituted the words "in terms of articles 868 and 870";

(c) in subarticle (1) of article 388D for the words "a warrant of arrest" there shall be substituted the words "an executive warrant of arrest"; and

(d) in subarticle (3) of article 388D for the words "it

shall order the warrant" there shall be substituted the words "it shall order the executive warrant".

Amendment of article 79 of Act XIV of 2006.

**27.** Subarticle (1) of article 830 of the Code of Organization and Civil Procedure, as this article is substituted by article 79 of Act XIV of 2006 shall be amended as follows:

(a) paragraph (f) thereof shall be deleted; and

(b) paragraphs (g) and (h) thereof shall be renumbered as paragraphs (f) and (g) respectively.

Deletion of article 82 of Act XIV of 2006.

**28.** Article 82 of Act XIV of 2006 shall be deleted.

Amendment of article 86 of Act XIV of 2006.

**29.** Article 86 of Act XIV of 2006 shall be substituted by the following new article:

"Amendment of article 837 of the Code.

**86.** Article 837 of the Code shall be amended as follows:

(a) subarticle (1) thereof shall be substituted by the following new subarticle:

"(1) It shall not be lawful for the Court of Magistrates (Malta), or the Court of Magistrates (Gozo) in its inferior jurisdiction to issue any warrant of description or impediment of departure for the purpose of a reference to the oath of the opposite party."; and

(b) in subarticle (3) thereof for the words "It shall not be lawful to issue any warrant of seizure, garnishee order, or warrant of impediment of departure in security of any right or claim" there shall be substituted the words "It shall not be lawful to issue any warrant of seizure or garnishee order, in security of any right or claim".

Amendment of article 88 of Act XIV of 2006.

**30.** Subarticle (2) of article 838B of the Code of Organization and Civil Procedure, as this article is amended by paragraph (c) of article 88 of Act XIV of 2006 shall be amended as follows:

(a) in paragraph (a) thereof, for the words "under article 830(1)(b), (c) and (d)" there shall be substituted the words

"under article 830(1)(b), (c), (d) and (f)"; and

(b) in paragraph (b) thereof, for the words "under article 830(1)(a), (e) and (f)" there shall be substituted the words "under article 830(1)(a) and (e)", and for the words "under the provisions of article 389" there shall be substituted the words "under the provisions of article 388E".

**31.** Article 100 of Act XIV of 2006 shall be amended as follows:

Amendment of  
article 100 of  
Act XIV of  
2006.

(a) article 867 of the Code of Organization and Civil Procedure, as this article is added by the said article 100 of Act XIV of 2006, shall be amended as follows:

(i) for subarticle (1) thereof there shall be substituted the following new subarticle:

"(1) The authority which has in its hands or under its control the sea going vessel against which such warrant of arrest has been issued shall take all necessary measures to display the court order for the general attention of third parties.";

(ii) subarticle (2) thereof shall be deleted;

(iii) subarticle (3) thereof shall be renumbered as subarticle (2) and, immediately after the words "Malta Maritime Authority" there shall be added the words "or such other authority as may be designated from time to time by the Minister"; and

(iv) subarticles (4) and (5) thereof shall be renumbered as subarticles (3) and (4) respectively;

(b) article 869 of the Code of Organization and Civil Procedure, as this article is added by the said article 100 of Act XIV of 2006, shall be amended as follows:

(i) for the words "may be demanded and obtained" there shall be substituted the words "may be demanded and obtained before the Court of Magistrates (Malta) or before the Court of Magistrates (Gozo) in its inferior jurisdiction or before the First Hall of the Civil Court";

(ii) in the marginal note of the Maltese version of the said article, for the figures "€7000" there shall be

substituted the figures "€11,600"; and

(iii) for the words "ta' mhux anqas minn sebat elef euro" in the Maltese version of the said article, there shall be substituted the words "ta' mhux anqas minn ħdax-il elf u sitt mitt euro".

Addition of new article to Act XIV of 2006.

**32.** Immediately after article 107 of Act XIV of 2006, there shall be added the following new article:

"Power of Minister to renumber subtitles and articles.

108. The Minister may, by order, renumber articles and subtitles, as well as any reference therefor in other articles, as a result of amendments introduced to articles of the Code of Organization and Civil Procedure by this Act."

#### PART IV

Amendment of the Code of Organization and Civil Procedure (Amendment) Act, 2007. Act VII of 2007.

**33.** This Part amends the Code of Organization and Civil Procedure (Amendment) Act, 2007, and it shall be read and construed as one with the Code of Organization and Civil Procedure (Amendment) Act, 2007, hereinafter in this Part referred to as "Act VII of 2007".

Amendment of article 29 of Act VII of 2007.

**34.** Article 29 of Act VII of 2007 shall be amended as follows:

- (a) subarticle (1) thereof shall be deleted; and
- (b) subarticle (3)(b) thereof shall be deleted.

#### PART V

Amendments to the Refugees (Amendment) Act, 2005. Act XVII of 2005.

**35.** This Part amends the Refugees (Amendment) Act, 2005, and it shall be read and construed as one with the Refugees (Amendment) Act, 2005, hereinafter in this Part referred to as "the principal Act".

Deletion of articles 2, 5 and 6 of the principal Act.

**36.** Articles 2 to 6 (both inclusive) of the principal Act shall be deleted.

Amendment of article 7 of the principal Act.

**37.** Article 7 of the principal Act shall be amended as follows:

- (a) for the marginal note thereof, there shall be substituted the following new marginal note:

"Amendment of the Immigration Act. Cap. 217.";

(b) for the words "Immediately after article 19 of the principal Act there shall be inserted the following new article 19A", there shall be substituted the words "Immediately after subarticle (2) of article 34 of the Immigration Act there shall be added the following new subarticles";

(c) for the figure "19A" in the article to be added, as originally intended, there shall be substituted the figure "(3)"; and the said article shall now be added as subarticle (3) of article 34 of the Immigration Act; and

(d) immediately after the new subarticle (3), as added by paragraph (c) hereof, there shall be added the following new subarticle:

"(4) The Minister may also make regulations to establish a body corporate or unincorporate which shall be responsible for the accommodation in open reception centres of persons who qualify for such accommodation under the provisions of the Refugees Act, or regulations made thereunder, and without prejudice to the generality of the aforesaid, such regulations may make provision for any matter whatsoever concerning the functions, funding, staffing, organization and administration of such body as well as for any other matter deemed necessary or expedient by the Minister to enable that body to carry out its functions under the regulations and for any other purpose consequential or ancillary to the aforesaid."

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Passed by the House of Representatives at Sitting No. 67 of the 15th December, 2008.

LOUIS GALEA  
*Speaker*

PAULINE ABELA  
*Acting Clerk to the House of Representatives*