

ABBOZZ TA' LIĠI msejjah

ATT biex jimplimenta varji miżuri li għandhom x'jaqsmu ma' azzjonijiet ġudizzjarji u miżuri amministrattivi oħrajn li għandhom x'jaqsmu miegħu.

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 Att ta' l-2005 dwar Azzjonijiet Ġudizzjarji (Miżuri Varji). Titolu fil-qosor u bidu fis-sehh.

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

TAQSIMA I

2. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa wahda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "il-Kodiċi". Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

Emenda ta' l-artikolu 117 tal-Kodiċi.

3. Fl-artikolu 117 tal-Kodiċi, minflok il-kelma “ċitazzjoni” għandha tidhol il-kelma “rikors”.

Emenda ta' l-artikolu 125 tal-Kodiċi.

4. Fis-subartikolu (1) ta' l-artikolu 125 tal-Kodiċi, il-kliem “b'ċitazzjoni jew” għandhom jithassru.

Emenda ta' l-artikolu 152 tal-Kodiċi.

5. L-artikolu 152 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“L-avviz jinghata b'rikors.”; u

(b) fis-subartikolu (2) minflok il-kelma “ċitazzjoni” għandha tidhol il-kelma “rikors”.

Emenda ta' l-intestatura tat-**Titolu II** ta' Taqsima I tat-Tieni Ktieb tal-Kodiċi.

6. Fl-intestatura tat-**Titolu II** ta' Taqsima I tat-Tieni Ktieb tal-Kodiċi, minnufih qabel l-artikolu 154, minflok il-kliem “Fuq il-Proċediment b'ċitazzjoni” għandhom jidhlu l-kliem “Fuq il-Proċediment b'Rikors”.

Emenda ta' l-artikolu 154 tal-Kodiċi.

7. L-artikolu 154 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“Tmexxija b'rikors.”; u

(b) fis-subartikolu (1), minflok il-kliem “Il-proċediment huwa b'ċitazzjoni” għandhom jidhlu l-kliem “Il-proċediment b'rikors jitqies li huwa kawża” u minflok il-kliem “miġjuba fiċ-ċitazzjoni” għandhom jidhlu l-kliem “miġjuba fir-rikors”.

Emenda ta' l-artikolu 155 tal-Kodiċi.

8. L-artikolu 155 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“Forma tar-rikors.”; u

(b) minflok il-kliem “Iċ-ċitazzjoni ssir” għandhom jidhlu l-kliem “Ir-rikors isir”.

Emenda ta' l-artikolu 156 tal-Kodiċi.

9. L-artikolu 156 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Min ghandu jlesti u x’ghandu jkun fih ir-rikors.”;

(b) minflok is-subartikolu (1) ghandu jidhol is-subartikolu li ġej:

“(1) Ir-rikors ghandu jitlesta mill-attur u ghandu jkun fih -

(a) dikjarazzjoni li tfisser b’mod ċar u sewwa l-oġġett tal-kawża f’paragrafi numerati separatament, sabiex isahhah it-talba tiegħu u jiddikjara wkoll liema fatti huwa jaf bihom personalment;

(b) ir-raġuni tat-talba;

(ċ) it-talba jew it-talbiet li ghandhom ikunu enumerati.”;

(ċ) fis-subartikolu (2) minflok il-kliem “maċ-ċitazzjoni” ghandhom jidhlu l-kliem “mar-rikors”;

(d) minflok is-subartikolu (3) ghandu jidhol is-subartikolu ġdid li ġej:

“(3) Ir-rikors ghandu jiġi konfermat bil-ġurament quddiem ir-registratur jew prokuratur legali mahtur bhala Kummissjunarju b’setgħa li jagħti ġurament taht l-Ordinanza ^{Kap. 79.} dwar il-Kummissjunarji b’Setgħa li jagħtu Ġurament.”;

(e) minflok is-subartikolu (5) ghandu jidhol is-subartikolu ġdid li ġej:

“(5) Meta jitressqu diversi azzjonijiet flimkien kif provdut fis-subartikoli (3), (4) u (5) ta’ l-artikolu 161, mill-inqas wiehed mill-atturi ghandu jikkonferma bil-ġurament quddiem ir-registratur jew il-prokuratur legali mahtur bhala Kummissjunarju b’setgħa li jagħti ġurament taht l-Ordinanza dwar il-Kummissjunarji b’Setgħa li jagħtu Ġurament, u ghandhom japplikaw id-disposizzjonijiet tas-subartikolu 1(a) ta’ dan l-artikolu.”;

(f) minflok is-subartikolu (6) ghandu jidhol is-subartikolu ġdid li ġej:

“(6) Ir-rikors ghandu jiġi notifikat lill-konvenut.”; u

(ġ) minflok is-subartikolu (7) ghandu jidhol is-subartikolu ġdid li ġej:

“(7) Ir-registratur ma ghandu jirċievi ebda rikors li ma jissodisfax l-elementi tas-subartikolu (1) ta’ dan l-artikolu u l-qorti ma ghandha thalli lil ebda xhud jingieb sakemm dan ma jkollux ismu mnizzel flimkien mar-rikors.”.

Emenda ta’ l-artikolu 157 tal-Kodiċi.

10. L-artikolu 157 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marġinali li hemm ghandha tidhol din in-nota marġinali li ġejja:

“Notifika tar-rikors.”;

(b) minflok il-kliem “jiġu notifikati lill-konvenut kopja taċ-ċitazzjoni u tad-dikjarazzjoni u ta’ kull affidavit ta’ l-attur u ta’ xi dokumenti annessi maċ-ċitazzjoni” ghandhom jidhlu l-kliem “jiġi notifikat lill-konvenut ir-rikors, kull affidavit ta’ l-attur u tad-dokumenti annessi mar-rikors”.

Emenda ta’ l-artikolu 158 tal-Kodiċi.

11. L-artikolu 158 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marġinali li hemm ghandha tidhol din in-nota marġinali li ġejja:

“Risposta u nota ta’ ammissjoni, prezentata eċċ.”;

(b) fis-subartikolu (1), minflok il-kliem “n-nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “r-risposta”;

(ċ) fis-subartikolu (3), minflok il-kliem “nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “risposta”;

(d) minnufih wara l-paragrafu (b) tas-subartikolu (3) ghandu jizdied dan il-paragrafu ġdid li ġej:

“(ċ) il-konvenut, jew wiehed mill-konvenuti jekk ikun hemm aktar minn wiehed, ghandu wkoll jiddikjara bil-ġurament fir-risposta b’paragrafi numerati, il-fatti kollha dwar it-talba, fejn jiċhad, jammetti jew jispjega ċ-ċirkostanzi tal-fatti murija fid-dikjarazzjoni ta’ l-attur, filwaqt li jiddikjara liema fatti huwa jaf bihom personalment.”;

(e) minflok is-subartikolu (4) ghandu jidhol dan li ġej:

“(4) Ir-risposta ghandha tiġi konfermata bil-ġurament quddiem ir-reġistratur jew prokuratur legali mahtur bhala Kummissjunarju b’setgħa li jagħti ġurament taht l-Ordinanza dwar il-Kummissjunarji b’Setgħa li jagħtu Ġurament. Il-konvenut ghandu wkoll jagħti l-ismijiet tax-xhieda li jkun bi hsiebu jġib u jiddikjara dwar kull wiehed minnhom xi prova jkun bi hsiebu jagħmel bix-xiehda tagħhom. Flimkien mar-risposta ghandhom jiġu pprezentati dawk id-dokumenti kollha li jistgħu jinhtiegu biex isahħu l-eċċezzjonijiet.”;

(f) fis-subartikolu (5) minflok il-kliem “nota ta’ eċċezzjonijiet” ghandha tidhol il-kelma “risposta” u minflok il-kliem “dik id-dikjarazzjoni u affidavit bhal dak imsemmi fis-subartikolu (4) ta’ dan l-artikolu,” ghandhom jidhlu l-kliem “dak li huwa elenkat fis-subartikolu (3) ta’ dan l-artikolu,”;

(g) fis-subartikolu (8) minflok il-kliem “nota ta’ eċċezzjonijiet u d-dikjarazzjoni” ghandhom jidhlu l-kliem “ir-risposta” u minflok il-kliem “identika tagħhom” ghandhom jidhlu l-kliem “identika tagħha”;

(h) fis-subartikolu (10) minflok il-kliem “n-nota ta’ eċċezzjonijiet u d-dikjarazzjoni” kull fejn jinsabu ghandhom jidhlu l-kliem “r-risposta”;

(i) fis-subartikolu (11) minflok il-kliem “In-nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “Ir-risposta”;

(j) fis-subartikolu (12) minflok il-kliem “tan-nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “tar-risposta”; u

(k) fis-subartikolu (13) minflok il-kliem “pprezentata n-nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “pprezentata r-risposta” u minflok il-kliem “n-nota ta’ eċċezzjonijiet u d-dikjarazzjoni” ghandhom jidhlu l-kliem “r-risposta”.

12. L-artikolu 159 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 159 tal-Kodiċi.

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Fir-rikors jew fir-risposta m’ghandux ikun hemm kummenti jew hwejjeġ żejda.”; u

(b) fis-subartikolu (1) minflok il-kliem “fiċ-ċitazzjoni u fin-nota ta’ l-eċċezzjonijiet” għandhom jidhlu l-kliem “fir-rikors u fir-risposta”, u minflok il-kliem “sustanzjali fiċ-ċitazzjoni” għandhom jidhlu l-kliem “sustanzjali fir-rikors”, u minflok il-kliem “fin-nota ta’ eċċezzjonijiet.” għandhom jidhlu l-kliem “fir-risposta.”.

Emenda ta’ l-artikolu 160 tal-Kodiċi.

13. Fl-artikolu 160 tal-Kodiċi, minflok il-kliem “ma’ ċ-ċitazzjoni jew ma’ nota ta’ l-eċċezzjonijiet” għandhom jidhlu l-kliem “mar-rikors jew mar-risposta”.

Emenda ta’ l-artikolu 161 tal-Kodiċi.

14. Minflok l-artikolu 161 tal-Kodiċi għandu jidhol dan li ġej:

“161. Fil-Qrati Superjuri u tal-Maġistrati f’Malta u Għawdex, il-proċediment ordinarju jitmexxa b’rikors.”.

Emenda ta’ l-artikolu 164 tal-Kodiċi.

15. L-artikolu 164 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) għandu jiġi enumerat mill-ġdid bhala l-artikolu shih u l-kliem “b’ċitazzjoni jew” għandu jithassar; u

(b) is-subartikolu (2) għandu jithassar.

Emenda ta’ l-artikolu 167 tal-Kodiċi.

16. L-artikolu 167 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) minflok il-kliem “fl-att stess taċ-ċitazzjoni” għandhom jidhlu l-kliem “fl-att stess tar-rikors”;

(b) minflok l-ewwel proviso li hemm mas-subartikolu (1), għandu jidhol dan li ġej:

“Izda l-attur għandu fid-diskrezzjoni tiegħu jiddikjara li sa fejn jaf huwa, il-konvenut ma għandux eċċezzjonijiet x’jagħti kontra t-talba.”;

(ċ) fis-subartikolu (2) minflok il-kliem “iċ-ċitazzjoni ssir” għandhom jidhlu l-kliem “ir-rikors isir”; u

(d) fis-subartikolu (3) minflok il-kliem “din iċ-ċitazzjoni” għandhom jidhlu l-kliem “dan ir-rikors”.

Emenda ta’ l-artikolu 168 tal-Kodiċi.

17. Fl-artikolu 168 tal-Kodiċi, minflok il-kliem “Maċ-ċitazzjoni” għandhom jidhlu l-kliem “Mar-rikors” u minflok il-kliem “flimkien maċ-ċitazzjoni” għandhom jidhlu l-kliem “flimkien mar-rikors”.

- 18.** L-artikolu 169 tal-Kodiċi għandu jiġi emendat kif ġej:
- (a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:
- “Żmien għan-notifika tar-rikors.”; u
- (b) minflok il-kliem “iċ-ċitazzjoni għandha tkun notifikata” għandhom jidhlu l-kliem “ir-rikors għandu jkun notifikat”.
- 19.** Fl-artikolu 169A tal-Kodiċi, minflok il-kliem “Iċ-ċitazzjoni” għandhom jidhlu l-kliem “Ir-rikors”. Emenda ta' l-artikolu 169A tal-Kodiċi.
- 20.** Fis-subartikolu (1) ta' l-artikolu 171 tal-Kodiċi, minflok il-kliem “ċitazzjoni li tkun” għandhom jidhlu l-kliem “rikors li jkun”, u minflok il-kliem “u ssir” għandhom jidhlu l-kliem “u jsir”. Emenda ta' l-artikolu 171 tal-Kodiċi.
- 21.** Fis-subartikolu (1)(d) ta' l-artikolu 174 tal-Kodiċi, minflok il-kliem “taċ-ċitazzjoni” għandhom jidhlu l-kliem “tar-rikors”. Emenda ta' l-artikolu 174 tal-Kodiċi.
- 22.** L-artikolu 178 tal-Kodiċi għandu jiġi emendat kif ġej:
- (a) is-subartikolu (1) għandu jiġi enumerat mill-ġdid bhala l-artikolu shih u wara l-kliem “L-iskritturi” għandhom jiżdiedu l-kliem “u rikorsi”; u
- (b) is-subartikolu (2) għandu jithassar. Emenda ta' l-artikolu 178 tal-Kodiċi.
- 23.** Fis-subartikolu (2) ta' l-artikolu 181A tal-Kodiċi, minflok il-kliem “nota ta' eċċezzjonijiet” għandha tidhol il-kelma “risposta”. Emenda ta' l-artikolu 181A tal-Kodiċi.
- 24.** Fis-subartikolu (3) ta' l-artikolu 181B tal-Kodiċi, il-kliem “jew nota ta' l-eċċezzjonijiet” għandhom jithassru. Emenda ta' l-artikolu 181B tal-Kodiċi.
- 25.** Fil-proviso mas-subartikolu (8) ta' l-artikolu 187 tal-Kodiċi, il-kliem “u ċitazzjonijiet” għandhom jithassru. Emenda ta' l-artikolu 187 tal-Kodiċi.
- 26.** Fis-subartikolu (2) ta' l-artikolu 208 tal-Kodiċi, minflok il-kliem “n-nota ta' eċċezzjonijiet” għandhom jidhlu l-kliem “r-risposta”. Emenda ta' l-artikolu 208 tal-Kodiċi.
- 27.** Fl-artikolu 213 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” għandhom jidhlu l-kliem “fir-rikors” u minflok il-kliem “l-istess ċitazzjoni” għandhom jidhlu l-kliem “l-istess rikors”. Emenda ta' l-artikolu 213 tal-Kodiċi.

Emenda ta' l-artikolu 219A tal-Kodiċi.

28. Fis-subartikolu (2) ta' l-artikolu 219A tal-Kodiċi, il-kliem “taċ-ċitazzjoni jew” għandhom jiġu mhassra.

Emenda ta' l-artikolu 235 tal-Kodiċi.

29. L-artikolu 235 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota margġinali “jew b'ċitazzjoni f'kull żmien li jkun” li hemm għandha tidhol din in-nota margġinali li ġejja:

“jew b'rikors f'kull żmien li jkun.”; u

(b) fit-tieni proviso minflok il-kliem “bil-mezz ta' ċitazzjoni” għandhom jidhlu l-kliem “bil-mezz ta' rikors”.

Emenda ta' l-artikolu 249 tal-Kodiċi.

30. Fis-subartikolu (1) ta' l-artikolu 249 tal-Kodiċi, minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”.

Emenda ta' l-artikolu 263 tal-Kodiċi.

31. L-artikolu 263 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1), minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”; u

(b) fis-subartikolu (2), minflok il-kliem “Iċ-ċitazzjoni għandha tkun innotifikata” għandhom jidhlu l-kliem “Ir-rikors għandu jkun notifikat”.

Emenda ta' l-artikolu 329 tal-Kodiċi.

32. Fis-subartikolu (1) ta' l-artikolu 329 tal-Kodiċi, minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”.

Emenda ta' l-artikolu 381 tal-Kodiċi.

33. Fis-subartikolu (2) ta' l-artikolu 381 tal-Kodiċi, minflok il-kelma “ċitazzjoni” għandha tidhol il-kelma “rikors”.

Emenda ta' l-artikolu 392 tal-Kodiċi.

34. Fl-artikolu 392 tal-Kodiċi, minflok il-kelma “ċitazzjoni” għandhom jidhlu l-kliem “rikors ai termini ta' l-artikolu 156”.

Emenda ta' l-artikolu 398 tal-Kodiċi.

35. L-artikolu 398 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1), minflok il-kliem “fin-nota ta' eċċezzjoni, meta l-proċedimenti jkunu b'ċitazzjoni, jew fir-risposta bil-miktub għar-rikors meta l-proċedimenti jkunu b'rikors.” għandhom jidhlu l-kliem “fir-risposta bil-miktub għar-rikors.”; u

(b) fis-subartikolu (3), minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”, minflok il-kliem “f'nota ta' eċċezzjoni” għandhom jidhlu l-kliem “fir-risposta”, minflok il-kliem “ta' ċitazzjoni” għandhom jidhlu l-kliem “ta' rikors” u

minflok il-kliem “dik in-nota ta’ eċċezzjoni” ghandhom jidhlu l-kliem “dik ir-risposta”.

36. Fl-artikolu 403 tal-Kodiċi, minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors”. Emenda ta’ l-artikolu 403 tal-Kodiċi.

37. Fl-artikolu 407 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”. Emenda ta’ l-artikolu 407 tal-Kodiċi.

38. Fl-artikolu 410 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”. Emenda ta’ l-artikolu 410 tal-Kodiċi.

39. L-artikolu 411 tal-Kodiċi ghandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 411 tal-Kodiċi.

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Is-skiet ghal dejjem jghodd biss ghall-pretensjonijiet imsemmija fir-rikors.”; u

(b) minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”.

40. Fl-artikolu 412 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”. Emenda ta’ l-artikolu 412 tal-Kodiċi.

41. Fl-artikolu 414 tal-Kodiċi, minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors”. Emenda ta’ l-artikolu 414 tal-Kodiċi.

42. Fl-artikolu 461 tal-Kodiċi, minflok il-kelma “ċitazzjoni” ghandha tidhol il-kelma “rikors”. Emenda ta’ l-artikolu 461 tal-Kodiċi.

43. Fl-artikolu 462 tal-Kodiċi, minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors”. Emenda ta’ l-artikolu 462 tal-Kodiċi.

44. L-artikolu 463 tal-Kodiċi ghandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 463 tal-Kodiċi.

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Persuna li kontra tagħha ghandu jsir ir-rikors.”; u

(b) minflok il-kliem “Iċ-ċitazzjoni msemmija” ghandhom jidhlu l-kliem “Fir-rikors imsemmi” u minflok il-kliem “ghandha ssir” ghandhom jidhlu l-kliem “ghandu jsir”.

Emenda ta' l-
artikolu 464 tal-
Kodiċi.

45. L-artikolu 464 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“Meta r-rikors għandu jsir kontra kuraturi *ex officio*.”; u

(b) fis-subartikolu (1) minflok il-kliem “iċ-ċitazzjoni għandha ssir” għandhom jidhlu l-kliem “ir-rikors għandu jsir”;

(ċ) fis-subartikolu (3) minflok in-nota marginali li hemm għandha tidhol in-nota marginali li ġejja:

“Twahhil ta' kopja tar-rikors.”; u

(d) fis-subartikolu (3) minflok il-kliem “dik iċ-ċitazzjoni” għandhom jidhlu l-kliem “dak ir-rikors”.

Emenda ta' l-
artikolu 467 tal-
Kodiċi.

46. Fl-artikolu 467 tal-Kodiċi, minflok il-kliem “ċitazzjoni li tiġi preżentata” għandhom jidhlu l-kliem “rikors li jiġi preżentat”.

Emenda ta' l-
artikolu 533 tal-
Kodiċi.

47. L-artikolu 533 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”; u

(b) fis-subartikolu (2) minflok il-kliem “taċ-ċitazzjoni” għandhom jidhlu l-kliem “tar-rikors”.

Emenda ta' l-
artikolu 546 tal-
Kodiċi.

48. L-artikolu 546 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok il-kliem fin-nota marginali “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”;

(b) fis-subartikolu (1) minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”; u

(ċ) fis-subartikolu (2) minflok il-kliem “fiċ-ċitazzjoni” għandhom jidhlu l-kliem “fir-rikors”.

Emenda ta' l-
artikolu 728 tal-
Kodiċi.

49. L-artikolu 728 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“Eċċezzjonijiet li jinghataw fir-risposta.”; u

(b) fis-subartikolu (1), il-kliem “fin-nota ta’ l-eċċezzjonijiet jew” ghandhom jithassru.

50. L-artikolu 736 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 736 tal-Kodiċi.

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Dmir ta’ l-imhallee li jiffirma rikorsi u mandat ghad li xort’ohra ma jkunx jista’ joqghod fil-kawża.”; u

(b) minflok il-kelma “ċitazzjonijiet” ghandha tidhol il-kelma “rikorsi”.

51. Fis-subartikolu (b) ta’ l-artikolu 811 tal-Kodiċi minflok il-kliem “iċ-ċitazzjoni ma tkunx giet innotifikata” ghandhom jidhlu l-kliem “ir-rikors ma jkunx giet nnotifikat”.

Emenda ta’ l-artikolu 811 tal-Kodiċi.

52. Fl-artikolu 815 tal-Kodiċi, il-kliem “, ghandha ssir b’ċitazzjoni,” ghandhom jithassru u wara l-kliem “appell,” ghandhom jidhlu l-kliem “ghandha ssir”.

Emenda ta’ l-artikolu 815 tal-Kodiċi.

53. L-artikolu 816 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 816 tal-Kodiċi.

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“X’ghandu jkun fih ir-rikors.”; u

(b) minflok il-kliem “Fiċ-ċitazzjoni jew fir-rikors” ghandhom jidhlu l-kliem “Fir-rikors”.

54. L-artikolu 823 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 823 tal-Kodiċi.

(a) fis-subartikolu (2), minflok il-kliem “ritrazzjoni tista’, ad istanza, b’rikors quddiem il-Qorti ta’ l-Appell u b’ċitazzjoni quddiem” ghandhom jidhlu l-kliem “ritrattazzjoni tista’, ad istanza, b’rikors kemm quddiem il-Qorti ta’ l-Appell kemm quddiem”; u

(b) fis-subartikolu (4) minflok il-kliem “taċ-ċitazzjoni li jkun fiha t-talba” ghandhom jidhlu l-kliem “tar-rikors li jkun fih it-talba”.

55. Fl-artikolu 826 tal-Kodiċi minflok il-kelma “ċitazzjoni” ghandha tidhol il-kelma “rikors”.

Emenda ta’ l-artikolu 826 tal-Kodiċi.

Emenda ta' l-artikolu 836 tal-Kodiċi.

56. Fis-subartikolu (9) ta' l-artikolu 836 tal-Kodiċi minflok il-kliem “ssirilha ċitazzjoni” għandhom jidhlu l-kliem “jsirilha rikors”.

Emenda ta' l-artikolu 894 tal-Kodiċi.

57. Fis-subartikolu (3) ta' l-artikolu 894 tal-Kodiċi l-kliem “jew b'ċitazzjoni” u “jew fiċ-ċitazzjoni” għandhom jithassru.

Emenda ta' l-artikolu 925 tal-Kodiċi.

58. Fis-subartikolu (1)(ċ) ta' l-artikolu 925 tal-Kodiċi minflok il-kliem “ċitazzjonijiet, noti ta' l-eċċezzjonijiet,” għandhom jidhlu l-kliem “rikorsi, risposti”.

Emenda ta' l-artikolu 944 tal-Kodiċi.

59. Fis-subartikolu (2) ta' l-artikolu 944 tal-Kodiċi minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”.

Emenda ta' l-artikolu 946 tal-Kodiċi.

60. Fis-subartikolu (1) ta' l-artikolu 946 tal-Kodiċi minflok il-kliem “b'ċitazzjoni” għandhom jidhlu l-kliem “b'rikors”.

Emenda ta' l-artikolu 962 tal-Kodiċi.

61. Fl-artikolu 962 tal-Kodiċi il-kliem “biċ-ċitazzjoni jew” u “, skond il-każ,” għandhom jiġu mhassra.

Emenda ta' l-artikolu 963 tal-Kodiċi.

62. Fis-subartikolu (2) ta' l-artikolu 963 minflok il-kliem “taċ-ċitazzjoni” għandhom jidhlu l-kliem “tar-rikors”.

Emenda ta' l-Iskeda A li tinsab mal-Kodiċi.

63. L-Iskeda A li tinsab mal-Kodiċi għandha tiġi emendata kif ġej:

(a) fit-Tariffa A -

(i) fis-subartikolu (1) ta' l-artikolu 2 minflok il-kliem “nota ta' l-eċċezzjonijiet” għandha tidhol il-kelma “risposta”;

(ii) fis-subartikolu (2) ta' l-artikolu 2 minflok il-kliem “nota ta' l-eċċezzjonijiet” għandha tidhol il-kelma “risposta”;
u

(iii) fis-subartikolu (1) ta' l-artikolu 3 l-kliem “, ċitazzjoni” għandhom jithassru; u

(b) fit-Tariffa E -

(i) fl-artikolu 16 minflok il-kliem “fiċ-ċitazzjoni” għandhom jidhlu l-kliem “fir-rikors”;

(ii) fl-artikolu 17 minflok il-kliem “fiċ-ċitazzjoni” għandhom jidhlu l-kliem “fir-rikors”;

(iii) fil-paragrafu (i) ta' l-artikolu 28 minflok il-kliem “ċ-ċitazzjoni jew ir-rikors ikunu ġew preżentati” għandhom jidhlu l-kliem “r-rikors ikun ġie ppreżentat”;

(iv) fil-paragrafu (i) ta' l-artikolu 33 il-kliem “, iċ-ċitazzjoni, in-nota ta' l-eċċezzjonijiet” għandhom jithassru; u

(v) fil-paragrafu (ċ) ta' l-artikolu 43 minflok il-kelma “ċitazzjoni” għandha tidhol il-kelma “rikors”.

64. Il-Formola Nru. 6 li hemm fl-Iskeda B li tinsab mal-Kodiċi għandha tithassar. Emenda ta' l-Iskeda B li tinsab mal-Kodiċi.

TAQSIMA II

65. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa waħda mal-Kodiċi tal-Kummerċ, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah “il-Kodiċi”. Emenda tal-Kodiċi tal-Kummerċ, Kap. 13.

66. Il-Kodiċi għandu jiġi emendat kif ġej:- Emenda ta' l-artikoli 41, 47, 484, 497, 515 u 523 tal-Kodiċi.

(a) fis-subartikolu (2) ta' l-artikolu 41, fis-subartikolu (2) ta' l-artikolu 47, fis-subartikolu (3) ta' l-artikolu 484, fis-subartikolu (3) ta' l-artikolu 515 u fis-subartikolu (1) ta' l-artikolu 523, minflok il-kelma “ċitazzjoni” kull fejn tidher għandha tidhol il-kelma “rikors”; u

(b) fl-artikolu 497, minflok il-kliem “fuq ċitazzjoni mahruġa” għandhom jidhlu l-kliem “b'rikors mahruġ”.

TAQSIMA III

67. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah “il-Kodiċi”. Emenda tal-Kodiċi Ċivili, Kap. 16.

68. Il-Kodiċi għandu jiġi emendat kif ġej: Emenda ta' l-artikoli. 92, 211, 223, 253, 257A, 366, 1357, 1528, 1541, 1578, 1602, 1603 u 2026 tal-Kodiċi.

(a) fis-subartikolu (2) ta' l-artikolu 92, fl-artikolu 211, fis-subartikolu (4) ta' l-artikolu 253, fis-subartikolu (3) ta' l-artikolu 257A, fis-subartikolu (2) ta' l-artikolu 366, fis-subartikolu (2) ta' l-artikolu 1357, fl-artikolu 1528, fis-subartikolu (1) ta' l-artikolu 1541 u fl-artikoli 1578, 1602 u 2026, minflok il-kelma “ċitazzjoni” għandha tidhol il-kelma “rikors”;

(b) fl-artikolu 223, minflok il-kliem “b’ċitazzjoni li tkun ġiet ipprezentata” ghandhom jidhlu l-kliem “b’rikors li jkun ġie pprezentat”; u

(ċ) fl-artikolu 1603, minflok il-kliem “fuq din iċ-ċitazzjoni” u “fuq iċ-ċitazzjoni fuq imsemmija” ghandhom jidhlu l-kliem “fuq dan ir-rikors” u “fuq ir-rikors hawn qabel imsemmi” rispettivament.

Emenda tal-Formula B fit-Taqsima II ta’ l-Iskeda li tinsab mal-Kodiċi.

69. Fil-Formula B fit-Taqsima II ta’ l-Iskeda li tinsab mal-Kodiċi, minflok il-kliem “ċitazzjoni, li fiha” ghandhom jidhlu l-kliem “rikors, li fih” u minflok il-kliem “taċ-ċitazzjoni hawn fuq imsemmija” ghandhom jidhlu l-kliem “tar-rikors hawn qabel imsemmi”.

TAQSIMA IV

Emenda ta’ l-Att dwar l-Arbitraġġ, Kap. 387.

70. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bhala haġa waħda ma’ l-Att dwar l-Arbitraġġ, hawnhekk iżjed ‘il quddiem f’ din it-Taqsima msejjah “l-Att prinċipali”.

Emenda ta’ l-artikolu 4 ta’ l-Att prinċipali.

71. Fis-subartikolu (3) ta’ l-artikolu 4 ta’ l-Att prinċipali l-kliem “; l-Avukat Ġenerali jkun membru *ex officio* tal-Bord” ghandhom jiĥassru.

Emenda ta’ l-artikolu 9 ta’ l-Att prinċipali.

72. Fis-subartikolu (1) ta’ l-artikolu 9 ta’ l-Att prinċipali minflok il-kliem “taht dan l-Att.” ghandhom jidhlu l-kliem “taht dan l-Att:” u minnufih wara ghandu jizjed dan il-proviso li ġej:

“Izda r-reġistratur jista’ jeżerċita waħda jew aktar mill-funzjonijiet tiegħu taht dan l-Att jew taht regoli magħmulin taht l-Att kemm direttament kemm permezz ta’ persuna awtorizzata għal dak l-ghan mill-Bord.”.

Emenda ta’ l-artikolu 70B ta’ l-Att prinċipali.

73. Minflok is-subartikolu (2) ta’ l-artikolu 70B ta’ l-Att prinċipali ghandu jidhol dan li ġej:

“(2) Bla hsara għal dak li hemm speċifikament provdut f’ artikolu 6 tat- Taqsima B tar-Raba’ Skeda li tinsab ma’ dan l-Att, appell ghandu jsir fi żmien hmistax-il ġurnata minn meta tiġi riċevuta d-deċiżjoni finali jew, jekk kien hemm xi proċess ta’ arbitraġġ ta’ appell jew reviżjoni, mid-data meta l-parti kienet notifikata bir-riżultat ta’ dak il-proċess, jew meta l-proċess kien mod iehor kompletat, jew minn meta jkun skada ż-żmien għalih.”.

74. It-Taqsima B tar-Raba' Skeda li tinsab ma' l-Att prinċipali ghandha tiġi emendata kif ġej:

Emenda tat-Taqsima B tar-Raba' Skeda li tinsab ma' l-Att prinċipali.

(a) minflok l-artikoli 2 u 3 ghandhom jidhlu l-artikoli li ġejjin:

“2. It-tribunal ta' l-arbitraġġ ghandu jkun magħmul minn arbitru wiehed kemm-il darba l-partijiet ma jiftehmux li dan ikun magħmul minn tliet arbitri u javżaw liċ-ċentru fi żmien tletin ġurnata minn meta l-intimat jirċievi l-avviż ta' arbitraġġ;

3. L-uniku arbitru, jew xi wiehed mill-membri tat-tribunal ta' arbitraġġ meta dan ikun magħmul minn tliet arbitri, ghandu jinħatar miċ-*Chairman* taċ-ċentru skond id-disposizzjonijiet ta' l-Att kemm-il darba ċ-ċentru ma jiġix avżat bil-hatra ta' tribunal ta' arbitraġġ fi żmien tletin ġurnata minn meta l-intimat jirċievi l-avviż ta' l-arbitraġġ;”; u

(b) minnufih wara l-artikolu 5 ghandhom jizdiedu dawn l-artikoli ġodda li ġejjin:

“6. Id-deċiżjoni ghandha titqies li tkun ġiet riċevuta mill-partijiet fid-data li d-deċiżjoni tinghata bil-miftuh.

7. Id-disposizzjonijiet ta' Titlu IX ta' l-Ewwel Ktieb u ta' Titlu XI tat-Tielet Ktieb tal-Kodiċi ta' Proċedura u Organizzazzjoni Ċivili u kull disposizzjoni ohra ta' dak il-Kodiċi li ghandha x'taqsam mal-kuraturi, ghandhom ikunu japplikaw *mutatis mutandis* ghat-tilwimiet imsemmija f'din l-Iskeda.”.

Għanijiet u Raġunijiet

L-għan ewlieni ta' dan l-Abbozz hu biex jissostitwixxi ċ-ċitazzjoni b'rikors bhala l-att ġudizzjarju li bih isiru l-proċedimenti tal-preżentata ta' kawża kif ukoll sabiex iċ-ċentru dwar l-Arbitraġġ ta' Malta jinghata għadd ta' poteri.

**A BILL
entitled**

AN ACT to implement various measures related to judicial actions and other administrative measures connected therewith.

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 Judicial Actions (Various Measures) Act, 2005.

(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 provisions and different purposes of this Act.

PART I

Amendment of Code of Organization and Civil Procedure, Cap. 12.

2. This Part amends and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as “the Code”.

Amendment of article 117 of the Code.

3. In article 117 of the Code, for the word “writ of summons” there shall be substituted the word “application”.

- 4.** In sub-article (1) of article 125 of the Code, the words “writ of summons or” shall be deleted. Amendment of article 125 of the Code.
- 5.** Article 152 of the Code shall be amended as follows: Amendment of article 152 of the Code.
- (a) in sub-article (2) for the marginal note thereto there shall be substituted the following marginal note:
- “Notice to be by application.”; and
- (b) in sub-article (2) for the word “summons” there shall be substituted the word “application”.
- 6.** In the heading of Title II of Part I of Book Second of the Code, immediately before article 154, for the words “Of the Mode of Procedure by Writ of Summons” there shall be substituted the words “Of the Mode of Procedure by Application”. Amendment of the heading of Title II of Part I of Book Second of the Code.
- 7.** Article 154 of the Code shall be amended as follows: Amendment of article 154 of the Code.
- (a) for the marginal note thereto there shall be substituted the following marginal note:
- “Proceedings by application.”; and
- (b) in sub-article (1), for the words “The procedure is said to be by writ of summons” there shall be substituted the words “The procedure by application is considered to institute a cause” and for the words “contained in the writ of summons” there shall be substituted the words “contained in the application”.
- 8.** Article 155 of the Code shall be amended as follows: Amendment of article 155 of the Code.
- (a) for the marginal note thereto there shall be substituted the following marginal note:
- “Form of application.”; and
- (b) for the words “The writ of summons shall be” there shall be substituted the words “The application shall be”.
- 9.** Article 156 of the Code shall be amended as follows: Amendment of article 156 of the Code.
- (a) for the marginal note thereto there shall be substituted the following marginal note:

“Drawing up and contents of application.”;

(b) for sub-article (1) there shall be substituted the following sub-article:

“(1) The application shall be prepared by the plaintiff and shall contain -

(a) a statement which gives in a clear and explicit manner the subject of the cause in separate numbered paragraphs, in order to emphasise his claim and also declare which facts he was personally aware of;

(b) the cause of the claim;

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

(c) in sub-article (2) for the words “with the writ of summons” there shall be substituted the words “with the application”;

(d) for sub-article (3) there shall be substituted the following:

“(3) The application shall be confirmed on oath before the registrar or legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance.”;

Cap. 79.

(e) for sub-article (5) there shall be substituted the following:

“(5) Where several actions are brought together as provided in sub-articles (3), (4) and (5) of article 161, it shall at least be one of the plaintiffs who shall confirm on oath before the registrar or the legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance, and the provisions of sub-article 1(a) of this article shall apply.”;

(f) for sub-article (6) there shall be substituted the following:

“(6) The application shall be served on the defendant .”; and

(g) for sub-article (7) there shall be substituted the following:

“(7) The registrar shall not receive any application which does not satisfy the elements of sub-article (1) of this article and the court shall not allow any witness to be produced unless his name shall have been given together with the application.”.

10. Article 157 of the Code shall be amended as follows:

Amendment of article 157 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Service of application.”;

(b) for the words “a copy of the writ of summons and of the declaration and of any affidavit of the plaintiff to be served on the defendant” there shall be substituted the words “a copy of the application, any affidavit of the plaintiff and of the documents attached with the application”.

11. Article 158 of the Code shall be amended as follows:

Amendment of article 158 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Reply and note of admission, filing etc.”;

(b) in sub-article (1), for the words “statement of defence” there shall be substituted the word “reply”;

(c) in sub-article (3), for the words “statement of defence” there shall be substituted the word “reply”;

(d) immediately after paragraph (b) of sub-article (3) there shall be added the following new paragraph:

“(c) the defendant, or one of the defendants if there are more than one defendant, shall also confirm on oath in the reply with numbered paragraphs, all the facts concerning the claim, denying, admitting or explaining the circumstances of fact set out in plaintiff’s declaration, while stating which facts are within his own knowledge.”;

(e) for sub-article (4) there shall be substituted the following:

“(4) The reply shall be confirmed on oath before the registrar or legal procurator appointed as Commissioner for

Oaths under the Commissioners for Oaths Ordinance. The defendant shall also indicate the names of the witnesses he intends producing and to state with regard to each one of them what he intends proving by means of their evidence. There shall also be filed together with the reply such documents as may be required to sustain the pleas.”;

(f) in sub-article (5) for the words “statement of defence” there shall be substituted the word “reply” and for the words “such declaration and any such affidavit, as mentioned in sub-article (4)” there shall be substituted the words “the listed requirements in sub-article (3) of this article.”;

(g) in sub-article (8) for the words “statement of defence and declaration” there shall be substituted the word “reply”;

(h) in sub-article (10) for the words “statement of defence and declaration” and “statement and declaration” there shall be substituted the word “reply” respectively;

(i) in sub-article (11) for the words “The statement of defence” there shall be substituted the words “The reply”;

(j) in sub-article (12) for the words “statement of defence” there shall be substituted the words “reply”; and

(k) in sub-article (13) for the words “statement of defence” there shall be substituted the words “reply” and for the words “statement of defence and declaration” there shall be substituted the words “reply”.

Amendment of
article 159 of the
Code.

12. Article 159 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“The application and the reply not to contain comments or superfluous matter.”; and

(b) in sub-article (1) for the words “the writ of summons and the statement of defence” there shall be substituted the words “the application and the reply”, and for the words “as regards the writ of summons” there shall be substituted the words “as regards the application”, and for the words “as regards the statement of defence.” there shall be substituted the words “as regards the reply.”.

13. In article 160 of the Code, for the words “with the writ of summons or the statement of defence” there shall be substituted the words “with the application or the reply”.

Amendment of article 160 of the Code.

14. For article 161 of the Code there shall be substituted the following:

Amendment of article 161 of the Code.

“161. In the Superior Courts and in the Courts of Magistrates in Malta and in Gozo, proceedings are ordinarily taken by application.”.

15. Article 164 of the Code shall be amended as follows:

Amendment of article 164 of the Code.

(a) sub-article (1) shall be renumbered as the whole article and the words “by writ of summons or” shall be deleted; and

(b) sub-article (2) shall be deleted.

16. Article 167 of the Code shall be amended as follows:

Amendment of article 167 of the Code.

(a) in sub-article (1) for the words “to pray in the writ of summons” there shall be substituted the words “to pray in the application”;

(b) for the first proviso to sub-article (1), there shall be substituted the following:

“Provided that the plaintiff shall in his discretion declare that to his knowledge, the defendant does not have any pleas to make against the claim.”;

(c) in sub-article (2) for the words “the writ of summons” there shall be substituted the words “the application”; and

(d) in sub-article (3) for the words “such writs of summons” there shall be substituted the words “such applications”.

17. In article 168 of the Code, for the words “With the writ of summons” there shall be substituted the words “With the application” and for the words “together with the writ of summons” there shall be substituted the words “together with the application”.

Amendment of article 168 of the Code.

18. Article 169 of the Code shall be amended as follows:

Amendment of article 169 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Time for service of application.”; and

(b) for the words “the writ of summons” there shall be substituted the words “the application”.

Amendment of article 169A of the Code.

19. In article 169A of the Code, for the words “The writ of summons” there shall be substituted the words “The application”.

Amendment of article 171 of the Code.

20. In sub-article (1) of article 171 of the Code, for the words “writ of summons” there shall be substituted the word “application”.

Amendment of article 174 of the Code.

21. In sub-article (1)(d) of article 174 of the Code, for the words “writ of summons” there shall be substituted the words “application”.

Amendment of article 178 of the Code.

22. Article 178 of the Code shall be amended as follows:

(a) sub-article (1) shall be renumbered as the whole article and after the words “The written pleadings” there shall be added the words “and the applications”; and

(b) sub-article (2) shall be deleted.

Amendment of article 181A of the Code.

23. In sub-article (2) of article 181A of the Code, for the words “statement or pleading.” there shall be substituted the words “reply or pleading.”.

Amendment of article 181B of the Code.

24. In sub-article (3) of article 181B of the Code, the words “or statement of defence” shall be deleted.

Amendment of article 187 of the Code.

25. In the proviso to sub-article (8) of article 187 of the Code, the words “and writs of summons” shall be deleted.

Amendment of article 208 of the Code.

26. In sub-article (2) of article 208 of the Code, for the words “file the statement” there shall be substituted the words “file the reply”.

Amendment of article 213 of the Code.

27. In article 213 of the Code, for the words “in the writ of summons” there shall be substituted the words “in the application” and for the words “same writ of summons” there shall be substituted the words “same application”.

Amendment of article 219A of the Code.

28. In sub-article (2) of article 219A of the Code, the words “writ of summons or” shall be deleted.

Amendment of article 235 of the Code.

29. Article 235 of the Code shall be amended as follows:

(a) for the marginal note “or by summons at any time” there shall be substituted the following marginal note:

“or by application at any time.”; and

(b) in the second proviso for the words “writ of summons” there shall be substituted the word “application”.

30. In sub-article (1) of article 249 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”. Amendment of article 249 of the Code.

31. Article 263 of the Code shall be amended as follows: Amendment of article 263 of the Code.

(a) in sub-article (1), for the words “by writ of summons” there shall be substituted the words “by application”; and

(b) in sub-article (2), for the words “writ of summons” there shall be substituted the words “application”.

32. In sub-article (1) of article 329 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”. Amendment of article 329 of the Code.

33. In sub-article (2) of article 381 of the Code, for the word “writ of summons” there shall be substituted the word “application”. Amendment of article 381 of the Code.

34. In article 392 of the Code, for the word “by writ of summons” there shall be substituted the words “by application in terms of article 156”. Amendment of article 392 of the Code.

35. Article 398 of the Code shall be amended as follows: Amendment of article 398 of the Code.

(a) in sub-article (1), for the words “in the statement of defence where proceedings are by writ of summons, or in the written reply to the application where proceedings are by application.” there shall be substituted the words “in the written reply to the application.”; and

(b) in sub-article (3), for the words “by writ of summons” there shall be substituted the words “by application”, for the words “in a statement of defence” there shall be substituted the words “in a reply”, for the words “of a writ of summons” there shall be substituted the words “of an application” and for the words “that statement of defence” there shall be substituted the words “that reply”.

Amendment of article 403 of the Code.

36. In article 403 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”.

Amendment of article 407 of the Code.

37. In article 407 of the Code, for the words “in the writ of summons” there shall be substituted the words “in the application”.

Amendment of article 410 of the Code.

38. In article 410 of the Code, for the words “writ of summons” there shall be substituted the words “application”.

Amendment of article 411 of the Code.

39. Article 411 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Perpetual silence to apply only to jactitation referred to in application.”; and

(b) for the words “in the writ of summons” there shall be substituted the words “in the application”.

Amendment of article 412 of the Code.

40. In article 412 of the Code, for the words “writ of summons” there shall be substituted the words “application”.

Amendment of article 414 of the Code.

41. In article 414 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”.

Amendment of article 461 of the Code.

42. In article 461 of the Code, for the words “writ of summons” there shall be substituted the word “application”.

Amendment of article 462 of the Code.

43. In article 462 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”.

Amendment of article 463 of the Code.

44. Article 463 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Person against whom application is to be directed.”; and

(b) for the words “writ of summons” there shall be substituted the word “application”.

Amendment of article 464 of the Code.

45. Article 464 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“When application is to be directed against official curators.”;

(b) in sub-article (1) for the words “writ of summons” there shall be substituted the word “application”;

(c) in sub-article (3) for the marginal note thereto there shall be substituted the following marginal note:

“Posting up of copy of application.”; and

(d) in sub-article (3) for the words “writ of summons” there shall be substituted the word “application”.

46. In article 467 of the Code, for the words “writ of summons” there shall be substituted the word “application”. Amendment of article 467 of the Code.

47. Article 533 of the Code shall be amended as follows: Amendment of article 533 of the Code.

(a) in sub-article (1) for the words “by summons” there shall be substituted the words “by application”; and

(b) in sub-article (2) for the words “of the said summons” there shall be substituted the words “of the said application”.

48. Article 546 of the Code shall be amended as follows: Amendment of article 546 of the Code.

(a) for the words in the marginal note “by summons” there shall be substituted the words “by application”;

(b) in sub-article (1) for the words “by summons” there shall be substituted the words “by application”; and

(c) in sub-article (2) for the words “The summons” there shall be substituted the words “The application”.

49. Article 728 of the Code shall be amended as follows: Amendment of article 728 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Pleas to be raised in the answer.”; and

(b) in sub-article (1), the words “in the note of pleas or” shall be deleted.

Amendment of article 736 of the Code.

50. Article 736 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Judge to sign applications or warrants despite being otherwise precluded from dealing with cause.”; and

(b) for the word “writ of summons” there shall be substituted the word “application”.

Amendment of article 811 of the Code.

51. In sub-article (b) of article 811 of the Code for the words “writ of summons” there shall be substituted the words “application”.

Amendment of article 815 of the Code.

52. In article 815 of the Code, the words “, by means of a writ of summons,” shall be deleted.

Amendment of article 816 of the Code.

53. Article 816 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Contents of application.”; and

(b) for the words “In the writ of summons or application” there shall be substituted the words “In the application”.

Amendment of article 823 of the Code.

54. Article 823 of the Code shall be amended as follows:

(a) in sub-article (2), for the words “by application before the Court of Appeal and by writ of summons before the court of first instance” there shall be substituted the words “by application both before the Court of Appeal and before the court of first instance”; and

(b) in sub-article (4) for the words “writ of summons” there shall be substituted the words “application”.

Amendment of article 826 of the Code.

55. In article 826 of the Code for the words “a writ of summons” there shall be substituted the words “an application”.

- 56.** In sub-article (9) of article 836 of the Code for the words “by writ of summons” there shall be substituted the words “by application”. Amendment of article 836 of the Code.
- 57.** In sub-article (3) of article 894 of the Code the words “or by writ of summons” and “or in the writ of summons” shall be deleted. Amendment of article 894 of the Code.
- 58.** In sub-article (1)(c) of article 925 of the Code for the words “writs of summons, statements of defence,” there shall be substituted the word “applications, replies.” Amendment of article 925 of the Code.
- 59.** In sub-article (2) of article 944 of the Code for the words “by writ of summons” there shall be substituted the words “by application”. Amendment of article 944 of the Code.
- 60.** In sub-article (1) of article 946 of the Code for the words “by writ of summons” there shall be substituted the words “by application”. Amendment of article 946 of the Code.
- 61.** In article 962 of the Code the words “writ of summons or” and “, as the case may be,” shall be deleted. Amendment of article 962 of the Code.
- 62.** In sub-article (2) of article 963 for the words “writ of summons” there shall be substituted the words “application”. Amendment of article 963 of the Code.
- 63.** Schedule A to the Code shall be amended as follows: Amendment of Schedule A to the Code.
- (a) in Tariff A -
- (i) in sub-article (1) of article 2 for the words “statement of defence” there shall be substituted the word “reply”;
- (ii) in sub-article (2) of article 2 for the words “statement of defence” there shall be substituted the word “reply”; and
- (iii) in sub-article (1) of article 3 the words “, writ of summons” shall be deleted; and
- (b) in Tariff E -
- (i) in article 16 for the words “in the writ of summons” there shall be substituted the words “in the application”;
- (ii) in article 17 for the words “in the writ of summons” there shall be substituted the words “in the application”;

(iii) in paragraph (i) of article 28 the words “the writ of summons or” shall be deleted;

(iv) in paragraph (i) of article 33 the words “, the writ of summons, the statement of defence” shall be deleted; and

(v) in paragraph (c) of article 43 for the word “a writ of summons” there shall be substituted the words “an application”.

Amendment of
Schedule B to the
Code.

64. Form No. 6 in Schedule B to the Code shall be deleted.

PART II

Amendment of the
Commercial Code,
Cap. 13.

65. This Part amends and shall be read and construed as one with the Commercial Code, hereinafter in this Part referred to as “the Code”.

Amendment of
articles 41, 47, 484,
497, 515 and 523 of
the Code.

66. The Code shall be amended as follows:-

(a) in sub-article (2) of article 41, in sub-article (2) of article 47, in sub-article (3) of article 484, in sub-article (3) of article 515 and in sub-article (1) of article 523, for the words “writ of summons” wherever it appears there shall be substituted the word “application”; and

(b) in article 497, for the words “a writ of summons” there shall be substituted the words “an application”.

PART III

Amendment of the
Civil Code, Cap. 16.

67. This Part amends and shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as “the Code”.

Amendment of
articles. 92, 211,
223, 253, 257A,
366, 1357, 1528,
1541, 1578, 1602,
1603 and 2026 of
the Code.

68. The Code shall be amended as follows:

(a) in sub-article (2) of article 92, in articles 211, in sub-article (4) of article 253, in sub-article (3) of article 257A, in sub-article (2) of article 1357, in article 1528, in sub-article (1) of article 1541 and in articles 1578, 1602, 1603 and 2026, for the words “writ of summons” there shall be substituted the word “application”;

(b) in article 223, for the words “a writ of summons” there shall be substituted the words “an application”; and

(c) in sub-article (2) of article 366, for the words “upon a writ of summons” there shall be substituted the words “upon an application”.

69. In Form B in Part II of the Schedule to the Code, for the words “a writ of summons” there shall be substituted the words “an application” and for the words “said writ of summons” there shall be substituted the words “said application”.

Amendment of Form B in Part II of the Schedule to the Code.

PART IV

70. This Part amends and shall be read and construed as one with the Arbitration Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of the Arbitration Act, Cap. 387.

71. In sub-article (3) of article 4 of the principal Act the words “; the Attorney General shall be an *ex officio* member of the Board” shall be deleted.

Amendment of article 4 of the principal Act.

72. In sub-article (1) of article 9 of the principal Act for the words “under this Act.” there shall be substituted the words “under this Act:” and immediately thereafter there shall be added the following proviso:

Amendment of article 9 of the principal Act.

“Provided that the registrar may exercise any one or more of his functions under this Act or under rules made thereunder both directly and through a person who is authorised for such purpose by the Board.”.

73. For sub-article (2) of article 70B of the principal Act there shall be substituted the following:

Amendment of article 70B of the principal Act.

“(2) Subject to the specific provisions of article 6 of Part B of the Fourth Schedule to this Act, an appeal must be brought within fifteen days of the receipt of the final award or, if there has been an arbitral process of appeal or review, of the date when the party was notified of the result of that process or the process was otherwise completed or the time for it has elapsed.”.

74. Part B of the Fourth Schedule to the principal Act shall be amended as follows:

Amendment of Part B of the Fourth Schedule to the principal Act.

(a) for articles 2 and 3 there shall be substituted the following articles:

“2. The arbitral tribunal shall be composed of one arbitrator unless the parties agree that it shall be composed of three arbitrators and notify the Centre within thirty days of the receipt by the respondent of the notice of arbitration;

3. The sole arbitrator, or any of the members of the arbitral tribunal when it is composed of three arbitrators, shall be appointed by the Chairman of the Centre in accordance with the provisions of the Act unless the Centre is notified of the appointment of an arbitral tribunal within thirty days of the receipt by the respondent of the notice of arbitration;”;
and

(b) immediately after article 5 there shall be added the following new articles:

“6. The award shall be deemed to have been received by the parties on the date when it is delivered in open tribunal.

7. The provisions of Title IX of Book First and of Title XI of Book Third of the Code of Organization and Civil Procedure and any other provision of that Code relating to curators, shall *mutatis mutandis* apply to the disputes referred to in this Schedule.”.

Objects and Reasons

The main object of this Bill is to substitute the writ of summons by an application as the judicial act whereby proceedings are instituted in the filing of a court case, and also in order that powers may be given to the Malta Arbitration Centre.